

Taxi & Private Hire Handbook



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INTRODUCTION

This handbook is designed as a complete reference guide for existing licence holders, persons considering applying for a licence and any other stakeholder. It contains all the policies and things you need to know about Hackney Carriage (Taxi) and Private Hire drivers, vehicles and operators.

East Herts Council licences drivers, proprietors and private hire vehicle operators to ensure they are fit and proper people to hold licences and that vehicles are mechanically safe and comfortable.

The over-riding consideration is the protection and safety of the public, both passengers and other road-users.

Once licensed it is a licence holder's responsibility to keep up to date with changes to the law, licensing procedures and to learn any other skills that may be useful to them such as customer service, first aid or advanced driving.

If you have any questions about the content of this handbook then you should contact the licensing team for help and advice.

This document was last reviewed in June 2021.

General notes

There are five types of licence talked about in this handbook:

Hackney Carriage Driver's Licence

Private Hire Driver's Licence

Hackney Carriage Vehicle Licence

Private Hire Vehicle Licence

Private Hire Operators Licence

Drivers are issued with both a combined Hackney Carriage and Private Hire drivers' licence (a "DUAL" licence) or a Private Hire only licence (PHD). Which badge is issued is dependent upon whether you want to drive a hackney carriage (with the option of private hire vehicles) or only private hire vehicles.

Length of licences

	Length of licence	When to renew
Drivers' licences	Up to 3 years	At least 6 weeks before expiry
Vehicle licences	Up to 1 year	No more than 30 days before
Operator's licences	Up to 5 years	At least 4 weeks before expiry

It is your responsibility to submit properly completed renewal applications in good time. We will only issue reminders for expiring licences if we have your email address.

Being a licensed driver

Being a licensed driver is about more than simply taking someone from A to B and being paid for it.

Being a licensed driver involves allowing a person you may not have met before, and who has probably never met you, in to your vehicle. You must make every effort to ensure that customers travel in safety but also that they feel safe, secure and well treated at all times from the start of the journey to the end.

Customers who are well treated will return to your business and they will often recommend your service to friends or family. There are a lot of taxis and private hire companies out there. You should work extra hard to make yours stand out by offering the best service you can.

Making a customer feel safe is a combination of customer service and ensuring you follow all of the rules at all times. Here are some basic steps you should always follow:

- Help the customer in to the car by opening the doors for them.
- Load and unload any bags or shopping the customer may have and help carry them to the entrance of any building they are going to.
- Make sure the customer is comfortable and has had time to put their seatbelt on before setting off.
- Ask the customer which route they would like to go. Make suggestions if you think you can help.

- Ask the customer if they have confirmed a price with the company. If not, point out the meter in the car and explain which tariff you are using.
- At the end of the journey, offer the passenger (or at least one of them) a receipt. Write your details on this receipt so that you can be identified. Give your badge number, not your company number.
- If there is any dispute over the price, stay calm and explain to the customer how the tariff or meter charge operates.
- If there is still a dispute you can call the police and report the matter. You may choose to negotiate with the passenger.
- If after all you have done the customer wants to make a complaint, give them your badge and plate number without delay. Tell them they should contact the licensing team at the council and let us sort the situation out for you.

The vast majority of complaints are the result of misunderstandings. Remember to keep calm and explain clearly what the situation is. If you have acted within the law, you will be supported by the council.

If you are considering applying for a licence and booking a driver training course with East Herts Council please read this booklet carefully. You will be taking a written test as part of the training day and the answers to all of the questions can be found in here. You will be using the handbook throughout the day to help you learn the basic knowledge you will need to work as a driver. The aim of the training is to set you on the right course for a successful, safe and stress free career as a licensed driver.

Rules and regulations

Some of these rules are common sense and mean that you keep your customers happy. If your customers are happy with you, they are more likely to give you tips and to use you or your company again.

Some of the rules are what the law says you must do. If you do not follow these rules, we will investigate and may:

- not take any action
- issue a formal written warning to you
- issue a formal caution which could be mentioned in court if you appear at a later date
- suspend your driver or vehicle licence
- revoke your driver, vehicle or operator licence
- prosecute you in court, for which you can be fined

Ignorance of the law is no excuse.

These rules are in addition to the standard conditions on your licence. Licence conditions ensure that standards to ensure public protection and safety are met.

They are kept under regular review and are included with this handbook.

