



HERTSMERE BOROUGH COUNCIL

Hackney Carriage and Private Hire Licensing Policy 2017 – 2022

This policy was adopted by Hertsmere Borough Council's Full Council on 26 April 2017 and comes into force on 1 May 2017. This Policy will be reviewed 5 years from that date unless previously amended.

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1.0 INTRODUCTION

Hertsmere Borough Council is responsible for the regulation of the Hackney Carriage and Private Hire trade within the boundaries of the borough of Hertsmere.

This licensing policy has been introduced to explain the hackney carriage and private hire licensing procedures, requirements and expected standards of new applicants and existing licence holders.

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

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 the powers detailed in the Town Police Clauses Act 1847, as amended, the Local Government (Miscellaneous Provisions) Act 1976 and the Road Safety Act 2006 and this policy document. However each application or enforcement action will be considered on its own merits. Where the Council departs from this policy, clear reasons will be given as to why the departure is necessary.

At the heart of this new policy lies a commitment to the protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder.

Hertsmere Borough Council encourages professional and responsible hackney carriage and private hire businesses which service the public. Hackney carriages and private hire vehicles play an important part in the integrated transport system and can provide safe, secure, convenient and comfortable transport on-request and door to door.

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 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 the required standards are being met.

2.0 AIMS AND OBJECTIVES OF THE LICENCING POLICY

The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. The Council's aim is to facilitate well run and responsible businesses which display sensitivity to the wishes and needs of the general public.

Hertsmere Borough Council will carry out this licensing function with a view to promoting the following:

- The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder;
- The safety and health of the public and drivers;
- Vehicle safety, comfort and access;
- Encouraging environmental sustainability ;

The Council aims to ensure that the hackney carriage and private hire services offered 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.

3.0 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 Hertsmere 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 8 passengers but must be booked in advance by customers through an operator and cannot ply for hire in the street;
- Private hire operators;
- Hackney carriage and private hire drivers;

In undertaking its licensing function, the Council 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
- Disability Discrimination Act 1995
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- The Immigration Act 2016

The Council will also have regard to other strategies, policies and guidance in its decision making.

4.0 DRIVER REQUIREMENTS

All applicants for a private hire / hackney carriage driver licence must satisfy the Council that they are 'fit and proper' people to be granted a driver licence. They 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. Applicants who make a false declaration or fail to provide accurate information on any form will not be deemed fit and proper to hold a licence with Hertsmere Borough Council.

The Council aims to ensure that private hire and hackney carriage services delivered within the Borough of Hertsmere 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 otherwise indicated.

4.1 Fit & Proper 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:

- Criminality;
- Period of holding a DVLA driver licence;
- Number of endorsed driving licence penalty points;

- Right to work;
- 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, Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

4.2 Age & Experience

A licence will not be granted to anyone under the age of 21 and / or to a person who has not held a full driving licence, issued in accordance with Part III of the Road Traffic Act 1988 (as amended), for a period of at least 3 years prior to the application.

Applicants that have EU and Non-EU driving licences will be accepted subject to fulfilling the criteria in Appendix A.

The Council will take into consideration any penalty points issued in relation to road traffic offences and will use the information as part of the 'fit and proper person' test.

4.3 DVLA Licence Checking

In order to ensure that the Council have the applicant's complete driving history, the Council will check the DVLA database for all new and renewal driver applications.

The application form includes a Data Protection Mandate and requires the applicant to sign a declaration consenting to this check.

Any anomalies between the DVLA record and the applicant's driving licence will be brought to the attention of the DVLA and the Police.

DVLA checking service

All applicants will be asked to provide evidence of their driving record (entitlements and/or penalty points); this can be done online for free by accessing the [Share Driving Licence](#) service on www.GOV.uk

The service can be used by both paper and photo card driving licence holders. Applicants will need to generate a 'check code' and pass this code to a licensing officer in order for the driving licence record to be viewed. These checks enable the Licensing Authority to make a fully informed decision when considering an application. If an applicant chooses to print the driver record, this must be submitted to the Licensing Officer within 5 working days of generation or it must be done again.

4.4 Knowledge Test & Driver Training Day

Applicants for a driver's licence are required to attend a training day and are required to pass the Council's knowledge test. This test will ensure that the applicant has sufficient knowledge in relation to:

- a) Literacy and numeracy;
- b) Child / adult safeguarding awareness;
- c) Disability awareness (including physical and sensory disability);
- d) Road Safety;
- e) Basic vehicle maintenance;
- f) Customer care / customer awareness;
- g) Local knowledge

If applicants fail 3 successive knowledge tests they will be required to wait at least 6 months (from the date of the most recent failure) before being permitted to take further tests.

Applicants that fail a test must pay a resit fee prior to the test date and any applicant cancelling the test with less than 24 hours' notice will not be refunded the fee.

The procedures in relation to the above are set out in Appendix A.

4.5 Driving Proficiency and Qualifications

The Council believes that as a profession, hackney carriage and private hire drivers have a special responsibility for the safe transportation of fare paying passengers. Therefore an assessment of a driver's ability by way of a practical driving test specifically designed for hackney carriage and private hire drivers will be required for all new applicants.

For wheelchair accessible vehicles, an enhanced practical driving test which includes how to load, secure and unload a wheelchair safely must be undertaken.

The council feels that this assessment would only need to be passed once and the pass certificate be given to the Licensing Authority. However, if the Licensing Authority are investigating concerns over a drivers standard of driving, the driver may be required to undergo and pass a further assessment test within a specified period at the drivers cost. For further information see Appendix A.

Whilst the Council has no current plans to make it a mandatory requirement for a driver to obtain a professional qualification, for example a BTEC Level 2 Award in Transporting Passengers by Taxi and Private Hire, the Council would encourage all drivers to do so.

4.6 Medical Examinations

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. The Council 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.

Applicants shall provide a completed medical examination form supplied by the Council to be completed by their own General Practitioner on first application and every 5 years thereafter until aged 65 years when examinations are required every 2 years unless the GP requires an examination to be carried out at a lesser period than this. Licence holders with certain medical conditions (for example certain neurological conditions) may also be required to undertake an annual examination and adhere to additional requirements in order for them to retain their driver's licence.

The form must be fully completed by the GP who should provide the date when the applicant was first registered with the surgery, signature and the surgery's official stamp. The medical examination form will be returned to the applicant if any details are missing from this form.

If the medical examination is not carried out by the GP surgery they are registered with, the form will not be accepted and a further examination will need to be carried out at the applicants own expense.

Medical examinations are required when:

- (i) The applicant is a new driver; or
- (ii) The licence holder is over sixty five years of age; or
- (iii) The applicant/licence holder has a health condition that may impact upon their ability to drive a hackney carriage or private hire vehicle.
- (iv) Applicants over 65 examination every 2 years, unless the GP advises a lesser period;
- (v) The last medical is older than the period specified by the registered general practitioner on the last medical examination

The applicant will be responsible for paying the fee for the examination to the GP surgery. On completion of the examination, the Medical Examination Form must be submitted to the Licensing Authority.

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

Licence holders must advise the Council of any deterioration in their health or diagnosis of a medical condition that may affect their driving capabilities as soon as reasonably practicable.

Such notifiable conditions include, but are not limited to:

- any heart-related condition;
- any eyesight related condition;
- abnormal blood pressure;
- diabetes (Type 1 or Type 2);
- epilepsy;
- sudden attacks of giddiness or fainting;
- conditions causing excessive daytime sleepiness such as sleep apnoea;
- alcohol or drug dependency;
- mental or psychological disorders; or
- any other condition that may affect the ability to drive.

Where there is any doubt as to the medical fitness of the applicant, the Council may require a further medical examination to be undertaken by a Doctor appointed by the Council, at the applicant's own expense.

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

If applicants are holders of a current Public Service Vehicle (PSV) and/or Heavy Goods Vehicle (HGV) Licence and are able to produce a current (less than 3 months old) medical examination, they shall not be required to undergo a medical examination on first application.

4.7 The use of alcohol and drugs

Driving is a dangerous activity for all, with factors such as weather conditions and high traffic volumes contributing to increase in road accidents. As a result, road users have a responsibility to themselves and others to keep the roads safe. Careless driving, a lapse in judgement or a slight delay in reaction can have fatal consequences.

Private hire and hackney carriage drivers are professional drivers and the responsibility to carry out daily tasks on roads safely and securely extends to not only themselves and fellow road users, but also for the safety of those using their service. This, along with the fact that driving is one of the most dangerous work activities, emphasizes the need for anyone driving in a professional capacity to be closely monitored.

Effects of Drugs and Alcohol on Driving Ability

Driving under the influence of drugs and alcohol can significantly hinder a person's driving ability:

- Reaction time is slowed by 10% to 30%
- Night vision is reduced by 25%
- Steering ability is significantly impaired from as little as 0.035% blood alcohol concentration

Studies have found that even the smallest amount of alcohol can affect driving ability it can affect your judgement of speed, distance and risk; it can also make you sleepy. It takes just over an hour for your body to process 1 unit of alcohol and remove it from your system, so if you drink heavily in the evening, you may still be over the limit the following day. As a result many regulatory bodies advise that drivers should be 100% sober with not even a drop of alcohol in their system.

Given the above the Council may request that a licensed driver undergoes a breath test when attending a routine appointment or during any enforcement activity. The Council may also request drug testing to be undertaken at an appointed time.

4.8 Disclosure & Barring Service Disclosures (DBS)

A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the DBS is required as these disclosures include details of current and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety.

Both hackney carriage and private hire drivers are included as "exceptions" within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the "Exceptions Order").

Therefore all drivers will be asked to disclose on their application form any caution or conviction even including those that would normally be regarded as spent.

Before an application for a driver licence will be considered, the applicant must provide a current (less than two months old) Enhanced DBS Certificate (issued specifically for Private Hire / Hackney Carriage use). A certificate of good conduct from the relevant Embassy will also be required from any overseas applicants. The only exception of the Enhanced DBS Certificate is where an applicant has registered with the DBS for the online checking service and the Council has seen the latest DBS Certificate to which the online check refers.

The Council is a registered body with the DBS; therefore, applicants can complete the application form and make payment of the appropriate fee to a licensing officer.

DBS checks will be required yearly, usually upon renewal of a hackney carriage / private hire driver licence. If the driver has been granted a 3 year driver licence, then the DBS will be requested upon renewal of the vehicle licence. Applicants are recommended to join the update service. This facility allows applicants to register their disclosure certificate with the DBS for an initial subscription fee followed by an annual fee on the anniversary of the subscription. The update service will allow the council to carry out free, instant online checks of an individual's certificate to check that it is up to date. If subscribed to this service, the Council will only request a new criminal record check if the DBS tells the Council that something has changed.

Information on how to subscribe to this service will be given to applicants when completing the DBS application form.

A driver licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate or satisfactory update check result.

Licensed drivers must notify the Council of any criminal convictions, cautions or fixed penalty notices as soon as possible and in any event within 7 days.

An additional DBS check may be required if the Licensing Authority has reasonable belief that the licence holder has a criminal conviction that has not been notified to the Council.

The applicant is required to disclose any convictions, cautions or fixed penalty notices received each time an application is submitted and to sign a declaration. Making a false declaration is a criminal offence to which the application may be refused, a licence revoked or the applicant be prosecuted.

For further information on disclosure procedures, see Appendix A.

4.9 Relevance of Convictions and Cautions

In assessing whether an applicant is a 'fit and proper person' to hold a licence, the Council will consider each case on its own merit. All cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence will be taken into consideration.

Upon receipt of a certificate from the DBS, the Licensing Authority will assess whether any or all convictions are capable of having real relevance to whether or not the applicant is a fit and proper person to hold a licence.

When considering the relevance of cautions and convictions, the Licensing Authority will have regard to the class and age of the offence and the age of the applicant when the offence occurred.

In relation to previous convictions, the Council will have regard to the following:

- (i) Whether the convictions are spent or unspent;
- (ii) The class of the offence(s);
- (iii) The age of the offence(s);
- (iv) The apparent seriousness, as gauged by the penalty.

When considering any convictions and cautions recorded against an applicant, the Council will adopt the policy set out in the Convictions Policy section, which can be found in Appendix B.

4.10 Convictions Received During the Licensing Period

Where offences resulting in a conviction are committed by licensed drivers in the course of their business or otherwise, it is important in the interests of consistency and transparency

that a procedure is in place to consider what effect this should have on hackney carriage or private hire driver licence.

Licence holders who are convicted or cautioned for any criminal or motoring offence during the period covered by their existing licence, must disclose the conviction or caution and the penalty involved to the Council within 7 days of the conviction. In the case of a deferred sentence, the penalty must be disclosed to the Council within 7 days of sentencing. For these purposes, any offence resulting in the acceptance of a fixed penalty notice will be considered to be a conviction.

Any breaches of relevant legislation or conditions attached to driver, vehicle and/ or operator licences which may come to light following complaints, enforcement action, notification or investigations will be dealt with following the general principals detailed in Section 7 of this Policy.

4.11 Applicants with Periods of Residency Outside the UK

Overseas criminal history checks -

Any applicant who has lived in a country other than the UK for one or more continuous periods of between 3 and 12 months (other than periods of extended vacation) within 3 years of the date of application will be required to produce a 'Certificate of Good Conduct' from the relevant country. The responsibility for obtaining such a document falls to the applicant and not the Council. The 'Certificate of Good Conduct' should be an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. This Certificate should document any convictions recorded against the individual or to confirm 'good conduct'. This requirement is in addition to the enhanced DBS check which is required for all applicants. To obtain a 'Certificate of Good Conduct' the applicant should approach the relevant embassy or legation. A translation is required if it is not provided in English.

Asylum seekers -

Any applicant who has been granted or is awaiting a decision to be granted asylum/refugee status will **not** be required to produce a Certificate of Good Conduct from the country he is claiming asylum from. The applicant will, however, be required to obtain a 'Certificate of Good Conduct' from any other country he has resided within the three years prior to the

date of application. To gain this exemption, the applicant must provide a clear and legible photocopy of either his Certificate of Registration or a letter issued by the Border and Immigration Agency, an executive agency of the Home Office.

4.12 Application Procedure

An application for a hackney carriage or private hire driver licence must be made on the application form provided by the Council. The application procedure is set out in Appendix A of this policy.

4.13 Consideration of Applications

The Council will consider all applications on their own merit. Once the council is satisfied that the appropriate criteria has been met and the application form and supporting documents are complete a decision will be made on the outcome of the application.

4.14 Grant & Renewal of Driver Licences

Holders of existing hackney carriage or private hire licences will be reminded when their licence(s) is due to be renewed. This reminder will be sent approximately 2 months prior to the licence(s) expiry, it is therefore important that all information held by the council such as addresses, contact numbers and email addresses are up to date and any changes must be notified to an officer within 7 days.

Application forms, appropriate fees and all supporting documentation must be submitted at least 5 working days prior to the expiry of the current licence. Incomplete applications may be returned to the applicant for completion and must be resubmitted before an appointment can be made. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy. Although the Council will provide a reminder to the licence holder, it is the licence holder's sole responsibility for ensuring they make their application in accordance with this Policy.

If a valid renewal application form has not been received before the expiry of an existing licence, the licence will automatically expire. If this happens, a new application must be submitted and the applicant must undergo all relevant tests and procedures again unless exceptional circumstances exist.

If a licence has not been granted at the point when an existing licence expires, the licence holder must cease operating until such time the licence has been renewed.

4.15 Conditions of Licence

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, G and H.

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 I. These byelaws may be reviewed from time to time.

4.16 Code of Good Conduct

Adopting a 'Code of Good Conduct' for hackney carriage and private hire drivers serves to promote the Council's licensing objectives with regards to what is expected of the hackney carriage and private hire trades.

The standards expected of licence holders are detailed in the 'Code of Good Conduct' included in this policy document as Appendix M. This appendix should be read in conjunction with the other statutory and policy requirements detailed in this document.

By accepting a licence from the Council, licence holders will be deemed to have read and accepted the 'Code of Good Conduct', thereby agreeing to adhere to it.

4.17 Dress Code

The Council have introduced a 'Code of Dress' for all licensed drivers, details of which can be found in Appendix D. This requirement is to enhance the professional image of the hackney carriage and private hire trade.

4.18 Duration of a Driver Licence

The Council will normally issue a licence for a 3 year period unless a written request is received requesting that the licence be granted for a 1 year period.

The Council does have the discretion to issue licences of a shorter duration if it considers this to be necessary given the circumstances. For example Where a person's immigration permission to be in the UK is time-limited to less than the statutory length for a driver or

operator licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK and work.

4.19 Right to Work

The provisions of the Immigration Act 2016 mean that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence. Applicants are required to submit one of a number of prescribed documents which show that they have permission to be in the UK and undertake work as an operator or a private hire or hackney carriage driver.

5.0 VEHICLE LICENCES

5.1 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 G.

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

- Application form;
- The appropriate fee;
- The original 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 recently been purchased by the applicant (documentary evidence 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 insurance certificate or insurance cover note for the vehicle;
- MOT and certificate of compliance issued by the Council's appointed vehicle testing station.

The application must be made on the form supplied by the Council and all supporting documentation must accompany it.

5.2 Grant and Renewal of Licences

Holders of existing hackney carriage or private hire licences will be reminded when their licence(s) is due to be renewed. This reminder will be sent approximately 2 months prior to the expiry of the licence.

Application forms, appropriate fees and all supporting documentation, as detailed in Appendix A, must be submitted 5 working days prior to the expiry of the current licence. Incomplete applications may be returned to the applicant for completion and must be resubmitted before an appointment can be made. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this Policy. Although the Council will provide a reminder to the licence holder, it is the licence holder's sole responsibility for ensuring they make their application in accordance with this Policy.

Hackney carriage and private hire vehicle licences will be issued for a maximum period of 1 year commencing on the date that the licence is issued. The Council does however have the discretion to issue licences of a shorter duration if it considers this to be necessary given the circumstances.

When submitting renewal applications, applicants should be aware that it may take up to 5 working days to process and issue a licence once all the necessary paperwork has been received. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been issued, the licence plate should be removed from the vehicle and returned to the Council as soon as possible. Every effort will be made to ensure continuity of trade, however it would assist if applications and supporting documentation are received at the earliest opportunity.

The vehicle must have an MOT and compliance test at one of the councils appointed testing stations (*at the time of the appointment these documents should be not more than 1 calendar month old*). A valid certificate of motor insurance or cover note must also be produced before a licence will be issued.

A vehicle licence is issued to a specific vehicle therefore at the end of the vehicle's licensing period, that particular licence ceases to exist and any new vehicle would be subject to the requirements of a new vehicle application, including those being wheelchair accessible. What are often referred to as 'vehicle transfers' do not exist within the legislation and are therefore not offered by this Council.

To assist owners who wish to be able to change vehicles during the period of an existing licence, the Council will operate a 'replacement vehicle policy'. This will allow the existing vehicle licence to be surrendered and a new licence granted for a replacement vehicle. For further details on this see Appendix I.

5.3 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 only;
- 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 and at latest within 14 days of the grant.

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

5.4 Limitation of Numbers of Vehicles

No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. Licensing Authorities do however have the power to limit the number of hackney carriage vehicles licensed within their district.

At the time of writing of this policy, the Council has no plans to limit the number of hackney carriages which may be licensed within the District. This does not, however, imply that

there is to be no regulation of hackney carriages, as the Council intends that quality controls shall be rigorously maintained in relation to both the drivers and the vehicles.

5.5 Specifications and Conditions

Licensing authorities have a wide range of discretion over the types of vehicle that can be licensed as hackney carriage or private hire vehicles.

The Department for Transport Best Practice Guidance suggests that licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. The council are, however, encouraged to make use of the “type approval” rules within any specifications they determine.

The Council can to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence.

Hackney carriage and private hire vehicles provide a necessary service to the public however it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate.