You should read and learn the following basic rules:

- Private Hire drivers must show their licence to the proprietor/operator whom they are working for before they start working for them.
- **Drivers must WEAR their small badge at all times they are working. The large badge must be displayed inside the car at all times.**

- Vehicle owners must ensure the plate is displayed on the outside rear of their car at all times.
- **All licensed vehicles must display the licence plate on the outside rear of the vehicle unless an exemption has been issued.**
- You must tell us in writing if you change your name, address or telephone number.
- **You must tell us in writing within 48 hours of being convicted of any offence, including any traffic offence or fixed penalty notice.**
- Vehicle owners must tell us within 14 days if they change or sell their car. There is an official Council form that both the buyer and the seller must sign. There is a fee to be paid.
- **Vehicle owners must tell us within 72 hours if they have any accidents in the car whether or not it materially affects its safety, comfort or appearance. Failure to do so may affect the vehicle insurance as well as any licence renewal.**
- You must return the plates immediately if your vehicle licence expires or if we serve you a notice requiring you to return them. Any notice will state the exact time period in which you must comply with it.
- **You must return your badges upon demand if your driver's licence is suspended, revoked or expires. The badges remain Council property at all times.**
- You may not carry more passengers than the amount shown on the vehicle plate. The rules about seat-belts are detailed later.
- **You must not use your horn to let customers know you have arrived. This is illegal. The law says that you may only use your horn between the hours of 7am and 11pm to alert other road users of your presence on the road in the event of danger.**

- You must make sure that the car you drive is fit and safe to drive. It is your responsibility to ensure it has a current MOT certificate, is insured and taxed.
- **It is illegal for you to use hand-held mobile phones whilst driving; irrespective of whether you are speaking, texting or using any other service on the phone. You can be fined and have your DLVA licence endorsed for using a mobile phone whilst driving unless it is “hands-free”. A driver may call 999 in response to a genuine emergency.**
- Using 2-way radio equipment when driving is not a specific offence. Remember that a conversation could still distract from the concentration needed to drive safely. If you do not have proper control, then the police can still take action.
- **It is illegal to refuse to carry a person with an assistance dog unless you have been granted a medical exemption certificate.**
- It is illegal for you to smoke in a licensed vehicle, to fail to take reasonable steps to prevent someone else from smoking, or failing to have no-smoking signs in the vehicle.
- **Private Hire vehicles are not permitted to stop on Hackney Carriage ranks except in cases of emergency.**
- Drivers should offer a receipt to passengers at the end of the journey. It is the passengers’ choice whether to accept it.

Some other common sense rules

- Make sure your car is well-serviced and kept clean at all times.
- Always be polite to your passengers, even if they are rude to you.
- Before starting a journey, check where the passengers are going.
- Help passengers with any luggage, to and from the pick-up point/destination.

- Apologise for any delays or other problems and explain to passengers why something may have gone wrong. If you do this, they may be less likely to complain about you.
- Keep your controller informed of any problems so they have a chance to sort things out quickly.
- You must keep customer details (their names, addresses and destinations, for example) confidential. You may be breaching the Data Protection Act if you do let other people know information about your passengers.

Routes

The law says that a licensed driver must not 'unnecessarily prolong a journey'. In other words the shortest route should be taken.

This means that it may be okay to go an alternative route if you can show why you did this. For example, it may be that an accident has closed a major road and you have to take a detour. The key element is that you should always be looking to take the shortest route by time and distance. The shortest route is not always going to be along the main roads. This is why it is important that you know how to plan a route in advance.

If you are planning on being a hackney carriage driver, you will need to take the more detailed routes test. This is because we expect hackney carriage drivers to be able to pick up on the rank or the side of the road and to take a passenger immediately without using a sat-nav or a map.

Private hire drivers who are booked in advance through an office can take a few minutes to check their route before setting off to collect their passengers. For this reason, private hire drivers can have a lower overall knowledge of routes, but it is still important to understand the law about picking the correct route.

Remember these simple steps and you should not go far wrong:

- Always ask your passenger if they have a preferred route.
- If the passenger suggests a long route you can suggest an alternative.
- If the passenger insists on a longer route then you should take them the way they want to go.
- Advise your passengers of any delays to the usual route.
- Advise your passengers if you become stuck in traffic and think you should turn around or take a different route. Allow the customer to decide with you.
- Never exceed the speed limit no matter what, even if the passenger asks you to.
- Make sure you only park in a safe and legal place when arriving at your destination – remember you can temporarily park on a single yellow line to allow passengers to get in and out of the vehicle but not on any other waiting restrictions such as loading bays, disabled parking bays or zebra crossings. Waiting at cash points, banks or other places for passengers to return may lead to parking offences being committed.

Smoking

The Health Act 2006 makes it illegal to smoke in any vehicle that is used for public transport and which is not used primarily for private purposes. This also includes when you do not have any passengers, or when you are off-duty.

The Smoke-free Regulations 2007 requires all vehicles used for public transportation to be smoke-free at all times and also need to display the no-smoking symbol of at least 70mm in diameter.