Appendix C sets out the minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications.

In general, vehicles will be licensed for the carriage of up to 4 passengers, but applications in relation to larger vehicles that can accommodate up to 8 passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles.

Purpose-built vehicles are amongst those which the Council will only licence as hackney carriages.

5.6 Accessibility

The Council is committed to social inclusion and ensuring a wide variety of opportunities are available to those with mobility difficulties in order 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, healthcare, as well as social and family life is significantly improved when journeys become accessible.”

For this reason, the Council considers it important that people with disabilities have access to all forms of public transportation.

It is arguable that different accessibility considerations should apply between hackney carriages and private hire vehicles, as hackney carriages can be hired in the street or at a rank by the customer. A person with a disability should be able to hire a hackney carriage with the minimum delay or inconvenience therefore, the Council will only licence purpose built, wheelchair accessible vehicles as hackney carriages. Appendix C.

Private hire vehicles, however, can only be booked through an operator and therefore can provide their most suitable vehicle to fulfil the booking.

The Council actively encourages the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010 and all relevant equalities and disability legislation.

The private hire trade should, however, be aware of the good practice guide produced by the Equality and Human Rights Commission, as private hire operators also have a duty under the Equality Act 2010 to ensure disabled people are not discriminated against or treated less favourably.

5.7 Carriage of Wheelchairs: Medical Exemption Certificates

The main reason a licensed driver would request a medical exemption from carrying a wheelchair is likely to be due to back or muscle-related injuries. These conditions are not likely to be favourable to persons driving for long periods; therefore the Council would expect the number of drivers likely to be eligible for an exemption to be low.

Drivers must provide medical evidence to support their application for an exemption. Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist / consultant medical practitioner, therefore the Council will require evidence of the condition to be provided from the consultant to support an application for the exemption.

In the absence of a medical exemption certificate from the Council, it would be a criminal offence for any hackney carriage or private hire driver to refuse to carry a passenger in a wheelchair, except in circumstances where it would not be reasonably practicable to accommodate a wheelchair within the licensed vehicle.

5.8 Carriage of Assistance Dogs: Medical Exemption Certificates

The main reasons a licensed driver may wish to apply for a medical exemption are:

- a) if they have a condition such as severe asthma, that is aggravated by contact with dogs;
- b) if they are allergic to dogs; or
- c) if they have an acute phobia to dogs.

If a driver has severe asthma or a known allergy to dogs, they are likely to have a medical history and an appropriate medical specialist should hold relevant information about their condition. If a driver has a chronic phobia to dogs, the driver may be being supported by a psychiatrist or clinical psychologist. The Council would therefore expect drivers to provide medical evidence to support their application before an exemption is granted.

In the absence of a medical exemption certificate from the Council, it would be a criminal offence for any hackney carriage or private hire driver to refuse to carry an assistance dog, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog.

5.9 Suitable Medical Professionals: Medical Exemption Certificates

Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist / consultant medical practitioner. Examples of suitable medical professionals that the Council may except evidence from include, but are not limited to:

- i) specialist / consultant;
- ii) specialist nurse (for example, an asthma nurse);
- iii) practice nurses; or
- iv) the Council's nominated independent doctor.

In exceptional circumstances, where no other alternatives are available, the Council may consider evidence from the applicant's General Practitioner.

The applicant will be responsible for all costs associated in the provision of the necessary medical evidence.

5.10 Environmental Considerations & Maximum Age of Vehicles

The Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate. The limits set by the Council in Appendix C, are considered necessary and proportionate to protect public safety.

Emission testing is an integral part of vehicle testing and will remain under constant review in light of the Guidance. The reasonable and proportionate maximum age of vehicles set out in Appendix C, reflect the need to ensure vehicles meet the latest environmental standards, precluding older less efficient vehicles from being licensed.

The Council considers its responsibility in protecting the environment to be an important factor within the licensing policy. Therefore the Council encourages applications for more fuel efficient vehicles. Vehicle pollution has a significant impact to air quality in the district and there is widespread agreement that more must be done to reduce the number of high polluting vehicles. A discount is given to applicants who licence fuel efficient vehicles.

5.11 Vehicle Testing

All vehicles regardless of its age must be inspected by the Council's nominated garage. The nominated garages will MOT, emission test and further test the vehicle to the Council's own specifications known as the "Certificate of Compliance".

The applicant must provide these documents to the Licensing Authority before any licence will be granted. Subsequent MOT and satisfactory compliance certificates must be produced annually in order for any renewal of the vehicle licence to be carried out.

If a licensed vehicle fails any inspection requirements the licence will be automatically suspended until such time as the vehicle has been re-examined and the necessary pass

certificates obtained. The Council, or nominated garage, may retain the vehicle licence plate until such time as the inspection requirements are met.

The safety of the public is the most important factor of this Policy. All accidents must be reported to the licensing authority as soon as possible. The vehicle involved in the accident, however minor, must be inspected by the council in order to continue operating. If the vehicle would fail a Certificate of Compliance or MOT, the vehicle will not be able to continue operating as a hackney carriage or private hire vehicle, until such time the vehicle meets the testing requirements. The Council may retain the vehicle licence plate until such time the inspection requirements are met.

In the case of only cosmetic damage, a timescale for repair will be set by the Council. At the end of the set timescale the vehicle must be presented to the Licensing Authority for re- inspection.

In addition to the above testing requirements, the Council will undertake its own program of inspections between formal MOT tests. These inspections will be undertaken at a location chosen by the Council to ensure that vehicles maintain a high standard of compliance throughout its licence period. Where an Officer is unsure as to a vehicle's compliance, the vehicle will be referred to the Council's nominated testing station, or any other garage specified, for a formal assessment. Where the testing requirements are not met, the Officer may either agree a period of time for rectification and re-inspection, or suspend the vehicle licence until rectification and re-inspection has occurred.

5.12 Signage & Advertising

Hackney carriage and private hire vehicles have slightly different requirements when it comes to signage and advertising, this is to distinguish between the two types of licensed vehicles and help the public identify the vehicles that are licensed.

Hackney Carriages

The fleet of Hackney Carriage vehicles at Hertsmere Borough Council are required to be purpose built vehicles therefore will have illuminated roof-mounted signs displaying the word 'TAXI'.

An internal illuminated “FOR HIRE” sign may be fitted in licensed hackney carriages, in a position approved by the Council.

All illuminated signs must be capable of being switched off when the vehicle has been hired.

Externally on the rear of the vehicle there must be displayed a licence plate. It is also a requirement to display an internal licence plate to help identify vehicles that are properly licensed by Hertsmere Borough Council.

For external advertising see Appendix G.

Private Hire Vehicles

Private hire vehicles must not carry roof-mounted signs of any kind or display any references to the words “Taxi”, “Hackney Carriage” or “Cab”.

Private hire vehicles are required to display licence plates both externally on the rear of the vehicle and internally on the front windscreen. Dispensations may be given for certain types of private hire vehicles not to display the licence plate, however, a letter of exemption from the Council and the licence plate must be carried within the vehicle at all times. In the absence of a letter of exemption in the vehicle, both the internal and external licence plates must be displayed on the vehicle as above at all times.

When permission not to display a plate has been given, an unobtrusive blue licence must be displayed on the front windscreen.

Exemptions will only be given to vehicles used for executive hire, corporate contracts, or work of a similar nature. Vehicles that are used for a combination of ‘exempt’ work and normal private hire work will be required to display licence plates at all times when the exemption does not apply.

See Appendix E on how dispensations are determined.

Private Hire Operators may not use the word ‘Taxi’ or any words which may lead members of the public to think that they are Hackney Carriage Operators as part of the company name, for example “ABC Taxis” or “ABC Cabs” are not acceptable for private hire. It is

therefore recommended that names such as “ABC Cars” or “ABC Private Hire” be used in the company name as this can be easily displayed on the vehicle.

For external advertising on private hire vehicles see Appendix G.

5.13 Security / Closed Circuit Television (CCTV) / Passenger Confidentiality

The DfT Guidance recommends that licensing authorities look sympathetically at the installation of security measures in licensed vehicles, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.

The Council does not require enhanced security or CCTV measures to be in vehicles at this time as it is considered that the undertaking of such measures should be left to the judgment of individual operators, owners and drivers. Whether CCTV or other enhanced security measures are installed or not, the hackney carriage and private hire vehicle trades are encouraged to build good links with the local police force, including participation in any Community Safety Partnerships or equivalent.

However, the Council wishes to support the trade in taking sensible measures to protect drivers and passengers in licensed vehicles. The Council recognises that there are benefits to the trade (as well as passengers) where CCTV is installed in licensed vehicles and as such strongly encourage drivers, proprietors and operators to consider the installation of CCTV in their vehicles.

CCTV in a licensed vehicle benefits the trade by deterring and preventing criminal activity within a licensed vehicle, reducing the number of customers who fail to pay or abuse drivers and, where incidents have occurred, CCTV assists the police in taking action. Insurance companies investigating insurance claims are also assisted by CCTV and this may have the added benefit to drivers by reducing their insurance premiums.

Whilst the Council supports the use of CCTV in licensed vehicles the Council is also mindful of the fact that there are data protection concerns arising from the use of such surveillance. Proprietors of licensed vehicles are responsible for ensuring that installed CCTV conforms to the Council’s requirements and relevant applicable legislation, such as the Data Protection Act 1998.

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

1. That the appropriate person responsible for the camera is registered as the Data Controller under the Data Protection Act 1998 and is responsible for ensuring compliance with that Act and associated legislation;
2. The use of the camera and the footage complies with the relevant guidance of the Information Commissioners Office (ICO);
3. The footage must remain “tamperproof” and be accessible only to a responsible third party (i.e. Council or Police) rather than the driver, proprietor, operator or members of the public;
4. Vehicles must display relevant signage informing members of the public that CCTV is in operation and that they are being filmed;
5. Access provisions and agreements must be in place in order for the footage to be used by the relevant bodies and agencies.
6. CCTV is not installed in a licensed vehicle, or where it is already installed, not altered or replaced, until it has been approved by the Council in writing.

In order to protect passenger confidentiality, in addition to the above, drivers must neither retain nor publish any image, sound or information of passenger(s) captured on a hand held recording device, or any other form of recording device, except where this is to the Police or an Authorised Officer.

5.14 Stretched Limousines

Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work plus special occasions such as days at the races, stag/hen parties and children’s birthday parties.

Licensing authorities have generally considered there to be some problems which prevents stretched limousines from being licensed including:

- many of the vehicles are capable of carrying more than 8 passengers;

- many of them are left hand drive;
- many are fitted with all round darkened glass;
- most originate from the United States;
- many have been converted or modified after manufacture;
- due to their origin many parts may not be available making adequate maintenance difficult.

Most limousines are imported for commercial purposes and are therefore required to take a Single Vehicle Type Approval (SVA) test. They cannot be approved as Passenger Carrying Vehicles (PCV) because they cannot meet the required standards for the door arrangements and means of escape in an emergency. The SVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads. When presented for SVA the vehicle is produced with a declaration that it will never carry more than 8 passengers. The importer must inform any person who may use it of this restriction. Any subsequent purchasers must also be informed of the restriction.

The Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as a motor vehicle constructed or adapted to carry fewer than 9 passengers, other than the hackney carriage or public service vehicle, which is provided for hire with the services of the driver for the purposes of carrying customers. Section 48 of the 1976 Act requires that before a licence is granted the Licensing Authority must be satisfied that the vehicle is:

- (i) suitable in type, size and design for the use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable.

Stretched limousines can be licensed for private hire work providing they carry no more than 8 passengers and meet the requirements of the Act. Possible exemptions under the Local Government (Miscellaneous Provisions) 1976 provide that nothing should:

- (i) apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;
- (ii) apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly, by a person carrying on the business of a funeral director, for the purpose of funerals;
- (iii) apply to a vehicle being used in connection with a wedding.

Any stretched limousines, which are offered for private hire or which are not used for funeral and weddings will require a private hire vehicle licence. Before licensing the vehicle for private hire purposes a full policy of private hire insurance will be required.

In accordance with the Best Practice Guidance, all applications for the licensing of stretched limousines as private hire vehicles will be treated on their own merits. It is, however, proposed that imported stretched limousine type vehicles:

- be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive; and
- be approved for licensing as private hire vehicles subject to the additional conditions detailed in Appendix G.

There are obviously concerns regarding the use of darkened glass in stretch limousines. It is, accordingly, considered that the glass in any windows surrounding the driver must be clear and the rearmost window must allow a minimum of 70% light transmission, see Vehicle Specifications in Appendix C.

It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine. If a limousine is to be provided whereby part of the booking includes "free alcohol", the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.

5.15 Contract Vehicles

Previously, there was no requirement for a vehicle to be licensed where it was used for a contract with an organisation/firm for a period more than 7 days for carrying passengers for hire or reward under a contract for the hire of the vehicle. This exemption only applied to the vehicle and driver subject to the contract and then only during the period of the contract. Any vehicle being used for a contract with 1 firm could not be used for any other contract or purpose during the period of that contract.

The Road Safety Act 2006 requires vehicles previously taking advantage of this exemption to become licensed private hire vehicles.

5.16 Funeral Vehicles

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

5.17 Wedding Vehicles

A vehicle does not need to be licensed whilst it is being used in connection with a wedding. For clarity, the exemption applies only to services directly relating to the wedding service itself, for example transporting the bride and/or groom to the wedding service, from the service to the reception and from the service/reception to home. Transporting the married couple to other locations such as the airport would be considered to be licensable activity.

5.18 Courtesy Cars

The Council takes the view that vehicles, which are used as 'courtesy cars', i.e. for transporting customers to and from garages, airports, hotels and nightclubs, without charge but with an obvious business benefit, are likely to need to be licensed under the private hire licensing scheme. Whilst there may not be a separate charge for using the vehicles, they are being supplied with a driver for a specific purpose which is likely to result in a 'business benefit', for example a customer using that particular business as opposed to one that doesn't offer the same transport service.

The Council will proactively 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. In all such circumstances, the business will first be advised by the Council that they consider licensing as necessary.

5.19 Ambulances & Other Patient Transport

Ambulances

All ambulances meeting the following requirements will be exempt from private hire vehicle licensing:

- vehicles constructed to original manufacturer's specification and equipped and used for the carriage of sick, injured or disabled people with a permanent rear compartment and means of conveying passengers in a recumbent position together with an attendant seat for use by accompanying medical professionals, readily identifiable as a vehicle used for the carriage of such people by being marked "Ambulance" on both sides.

Other patient transport services provided by Primary Care Trusts, private companies or voluntary services that do not qualify for the exemption are likely to require licensing as a private hire vehicle.

In the event that the Council consider that a business within this section needs licensing, the Special Event Vehicle policy detailed below will apply.

Voluntary Sector Transport

The Council 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.

The Council will however seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit, or are using drivers whose services go beyond

that of mere social kindness and the Council considers that private hire vehicle licensing is necessary. In all such circumstances, the business and/or driver will first be advised by the Council that they consider licensing as necessary.

In the event that the Council consider that an organisation within this section needs licensing, the Special Event Vehicle policy detailed below will apply.

5.20 Special Event Vehicles

The Council considers the following types of vehicles to be 'special event vehicles' in the context of licensing:

- decommissioned emergency service vehicles;
- vintage vehicles;
- other non-standard type converted vehicles used for special events.

The above list is not exhaustive, and other types of vehicle may be considered from time to time. Any vehicle defined by this Policy as a 'Special Event Vehicle' will be assessed on its own individual merits. When considering an application for a special event vehicle, the Council will have regard to the general requirements for Private Hire vehicles contained within this policy and relevant appendices. Under certain circumstances, some or all of the requirements of this Policy may be waived.

Under circumstances where any requirement of this Policy is waived, written authority of exemption will be given by the Council. Unless such authority is given, all requirements of this Policy will apply.

5.21 Livery

The Council believe that the requirements stated in the Vehicle Specification Appendix C of this policy (i.e. vehicle colour) ensure that hackney carriages and private hire vehicles are easily identifiable.

The Council will keep the issue of livery under review. If the Council believe that it would be of benefit to the public to introduce a livery, either in terms of specific vehicle colours and/or a Council logo, then a public consultation will be undertaken prior to any livery being introduced.

5.22 Dual Plating

Hertsmere Borough Council will **not** grant a hackney carriage or private hire vehicle licence to any vehicle already licensed by another licensing authority. Obtaining a vehicle licence from any other authority automatically invalidates any hackney carriage or private hire vehicle licence issued for that vehicle by Hertsmere Borough Council.

5.23 National Flags

On the occasion of major sporting or non-sporting events (*for example, a world cup, coronation, royal wedding, etc.*) a maximum of one national flag may be flown on a licensed vehicle. The flag must be of a size and manufacture that will not obstruct the driver's view in anyway, nor endanger the safety of other road users or pedestrians. All flags are flown at the proprietor's own risk.

6.0 PRIVATE HIRE OPERATORS

6.1 Requirement for a Licence

A licensed private hire vehicle must only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed private hire vehicle.

On the spot bookings - where a private hire vehicle is approached on the street by a potential customer, in the Council's view, the booking would only be lawful if it is made by the potential customer contacting the operator themselves. It would not be a lawful booking if the driver contacted the operator to make the booking on behalf of the customer.

A Hertsmere private hire operator must ensure that every private hire vehicle has a valid Hertsmere private hire vehicle licence and is driven by a person who holds a current Hertsmere private hire driver licence. An operator is also jointly responsible for ensuring that the vehicle they dispatch is appropriately insured for private hire use, holds a valid MOT and is taxed.

Any person who operates a private hire service must apply to the Council for a 'Private Hire Operator Licence'. The objective in licensing private hire operators is the safety of the public, who will be using the operator premises, vehicles and drivers arranged through them.

Applications for operator licences shall be made on the Council's prescribed form, together with the appropriate fee, see Appendix A. Applicants may also be required to provide references which may include details of the applicant's financial record and/or business history. The Council will then decide whether the applicant is a fit and proper person to hold a Hertsmere private hire operator licence.

6.2 Fitness and Propriety

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

- Criminal record (including convictions, cautions, warnings and reprimands);
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity;
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Hertsmere Borough Council);
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.);
- Right to Work - operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.

In addition, the Council will also consider further information sources such as the Police, Children and Adult Safeguarding Boards, any other licensing authorities and/or statutory agencies.

If an application is received from a person that is not a driver licensed by Hertsmere Borough Council then the applicant will be required to provide a Basic Disclosure and undertake the council's Child and Adult Safeguarding Awareness Training (as required by licensed drivers).

6.3 Licence Duration

This Council will grant a private hire operator licence for a period of 5 years. The Council does however have the discretion to issue licences of a shorter duration if it considers this to be necessary given the circumstances.

Holders of existing private hire operator licence will be reminded when their licence is due to be renewed, approximately 2 months before its expiry. Although the Council will provide a reminder to the licence holder, it is the licence holder's sole responsibility for ensuring they make their application in accordance with this Policy.

6.4 Insurance

Before an application for a private hire operator licence is issued, the applicant shall produce evidence that they have taken out appropriate public liability insurance in regard to the premises to be licensed. If the premise is not open to the public, the applicant must sign a declaration stating that their premises is not open to the public. Where necessary, operators must also hold employers liability insurance.

6.5 Conditions for Private Hire Operators

The Local Government (Miscellaneous Provisions) Act 1976 gives the Council powers to impose conditions on a private hire operator licences that it considers reasonable, necessary and proportionate. The Council consider the conditions detailed in Appendix H to be reasonable, necessary and proportionate.

All Hertsmere private hire operator licence holders will be issued with these conditions which must be displayed if the premise is open to members of the public.

6.6 Address from which a Private Hire Operator may operate from

Upon the grant of a private hire operator licence, the Council will specify on the licence the address from which the operator may operate. This address will be the address stated on the application form. The operator must notify the Council in writing of any change of address during the period of the licence, whether this is a home address or the operating address, within 7 days of such a change taking place. The operator must also provide proof of public liability insurance for the new premises, or sign a declaration that their new premises is not open to the public, also within 7 days of such a change taking place.

Note: Operators are reminded that it is their responsibility to obtain appropriate planning, building control or any other relevant permission in respect of the premises.

6.7 Bases within the district of Hertsmere Borough Council

Persons wishing to operate private hire vehicles from within the Hertsmere area will be required to apply for a Hertsmere Private Hire Operator licence from Hertsmere Borough Council. All vehicles and drivers operating from that base will require appropriate licences issued by Hertsmere Borough Council. This is to ensure proper regulation, enforcement measures and that all vehicles operating within Hertsmere meet the Council's licensing requirements. This is in no way intended to be a restraint of trade.

6.8 Bases outside the district of Hertsmere Borough Council

The Council will not grant a private hire operator licence to an applicant that intends to have an operating base outside the Hertsmere Borough Council area. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

6.9 Cross Border Hiring / Sub-Contracting Bookings

Section 55A of the 1976 Act, inserted by the Deregulation Act 2015 permits operators licensed by the Council to sub-contract a private hire booking to another operator licensed by the Council or to any other licensed private hire operator holding a private hire licence granted by another local authority.

However, regardless of which operator fulfils a booking, the operator can only despatch a vehicle licensed by the same Council that licences the operator and driven by a driver licensed by that same Council.

Operators that accept a booking remain legally responsible for that booking even if they sub-contract the booking to another operator and should record the booking as normal and the fact that it was sub- contracted.

Customers who book through a licensed operator expect a vehicle to be provided that is directly controlled by that operator and not one that is licensed in another district. The Council aims to have the highest standards possible as appropriate for its district. Other

local authorities have different standards appropriate for their district and the vehicles and standards of drivers may differ.

For this reason the Council does not believe that sub-contracting bookings should be common place amongst its licensed operators. It may be appropriate for operators to sub contract in order to provide a certain type of vehicle that is not on its fleet such as a wheelchair accessible vehicle.

The Council does not have the ability to take enforcement action against those licensed by other authorities but may, upon the investigation of a complaint, take action against an operator where they have sub-contracted to another operator and failed to exercise all due diligence to ensure that the person making the booking was transported in compliance with the standards imposed by the Council.

An operator must not sub-contract the booking directly to a licensed driver. Bookings can only be sub-contracted to another licensed operator who will then forward the booking onto the licensed driver.

An operator must advise the customer that the booking will be sub-contracted to another licensed operator and give the details of that licensed Operator.

6.10 Gaming Machines

Operators that provide a waiting facility for members of the public and/or drivers should be aware that they cannot make gaming machines available for use. This action would be a criminal offence under the Gambling Act 2005.

6.11 Driving hours

The taxi industry is not subject to the same degree of EU regulation as other professional driving fields such as heavy goods vehicles. HGV regulations require operators to have their drivers pass additional driver training through the Certificate of Professional Competence (CPC) and have tachographs fitted to their vehicles to record driving and resting hours.

As a rule of thumb, no professional driver should be required to drive continuously for more than 2 hours without at least a 15-minute break.

Employers of drivers have clear duties under EU Regulation (EC) 561/2006 regarding driving time for their employees. Under this Regulation, the driving and rest time periods must be recorded and compliance with these rules must be regularly monitored using digital tachographs, but this legislation does not apply to the taxi trade.

However, there is no reason why the same principles contained in this legislation should not be extended to cover private hire and hackney carriage drivers.

There is a common perception that private hire and hackney carriage drivers end up working long hours, in order to pick up as many clients as they can. The drivers often end up working many more hours than they should and are susceptible to suffering from fatigue, stress and a range of health issues.

Operators should contemplate setting and enforcing in-house limits for unbroken driving hours, including daily, weekly and monthly limits for their drivers. Breaks and break locations should be planned for in advance of starting journeys. These records should be kept in a workbook or electronically to show working and driving times for each driver.

Drivers should also inform their Operator of any hours worked for another employer, which includes periods of driving, so that these hours can be included when calculating the driver's total working time.

Even though hackney carriage drivers do not work for an operator, they should also consider keeping a record of how many hours they are working.

7.0 DISCIPLINARY AND ENFORCEMENT MEASURES

7.1 Enforcement

The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety.

The Council will respond to complaints made by the public and referrals from other agencies & bodies. In addition, officers will undertake proactive inspections and testing as either a day to day activity or as part of programmed operations.

Any breach of the required standards, policies and conditions may lead to suspension and/or revocations of the licence or prosecution. If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation of a licence to have immediate effect.

Enforcement is necessary to maintain high standards of public safety. All enforcement action needs to be reasonable, proportionate and transparent.

Any enforcement scheme is required to deal with persistent, low level breaches up to serious, possibly criminal behaviour. There needs to be a grade of sanctions from formal warnings through to the suspension or revocation of a licence. It is clear that the majority of enforcement will be for relatively minor offences or breaches and will be undertaken by a Licensing Officer under the supervision of a Senior Licensing Officer.

For more serious disciplinary matters, cases will be referred to the Chief Environmental Health Officer who will consider what the appropriate action will be taking into consideration the Hackney Carriage and Private Hire Licensing Policy and the Environmental Health Enforcement Policy.

7.2 Enforcement Options

There are a number of enforcement options that will be considered following the identification of any breaches of the legislation or conditions or the non-compliance with the Hackney Carriage and Private Hire Licensing Policy.

One or more of the following may be deemed appropriate:

- Verbal or written advice/ warnings;
- Suspension/ Revocation/ Refusal to renew;
- Simple Caution;
- Prosecution.

7.3 Issuing of Warnings

As a method of dealing with less serious matters, the Council will issue a warning. Minor or first-time breaches are likely to attract either a verbal or written warning as to future conduct.

7.4 Suspensions

A Suspension Notice can be issued giving notice of the length of time before the suspension takes effect or it can be with immediate effect.

The Local Government (Miscellaneous Provisions) Act 1976 gives Licensing Officers the power to suspend, revoke or refuse to renew a hackney carriage / private hire driver licence on any reasonable grounds. The driver shall be given notice of the grounds on which the licence has been suspended, revoked or refused to renew a licence within 14 days of such suspension. The suspension will be for a specified period at the discretion of a Licensing Officer.

Driver Suspensions

A Suspension Notice will normally be served in the following cases:

- If there is a history of non-compliance with the licence conditions or legislation;
- If there is a significant contravention in terms of risk to members of the public due to non-compliance;
- If the licence holder is charged with or bailed for a crime which brings into question (with or without other relevant factors) whether the licensee is a fit and proper person;
- Any other serious matter.

The policy on criminal records and behaviour will be used to assess whether a suspension should be given and if so whether it should be with immediate effect.

Other factors which may affect whether the suspension is immediate or not could include the following:

- Was the offence committed whilst working as a licensed driver, or whilst the individual was in or about the licensed vehicle?
- Has the Crown Prosecution Service given any directions?
- Have the Police provided any background information?

In all cases the overriding consideration will be the protection of the public.

Should the Licensing Authority decide not to suspend with immediate effect, the Licensing Authority reserves the right to take action at a later date.

Vehicle Suspensions

Hackney carriage and private hire vehicles must be kept in an efficient, safe, tidy and clean condition at all times. Compliance with the vehicle specifications Appendix C and conditions Appendix G is essential and will be enforced by periodic, random vehicle inspections by the Council. Where it is found that any vehicle is not being properly maintained, a Notice will be served on the licence holder setting out the defect(s), the required action and will specify a date in which the works are required to be rectified.

Where there is an imminent risk to public safety, the vehicle licence will be suspended with immediate effect and will remain in force for the maximum period of 2 months from the date the suspension is issued. Failure to produce the vehicle to a Licensing Officer in a satisfactory condition within the period of 2 months from the date the vehicle was suspended will result in the vehicle licence being automatically revoked. Any further licence required for the vehicle will need to be applied for as a new vehicle and will need to fulfil all the requirements stated within this policy.

Only when the licensing authority is satisfied that the vehicle is in a suitable condition to be used for public / private hire usage will the suspension of the licence be lifted.

7.5 Revocation of a licence

In the case of a driver or operator licence, the test will be whether the driver/operator is a fit and proper person to hold a licence (assessed in accordance with this policy). If they are not, on the balance of probabilities, then the licence will be revoked.

The decision to revoke a licence will not be taken lightly. The revocation of a licence is used for more serious offences such as the receipt of a criminal conviction, continued non compliance, safeguarding issues or similar. Just like suspensions, if there are concerns with regards to public safety the revocation of a licence will be with immediate effect.

Voluntary offers to surrender a licence will be accepted if made in writing and the licence plate/disc/badge returned.

7.6 Refusal to Renew

As an alternative to revocation of a licence, a Licensing Officer may decide that the most appropriate action will be not to renew a licence. This would be used where the existing licence is shortly to expire. A Licensing Officer may however suspend the existing licence for the remainder of its licence period depending on the individual merits of the case.

Refusal to renew a licence may also be used in circumstances where an applicant has not provided all relevant information or documents or has failed to comply with any of the requirements to renew a licence.

7.7 Appeal against refusal, suspension or revocation of a licence

The person applying for a licence / existing licence holders will have the opportunity to appeal any decisions made by the Licensing Officer to the Magistrates Court. Appeal procedures to the Magistrate's Court will be detailed and sent out along with any notices or letters. On appeal to the Magistrates court a suspended or revoked licence is reinstated until the appeal is heard with the exception of those licence holders suspended with immediate effect under section 61(2B)) of the Local Government (Miscellaneous Provisions) Act 1976.

7.8 Simple Caution

A formal caution is usually used as an alternative to prosecution. In considering the issue of a formal caution the following will be taken into account: -

- The seriousness of the offence;
- The benefits of its use rather than prosecution, e.g. cost, speed, deterrent effect in respect of re-offending;
- The offender must admit the offence;
- The intention to rectify the contravention;
- The sufficiency of the evidence regarding the contravention. This must be such as to give a realistic prospect of conviction. A caution will not be issued in the absence of this evidence;
- Previous history of the offender.

Written information will be given or sent to the offender regarding the significance of the caution immediately prior to the offer of the formal caution.

Formal cautions will always require first the signature of the offender and then of the authorised officer. A copy of the caution will be given to the offender and the original held at the Council Offices.

A caution can also be used in any further legal proceedings should it arise.

7.9 Prosecution

Prosecution will normally only be considered when the offences are serious, for example where there is a potential for risk to passenger safety, or as a result of refusal to accept other courses of action.

When considering whether or not prosecution is the right course of action the following will be taken into account;

- the previous history;
- the explanations or attitudes;
- the probable public benefit;
- would the use of a formal caution be more appropriate.

Prosecution will be authorised by the Chief Environmental Health Officer.

Should the Crown Prosecution Service be initiating action against a person or business for offences which also involve breaches of the; Police Town Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 or Byelaws made in respect of Hackney Carriages, they may be authorised to initiate proceedings under these Acts.

Unlicensed persons or businesses will be considered for prosecution as a first course of action.

8.0 COMPLAINT HANDLING

The number of complaints regarding Hertsmere Borough Council licensed hackney carriage and private hire drivers is relatively low; however the complaints that are received are often related to the customer being overcharged for their journey or the driver has acted in an unprofessional manner i.e. driving too fast or using inappropriate dialogue.

All complaints will be fully investigated; often involving the taking of statements from the complainant, driver and any witnesses. The investigating officer will consider all evidence and mitigating circumstances arising from the investigation and the credibility of both the complainant and the licence holder before making a recommendation in accordance with the Environmental Health Policy and this Policy.

The complainant will receive the outcome of their complaint in writing.

9.0 OFFENCES

Offences in relation to hackney carriage and private hire driver, vehicle and operator licences are derived from the following sources:

- Town Police Clauses Act 1847 (hackney carriages only);
- Local Government (Miscellaneous Provisions) 1976 (hackney carriages and private hire vehicles);
- Transport Act 1980;
- Equality Act 2010;
- Health Act 2006 – *(It is an offence to smoke, or to allow a person to smoke in a licensed vehicle. It is also an offence to not display appropriate no smoking signage in a licensed hackney carriage or private hire vehicle).*

Appendix J has a list of the offences in respect of the above pieces of legislation.

10.0 DELEGATED POWERS

10.1 Authorised Officers

All Officers of the Council are duly authorised under the Council's Scheme of Delegation which are supported by specific written delegations. Officers are responsible for the day to day operation of the Council's Hackney Carriage and Private Hire Licensing Policy.

Senior Licensing Officer

The Senior Licensing Officer is responsible for the management of the Council's Authorised Officers, ensuring the compliance and any matter specifically referred to within this Policy.

Chief Environmental Health Officer

The Chief Environmental Health Officer is responsible for the overall management of hackney carriage and private hire licensing and any matter specifically referred to within this Policy.

The Chief Environmental Health Officer is also responsible for giving officers their authorisations and for authorising any prosecutions.

Elected Members

The formulation and adoption of the Council's Hackney Carriage and Private Hire Licensing Policy is the responsibility of the Elected Members.

11.0 CHILD SEXUAL EXPLOITATION AND ABUSE

One of the aims of this policy is to protect the public and safeguard children and the vulnerable. For this reason the Council believes that it is appropriate for licensed drivers to undertake basic safeguarding training.

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person) receives "something" (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. In all

cases, those exploiting the child/young person have the power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources

Children and young people may be taken to public or private venues, rooms, hotels or houses for the purpose of sexual abuse.

All drivers are expected to report any suspicion or concerns that a child or young person is being transported for the purposes of sexual abuse. Where a driver becomes aware or concerned that they or other drivers are transporting a young person or a number of young people to specific premises or venues either accompanied or alone on a regular basis and they suspect the young person may be subject to exploitation they must report their concerns to the Police.

Taxi drivers are in a unique position to help

Evidence shows that taxis are often used to transport children (both girls and boys) between hotels, pubs and other places where they are exploited. So it's not just a good idea for taxi drivers to be able to spot the signs of CSE, it's their responsibility.

Exploited children are usually too terrified and ashamed to ask for help themselves. Taxi drivers are in a unique position to notice when all may not be right with passengers in their vehicle so the driver must pass their concerns on to the police.

Additional safeguarding

- If a driver refuses to take a young person as a passenger because they are too intoxicated, the controller must be informed so they can get assistance to them by informing the ambulance service, police, or door staff;
- Record any refusals – dates / addresses / phone numbers / descriptions;
- Always get a specific address from passengers.

Failure to report a suspicion or concern that a young person or vulnerable adult may be being sexually exploited may lead to their licence being revoked and the driver could also be considered complicit in the sexual exploitation in any subsequent criminal investigation.

APPLICATION PROCEDURES

The following information is intended to provide applicants with guidance on how to obtain a hackney carriage or private hire driver, vehicle or operator licence. Applicants that require further assistance should contact a member of the licensing team at Hertsmere Borough Council by calling 020 8207 2277 and asking for taxi licensing.

1.0 Private Hire / Hackney Carriage Driver Licences

Applications for hackney carriage or private hire driver licences may be made at any time of the year. This is subject to the requirements of Section 4 of this Policy.

Applications are to be made on the Council's prescribed application form. These forms can be found at www.hertsmere.gov.uk

In support of a completed application form, the applicant must provide the following original documentation:

- a current full driving licence;
- an enhanced disclosure from the DBS, which can be obtained through the Council;
- the specified fee,
- a medical certificate;
- a DVSA Hackney Carriage or Private Hire Assessment pass certificate (if required);
- 4 passport-sized photographs of the applicant;
- evidence that the applicant has a right to work in the UK;
- evidence of identity as required by Disclosure & Barring Service.

Upon receipt of a completed application form, including the fee and all supporting documentation, the Council will consider the application. Where the application is incomplete, it will be returned and it will not be considered until all the missing details or documents are supplied.

1.2 DVLA Licences

For the purposes of hackney carriage/ private hire licensing, a licence will not be granted to anyone under the age of 21 and / or to a person who has not held a full driving licence, issued in accordance with Part III of the Road Traffic Act 1988 (as amended), for a period of at least 3 years prior to the application.

1.3 Driving with an EU/EEA-issued licence

A valid driving licence issued anywhere within the European Union (EU), or European Economic Area (EEA), may be used by the licence holder until the age of 70, or for up to 3 years from the time they become resident in Great Britain (whichever is longer).

After 3 years it must be exchanged for a GB licence. EU licences can only be renewed in the country in which the holder is resident. If a driver holds a licence from another EU country and renews it in Britain, it will be converted to a UK licence.

Note: An EU/EEA-issued licence may not be exchanged for a GB licence if it was issued in exchange for an original licence not on the "designated countries" list.

Penalty points given for driving offences made during the 3 year period are recorded by the DVLA and listed against the driver's name. Drivers may be disqualified from driving if they accumulate 12 penalty points within 3 years.

- GOV.UK has an online tool for comprehensive information on driving in Great Britain with a non-British licence.

1.4 Licence issued in a designated country

A licence issued in one of the 17 countries with which Great Britain has a reciprocal licencing agreement may be used for 12 months and then exchanged for a GB licence of an equivalent category.

The 17 designated countries are:

- Andorra, Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Gibraltar, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland and Zimbabwe

Although the designated country licence is only valid for the first 12 months, it may be exchanged at any time within 5 years of the licence-holder becoming resident in the UK. However, after the 1st year the driver may not drive until that is done.

1.5 Licences from other countries

A licence issued by any other country is valid for use for 1 year. To continue driving, a full driving theory and practical test must be taken for the issue of a GB licence.

1.6 EU-issued Licences

As of January 2013, EU licence holders can only renew their driving licence in their country of residence. If the holder of a non-UK EU licence renews it in the UK, it will be effectively exchanged for a UK licence.

You can drive in Great Britain for only 12 months if you got your EU licence by exchanging your non-EU licence.

1.7 Penalties and Endorsements

Penalty point endorsements are added to a licence when a driver is convicted of committing certain driving offences. As of 8 June 2015, new penalty points will only be recorded electronically. They will no longer be printed or written on either photo card licences or paper driving licences. This information will be held on the DVLA's driver record database. This record can be viewed online, by phone or post.

- GOV.UK has a free 'View Driving Licence Service' where details such as penalty points, disqualifications and what vehicles can be driven can be viewed online.

Non UK licence holders that receive penalty points/ endorsements while driving in the UK will have a record created by The Driver and Vehicle Licensing Agency (DVLA) to record any points/ endorsements that are received.

See Appendix - K for the full list of endorsement codes and penalty points.

2.0 DO YOU HAVE THE RIGHT TO WORK IN THE UK?

Hertsmere Borough Council requires applicants to provide documents to show they have a legal right to work in the UK.

The Immigration Act 2016 amended existing licensing regimes in the UK to seek to prevent illegal working in the private hire vehicle (PHV) and taxi sector. The provisions in the 2016 Act prohibit all licensing authorities from issuing to anyone who is disqualified by reason of their immigration status and they discharge this duty by conducting immigration checks. The 2016 Act also embeds other immigration safeguards into the existing licensing regimes across the UK.

Applicants must provide one of the following prescribed documents to show evidence of a right to work; only original documents will be accepted.

List A: No immigration restrictions on right to a licence in the UK.

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
5. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and

their name issued by a Government agency or a previous employer.

8. A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10. A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B: Immigration restrictions on the right to a licence in the UK. A licence may be issued (subject to statutory limitations) only up to the expiry date of the permission to work in the UK.

1. A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a

previous employer.

1. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months old together with Verification** from the Home Office Evidence and Enquiry Unit. The licence may be granted for six months from the date of the Certificate of Application.
2. A **Verification** issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.

Where a person's immigration permission to be in the UK is time-limited to less than the statutory length for a driver or operator licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK and work. In the event that the Home Office cuts short or ends a person's immigration permission (referred to as curtailment or revocation), any licence issued as a consequence of an application which was made on or after 1 December 2016, that the person holds will automatically lapse.