It is against the law to:

- **Smoke in smoke-free premises or work vehicles:** a fixed penalty notice of £50 (reduced to £30 if paid in 15 days) can be imposed on the person smoking. Or a maximum fine of £200 if prosecuted and convicted by a court.
- **Fail to display no-smoking signs:** a fixed penalty notice of £200 (reduced to £150 if paid in 15 days) can be imposed on whoever manages or occupies the smoke-free premises or vehicle. Or a maximum fine of £1000 if prosecuted and convicted by a court.
- **Fail to prevent smoking in a smoke-free place:** a maximum fine of £2500 imposed on whoever manages or controls the smoke-free premises or vehicle if prosecuted and convicted by a court. There is no fixed penalty notice for this offence.

Vaping and the use of e-cigarettes is also prohibited in a licensed vehicle.

For more information about the smoke-free laws, visit www.smokefreeengland.co.uk.

Taxi Ranks

Hackney carriage drivers must be fully aware of the location of taxi ranks within the District, and the rules for their use. The Council has made byelaws about using hackney carriage ranks. These include:

- when plying for hire on a rank you must join the end of the queue and NOT park in contravention of any 'no waiting' restrictions;
- when another vehicle immediately front is driven off or moved forward, drive forward to fill the space that has just been left empty;
- not leaving your vehicle unattended on the rank

You may be given points under the Licensing Record Points Scheme (detailed later in this handbook) or have your driver licence suspended for the misuse of hackney carriage ranks.

Taxi ranks are currently provided at:

- Railway Street, Hertford
- Fore Street, Hertford
(part-time rank)
- Mill Bridge, Hertford
(part-time rank)
- Station Road, Ware
- High Street, Ware (part-times x 2)
- Riverside, Bishops Stortford
- North Street, Bishops Stortford

Signs at each rank may indicate the times that the ranks are in operation and how many hackney carriages may occupy each rank. If this is not the case then common sense should prevail. If the rank is full then its best to move on as there is likely to be more vehicles than customers already.

Fares

You should always give an indication of how much the fare is likely to be, and you may ask for a reasonable deposit for some longer journeys ending outside the District.

Passengers can negotiate a different fare to the likely metered fare with you before the journey starts if the destination is outside of the District.

Private hire drivers are not permitted to stop on taxi ranks for any purpose except in an emergency. If you have a passenger to pick up near to a rank you must let them know they should wait away from the rank

Taxi Marshals

Taxi marshals are employed at some taxi ranks at night to help reduce alcohol-related crime and disorder, and to protect drivers from violence. The taxi marshals in East Herts are funded by Hertford Town Council and Hertfordshire County Council.

The marshals will help make sure that passengers wait in a queue, and that they are not allowed to get into a taxi if they are:

- Excessively drunk, violent or abusive
- Smoking, eating or drinking
- Unsure of their destination
- Do not have enough money for their fare.

Marshals will sometimes match groups of passengers up to the most appropriate vehicle, for example to allow a group of six passengers get into a larger vehicle. You

must help the marshals by keeping your doors locked when on the taxi rank until the marshal signals that your passengers are ready to enter the vehicle.

If you have a complaint about a marshal you should note the time, date and name of the marshal (or description if not known) and report this to Hertford Town Council:

info@hertford.gov.uk or 01992 552 885.

Accidents

You must stop if you have an accident, regardless of who is at fault. Do not argue and make any admissions, but concentrate on your safety, the safety of your passengers, and the safety of anyone else involved.

You may need to call the emergency services, move vehicles (if possible) to a place of safety or give First Aid. Call the police if the crashed vehicles cause an obstruction or traffic hazard, and warn other motorists by using warning triangles or hazard warning lights.

Never drive a vehicle after an accident if you think it is not roadworthy. If you are involved in an accident that involves:

- Injury to another person
- Injury to animals including dogs, sheep or horses
- Damage to another vehicle or
- Damage to roadside property such as lamp-posts, trees, signs or gates

The law says you must stop and give:

- Your name and address
- The name and address of the vehicle owner
- The vehicle registration number
- your insurance certificate details if anyone is injured

to any person with reasonable grounds to ask for it (such as an injured person or the owner of a damaged vehicle or property).

If you are unable to do this, you must report the accident to the police as soon as reasonably practicable and no later than within 24 hours, and produce the insurance certificate to a nominated police station within 7 days.

In all instances you must report any accident, no matter how minor you consider it to be, in writing to the licensing team within 72 hours of it happening.

You should not make any statement admitting liability or fault regarding your driving or the vehicle. No offers or promises should be made to third parties without the prior consent of your insurer, and without taking legal advice.

We are under a duty to disclose to solicitors and insurers information relating to your driver and vehicle licences in the event of an accident claim being made on your behalf or being made against you.

At the scene of an accident, you should make a note of:

- Names and addresses of drivers and owners, and registration numbers, of all other vehicles involved in the accident

- Details of the insurance companies of the owners of the other vehicles
- Names and addresses of any witnesses
- Names, numbers and the police station of any police officers attending the incident
- Road and weather conditions, position of vehicles involved and any other traffic, position of traffic signs, skid marks, traffic islands, turnings etc. Try to show these in a sketch and/or take photographs.