3.0 DISCLOSURE AND BARRING SERVICE (DBS)

Application forms for the DBS criminal check are available from the licensing team.

This application form must be completed in **black ink** and completed accurately; the appropriate fee must also accompany the application. Any missing information or errors on the form will be rejected by the DBS. If the form is returned, a new application form will need to be completed and the full fee paid again.

An appointment will need to be made with a licensing officer for the applicant to supply any supporting documentation requested, in order for identification to be checked and for the application form to be countersigned by an authorised officer.

Applicants must bring original documents (not copies) to prove their identity.

Documents required will depend on the route the application takes. The applicant should try to provide documents from Route 1 first.

Route 1

The applicant must be able to show:

- One document from Group 1 and 2 further documents from either Group 1, or Group 2a or 2b, below. At least one of the documents must show the applicant's current address.

Route 2

If the applicant doesn't have any of the documents in Group 1, then they must be able to show:

- One document from Group 2a, or 2 further documents from either Group 2a or 2b. At least one of the documents must show the applicant's current address. The organisation conducting their ID check must then also use an appropriate external ID validation service to check the application.

This route will however cost the applicant more as the applicant will need to pay the cost for the external ID validation service.

Group 1: Primary identity documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence – photo card	UK, Isle of Man, Channel Islands and EU (full or provisional)
Birth certificate - issued at time of birth	UK and Channel Islands – including those issued by UK authorities overseas, e.g. embassies, High Commissions and HM Forces
Adoption certificate	UK and Channel Islands

Group 2a: Trusted government documents

Document	Notes
Current driving licence – photo card	All countries (full or provisional)
Birth certificate – issued after time of birth	UK and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK, Channel Islands and Isle of Man

All driving licences must be valid.

Group 2b: Financial and social history documents

Document	Notes	Issue date and validity
Mortgage statement	UK or EEA	Issued in last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 months
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, e.g. pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit or visa	UK	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK or non-EEA only - valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK – not mobile telephone bill	Issued in last 3 months
Benefit statement, e.g. Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local	UK and Channel Islands	Issued in last 3 months

Document	Notes	Issue date and validity
council document giving entitlement, e.g. from the Department for Work and Pensions, the Employment Service, HMRC		
EU National ID card		Must still be valid
Cards carrying the PASS accreditation logo	UK and Channel Islands	Must still be valid

Once the form is completed the Licensing Officer will send the application to the DBS for processing. When the DBS has received and logged the application it will be able to be tracked on line via the DBS website.

Where information is contained on documents or required on forms e.g. last name, first name, address(es) etc.; this information must be identical on all the forms and all documents that are produced at the time of the appointment. (i.e. surnames, first & second name(s) must be in the same order and spelling on all identity documents provided such as the passport and DVLA Licence).

Once the DBS have completed all relevant checks, the Enhanced Disclosure Certificate will be posted to the address stated on the application form. The council will not be provided with a copy of the certificate by the DBS. Once the certificate has been received from the DBS it must be produced to a Licensing Officer so that it can be reviewed and considered as part of the application.

The council will use the information contained on the Disclosure Certificate (along with other information) to assess whether an applicant is a 'fit and proper person' to hold a private hire / hackney carriage driver licence. It will do this with reference to Appendix B - Criminal Convictions and Behaviour.

Please note: An application will not progress until the council has received the Enhanced Disclosure Certificate.

The DBS offer the facility of an update service, which the council recommends to all applicants. This allows applicants to register their disclosure certificate with the DBS for an initial subscription fee followed by an annual fee on the anniversary of the subscription. This service allows authorised officers to check the status of a disclosure certificate at any time during the licensing period. If the subscription is found to have lapsed or it is flagged up that there is an issue with the disclosure, a new disclosure application will need to be completed as above.

During the appointment to complete the DBS application form an officer will provide the applicant with details of how to register their application with the update service.

4.0 KNOWLEDGE TEST & DRIVER TRAINING DAY

All new applicants must attend the driver training day and pass the Council's knowledge test before a licence will be issued. This is to maintain the high standards the Council expects of its hackney carriage and private hire drivers operating within the District of Hertsmere.

The training part of the day will cover issues such as:

- Child / adult safeguarding awareness;
- Disability awareness;
- Road Safety;
- Customer care / customer awareness;
- Rules and regulations;
- Driver safety, how to report concerns you may have when working as a driver;

It is also anticipated to include basic vehicle maintenance as part of the training day.

This training is mandatory and must be undertaken by all new applicants before any licence will be granted.

During the training day, applicants will also be required to undertake a knowledge test. This test is a written paper and will consist of the following:

- The district of Hertsmere - i.e the most direct route from Road A to Road B, significant locations in the surrounding areas and routes to airports, hospitals etc.;
- Rules and regulations;
- Highway Code;
- Basic mathematics.

The test is a written paper and all modules must be passed to be considered for either a hackney carriage or private hire driver licence.

The knowledge test consists of 45 questions and the time allocated for this test is 75 minutes. In order to pass the test, a pass on each module must be achieved as follows:

Geography:	15 out of 20
Highway Code:	8 out of 10
Rules and regulations:	10 out of 10
Numeracy:	5 out of 5

Each module need only be passed once, therefore any re-test following a failed attempt will only consist of the sections previously failed.

5.0 Driving Proficiency

All new applicants for a hackney carriage / private driver licence must undertake and pass a driving assessment for Hackney Carriage and Private Hire vehicles with an accredited DVSA provider approved by the council.

Applicants for any wheelchair accessible vehicle will also be required to pass the enhanced wheelchair assessment. Once this assessment has been passed, only a licensed driver who has passed this assessment may drive a licensed wheelchair accessible vehicle.

A licence will not be granted to an applicant unless the pass certificate is produced to a licensing officer to form part of the application criteria.

For further information on the assessment, how to book and pay the fee please visit our website www.hertsmere.gov.uk

6.0 Private Hire & Hackney Carriage Vehicle Licences

Applications are to be made on the council's prescribed application form which can be downloaded from www.hertsmere.gov.uk

Once the application has been completed it must be submitted to the Council either by post or hand delivered to The Licensing Team, Civic Offices, Elstree Way, Borehamwood, Herts, WD6 1WA.

Applications for the renewal of an existing licence must be received at least 5 working days before its expiry. To support the application the following documentation is also required before an appointment can be made.

- (i) **REGISTRATION DOCUMENT:** must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s);
- (ii) **INSURANCE CERTIFICATE:** must show the appropriate use as a hackney carriage or private hire vehicle. This certificate should be valid for the period that the licence is issued for and only a Hertsmere licensed driver should be named on the policy. If a temporary cover note is produced, the full certificate must be shown as soon as the applicant receives it. If a monthly insurance is in place, please note that all certificates must be supplied to show continuous cover;
- (iii) **MOT CERTIFICATE:** must be from the Council's nominated garage (including an Emission Test Certificate);
- (iv) **CERTIFICATE OF COMPLIANCE:** must be from the Council's nominated garage (also known as a compliance certificate);
- (v) **TAXIMETER CERTIFICATE OF CALIBRATION:** for **ALL** Hackney Carriage vehicles / and where appropriate for Private Hire Vehicles.

Once the application and supporting documentation has been forwarded to the council offices, the applicant should contact the Council on 0208 207 2277 and ask for taxi licensing to request an appointment with a licensing officer.

Please note that failure to produce any of the above documentation will prevent an appointment being made and the hackney carriage/ private hire vehicle licence being granted.

A vehicle licence will consist of a paper licence and an internal and external licence plate which must be displayed in accordance with the conditions. See Appendix G.

The licenses shall remain the property of the Council and must be surrendered when the driver ceases employment as a driver or the vehicle is changed under the 'replacement vehicle policy' Appendix L.

7.0 Private Hire Operator Licences

Applications are to be made on the Council's prescribed application form which can be downloaded from www.hertsmere.gov.uk

Once the application has been completed, it must be submitted to the Council either online, by post or by hand delivery to The Licensing Team, Civic Offices, Elstree Way, Borehamwood, Herts, WD6 1WA.

For renewal applications the application form should be submitted at least 5 working days before expiry of the private hire operator licence.

In support of a completed application form, the applicant must provide the following original documentation:

- (i) Basic disclosure obtained from disclosure Scotland (www.disclosure-scotland.co.uk) (if the applicant does not hold a private hire driver licence issued by Hertsmere Borough Council)
- (ii) the specified fee;
- (iii) evidence that the applicant has a right to work in the UK;

- (iv) any further documentation requested i.e. references, financial information.

Upon receipt of a completed application form, including the fee and all supporting documentation, the Council will consider the application. Where the application is incomplete, it will be returned and not be considered until all the missing details or documents are supplied.

Once the application and supporting documents have been received, the applicant will be invited to attend an appointment with a licensing officer. During this appointment the applicant will be required to complete a questionnaire. This questionnaire is made up of a number of questions (currently 10), there are no passes or fails for this, it is purely to gauge what awareness the applicant has with regard to their duties as a private hire operator. All answers will be discussed with the applicant.

Given the above, if the Licensing Officer is satisfied the applicant is 'fit and proper' to hold a private hire operator licence the licence will be granted.

8.0 The Consideration of Applications and Appeal Procedures

If the Council is satisfied that an applicant is a 'fit and proper person' to hold a hackney carriage or private hire licence, having satisfied all the licensing requirements, the application will be granted under delegated powers as provided for by the Council's Scheme of Delegation.

Successful applicants will be given an appointment and issued with the appropriate licence.

Those who are granted a driver licence will be issued with a paper licence and a driver badge, which shall remain the property of the Council and must be surrendered when the driver ceases employment as a driver.

Applicants who are granted a hackney carriage/ private hire vehicle licence will be issued with a paper licence and both an internal and external licence plate. Guidance on where

these licences should be displayed will be given at the time of issue of the licence and can also be found in the vehicle licence standard conditions found in Appendix G.

Applicants who are granted a private hire operator licence will be issued with a paper licence that must be displayed in accordance with the private hire operator licence standard conditions found in Appendix H.

Where the Licensing Officer is not satisfied that an applicant is a 'fit and proper person' to hold a licence the application will be refused. The applicant will be informed as to the reason(s) why this decision has been made and will be given the opportunity to appeal the decision to the Magistrates court within 21 days of receipt of the formal notice of the refusal of the application.

If the applicant appeals the refusal they will be advised by the Court of the date, time and venue of the Court hearing.

Applications for the licence of a vehicle that is deemed unfit for use as a hackney carriage or private hire vehicle will have their application refused. The applicant will be notified of this refusal and the same appeal procedures as stated above will apply.

9.0 FEES

9.1 Fee Structure

The guidance states that the fees charged must be reasonable and proportionate to the cost of the processes associated with a licensing scheme and should be sufficient to cover the costs of inspecting licensed vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriage and private hire vehicles.

The fees currently payable for the grant and renewal of hackney carriage and private hire licences are set out on the Council's website - www.hertsmere.gov.uk. The fee structure is reviewed annually as part of the Council's budgetary process. The setting of these fees is the responsibility of the Chief Environmental Health Officer.

9.2 Payment of Fees

Cheques or postal orders must be made payable to 'Hertsmere Borough Council'. Any cheque or postal order must be received with an application form at least 14 days before the licence is required. Failure to comply will delay in any licence being granted.

The Council are also able to accept payment by debit or credit card. There is however a small percentage (merchant fee) added for credit card payments.

The Council also accepts cash payments through the automated payment kiosk located in the main of reception of the Civic Offices (Please note that £50 notes are not accepted). Cash payments will not be accepted if sent through the post.

9.3 Refunds, Transfers and Duplicate Copies

- As with most types of licenses, an appropriate fee must be paid to cover the administrative costs associated with the transfer of a licence from one licence holder to another;
- Where the Council receives a request for a duplicate copy of any previously issued licence, an appropriate fee will be required to cover the associated administrative costs;
- In the case of a licence application that has been refused, the application fee may be refunded less an appropriate administrative charge to cover the cost of the application process;
- In the case of a licence that has been suspended, revoked or otherwise ends early due to disciplinary matters, no refund will be made by the Council.

9.3 Appointment Times

If an appointment is required, contact the Council on 0208 207 2277 and ask for '**taxi licensing**'.

Appointments are only available at these times on a first come first served basis:

Day	Appointment Times
Monday	09:30 – 13:00
Tuesday	12:00 – 15:30
Wednesday	No Appointments
Thursday	12:00 – 15:30
Friday	09:30 – 13:00

APPENDIX B:

CRIMINAL CONVICTIONS AND BEHAVIOUR

1.0 Definitions:

<u>Appeal</u>	A review of our decision. You appeal to the magistrates' court or the crown court within 21 days of the decision. The court may uphold our decision (if the court agrees with us) or overturn it (if the court agrees with you);
<u>Conviction</u>	A court decides someone is guilty of a crime;
<u>Custodial sentence</u>	A sentence of imprisonment (for a person over 18) or detention (for a person under 18)
<u>Conviction-free period</u>	A period without any further convictions;
<u>Mitigating circumstances</u>	A conviction's circumstances, presented to explain why it happened and try to reduce its seriousness;
<u>"Offence" or "Offences"</u>	Any criminal offence and/or any other behaviour which brings into question whether the applicant is a fit and proper person;
<u>Fit and proper person</u>	A person the council thinks has the right characteristics and ability because, for example, they: <ul style="list-style-type: none">• are no threat to the public• have good knowledge• are healthy• are of good character (including driving record).

We therefore regard them as fit and able to hold a licence.

1.1 Introduction

The licensing authority must be satisfied that the applicant is a 'fit and proper' person to hold a licence. The assessment of a person's criminal conviction and behaviour history is deemed an essential safety measure on assessing the suitability of an applicant as the council must ensure that applicants do not pose a threat to the public; the public are

safeguarded from dishonest persons and ensure the safeguarding of children and young persons.

Hackney-carriage and private-hire drivers are listed as regulated occupations in the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Amendment) (No 2) 2002. Therefore a conviction is 'never spent'. This means that when deciding whether you can be licensed, we will always be able to consider a conviction you have had.

All types of criminal offences can be relevant. So we take into account **all** convictions, regardless of the offence, sentence or age at the time. All motoring and criminal convictions must be declared on the application form. An application form must be fully completed together with the results of an enhanced criminal check (for the child and adult workforce level) through the Disclosure and Barring Service (DBS).

In addition, any formal cautions received and any pending criminal or motoring matters must be disclosed.

Any information given will be treated in confidence and will only be taken into account in relation to the applicant in question.

The disclosure of a criminal record or other information received may not necessarily debar an applicant from obtaining a licence unless the Council considers the conviction(s) renders the applicant not fit to hold a licence.

Applicants should be aware that each case will be taken on its own merit.

Some discretion may be appropriate if the offence and/or behaviour is isolated and there are mitigating circumstances. Equally the history of offending (including multiple offences/combinations of offences /types of offences) and/or behaviour may warrant a longer period free from conviction.

Whilst it is possible that an applicant may have a number of convictions that, individually, meet the guidelines below, the overall offending history will be considered when assessing the applicant's suitability to be licensed.

A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be use if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Simply remaining free of conviction will not necessarily be sufficient to show that a person is fit and proper where other circumstances/evidence brings this into question. Further it should always be remembered that the periods free of conviction in this section are suggested minimums.

Notwithstanding and without prejudice to any other provision within this document, ordinarily the Licensing Authority would as a minimum expect the standard rehabilitation periods identified in the Rehabilitation of Offenders Act 1974 to have expired (ignoring for this paragraph only the provisions of Rehabilitation of Offenders Act 1974 (exception order) 1975) prior to granting any licence.

Criminal convictions will be considered by Licensing Officers or in cases of doubt by the Chief Environmental Health Officer or the Licensing Committee.

An application from any person awaiting trial for an offence which brings into question whether they are a fit and proper person (including but not limited to death by dangerous driving, drugs, violence, sexual offences, dishonesty, driving under the influence of alcohol or drugs, or offences of a habitual nature) will not normally be considered until the outcome of the trial.

In order for the Licensing Authority to fully consider the case on its merits, the applicant should provide a written statement of the offences, with evidence, covering the nine points in the paragraph below, which would be available for examination by the Licensing Authority.

Where the Licensing Authority becomes aware of issues including previous criminal history/convictions, any arrest, any charges, inappropriate behaviour for a hackney carriage/private hire driver and/or significant comments on any DBS check, consideration will be given to each applicant's suitability for licensing against the following criteria (in no particular order):

- nature of the offence/conduct/charge etc.;
- circumstances in which the offence/conduct/charge etc. was committed;
- circumstances of the individual concerned;
- subsequent periods of good behaviour;
- overall conviction/behaviour history;
- sentence imposed by the court ;
- seriousness of the offence/conduct/charge etc.;
- any other character check considered reasonable (e.g. personal references);
- taking all the above issues into account, together with any other relevant issues, whether the protection of the public may be at risk.

These guidelines do not deal with every type of offence, and do not prevent the Licensing Authority from taking into account offences not specifically addressed in the guidelines, or other conduct which may be relevant as to whether an individual is a fit and proper person to hold a hackney carriage or a private hire driver's licence.

Any Offences against Children (under 14) and Young Persons (14 to 17) will raise serious concerns as to an applicant's fitness to hold a hackney carriage/ private hire driver licence. Drivers of hackney carriage and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. The Council seeks to minimise risks associated with children and young persons and for that reason an application for a licence will normally be refused to any person who has offences against children and young person recorded against them.

Any individual who is refused a hackney carriage/private hire driver licence or has their licence suspended or revoked on the grounds that the Council is not satisfied he/she is a 'fit and proper' person to hold such a licence, has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

1.2 Suitability to hold a Licence

The law says we may grant a licence **only** if we are satisfied that the person is 'fit and proper'. So an applicant or existing driver must prove that they are an appropriate person to hold a licence.

The law says you must be a 'fit and proper' person to hold a licence. This means you must:

- be a safe driver with a good driving record;
- have adequate driving experience;
- be mentally and physically fit;
- be honest;
- not take advantage of your position to abuse, assault or defraud customers.

We will consider the range of passengers you might carry, such as:

- elderly people;
- unaccompanied children;
- disabled people;
- those who have had too much to drink;
- lone women;
- foreign visitors;
- unaccompanied property.

Some areas cause particular concern:

- **Honesty and trustworthiness** – drivers often know that a customer is leaving a house empty; and they have opportunities to defraud drunken, vulnerable or foreign people, or to steal property left in cars. You must not abuse your position of trust. For example, passengers expect you to charge the correct fare and give the correct change; they expect you to hand in any article they leave in a vehicle; and they expect you to maintain confidentiality;
- **Not abusive** – drivers are often subject to unpleasant or dishonest behaviour. We do not expect drivers to retaliate with aggressive or abusive conduct. Drivers are

expected to avoid confrontation, and to tackle disputes through the proper legal channels. They should never take the law into their own hands;

- **Good and safe driving** – Passengers rely on you to get them safely to their destination, so you should be fully aware of all road-traffic law and your licence conditions;
- **Appropriate Behaviour-** Drivers must act appropriately at all times whilst undertaking their duties. Appropriateness will extend to courtesy to the passenger(s) and other road users alike. Drivers should not have or encourage conversations which could cause discomfort to their passenger(s), this includes asking personal questions about passenger(s) and other people. Opinions on sexuality, race or religion must not be discussed.

The council must ensure that licensed drivers, operators and proprietors will **not** be a risk to the public. Some applicants may say our decisions punish them again for the same conviction, but this is not our intention.

1.3 Driving Offences

Private hire and hackney carriage drivers are professionals who must at all times be aware of their passengers' safety and that of their vehicles. All traffic offences result from irresponsible driving or a lack of vehicle maintenance.

Convictions for traffic offences (including fixed penalties) will not necessarily prevent an applicant from obtaining a licence. However, consideration will be given to the number, type and frequency of an offence. In some cases a licence may be issued along with a strong warning as to future driving conduct. Disclosure of a significant history of offences may result in the refusal of an application.

1.4 Minor Motoring Offences

Convictions for minor traffic offences such as some speed limit offences, or non-endorsable traffic offences such as obstruction or waiting in a restricted street should not prevent a person from applying to be a hackney carriage or private hire driver, unless exceptional circumstances justify a refusal. However, the number, type, frequency and repetition of these types of offences may be taken into account

For existing drivers who have accumulated 9 or more points on their DVLA driving licence, their Hertsmere issued driver licence will normally be suspended until the driver has successfully undertaken a driving test with an accredited DVSA provider approved by the council which may include a test that is at a more advanced level. If you have been previously disqualified by the DVLA for any period of time, you will be required to undertake the more advanced driving test with an accredited DVSA provider approved by the council

Such a test will be at the licence holder's expense.

1.5 Traffic Offences involving the loss of life

A very serious view will be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

Before an application is entertained, an applicant should be free of conviction for 7 years' from the date of completion of any sentence, such offences include:

- Causing death by dangerous driving;
- Causing death by careless driving whilst under the influence of drink or drugs;
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit).

1.6 Major Traffic Offences not involving the loss of life

A very serious view will also be taken of any applicant who has been convicted of a major traffic offence even if it has not involved the loss of life, as it raises questions as to the applicant's ability to protect the public.

Before an application is entertained, an applicant should be free of conviction for 5 years' from the date of completion of any sentence, such offences include:

- Dangerous driving;
- Reckless Driving;

- Similar or replacement offences to those listed above (*including attempted or conspiracy to commit*).

1.7 Other Serious Traffic Offences

Other serious traffic offences include:

- Accident offences;
- Driving without due care and attention;
- Careless driving;
- Construction and use offences;
- Licence offences;
- Traffic direction and sign offences;
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit).

Insurance offences and alcohol/drug offences are dealt with under their own separate subsections below.

Driving whilst disqualified and theft/unauthorised taking of a vehicle are dealt with under the 'Dishonesty' subsection below.

A conviction for a serious traffic offence will normally merit refusal to issue a licence. No further application will be considered until a period of 5 years' free of conviction since completion of any sentence, has elapsed.

1.8 'Totting Up' – Section 35 Road Traffic Offenders Act 1988

If the total number of penalty points reaches 12 or more within 3 years', the driver is liable to be disqualified from driving by the Court.

An applicant, who has been disqualified under the totting up rules, will normally be refused a licence until a conviction-free period of 1 year can be shown following restoration of the DVLA driving licence.

As totting up usually leads to disqualification, you may have told the court that this would cause you 'exceptional hardship' so that a disqualification period is not imposed. Even if an 'exceptional hardship' argument was successful with the court and your DVLA licence is retained, an applicant may still be refused a hackney carriage / private hire driver licence until a conviction-free period of 1 year can be shown.

Existing drivers who have successfully argued an 'exceptional hardship' case may still have their hackney carriage / private hire driver licence revoked and a conviction-free period of 1 year must be shown before a further application will be processed.

Any applicant that has been previously disqualified by the DVLA for any period of time, a more advanced driving test with an accredited DVSA provider approved by the council must be undertaken.

Any applicant who has received more than 1 period of disqualification will not be considered 'fit and proper' to hold a private hire or hackney carriage driver licence unless exceptional circumstances exist.

1.9 Drink Driving / Driving under the influence of Drugs (*including medication*)

A serious view is taken of driving or being in charge of a vehicle whilst under the influence of drink or drugs. Licence holders are seen as professional vocational drivers therefore drink/drug driving convictions raise serious concerns for the safety of the public.

An isolated incident of drink driving or driving under the influence of legal drugs should not necessarily debar an application (provided there was no conviction for a traffic offence involving loss of life whilst under the influence of drink or drugs - see separate subsection 1.5 above) but strict warnings will be given as to future behaviour.

At least 5 years' should elapse, after the restoration of the DVLA full driving licence (if a disqualification period was imposed) before an applicant will be considered for a private hire or hackney carriage driver licence.

More than 1 conviction for these offences or any conviction for driving under the influence of illegal drugs will raise grave doubts as to an applicant's fitness to drive the public and therefore hold a licence.

If there is reason to suspect persistent alcohol and/or drugs use, misuse or dependency (e.g. 2 or more offences relating to alcohol or drugs, with or without a vehicle) a specialist medical examination and report will be required before an application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol/drug misuse and dependency. If the applicant is found to be (or to previously have been) alcohol or drug dependent, a period of 5 years' should elapse after treatment is complete before an application is considered.

1.10 Drunkenness without a Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from obtaining a licence. However a number of convictions could indicate a medical problem necessitating a medical examination. In some cases a warning would be sufficient. If there is reason to suspect persistent alcohol use, misuse or dependency (e.g. 2 or more offences for drunkenness with or without a motor vehicle) a specialist medical examination and report may be required to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol misuse and dependency.

1.11 Illegal Drugs without a Motor Vehicle

A serious view is taken of any illegal drugs related offence. The nature and quantity of the drugs, whether for personal use or supply, are issues which will be considered.

An applicant would normally be expected to be free of conviction relating to the possession of illegal drugs for 5 years since the completion of any sentence.

An application will normally be refused where the applicant has more than 1 conviction for offences related to the possession of illegal drugs and has not been free of conviction for 7 years since the completion of any sentence.

An application will normally be refused where the applicant has a conviction for an offence related to the supply, importing or production of illegal drugs and has not been free of conviction for 10 years since the completion of any sentence.

If there is reason to suspect persistent drug use, misuse or dependency (e.g. 2 or more convictions relating to any drugs, with or without a vehicle) a specialist medical

examination and report will normally be required before an application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to drug misuse and dependency. If the applicant is found to be (or to previously have been) drug dependent, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

1.12 Sex and Indecency Offences

As hackney carriage and private hire drivers often carry unaccompanied and vulnerable passengers, applicants who have been convicted of sexual or indecency offences (or where there is other behaviour and/or evidence to suggest a disposition to commit such offences) must be closely scrutinised.

An applicant with more than 1 conviction for such offences will have their application refused.

Applicants with convictions for the more serious sexual offences will usually be refused. For other offences, applicants will be expected to show a substantial period free of conviction for such offences before an application will be granted.

In particular:

(i) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for offences such as:

- Rape;
- Assault by penetration;
- Offences involving children or vulnerable adults;
- Sexual assault;
- Indecent assault;
- Possession of indecent photographs, child pornography etc.;
- Exploitation or prostitution;
- Trafficking for sexual exploitation;
- Trafficking for prostitution;
- Trafficking for exploitation;
- Indecent exposure;

- Similar or replacement offences to those listed above (including attempted or conspiracy to commit);
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver.

(ii) Before an application is granted, an applicant should be free of conviction for at least 7 years since the completion of any sentence, if he/she has a conviction for an offence such as:

- Soliciting (e.g. kerb crawling);
- Importuning;
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit).

Offences of holding obscene material also fall into the sexual offences category. We normally expect an applicant to have a conviction-free period of 7 years.

If an application is successful and a licence is granted a strict warning as to future conduct will be issued.

Persons on the sex offenders register will not be considered a 'fit and proper' person to hold a hackney carriage / private hire driver licence.

If the police notify us they are investigating a driver for a sexual offence, we may revoke their licence with immediate effect because of the potentially high risk to the public. Alternatively, the driver may wish to voluntarily suspend their licence until the outcome of the police investigation.

1.13 Offences Involving Children

Any Offences against Children (under 14) and Young Persons (14 to 17) will raise serious concerns as to an applicant's fitness to hold a hackney carriage/ private hire driver licence. Drivers of hackney carriage and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

Unless there are exceptional circumstances the council will normally refuse applicants who have any convictions for rape, assault, any sex offence with a child or any other sex offence with a vulnerable person as defined by the Sexual Offences Act 2003.

1.14 Violence

As hackney carriage and private hire drivers maintain close contact with the public, a firm line will be taken with applicants/ drivers who have offences involving violence.

An application will normally be refused if an applicant has a conviction for an offence that involves loss of life or serious injury.

At least 5 years free of conviction since the completion of any sentence, should be shown before an application is entertained from anyone whose offending history and/or other behaviour/evidence suggests an aggressive or violent disposition and even then a strict warning will be administered as to future conduct.

However given the range of offences that involve violence, consideration must be given to the nature of the offences. In particular:

(i) Unless there are exceptional circumstances, an application will normally be refused where an applicant has a conviction for offences such as:

- Murder;
- Manslaughter;
- Manslaughter or culpable homicide while driving;
- Terrorism offences;
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit).

(ii) Before an application is granted, an applicant should be free of conviction for at least 7 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer) for offences including:

- Arson;
- Kidnapping;
- Threats to kill;

- Wounding with intent to cause grievous bodily harm;
- Grievous bodily harm;
- Robbery;
- Burglary;
- Possession of a weapon;
- Any 'hate' crime or offence ordinarily falling within paragraph (iii) below aggravated by a 'hate' crime;
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit).

(iii) Before and application is granted, an applicant should be free of conviction for at least 5 years since the completion of any sentence, for offences including:

- Common assault;
- Assault occasioning Actual Bodily Harm;
- Affray;
- Assault with intent to resist arrest;
- Assault on Police;
- Public Order offences;
- Criminal Damage;
- Harassment;
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit).

An application will normally be refused if an applicant has more than 1 conviction in the last 10 years for an offence of a violent nature.

1.15 Possession of a Weapon

An applicant with a conviction of possessing a weapon or any other weapon related offences will give serious concern as to the applicants' fitness to hold a private hire / hackney carriage driver licence and to carry members the public around.

The Council considers this to be an unacceptable risk to members of the public and the application will normally be refused.

In the case of an existing driver, the hackney carriage / private hire driver licence will normally be revoked and will then not be considered fit and proper to hold a further licence with Hertsmere Borough Council.

1.16 Dishonesty

A hackney carriage or private hire driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicle in error.

The widespread practise of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than their legal fare etc. Overseas visitors can be confused by our currency or costs of journeys and may be vulnerable to an unscrupulous driver. Licence holders also have access to the names and addresses of their customers and their daily movements. For all these reasons, a serious view is taken of any conviction involving dishonesty.

In general, a minimum period of 5 years free of conviction since the completion of any sentence will be required before entertaining an application.

Offences involving dishonesty for the purposes of this policy include:

- theft,
- burglary,
- fraud,
- benefit fraud,
- handling or receiving stolen goods,
- forgery,
- conspiracy to defraud,
- obtaining money or property by deception,
- other deception,
- taking a vehicle without consent,
- driving whilst disqualified,

- or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

A licence will not normally be granted if an applicant has more than 1 conviction for a dishonesty offence.

1.17 Insurance Offences

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided the applicant has been free of conviction (from the date of the completion of any sentence) for 3 years; however a strict warning will be given as to future behaviour.

A licence will not normally be granted if an applicant has more than 1 conviction for an insurance related offence.

An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst there is no insurance in place will normally have their operator licence revoked immediately and be prevented from holding a licence for a period of at least 3 years.

1.18 Licensing Offences

If an applicant has been convicted of offences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 or any other relevant licensing legislation, there must be a period of 3 years' free of conviction before an application will be considered.

An applicant with more than 1 conviction for offences committed under licensing legislation will not be considered fit and proper to hold a private hire / hackney carriage driver licence, unless exceptional circumstances exist.

1.19 Cautions

Cautions are included under the definition of 'convictions' and will therefore be taken into consideration. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a 'fit and proper' to hold or be granted a licence. The Licensing Officer will be mindful that a caution is given

where there is sufficient evidence for a prosecution. A caution can only be given following the admission guilt.

Every case will be considered on its own merits including the details and nature of the offence.

Penalty notices are similar to fixed penalties, but are issued for a wide range of offences that are of an anti-social nature, such as behaviour likely to cause harassment, alarm or distress to others, drunk and disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. The nature of the offence will be considered when making a decision on an application.

1.20 Non Conviction Information

If an applicant has, on more than one occasion, been arrested or charged, but not convicted for an offence or is subject to an ASBO or similar order, which suggests he/she may not be a fit and proper person, or if there is other evidence to suggest the applicant may not be a fit and proper person, consideration will be given to refuse the application.

Failing to declare convictions on the application form will result in the refusal to grant a hackney carriage / private hire driver licence. At least 1 year must elapse from the date of receipt of the original application form before a further application will be considered.

As with the rest of this part of the policy, in assessing the action to take, the safety and security of the travelling public will be the paramount concern.

1.21 Suspension/Refusal/Revocation by another Licensing Authority

An applicant who has been suspended/refused/revoked by another Licensing Authority may not be considered “fit and proper” for a period of at least 3 years from the date of the suspension/refusal/revocation. This period may be extended depending on the circumstances of the revocation.

The Licensing Authority shall also have a right to make enquiries to that other authority.

Applicants who already hold a licence with another licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

Licence holders who are licensed by multiple authorities are expected to inform all such authorities of who else they are licensed by and to advise each authority of any changes in this respect. Applicants should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

1.22 Convictions once a licence has been granted

If a licence holder's conduct is such that, if they were to be applying for a new licence their application would be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

The suspension or revocation of a hackney carriage or private hire driver licence takes effect at the end of the period of 14 days beginning on the day on which notice is given to the driver. If however, the suspension or revocation is in the interest of public safety the suspension or revocation will come into force with immediate effect. A notice will be given to the driver including a statement and explanation as to why the licence is suspended or revoked and when it takes effect.

A suspension or revocation of a private hire operator licence will take effect at the end of the period of 14 days beginning with the day on which notice is given to the operator.

2.0 REHABILITATION PERIODS

The rehabilitation period (the length of time before a caution or conviction becomes spent) is determined by the type of disposal administered or the length of the sentence imposed. Rehabilitation periods that run beyond the end of a sentence are made up of the total sentence length plus an additional period that runs from the end of the sentence, which is called the 'buffer period'. Other rehabilitation periods start from the date of conviction or the date the penalty was imposed. The 'buffer periods' are halved for those who are under 18 at date of conviction (save for custodial sentences of six months or less where the 'buffer period' is 18 months).

The rehabilitation periods for sentences with additional “buffer periods” which run from the end date of the sentence are shown in the table below:

Sentence/disposal	Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence (including the licence period).	Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence (including the licence period).
Custodial sentence* of over 4 years, or a public protection sentence	Never spent	Never spent
Custodial sentence of over 30 months (2 ½ years) and up to and including 48 months (4 years)	7 years	3½ years
Custodial sentence of over 6 months and up to and including 30 months (2 ½ years)	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order or youth rehabilitation order**	1 year	6 months

*Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of youth custody, a sentence of corrective training and a sentence of Borstal training.

**In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.

The following table sets out the rehabilitation period for sentences which do not have “buffer periods” and for which the rehabilitation period runs from the date of conviction:

Sentence/disposal	Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered).	Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered).
Fine	1 Year	6 months
Conditional discharge	Period of the order	Period of the order
Absolute discharge	None	None
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order*	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance centre order	Period of the order	Period of the order
Hospital order (with or without a restriction order)	Period of the order	Period of the order
Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

*Compensation Orders – it is important that individuals obtain proof of payment from the court and keep this document to prove that the compensation order has been paid in full.

The following sentences are exempt from the 1974 Act and can never become spent:

1. Sentence of imprisonment for life;
2. Sentence of imprisonment, youth custody, detention in a young offender institution or corrective training of over 4 years;
3. Sentence of preventive detention;
4. Sentence of detention during Her Majesty’s pleasure or for life;
5. Sentence of custody for life;

6. Public protection sentences (imprisonment for public protection, detention for public protection, extended sentences of imprisonment or detention for public protection and extended determinate sentences for dangerous offenders).

An endorsement for a road traffic offence listed in Schedule 2 to the Road Traffic Offenders Act 1988, imposed either by the court or by means of a fixed penalty notice (FPN) is a sentence for the purposes of the 1974 Act and may become spent after 5 years (or 2½ years where the offender is under 18). Road traffic legislation specifically provides for a FPN in these circumstances to be treated as a conviction and dealt with as such under the 1974 Act. Penalty points and a driving disqualification imposed by the court on conviction may become spent when they cease to have effect (penalty points have effect for 3 years as set out in road traffic legislation). Where the court imposes more than 1 sentence or penalty for the offence then the longest rehabilitation period determines when the conviction may become spent.

VEHICLE SPECIFICATIONS

1.0 INTRODUCTION

All hackney carriage and private hire vehicles shall comply with all aspects of the requirements detailed in this Policy. This is in addition to the requirements of all road traffic regulations and legislation relating to all motor vehicles, including any Council byelaws which may be appropriate.

Vehicles shall normally have European Community M1 type approval and must comply with:

- i) the Motor Vehicle (Type Approval) Regulations 1980 (European Community Whole Vehicle Type Approval); or
- ii) the Motor Vehicle (Type Approval) Regulations 1984 (United Kingdom Low Volume Type Approval),
- iii) the Road Vehicles (Construction and Use) Regulations 1986.(all as amended from time to time)

Motor vehicles which have M type approval (European Community Whole Vehicle Type Approval) and have been modified or have been subject to any alterations since manufacture will be considered provided that they are presented with:

- (i) United Kingdom Low Volume / Small Series Type Approval for Passengers Cars; or
- (ii) United Kingdom Single Vehicle Type Approval

However, United Kingdom Single Vehicle Type Approval will not be accepted where the seats belts fitted to the vehicle are:

- (i) not those fitted by the manufacturer and tested in accordance with the vehicle's original type approval, or
- (ii) where the vehicle has been fitted with seating / wheelchair tracking which may invalidate the original type approval for any seats fitted to the vehicle, except where evidence is produced by the applicant(s) that this is not the case.

Motor vehicles which have N type approval (European Community Whole Vehicle Type Approval) will not normally be considered for Private Hire / Hackney Carriage licensing.

All vehicles shall:

- be capable of carrying not less than 4 and no more than 8 passengers,
- be right hand drive (special conditions apply to stretched limousines)

New and replacement vehicles will also be required to be Euro 4 compliant in terms of vehicle emissions.

Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time.

Sufficient means shall be provided by which any person in the vehicle may communicate with the driver.

All vehicles shall be maintained in sound and roadworthy condition at all times and serviced according to the manufacturer's recommendations.

1.1 Vehicles Type

Left-hand drive vehicles will not be considered for licensing, with the exception of stretched limousines.

In the interests of public safety, passengers travelling in the front passenger seat of any licensed vehicle must be able to exit the vehicle directly onto the footway rather than directly onto the carriageway.

All vehicles for new (or a replacement vehicle) hackney carriage licence applications must be either:

- i) a “London TX Style” type hackney carriage that is wheelchair accessible in **any colour** of the original manufactures specification, or
- ii) a suitable wheelchair accessible vehicle, that is approved by the Council and only if **black** in colour.

All vehicles for new (or a replacement vehicle) private hire licence applications must be either:

- i) a saloon, estate or hatchback type vehicle with at least four side doors, or
- ii) a purpose-built mini-bus designed to carry not less than four or more than eight passengers in any colour of the original manufactures specification **except black.**

All vehicles currently licensed that do not meet the colour criteria may be renewed under grandfather rights providing an application to renew is received prior to the current licence expiring.

1.2 Vehicle Age / Mileage

Hackney Carriage Vehicles

When first licensed, all-purpose built vehicles should be less than 5 years old from the date of first registration.

Hackney Carriages may continue to be licensed to a maximum of 10 years old from the date of first registration.

Private Hire Vehicles

When first licensed, private hire vehicles should be less than 4 years old from the date of first registration.

Private hire vehicles may continue to be licensed to a maximum of 8 years old from the date of first registration

Licensed hackney carriage and private hire vehicles that reach their 10 and 8 year age (from first registration) may continue to be licensed provided that the vehicle is in exceptionally good mechanical and bodywork condition, has no cosmetic defects and the vehicle passes an MOT and Compliance test from the Council's authorised garage.

A vehicle may continue to be licensed until such time as a mechanical or cosmetic defect is found whereby the requirements cannot be achieved. At such a time, the vehicle will no longer be licensed.

If the vehicle requires repair work and will not be completed prior to the expiry of the previous licence, a valid renewal application and fee must have been received prior to the previous licence expiry date for this section to apply.

Where the vehicle mileage is in excess of 150,000 the vehicle will be required to undergo a Full Service annually. Evidence of this service must be shown to the licensing officer before the vehicle will be licensed. These requirements are in addition to the general testing requirements.

It is expected that all vehicles are maintained, serviced and inspected in accordance with the manufacturer's recommended schedule in terms of both mileage and time elapsed.

1.3 Doors

Any vehicle wishing to be licensed as a hackney carriage or private hire vehicle must have at least 4 side-opening passenger doors, which must be capable of being opened from the inside and the outside of the vehicle. All vehicles must have sufficient, safe and suitable access and egress from the vehicle.

1.4 Tyres

Vehicles must be fitted with either all radial or all cross-ply tyres, including the spare wheel.

All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.

Run-flat tyres are acceptable on licensed vehicles.

'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the Original Manufacturers' Specification. If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.

Original Manufacturers' Specification 'tyre repair kits / compressor' are permitted within a licensed vehicle provided they comply with the relevant British Standards.

If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.

All tyres must comply with the vehicle manufactures specifications and have at least 3mm depth of tread at time of testing.

1.5 Mirrors

All vehicles must be fitted with an internal rear view mirror and both near and off side door mirrors in accordance with the appropriate legislation and/or manufacturers' specification.

1.6 Interior Dimensions

There must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort. The minimum requirement of this space is 86 centimetres.

There must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort. There must be at least 18 centimetres between the back of the front seat and the front of the next row of rear seats.

1.7 Seats

Passenger seats must be a minimum of 43 centimetres wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. Measurements are to be taken laterally along the narrowest part of the seat.

Unless the Original Manufacturers' Specification states otherwise, the front seat of the vehicle next to the driver will be regarded as a seat for 1 passenger only.

1.8 Seat Belts

All vehicles must be fitted with fully operational seat belts that are fully compliant with the relevant British Standard. There must be 1 seat belt for each passenger to be carried, except where legislation specifically provides an exemption. In relation to the carriage of children the requirements of all relevant legislation must be complied with.

1.9 Fire Extinguishers

All licensed vehicles must carry an appliance for extinguishing fires. Such an appliance must be suitable for vehicle fires (fire class B and C) and conform to BSEN 3, showing the appropriate kite-mark. The date of expiry must be clearly visible on the extinguisher.

The appliance must be securely fixed in a position readily accessible to the driver. It is acceptable for the appliance to be carried inside the vehicle's luggage compartment; however, it is preferable that the appliance is carried in the passenger compartment.

The extinguisher should be marked with the vehicle registration number or Licence Plate number.

1.10 First Aid Kit

All licensed vehicles must carry a first aid kit suitable for treating minor injuries; these kits should meet the requirements of BS 8599-2 Medium Motorist First Aid Kit.

There is no requirement for a driver to administer first aid treatment; however, the first aid kit should be made available to passengers or any person(s) where appropriate.

Like the fire extinguisher, first aid kits should be stored in such a position to be readily available to the driver at all times.

The first aid kit should be marked with the vehicle registration number or plate number of the vehicle and replenished as necessary.

1.11 Replacement Bulb Kit

All licensed vehicles must carry a suitable replacement bulb kit that meets the vehicle manufacturer's specification.

Once a bulb has been used from the bulb kit, it must be replaced as soon as practicable.

1.12 Warning Triangle

All licensed vehicles must carry a suitable warning triangle. If the vehicle breaks down, the warning triangle should be placed on the road at least 45 metres (147 feet) behind the broken-down vehicle on the same side of the road. Always take great care when placing or retrieving them, but never use them on motorways.

1.13 Ventilation

Windows must be provided to all passenger compartments along with adequate means of opening and closing them. There should be no less than 1 window on either side of the vehicle, in both the front and rear passenger compartments.

1.14 Luggage

Adequate storage for passenger luggage must be available. Any luggage carried must be suitably secured in place without obstructing any exits.

If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle, the compartment must be fitted with a guard-rail or manufacturer's specification cover to prevent luggage from entering the rear passenger compartment. Exemption from this

requirement will only be given where the construction of the vehicle, in the Council's opinion, does not require such a rail or cover.

1.15 Maintenance & Condition of the Vehicle

The exterior of all licensed vehicles shall be maintained in a clean and safe condition at all times. In particular, the exterior of the vehicle shall:

- i) be free of dents;
- ii) be free of visible rust;
- iii) be free of unrepaired accident damage (*except where a Licensing Officer has agreed a time period for cosmetic repairs*);
- iv) have uniform paintwork equivalent to that applied by the manufacturer;
- v) be maintained in an acceptable state of cleanliness, (*discretion may be given during periods of adverse weather*).

The interior of all licensed vehicles shall be maintained in a clean and safe condition at all times. In particular, the interior of the vehicle shall:

- i) be free of all stains to the upholstery,
- ii) be free of all splits and tears to the upholstery,
- iii) be maintained in an acceptable state of cleanliness, and
- iv) provide seats functioning in accordance with the Original Manufacturers' Specification.

For the avoidance of doubt, any vehicle that would not pass the Council Compliance Test or MOT must not be used until such time as the requirements of the Council Compliance Test and MOT can be met.

1.16 Modifications

No material alterations or changes in the specification, design, condition or appearance of any licensed vehicle may be made without:

- i) compliance with road traffic legislation;
- ii) compliance with insurance requirements; and
- iii) obtaining approval for the change(s) from the Council.

1.17 Communication Devices

All two-way radio equipment must be of a type currently approved by the Radio Communications Agency, it must also be securely and safely fitted in accordance with any published guidance.

Only 1 two-way radio may be operational in the vehicle at any one time and this shall be an approved licensed radio used exclusively for the hackney carriage or private hire vehicle.

Any radio equipment must be secured appropriately to the vehicle. This is to ensure that the equipment is not loose in the foot well. The use of elastic bands or blue tac is not seen as an acceptable means to secure this type of equipment.

The use of a Citizen Band (CB) transmitter or receiver is prohibited.

The use of radio scanning devices is prohibited and such devices must not be fitted or carried in the vehicle.

1.18 Meters

In Private Hire Vehicles

Private hire vehicles are not required to be fitted with a taximeter. However where a taximeter or other device for recording fares is fitted, it must be of a type approved by the Council.

Private hire vehicle operators must agree the cost of the journey with the passenger(s) **prior** to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed.

In Hackney Carriage Vehicles

An approved taximeter must be fitted in all hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure. All taximeters must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation.

The taximeter shall be positioned so that the display on the face of the meter is at all times clearly visible to any person being conveyed in the vehicle.

The dial of the taximeter shall be kept properly illuminated at all times when the vehicle is hired.

When the meter is operating there shall be recorded on the face of the meter in clearly legible figures the fare for the journey.

An official copy of the Council's fare tariff shall be clearly displayed and legible in the vehicle so as to be plainly visible to passengers carried therein.

The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver must not be greater than that fixed by this Council (in connection with the fare tariff for the hire of hackney carriages).

In the event of such a journey commencing in but ending outside the District of Hertsmere, there may be charged for the journey, such fare as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that displayed on the meter.

1.19 Trailers

Trailers may only be used with the prior approval of the Council and subject to the following requirements:

- (i) The driver's DVLA driving licence must cover the categories that allow the towing of trailers, currently 'BE' for cars and 'D1E' for a minibus, as amended by any subsequent legislation;
- (ii) The trailer must at all times comply with all requirements of road traffic legislation, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;
- (iii) The vehicle insurance must include cover for towing a trailer;

- (iv) Trailers must not be left unattended anywhere on the highway;
- (v) The speed restrictions applicable to trailers must be observed at all times;
- (vi) A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use;
- (vii) Trailers must be approved by the Council's nominated garage;
- (viii) Trailers must undergo any inspection required by the Council;
- (ix) Trailers must display an identical Licence Plate to the licensed vehicle. The Council may charge an administrative fee for the duplicate plate;
- (x) Trailers cannot be used on a hackney carriage rank and should only be used for specific pre-booked journeys, not whilst plying for hire.

1.20 Disability Access

In the case of vehicles, which are built or adapted for disabled passengers, the design of the vehicle should preferably ensure that any wheelchair is loaded from the side rather than the rear of the vehicle. Whilst the Council prefer vehicles to be loaded from the side, each vehicle will be assessed on its own merits.

Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- (i) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus;
- (ii) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit;
- (iii) A suitable restraint must be available for the occupant of a wheelchair;

- (iv) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper;
- (v) Ramps and lifts must be securely stored in the vehicle before it may move off;

Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I.1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure all drivers have undertaken an enhanced practical driving test which includes how to load, secure and unload a wheelchair safely.

To encourage an increase in the numbers of wheelchair accessible vehicles, the council offers a discount in the licence fee to all vehicles that are wheelchair accessible. Only 1 such reduction in a vehicle licence fee will be applicable.

1.21 Vehicles Powered by Liquid Petroleum Gas (LPG)

An application for a licence in regard to a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle. This certification is required to ensure that the vehicle is considered safe by an approved inspector.

If a vehicle has been converted and an LPG fuel tank has been placed in the boot space there must still be enough available space in order to carry a reasonable amount of luggage.

If the removal of the spare wheel has taken place this must be relocated to a location that is not in the passenger carrying area of the vehicle. If the vehicle is unable to carry a spare wheel then a suitable tyre repair kit / compressor must be carried within the vehicle. If the vehicle is fitted with 'run flat' tyres an exemption from carrying a spare wheel will be granted.

1.22 Tinted Windows

Vehicles registered from 1 April 1985 or later must comply with the following requirements:

1. The front windscreen must let at least 75% of light through;
2. The front side windows must let at least 70% of light through.

Currently there are no legal requirements for tinting of the rear windscreen and rear passenger windows. It is felt that a tint darker than 70% is not suitable in a Private Hire / Hackney carriage vehicle due to the concerns raised over passenger safety. A licence may not be issued on a vehicle that cannot meet the above requirements and a vehicle that has tinted film applied to any windows will not be licensed.

1.23 Insurance

There shall be a policy of insurance, or such security as complies with the requirements of Part VII of the Road Traffic Act 1988, during the duration of the vehicle licence. Under no circumstances will a vehicle licence be granted or renewed without proof that this section has been complied with.

The registered owner of the licensed vehicle shall ensure that it is adequately insured to the satisfaction of the Council and all relevant legislation at all times that it is available for the carrying of passengers.

At any time, if the requirement of this section of the Policy has not been satisfied, the vehicle licence will be automatically suspended until such time as adequate insurance has been obtained.

As case law has established, a vehicle licensed as a hackney carriage or private hire vehicle remains a licensed vehicle at all times until the licence expires or is surrendered, only appropriately licensed hackney carriage or private hire drivers may drive the vehicle. The Council will not, therefore, accept any certificate of insurance that contains persons that do not hold a valid Hertsmere hackney carriage or private hire driver licence (as appropriate) for the vehicle.

1.24 Changes

Any change affecting a licensed vehicle must be notified to the Licensing Officer within 14 days of such change occurring.

When the holder of a vehicle licence wishes to sell the vehicle to another person, they must notify the Council, in writing including the details of who they have sold their vehicle to, including the name, address and licence number of the new owner. This must be carried out **before** the vehicle is sold to another licensed driver. Before such change takes place, the new owner must make an application, provide a certificate of motor insurance for 'private hire' or 'public hire' as applicable and pay the appropriate fee.

If the licensed vehicle is not sold to a licensed driver, all licensed plates must be removed before the sale and returned to the council.

If the licence plates are not returned, this will hold up the process of issuing a licence plate for a new vehicle.

1.25 Unauthorised Use

The proprietor of a Hertsmere licensed hackney carriage or private hire vehicle shall not allow the vehicle to be driven or used for hire by any person who does not hold a valid Hertsmere issued hackney carriage or private hire driver licence.

For the avoidance of doubt, case law has established that once a vehicle is licensed for hackney carriage or private hire purposes, the vehicle remains a licensed vehicle at all times until the licence expires, is surrendered, suspended or revoked.

Even if a licensed vehicle is being used for private social and domestic purposes, it must still meet all the requirements of a licensed vehicle, for example displaying a Licence Plate, no smoking signs and can only be driven by a Hertsmere licensed driver. At no time must anyone smoke within a licensed vehicle.

1.26 Dispensation

Licensing Officers may, in exceptional circumstances, dispense with or amend any of the requirements detailed within this Policy. In doing so, the reasons for granting such a dispensation must be fully explained.

For guidelines on determining dispensations from the display of a private hire licence plate see Appendix E.

APPENDIX D

DRESS CODE

Hertsmere Borough Council is committed to encouraging the professional image of the hackney carriage and private hire trade. The Council considers that drivers should conform to a minimum standard of dress, as set out below, in order to:

- raise and maintain the profile of the licensed trade;
- promote confidence amongst members of public to ensure passengers feel comfortable when using licensed vehicles;
- promote public safety by ensuring the safe operation of licensed vehicles at all times and that licensed drivers are readily identifiable.

The Council does not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.

All drivers are required to dress smartly and to maintain a clean and tidy appearance at all times. Clothing should not be dirty, ripped, snagged, holed or contain words / graphics that are offensive or suggestive.

As a guide to what the council consider “dress smartly” the following guidance is provided:

- (i) Shirt;
- (ii) Polo shirts;
- (iii) Sensible trousers – i.e. Tailored knee length shorts, Chinos, quarter length trousers;
- (iv) Knee length skirts / dresses,
- (v) Shoes- i.e. footwear that fits around the heel of the foot.

The following are deemed to be unacceptable standards of dress within this Code:

- i) Bare chests / mid drift;

- ii) Clothing or footwear which is unclean or damaged;
- iii) Clothing printed with words, logos or graphics which might offend;
- iv) Sports clothing e.g. football, rugby or cricket tops or track suits
(exceptions to this may apply when major sporting events such as world cups or Olympics are taking place);
- v) Footwear that prevents the safe operation of the licensed vehicle such as flip-flops and other beach-type footwear;
- vi) Headgear that partially or completely conceals the face or the identity of the licensed driver e.g. baseball caps, hoodies;
- vii) Shorts, other than smart tailored shorts;
- viii) Short skirts/ dresses.

GUIDELINES FOR DETERMINING DISPENSATIONS FROM THE DISPLAY OF A PRIVATE HIRE LICENCE PLATE

The Local Government (Miscellaneous Provisions) Act 1976 requires that a District Council must issue a private hire vehicle plate with an identity plate or disc and that the proprietor should not use, or permit the use of that vehicle without displaying the plate as directed by the Council. The Act also gives a District Council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle.

The clear identification of a licensed vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centres of large towns that each application for a dispensation will be considered on its own merits as the overriding consideration will be the safety of the public.

Dispensation will not be granted as a matter of course. A clear case for the dispensation will have to be made by the proprietor to the licensing authority. In determining an application it will normally be the status of the passenger and the executive nature of the work that will indicate whether or not the dispensation should be granted. The high quality of the vehicle being used will be supportive of an application, but will not be the sole determining factor. Dispensations will normally be granted only where the work is carried out mainly or wholly out of the District. Journeys conducted wholly or mainly within the District will not be granted a dispensation unless there are exceptional reasons to do so.

The decision to grant or refuse an exemption from displaying the private licence plates both internal / external will be that of Licensing Officers in consultation with the Senior Licensing Officer.

The types of vehicles that would normally be considered for a dispensation would be:

- Mercedes Benz

- BMW 7 Series
- Jaguar XJ SWB and LWB
- Rolls Royce
- Bentley
- Lexus GS
- Audi A8

This list is indicative but is not exhaustive. The vehicle will need to be in immaculate condition both inside and out with no visible defects or marks.

The type of work which would be considered for the grant of a dispensation could be termed 'executive style'.

Such work could include:

- contracts with senior personnel of large companies to carry a managing director or their clients;
- contracts with national or local government, or similar agencies, to carry senior personnel and guests on official business;
- the carriage of well-known personalities such as 'sports' or 'pop' stars;
- the carriage of the bride and/or groom to a wedding (but not guests)

This list is indicative, but not exhaustive. It is expected that the clients concerned require the use of vehicles without normal private hire markings (licence plate, door signs and roof signs) and therefore the services offered to the passengers will be of a standard and class that goes well beyond that expected on a private hire journey normally booked through an operator.

The council expects that vehicles proposed to be exempted will be engaged substantially in the provision of the above type of executive work. Other situations would be considered on their individual merits. Applicants may be required to provide further details and

supporting documentation i.e. contracts if their clients express the need for a licensed vehicle to be exempt from displaying the normal private hire markings.

Where a dispensation is granted the vehicle must not display any indication that it is a private hire vehicle other than the council's blue window badge. This includes radio communication i.e. PDA, window stickers, advertising, company names, telephone, numbers and web site addresses or any form of advert or display that indicates that the vehicle is a private hire vehicle or is available for future hire.

The type of work that will **not** be considered from the grant of a dispensation will include:

- Council 'school contract' work;
- Journeys to airports, seaports or railway stations, unless part of a journey covered by a dispensation; (*it is considered that the proper display of licences plates and is a safety feature when arriving at such venue, particularly in the current climate of possible terrorist attacks*);
- Theatre journeys or sporting events unless stipulated on the dispensation;
- 'Hen' and 'Stag' nights.

This list is indicative, but not exhaustive. In exceptional circumstances, where it can be shown that a particular journey of this nature warrants a dispensation, due consideration will be given to an application.

Drivers of vehicles that have been granted dispensations will be expected to be dressed smartly i.e. suit and tie, tailored dress etc.

Vehicles that qualify for a dispensation, the following additional conditions will apply:

1. The vehicle will be luxurious and of a higher specification than standard model vehicles. It should be relatively new, ideally under 3 years old (*though age will not*

preclude the licensing of a vehicle in exceptionally good condition) and be of suitable size, appearance and design.

2. All bookings requiring an exempt vehicle must be made by way of a written contract. Such contracts must be in place for no less than 24 hours prior to the commencement of the journey. Written contracts shall be made available for inspection by an Authorised Officer or Police Constable at any reasonable time and be retained for a period of not less than 12 months.
3. Exempt Vehicles that conduct Private Hire work without a written contract in place as per condition 2 above will have their exempt vehicle status withdrawn. They will then be required to display the Hertsmere Borough Council standard Private Hire Vehicle Licence plate both internally and externally on the vehicle.
4. Exempt vehicles shall not display any external markings e.g. operator details or advertisements.
5. Exempt vehicles shall not commence a booked journey from or within the immediate vicinity of any private hire booking facility, except in such cases where a pre-existing contract, as described in condition 2, is in place.
6. Vehicles will be required to display on the front window screen a blue sticker indicating that the vehicle is a licensed private hire vehicle with Hertsmere Borough Council.
7. Vehicles qualifying for exempt status will be required to carry the internal and external private hire licence plates within the vehicle. A copy of the private hire vehicle paper licence and Exemption Notice must also be carried within the vehicle and must be available for inspection (on request) by any interested party.
8. The hirer must be advised in advance of the journey that the vehicle dispatched to collect them will not be displaying the standard private hire vehicle licence plates.
9. Hertsmere licensed exempt vehicles can only be driven by a Hertsmere licensed private hire driver.

10. When the licensed vehicle is not engaged on work covered by the dispensation, the vehicle must display the private hire vehicle licence plates in accordance with licensing conditions.

11. Any breach of the exempt vehicle conditions could result in the vehicle having its exempt vehicle status withdrawn and the vehicle must then display the private hire vehicle licence plate.

LICENCE CONDITIONS APPLICABLE TO PERSONS GRANTED A COMBINED LICENCE TO DRIVE BOTH A PRIVATE HIRE VEHICLE AND A HACKNEY CARRIAGE VEHICLE UNDER THE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

These are the Standard Conditions attached to the grant of a Hackney Carriage (HC) / Private Hire (PH) Driver Licence; breach of these may constitute an offence. Thus, the driver should read these Conditions carefully and ensure they understand them.

In these Conditions, unless the subject or context otherwise requires, "*the Council*" means Hertsmere Borough Council, "*the Licensing Officer*" means any Officer authorised by the Council under the 'Local Government (Miscellaneous Provisions) Act 1976', "*Proprietor / Operator*" means the holder of a HC Proprietor's / PH Operator's Licence, "*Driver*" means the holder of a HC / PH Driver's Licence, "*Vehicle*" means a vehicle with a HC / PH Vehicle Licence, and "*Licence*" means a licence issued by the Council under the Local Government (Miscellaneous Provisions) Act 1976.

Each licence shall expire on the date shown on the licence and is not valid after that date and will be subject to the following conditions.

1. The Licence is issued in respect of the person whose details are printed on the licence and is non-transferable. If at any time during the period of the Licence the holder does not wish to retain any of the Licences, they shall surrender the Licences to a Licensing Officer at the Council - only then are they not bound by these Conditions attached to the Licence.

Please Note - there is no refund to any part or whole of the Licence fee in such circumstances.

2. Each licence shall expire on the date shown on the licence and is not valid after that date. Any driver who fails to renew their licence within 1 month of the expiry date must apply as a 'new driver', the licence will not be 'renewed'.
3. Drivers must deposit a copy of their paper private hire licence(s), DVLA driving licence, MOT, insurance certificate and any other documents the operator may require, with their private hire operator, who shall retain such documents during the period of their employment with them and shall return it to the driver when they cease to be employed by or with that operator.
4. The driver shall notify the Council and his / her operator in writing of any change(s) of address during the period of the Licence as soon as possible and in any event within 7 days of such change(s) taking effect.
5. The driver shall notify the Council in writing of any caution(s) / conviction(s) including DVLA Licence endorsements and fixed penalty tickets imposed on him / her during the period of the HC / PH driver Licence as soon as possible and in any event within 7 days of such caution(s) / conviction(s) being imposed.
6. Drivers must report to the Council as soon as is reasonably practicable and in any case within 72 hours, the occurrence of any accident / incident involving their licensed vehicle, whether or not any damage materially affecting the safety, performance or appearance of the vehicle has occurred.
7. The private hire driver shall also report to their private hire operator as soon as is reasonably practicable and in any case within 24 hours of the occurrence, any accident / incident to their private hire vehicle which caused damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle.
8. Following a road traffic accident or any other incident involving a licensed vehicle being driven by you where there is a likelihood of any dispute over damage or injury, you must give full details of yourself, the owner of the vehicle (if different from yourself) and the insurance for the vehicle to any person reasonably requesting the information within 7 days of such a request being made.

9. If the driver is not the owner of the licensed vehicle that is involved in a road traffic accident or any other incident, the owner of the vehicle must be notified as soon as reasonably practicable and in any case within 72 hours of the accident/ incident.
10. Where, following an accident or damage to a licensed vehicle, it is the intention of the driver to continue using the vehicle for hire and reward / public hire purposes, the vehicle must be inspected initially by the Licensing Officer and then if necessary at the Council's testing facility (at the drivers expense), to determine its fitness for continued use. If the vehicle cannot be inspected by the local authority the licence will be suspended until such time the vehicle can be presented to an officer for inspection.
11. A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:
 - the damage to or defect of the vehicle has been reported within 72 hours;
 - an application and appropriate fee is made in the usual way for a change of vehicle;
 - the replacement vehicle meets Hertsmere Borough Council's criteria and has a new MOT and compliance test from the nominated testing station, certificate of insurance and letter of authorisation from the hiring company.
12. The licensed driver shall at all times be smart, clean and respectable in his / her dress and person, and behave in a polite and courteous manner to passengers and other members of the public and road-users alike.
13. The licensed driver shall at all times when acting in accordance with this licence, wear in such a position as to be plainly and distinctly visible the badge issued to him/her by the Council pursuant to Section 54(1) of the Local Government (Miscellaneous Provisions) Act 1976. Hanging from the internal mirror is not acceptable.
14. The licensed driver must report the loss of their driver badge and or licence to the Council as soon as such loss becomes known.

15. The driver badge remains the property of the Council and should be returned on expiry of the licence or surrendered on demand of an authorised officer of the Council or Police Constable.
16. The driver shall take all reasonable steps to ensure the safety and comfort of all passengers being transported in, entering, and leaving the vehicle and offer all reasonable assistance with any luggage or other baggage that the passenger may have.
17. Any substantiated complaints received by the Council regarding the standard of a drivers driving or if poor standards of driving are witnessed by a licensing officer or by a police officer, the driver may be required to undergo and pass a further practical driving test within a specified period at the cost of the driver. This test may be of a higher standard than previously undertaken.
18. The licensed driver shall not consume alcohol whilst working, whether actually driving or not, or whilst off duty on the evening prior to or on a day they will be on duty. Upon request, a driver could be breath tested when attending a routine appointment or during any enforcement activity. Any driver who is disqualified from driving for a drink drive or similar offence will have their licence revoked and will be barred from obtaining another private hire / hackney carriage licence for a period defined in the council's conviction policy.
19. The licensed driver shall not eat or drink in his / her Vehicle whilst carrying fare paying passengers.
20. A licensed driver shall not smoke in their vehicle or permit any other person to smoke in their vehicle whether they are working or not. Under the Health Act 2006 all private hire / hackney carriage vehicles are required to be smoke-free **at all times** even when not being used for work purposes. 'No Smoking' signage must be displayed in the vehicle in accordance with the legislation. Failure to comply with the above may lead to a fixed penalty notice being issued or a criminal prosecution.

21. The use of electronic / vapour cigarettes are also not permitted to be used in a licensed vehicle. The lack of knowledge and research into the long term effects to the exposure of these devices is unknown and therefore the same smoke free requirements as stated above should also apply to these devices.
22. The licensed driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
23. The licensed drivers must not without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
24. The fare agreed by the operator and the hirer for a particular journey should not be altered by the driver unless there has been a change made to the original booking. If such change occurs the driver must inform their operator. If the licensed vehicle is fitted with a taximeter, a fare in excess of that displayed must not be charged.
25. The licensed driver shall not sound the horn of their licensed vehicle to notify the passenger of his / her arrival. The sounding of the horn is only to be used within the guidelines as set out in the appropriate legislation and the Highway Code.
26. Upon request by the hirer, the driver shall provide a receipt for the hiring, showing the date and fare paid, and shall be signed by the driver. Any such receipt shall also be in a form as to identify the proprietor / operator with whom the hiring was made.
27. A licensed driver must undergo a medical examination as prescribed by the council, confirming their fitness to drive a licensed private hire vehicle as and when required by the council. Failure to do so will result in the suspension of the private hire driver licence until a satisfactory medical can be produced to an authorised officer.
28. A licensed driver must not drive a licensed vehicle if they are suffering from any disease or disability which would cause the licensed vehicle being driven by them to be a danger to the public.

29. A licensed driver must ensure that they can, at all times meet the eyesight requirements specified by the Department of Transport driving test.
30. A licensed driver must notify the council and their operator (*private hire driver*) of any illness, injury or other impairment affecting their ability to drive immediately. A driver may be required to undergo a further medical examination in accordance with the DVLA guidelines.
31. The licensed driver must not use any hand held communications or navigation devices or similar (such as mobile telephone, two way radio, satellite navigation device or personal digital assistant) whilst driving.
32. All Communications Devices must be securely fitted within the vehicle and appropriately located as to not interfere with operation of the vehicle.
33. In order to protect passenger confidentiality, a licensed driver must neither retain nor publish any image, sound or information of any passenger(s) captured on a hand held recording device, or any other form of recording device, except where this is to an authorised officer or police.
34. The licensed driver shall not accept any person as a passenger in a private hire vehicle unless the passenger or someone on his/her behalf has previously pre-booked the journey through the business premises of a Hertsmere licensed private hire operator.
35. The licensed driver must produce their driver licence/badge at the request of an authorised officer of the Council and / or a police officer, either immediately or within 5 days of the request at a specified location.
36. If a licensed driver is going to be away from their address for more than a period of 28 days and another Hertsmere licensed driver will be using their licensed vehicle in their absence, the owner of that licensed vehicle must provide to the Council prior to the absence the name, address, contact telephone number and licensed driver number of the driver.

LICENCE CONDITIONS APPLICABLE TO PERSONS GRANTED A PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE LICENCE UNDER THE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 & TOWN POLICE CLAUSES ACT 1947

1. A vehicle will not be granted a licence if it is licensed in another district. This is due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, mechanical conditions, suspensions and revocations).
2. A vehicle licence is granted in respect of the person and vehicle whose details appear on the licence and is non-transferable. If at any time during the licence period, the named driver does not wish to continue with the licence, it must be surrendered to the Council. Only then are they not bound by these Conditions attached to the Licence.

There would be no full or part refund of the Licence fee in such circumstances.

3. The vehicle shall not be of a design and appearance as to lead any person to believe that the vehicle is a hackney carriage. (See Section 48 of the 'Local Government (Miscellaneous Provisions) Act 1976'):

All vehicles for new (or a replacement vehicle) private hire licence applications must be either:

- a saloon, estate or hatchback type vehicle with at least four side doors, or
- a purpose-built mini-bus designed to carry not less than four or more than eight passengers in any colour of the original manufactures specification **except black.**

4. *Hackney Carriage Vehicles*

When first licensed, all-purpose built vehicles should be less than 5 years old from the date of first registration.

Hackney Carriages may continue to be licensed to a maximum of 10 years old from the date of first registration.

Private Hire Vehicles

When first licensed, private hire vehicles should be less than 4 years old from the date of first registration.

Private hire vehicles may continue to be licensed to a maximum of 8 years old from the date of first registration

5. Roof signs are not permitted on private hire vehicles as the vehicle maybe mistaken for a hackney carriage vehicle.
6. Licensed drivers must not drive a licensed vehicle if it does not comply with the Road Vehicles (Construction and Use) Regulations 1986 as amended.
7. Before commencing work each day, licensed drivers must ensure that their vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended.
8. The interior shall be free of all stains, splits, tears and the seats shall function in accordance with the original manufacturer's specification. All lights, doors, door locks, boot / tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods should be operating correctly
9. The exterior of the vehicle shall be free of dents, rust or unrepaired accidental damage and shall at all times have uniform paintwork equivalent to that supplied by the manufacturer.

10. All licensed vehicles must carry a fire extinguisher which must be a minimum of 1kg dry powder type and comply with British Standard EN3. This must be located and securely fixed in an accessible location.
11. All licensed vehicles must carry a first aid kit. The contents should contain sufficient items, which would meet any minor emergency.
12. The boot must be kept clear for use by the passengers except for storage of a spare wheel and jack and any other essential tools and / or spare parts. There must be adequate means for securing a reasonable amount of luggage;
13. Any radio equipment, taxi meter must be secured appropriately to the vehicle. The use of elastic bands, blue tac etc is not an acceptable means to secure this type of equipment.
14. The use of a Citizen Band (CB) transmitter/receiver and the use of radio scanning devices is prohibited and must not be fitted or carried in the licensed vehicle at any time.
15. No material alteration or change in the specification, design, condition, or appearance of the vehicle is made during the period of the Licence without the prior approval of the Council;
16. Licensed vehicles must have a current MOT / Statement of Compliance issued by one of the Council's Appointed Garages or any other Testing Station the Council may prescribe.
17. The licensed vehicle may be subject to further inspections after the grant of a licence. Should the vehicle be found to be not being properly maintained or any part or fitting is not in good working order, a Notice will be served on the owner of the licensed vehicle setting out the defects. The vehicle licence may be suspended until such time the defect(s) has / have been remedied and the vehicle has successfully passed re-inspection. An MOT may also be required at the owner's expense.

18. If a licensed driver is requested to present their licensed vehicle for an inspection at a nominated place and time they must attend on time unless he / she have advised the Council within a reasonable time beforehand. Proof may be required as to the reason why the inspection could not take place. Failure to appear may lead to the suspension of the licence.
19. Where a vehicle licence has been suspended, revoked, expired, or the vehicle has had a Notice served upon it, a Police Constable or Authorised Officer is entitled to remove and retain the Licence.

If the licensed vehicle has undergone any repairs or cosmetic improvements, they must be of a high standard equivalent to the manufacturer specification.

20. A licensed vehicle can only be driven by a person who holds a Hertsmere private hire driver licence.
21. The licensed vehicle's interior licence badge shall be clearly displayed showing the licence number and maximum number of passengers licensed to carry. This must be visible to all persons being carried in the vehicle. At no time will the licensed driver carry more passengers than the vehicle is licensed to carry.
22. A licensed vehicle exempted from displaying the licensed plate shall instead display inside the vehicle a licence sticker issued by the Council. This must be affixed to inside of the nearside front windscreen bearing the licence details, this must be facing to the outside of the vehicle. A written Notice of Exemption will also be provided, which must be kept in the vehicle for inspection at all times. The licensed driver must also carry the internal and external private hire licensed plate within the vehicle at all times.
23. The driver shall not park their vehicle at such 'public' locations or positions whereby the vehicle's appearance makes it look like the vehicle is available for immediate hire or wait / park in a location which may encourage an approach from a member of the public to enquire as to the vehicle's availability for hire.

Such activity may constitute illegal plying for hire, whether or not an actual hiring took place.

24. If the licensed vehicle breaks down, or in any way becomes unfit to carry the passenger(s) to the destination for which it has been engaged:-
- the licensed driver shall not demand or take any fare for the distance already travelled unless 50% or more of the journey has been undertaken, only then can a fare be charged. However not more than 50% of the total fare must be charged;
 - the licensed driver must, without delay, arrange suitable alternative transport to carry the passenger(s) from the place where the licensed vehicle has broken down to their destination. If the passenger(s) voluntarily request to wait until the licensed vehicle again becomes fit to transport them to their final destination, the licensed driver shall be entitled to demand and take the full fare for the hiring, exclusive of time during which the passenger(s) waited;
 - the circumstances of the breakdown shall be notified to a Licensing Officer as soon as possible and in any event within 3 days of the breakdown occurring.
25. The vehicle licence plate issued by the Council must be permanently and securely fixed to the outside rear of the vehicle to the satisfaction of the Licensing Officer. It must be kept in such a position and condition so as to be permanently visible to the public. The vehicle licence plate must not be displayed in the rear window.
26. The vehicle licence plate is the property of the Council and must be returned on expiry of the licence or if the vehicle is sold. If the vehicle is lost or stolen, it must be reported to the Police and the Licensing Officer as soon as possible and in any event within 3 days of such an occurrence.
27. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in, or from the licensed

vehicle except as may be required by any statutory provision of these Conditions or have been authorised in advance by the Council.

The above shall not apply to a disc or to a sign on or from a vehicle:-

- which indicates membership of a motoring organisation, or;
- showing the name / logo of the private hire operator and / or their telephone number.

28. The private hire driver shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left within the vehicle.

29. The private hire driver of a licensed vehicle shall, if any property has been accidentally left by any person who may have been conveyed in the vehicle has been found by or handed to him, must attempt to return it to the rightful owner. Failing this, the lost property must be returned to the Operator for their retention in accordance with their Operator Conditions.

Where the owner/loser of the property collects the property from the driver or the operator base, no charge may be made for the return of the property.

Where the property is returned to the owner / loser by a private hire vehicle, the normal charge for the journey may be made but the charge must be agreed to by the owner / loser in advance of the journey being made.

30. The licensed driver shall not park / position his / her licensed vehicle in such a manner as to cause obstruction on a public highway.

31. If the licensed vehicle is fitted with a taximeter the proprietor shall notify the Council immediately if, for any reason, this meter's seal is broken.

32. Licensed vehicles fitted with a taximeter shall not operate unless the meter is in working condition and has been checked and sealed by an independent qualified

engineer supplying or fixing the meter and a written certificate to this effect had been delivered to the Council.

33. The proprietor or driver of a hackney carriage or private hire vehicle shall:
- ensure that a statement of the fares fixed be affixed to the inside of the vehicle in clearly distinguishable letters and figures;
 - renew such letters and figures as often as is necessary to keep them clearly visible;
 - the proprietor or driver of a hackney carriage or private hire vehicle bearing the statement of fares shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire;
 - the above tariffs shall be either the statement of fares established by the Council or by an operator.
34. If a licensed driver transfers his interest in a vehicle to somebody else he must immediately give notice of the transfer to the licensing officer, giving the name and address of the transferee. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until the vehicle licence has been transferred to that person and all documentation completed and any necessary fees paid.
35. No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to a Licensing Officer.
36. The vehicle licence plate must be clearly displayed on the rear of any trailer used, this licence plate is in addition to that on the rear of the vehicle.
The contents of the trailer must be secured and covered in a proper manner. Any trailer used must comply with regulations in all respects and where required, the licensed driver must hold the appropriate licence category as issued by the DVLA.

37. ***For hackney carriage vehicles only:***

The licensed driver shall cause to be clearly displayed and maintained inside the the licensed vehicle, the Hackney Carriage 'Table of Fares' as provided by the Licensing Officer. The 'Table of Fares' must be clearly visible and legible to passengers.

The licensed driver shall ensure that the taximeter provided within the licensed vehicle is to be constructed, attached and maintained as to comply with the following requirements:-

- the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
- the key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figure, a fare not exceeding the rate of fare which the proprietor or licensed driver is entitled to demand and take for the hire of the hackney carriage by time as well as for distance in pursuance of the tariff fixed by the Council in that behalf;
- the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- the taximeter shall be placed so that all letters and figures on the face of the taximeter are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during the period of hiring; and
- the taximeter and all the fittings shall be affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except

by breaking, damaging or permanently displacing the seals or other appliances. A Calibration Certificate must be produced to the Council following the meter calibration.

The driver shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed from time to time by the Council and shown on the Table of Fares, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring a desire to engage by time. Provided always that when the fare is calculated by distance, the licensed driver shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised from time to time by the Council which it may not be possible to record on the face of the taximeter.

Failure to comply with any of the above conditions may result in prosecution and / or the licence being suspended and / or revoked.

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 I. These byelaws may be reviewed from time to time.

LICENCE CONDITIONS APPLICABLE TO PERSONS GRANTED A PRIVATE HIRE OPERATOR LICENCE UNDER THE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1. The Licence is issued in respect of the person(s) and premises whose details are named on the licence which is non-transferable. If at any time during the period of the licence the operator for any reason does not wish to retain the Licence, the licence shall be surrendered to the Licensing Officer at the Council.

There would be no full or part refund of the licence fee in such circumstances.

2. It is the responsibility of the operator to obtain appropriate planning, building control or any other relevant permission in respect of the premises.
3. If the operator address specified on the licence is accessible to members of the public, the private hire operator licence must be displayed in a prominent position in view of the public. The Conditions attached to the operator licence must be kept on the premises and be available for inspection by members of the public and any authorised officer upon request.
4. The operator premises shall be kept clean, adequately heated, lighted and ventilated and must be smoke free at all times. 'No Smoking' signage is also required and must be displayed in accordance with the Health Act 2006.
5. The operator shall ensure that any passenger waiting area provided is:
 - Kept clean and in good repair and is adequately heated, ventilated and lit;
 - Separate from any drivers rest area and operations room;
 - Provided with adequate seating facilities;
 - That the premises in general comply with Health & Safety legislation applicable to the public and staff alike and any planning requirements / conditions etc.

6. The operator shall provide a prompt, efficient, and reliable service and for this purpose shall in particular:-
 - ensure that when a private hire vehicle has been booked, the driver and vehicle attend at the appointed time and place punctually, unless unforeseeably delayed or prevented by sufficient cause. If there is a known delay, the customer should be informed of this as soon as possible;
 - ensure that all licensed drivers, when working, are presentable and wearing their driver badge. The vehicle should be clean, roadworthy and that the private hire licence plate issued by the Council is affixed to the vehicle in such a manner and position as prescribed by the Council. No private hire licence plate should be displayed in the rear window.
7. The operator, controller(s), driver(s) or anyone else connected with the business must not refuse a booking or otherwise discriminate against a customer or other member of the public either directly or indirectly on the grounds of gender, age, marital status, social class, race colour, ethnic or national origin, religion, disability (including the carrying of assistance animals) or sexual orientation.
8. The operator shall not cause any advertisement in respect of his / her business or the vehicles used for that purpose to include the words 'taxi' or 'cab', whether in the singular or plural, or any such other words that may be similar in meaning or appearance to either of those words, whether alone or as part of another word(s).
9. Only licensed vehicles may carry advertisements in relation to the private hire operator and any such advertisements must be submitted to and approved by the Licensing Officer at the Council prior to being used. Only the private hire operator business name and telephone number will be allowed. In addition to this requirement, an advertisement bearing the words 'Advanced Booking Only', 'Pre-Booked', or words to a similar effect, may be allowed but will be of a restricted size.
10. The operator shall keep comprehensive records of all licensed drivers undertaking private hire work, such as:-
 - The licensed driver's full name;

- Current address;
- Telephone number – mobile and home;
- Copy of the DVLA driving licence;
- Hertsmere BC issued private hire driver and vehicle licences;
- Vehicle details: make, model, colour, registration number;
- Vehicle identification documentation i.e. MOT, insurance certificate(s) / cover notes – copies of these documents shall demonstrate continuing insurance cover;
- The date when the driver began working and subsequently the date they stopped;

11. A monthly inspection of the general condition of all the licensed vehicles used by the Operator must be recorded either electronically or by any other method and be available for inspection by an authorised officer or police officer.

The details to be recorded are:

- vehicle cleanliness and tidiness;
- condition of bodywork / bumpers;
- tread on tyres;
- seatbelts;
- windscreen washers and wipers;
- all lights;
- brakes / handbrake;
- horn;
- mirrors;
- oil and brake fluid levels;
- fire extinguisher / first aid kit
and any other items the Operator feels relevant

It is for the Operator to develop their own standard format for the vehicle inspection log, so long as the above items are specifically covered.

12. Details of all bookings undertaken must be recorded either electronically or by any other method and be available for inspection by an authorised officer or police officer.

The details to be recorded are:

- the date and time of the booking;
- the name of the hirer, **in every case**, including base fares;
- how the booking was made i.e. in person, by telephone etc.
- the pick-up point and time (and date if different to above);
- the destination;
- driver (call sign);
- fare quoted to the hirer;
- any remarks (including details of any sub-contract);
- the identity of the person who took the booking

13. Details of the daily start and finish times for each licensed driver must be recorded either electronically or by any other method and be available for inspection by an authorised officer or police officer.
14. Any complaints made against the operator, driver(s), vehicle(s), or any other aspect of the business, must be recorded either electronically or by any other method and be available for inspection by an authorised officer or police officer. Any complaint received should show what action has been undertaken and if the complaint has been resolved.
15. There must be in place a complaint / procedure policy giving details of what procedures will be followed if a complaint is made. This document must be made available for inspection by an authorised officer.
16. At the request of the Council, an operator must produce at a date to be agreed, all records of complaints received during that period of time.
17. Any items of lost property found within the vehicles / operating premises shall be kept for a period of 3 months (with the exception of perishable items) pending it being claimed by or on behalf of the hirer. After this period of time, the lost property should then be passed to the Licensing Officer at the Council for further record keeping and storage / disposal as the Licensing Officer sees fit.

18. If the lost property has significant value, i.e. money, passport, phone, DVLA licence etc or it would be unlawful for a 'normal person' to possess it, i.e. it could be stolen, drug related, firearms, knives etc., then the item(s) must be handed in to the nearest police station. A record of the reference number given by the police must be recorded against the lost property.
19. All lost property, whether handed into the police station or not, must be recorded either electronically or by any other method and be available for inspection by an authorised officer or police officer.
20. All accidents that happen on the business premises, whether they are to staff or the general public must be recorded either electronically or by any other method and be available for inspection by an authorised officer or police officer.
21. Any other relevant information as may be prescribed by the Council.
22. Any records referred to in these conditions must be kept at the operator address referred to in the operator licence and be readily available for inspection by an authorised officer of the Council or Police Officer upon demand at any reasonable time and without prior notice.
23. All records shall be kept for a period of not less than 1 year from the date of the last entry and any records stored electronically must be capable of being downloaded and/or printed.
24. The Operator shall not permit the use of unlicensed drivers or vehicles.
25. The Operator shall notify the Council in writing of any change(s) in business or personal name(s), address(es), or telephone number(s) during the period of the licence as soon as possible, and in any event within 7 days of such change(s) taking effect. In the case of such changes taking effect, a new licence may have to be applied for.
26. The Operator shall not permit or encourage drivers to wait in their vehicles at such 'public' locations or positions whereby the vehicle's appearance makes it look like

it is available for immediate hire and / or its location may encourage an approach from a member of the public to enquire as to the vehicle's availability for hire (which may or may not result in an actual hiring) which, had the driver / vehicle not been at that location, might not otherwise have been requested.

Such activity may constitute illegal plying for hire, whether or not actual hiring's are obtained for which the driver can be prosecuted and have their licenses suspended and or revoked.

27. The operator shall notify the Council in writing of any changes of drivers and / or vehicles engaged / operated by him / her during the period of the licence as soon as possible and in any event within 7 days of the change(s) taking effect.
28. The operator shall notify the Council in writing of any caution(s) and / or conviction(s) imposed on him / her including DVLA Licence endorsements during the period of the Licence as soon as possible and in any event within 7 days of such caution(s) / conviction(s) being imposed.
29. Section 55A of the 1976 Act, inserted by the Deregulation Act 2015 permits operators licensed by the Council to sub-contract a private hire booking to another operator licensed by the Council or to any other licensed operator holding a private hire licence granted by another local authority. The booking must not be sub-contracted directly to a licensed driver.
30. The operator must advise the customer that the booking will be sub-contracted to another licensed operator and give the details of that licensed operator.
31. If there is a waiting area for members of the public and/or drivers there must not be available any gaming machines. This is an offence under the Gambling Act 2005.
32. At the request of the Council, an operator may be required to source 'Customer Service' training for all call handling staff based at the operator premises within a period of time as agreed by the Council.

BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Hertsmere Borough Council with respect to hackney carriages in the district of Hertsmere in Hertfordshire

Interpretation

1. Throughout these byelaws “the council” means the Hertsmere Borough Council and “the district” means Hertsmere in Hertfordshire.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed.

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a hackney carriage shall:-

(i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;

(ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:-

(a) provide sufficient means by which any person in the carriage may communicate with the driver;

(b) cause the roof or covering to be kept water-tight;

(c) provide any necessary windows and a means of opening and closing not less than one window on the side;

(d) cause the seats to be properly cushioned or covered;

(e) cause the floor to be provided with a proper carpet mat or other suitable covering;

(f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use and
- (i) provide at least two doors for the use of persons conveyed in such a carriage and a separate means of ingress and egress for the driver.

4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:-

- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the tariff fixed by the council;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.

5. The driver of a hackney carriage provided with a taximeter shall:-

- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;

- (b) before beginning a journey for which a fare is charged for distance, bring the machinery of the taximeter into action by moving the key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of hiring which is between half-an-hour before sunset and half an hour after sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall when plying for hire in any street and not actually hired:-
- (a) proceed with reasonable speed to one of the stands appointed by Council resolution;
 - (b) if a stand, at the time of his arrival, is occupied by a full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction and
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importing any person to hire such carriage.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place;
11. The proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

12. If a badge has been provided by the council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-

- (a) convey a reasonable quantity of luggage;
- (b) afford a reasonable assistance in loading and unloading and
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such a person.

Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares.

14. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

16. The proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein

17. The proprietor or driver of a hackney carriage shall if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-

- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it and
- (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

OFFENCES IN RESPECT OF LEGISLATION

In relation to the maximum penalties specified, the levels of fine are currently as follows:

Level 1 - £200

Level 2 - £500

Level 3 - £1,000

Level 4 - £2,500

Any subsequent amendments to the legislation will supersede the tables below and this appendix may be amended to reflect the revised legislation by way of an addendum to this Policy.

Town Police Clauses Act 1847

Section	Offence	Maximum Penalty
40	Giving false information on an application for a hackney carriage licence.	Level 1
44	Failure to notify a change of address of a hackney carriage proprietor	Level 1
45	Plying for hire without a hackney carriage proprietor's licence	Level 4
47	Driving a hackney carriage without a hackney carriage driver's licence	Level 3
47	Lending or parting with a hackney carriage driver's licence	Level 3
47	Hackney carriage proprietor employing an unlicensed driver	Level 3
48	Failure by a hackney carriage proprietor to hold a hackney carriage driver's licence	Level 1
48	Failure by a hackney carriage proprietor to produce a hackney carriage driver's licence	Level 1
52	Failure to display a hackney carriage plate	Level 1
53	Refusal to take a hackney carriage fare	Level 2
54	Charging more than the agreed hackney carriage fare	Level 1
55	Obtaining more than the legal hackney carriage fare	Level 3 and 1 month's

		imprisonment
56	Travelling less than the lawful distance for an agreed hackney carriage fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal hackney carriage fare	Level 3
59	Carrying other persons in a hackney carriage other than with the consent of the hirer	Level 1
60	Driving a hackney carriage without the proprietor's consent	Level 1
60	Allowing another to drive a hackney carriage without the proprietor's consent	Level 1
61	Drunken driving of a hackney carriage	Level 1
61	Wanton or furious driving of a hackney carriage leading to injury or danger	Level 1
62	Driver leaving a hackney carriage unattended	Level 1
64	Hackney carriage driver obstructing other hackney carriages	Level 1

Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Maximum Penalty
46(1)(a)	Using an unlicensed private hire vehicle	Level 3 by virtue of s76
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence	Level 3 by virtue of s76
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	Level 3 by virtue of s76
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	Level 3 by virtue of s76
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	Level 3 by virtue of s76
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver	Level 3 by virtue of s76
48(6)	Failure to display a private hire vehicle plate	Level 3 by virtue of s76
49	Failure to notify the Council of the transfer of a hackney carriage or private hire proprietor's licence	Level 3 by virtue of s76
50(1)	Failure to present a hackney carriage or private hire vehicle for inspection, as required	Level 3 by virtue of s76
50(2)	Failure to inform the Council where the hackney	Level 3

	carriage or private hire vehicle is stored, if requested	by virtue of s76
50(3)	Failure to report an accident to the Council involving a hackney carriage or private hire vehicle	Level 3 by virtue of s76
50(4)	Failure to produce the hackney carriage or private hire vehicle proprietor's licence and insurance certificate	Level 3 by virtue of s76
53(3)	Failure to produce the hackney carriage or private hire driver's licence	Level 3 by virtue of s76
54(2)	Failure to wear a private hire driver's badge	Level 3 by virtue of s76
56(2)	Failure by a private hire operator to keep records of bookings	Level 3 by virtue of s76
56(3)	Failure by a private hire operator to keep records of private hire vehicles operated by him	Level 3 by virtue of s76
56(4)	Failure to produce a private hire operator's licence on request	Level 3 by virtue of s76
57	Making a false statement or withholding information to obtain a hackney carriage or private hire driver's licence	Level 3 + £10/day fine
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a hackney carriage or private hire proprietor's licence	Level 3 by virtue of s76
61(2)	Failure to surrender a hackney carriage or private hire driver's licence after suspension, revocation, or refusal to renew	Level 3 by virtue of s76
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank	Level 3 by virtue of s76
66	Charging more than the meter fare for a hackney carriage journey ending outside the District, without prior agreement	Level 3 by virtue of s76
67	Charging more than the meter fare when a hackney carriage is used as a private hire vehicle	Level 3 by virtue of s76
69	Unnecessarily prolonging a journey	Level 3 by virtue of s76
71	Interfering with a taxi-meter	Level 3 by virtue of s76
73(1)(a)	Obstruction of an Authorised Officer of the Council or a Police Officer	Level 3 by virtue of s76
73(1)(b)	Failure to comply with a requirement of an Authorised Officer of the Council or a Police Officer	Level 3 by virtue of s76
73(1)(c)	Failure to give information or assistance to an Authorised Officer of the Council or a Police Officer	Level 3 by virtue of s76

Transport Act 1980

Section	Offence	Maximum Penalty
64(2)(a)	Driving a private hire vehicle with a roof sign which contravenes s64(1)	Level 3
64(2)(b)	Causing or permitting a private hire vehicle to be driven with a roof sign which contravenes s64(1)	Level 3

Equality Act 2010

Section	Offence	Maximum penalty
<p>Passengers in wheelchairs</p> <p>Section 165 (4)</p>	<p>(a) not to carry the passenger while in the wheelchair;</p> <p>(b) to make any additional charge for doing so;</p> <p>(c) if the passenger chooses to sit in a passenger seat, not to carry the wheelchair;</p> <p>(d) not to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;</p> <p>(e) not to give the passenger such mobility assistance as is reasonably required.</p>	Level 3
Section 165 (5)	<p><i>Mobility assistance:</i></p> <p>(a) not to enable the passenger to get into or out of the vehicle;</p> <p>(b) if the passenger wishes to remain in the wheelchair, not to enable the passenger to get into and out of the vehicle while in the wheelchair;</p> <p>(c) not to load the passenger's luggage into or out of the vehicle;</p> <p>(d) if the passenger does not wish to remain in the wheelchair, not to load the wheelchair into or out of the vehicle.</p>	Level 3
Assistance dogs in taxis	(a) not to carry the disabled person's dog and allow	

Section 168 (2)	it to remain with that person; (b) to make any additional charge for doing so.	Level 3
Assistance dogs in private hire vehicles Section 170 (1)	<i>The operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle:</i> (a) if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and (b) if the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.	Level 3
Section 170 (2)	The operator commits an offence by making an additional charge for carrying an assistance dog which is accompanying a disabled person.	Level 3
Section 170 (3)	<i>The driver of a private hire vehicle commits an offence by failing or refusing to carry out a booking accepted by the operator.</i> (a) if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and (b) if the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog.	Level 3

Health Act 2006

Section	Offence	Maximum penalty
Section 6(5)	Failure to display no-smoking sign in a smoke free premise or vehicle (occupier or manager)	FPN £150 (if paid in 15 days) £200 (If paid in 29 days) Court: Level 3
Section 7(2)	Person who smokes in a smoke free place or vehicle (any person smoking)	FPN £30 (if paid in 15 days) £50 (If paid in 29 days) Court: Level 1

APPENDIX K

ENDORSEMENT CODES AND PENALTY POINTS

Each endorsement has a special code and is given 'penalty points' on a scale from 1 to 11. You get more points for more serious offences.

The table shows the offence codes that can be put on your driving record. It also shows how many penalty points you can get for them. Some offences may also involve a disqualification.

Offence codes and penalty points must stay on your driving record for 4 or 11 years depending on the offence.

Accident offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9

Disqualified driver

Codes BA10 and BA30 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6

Codes BA40 and BA60 must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
BA40	Causing death by driving while disqualified	3 to 11
BA60	Causing serious injury by driving while disqualified	3 to 11

Careless driving

Codes CD10 to CD30 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9

Codes CD40 to CD70 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11

Codes CD80 and CD90 must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11

Construction and use offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc	3

Reckless/dangerous driving

These codes must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9

Drink

Codes DR10 to DR61 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10

Codes DR40 to DR70 must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4

Drugs

These codes must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11
DG60	Causing death by careless driving with drug level above the limit	3 to 11
DR80	Driving or attempting to drive when unfit through drugs	3 to 11

These codes must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
DG40	In charge of a vehicle while drug level above specified limit	10
DR90	In charge of a vehicle when unfit through drugs	10

Insurance offences

Code IN10 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
IN10	Using a vehicle uninsured against third party risks	6 to 8

Licence offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6

Miscellaneous offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6

Motorway offences

Code MW10 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
MW10	Contravention of special roads regulations (excluding speed limits)	3

Pedestrian crossings

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3

Speed limits

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

Traffic direction and signs

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

Special code

Code TT99 must stay on a driving record for 4 years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

Theft or unauthorised taking

Code UT50 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
UT50	Aggravated taking of a vehicle	3 to 11

'Mutual recognition' codes

You'll get an 'MR' code on your driving record if you're disqualified while driving in Northern Ireland or the Isle of Man. Your disqualification period will also be valid in GB and will stay on your record for 4 years from the date of conviction.

Code	Offence
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

Aiding, abetting, counselling or procuring offences

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes code LC22 on your driving record if you have helped someone to do this.

Causing or permitting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

Inciting offences

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your driving record if you've incited someone to do this.

VEHICLE REPLACEMENT POLICY

If you wish to replace your vehicle during the period it is licensed then you may request a replacement vehicle to be licensed under this replacement vehicle policy.

The new vehicle will need to go through the same procedures and fulfil all requirements as if applying for a new or renewing an existing vehicle licence.

You can request the replacement vehicle licence to be for a full year or for the licence to run to the date of the original vehicle licence expiry.

The current fee for both of these options can be found on www.hertsmere.gov.uk

In order for the replacement vehicle licence to be issued you will need to provide the following:

- Vehicle replacement application form;
- MOT and compliance test from one of the councils nominated garages dated within 1 calendar month;
- logbook (V5c);
- Insurance certificate;
- vehicle licence plates from the existing vehicle;
- fee.

All documentation will need to be received prior to an appointment being made in order for the correct details to be entered on to the new licence.

CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

This 'Code of Good Conduct' should be read in conjunction with the other statutory and policy requirements set out in this document.

Hackney Carriage and Private Hire Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

- **Complying with this Code of Good Conduct;**
- **Complying with the Council's Hackney Carriage and Private Hire Licensing Policy;**
- **Behaving in a civil, orderly and responsible manner at all times.**

With regard to clients, licence holders shall:

- **Maintain their vehicles in a safe and satisfactory condition at all times;**
- **Keep their vehicles clean and suitable for hire to the public at all times;**
- **Attend punctually when undertaking pre-booked hiring;**
- **Assist, where necessary, passengers' ingress to and egress from vehicles;**
- **Offer passengers reasonable assistance with luggage.**

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- **Not sound the vehicle's horn illegally;**
- **Keep the volume of all audio equipment and two-way radios to a minimum;**
- **Switch off the engine if required to wait;**
- **Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.**

In addition to the requirements above at hackney carriage ranks, hackney carriage drivers should:

- Rank in an orderly manner and proceed along the rank in order and promptly;
- Remain with the vehicle.

In general all drivers shall:

- Pay attention to personal hygiene and dress, so as to present a professional image to the public;
- Be polite, helpful and fair to passengers;
- Drive with care and due consideration for other road users and pedestrians and, in particular, shall not use a hand held mobile phone whilst driving;
- Obey all Traffic Regulation Orders and directions at all time;
- Not smoke at any time when inside the vehicle;
- Not consume alcohol the night before, immediately before, or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle*;
- Not to drive while having misused legal or illegal drugs*;
- Fulfil their responsibility to ensure compliance with legislation regarding the length of working hours;
- Not eat in the vehicle in the presence of customers.

***Any amount of alcohol or drugs can affect a driver's judgement.**