Council powers

In order to ensure the safety of the public and to maintain confidence in the licensing system, we have the power to:

- **Demand to see your driving licence within five days.**
- **Demand to see a current certificate of insurance for the vehicle at any time.**
- **Test and inspect your taxi or private hire vehicle up to three times a year (and taxis can also be inspected at any reasonable time).**
- **Test and inspect the meter up to three times a year.**
- **Prosecute for other offences such as making false statements in application forms, or for other road traffic offences (such as not having correct insurance).**
- **Demand, and if necessary remove, vehicle plates if they are not returned within 7 days of a vehicle licence being suspended, revoked or expiring.**

It is an offence to obstruct one of our officers or a police officer who is carrying out duties relating to licensing. It is an offence to fail to comply with any requirement made by one of our officers or a police officer without reasonable excuse, or without

reasonable cause fail to give any other assistance or information that may be reasonably required.

Complaints

Not all complaints will mean that you risk action being taken against you. No action will be taken if we cannot prove the complaint or feel that it is not justified.

Where we investigate complaints, we will offer you the chance to tell us what happened.

If a passenger wishes to make a complaint against you, provide them your badge number and vehicle plate number and leave the investigation of the incident to the council. We will always act impartially.

Customer complaints can be made online: <https://www.eastherts.gov.uk/licences-registration/taxi-licensing/taxi-complaints>

Formal action

We can suspend, revoke or refuse to renew a licence in the following circumstances:

LICENCE	REASONS
Vehicles	<ul style="list-style-type: none">the vehicle is unfit for its use as a Private Hire Vehicle or a Hackney Carriageas a driver or operator, you have

LICENCE	REASONS
	<p>committed an offence, or not followed, any part of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 for any other reasonable cause</p>
<p>Drivers</p>	<ul style="list-style-type: none"> • since being granted the licence you have been convicted of an offence involving dishonesty, violence and indecency • you have been convicted of an offence under or failed to comply with a provision of the 1847 or the 1976 Act or • for any other reasonable cause
<p>Operators</p>	<ul style="list-style-type: none"> • any offence has been committed under Local Government (Miscellaneous Provisions) Act 1976 or you have failed to comply with any part of Part 2 of the Act • any conduct on the part of the operator appears to the Council you are unfit to hold an operator's licence • any material change has happened

LICENCE	REASONS
	<p>since the grant of the licence in any of the circumstances of the operator on the basis of which the licence was granted or</p> <ul style="list-style-type: none"> • any other reasonable cause

Proven serious offences concerning may lead to licensing record points being issued, a driver's licence being suspended or revoked, or in a prosecution. Your previous history will be taken into account when making this decision along with other factors such as your attitude, the impact of the offence etc.

No suspension will take place until the end of the 21-day period for lodging appeals to the magistrates' court, unless we need to do so in exceptional circumstances on the grounds of public safety.

Details of how we are likely to deal with convictions and other matters can be found in the 'Taxi Licensing Suitability Policy' which can be found later in this hand book and online.

Licence revocation

Drivers will be referred to the Head of Housing and Health for consideration of their fitness and propriety in a variety of circumstances, for example:

- those who re-offend after having their licences suspended;
- following a successful prosecution;

- those who commit a very serious offence
- following a series of smaller offences/breaches:
- following the issue of Licensing Record points.

This is not an exhaustive list and consideration has to be given to any matter that might affect a driver or applicant's fitness and propriety to hold a licence. The Head of Housing & Health, in consultation with the Chair of the Licensing Committee, will consider whether the driver is still fit and proper to hold a licence and whether any action should be taken. This can be up to and including revoking that licence.

Appeal

You have a right to appeal against our licensing decisions.

Appeals are governed by section 77 of the Local Government (Miscellaneous Provisions) Act 1976 and sections 300 – 302 of the Public Health Act 1936. If you have a licence at the time of making the appeal, it will usually carry on in force until the appeal has finished. However, we may suspend or revoke a driver's licence with immediate effect on the grounds of public safety.

The table on the next page explains what decisions can be appealed, where the appeal should go and the time period for lodging (making) that appeal.

LICENSING DECISION	LAW*	APPEAL TO	TIME LIMIT**
Refusal to grant hackney carriage vehicle licence	Town Police Clauses Act 1847 and Public Health Acts Amendment Act 1907	Crown Court	21 days
Refusal of a driver's licence	LG(MP)A 1976 section 52 and 59	Magistrates' Court	21 days
Suspension of driver's licence	LG(MP)A 1976 section 61	Magistrates' Court	21 days
Revocation of driver's licence	LG(MP)A 1976 section 61	Magistrates' Court	21 days
Conditions on private hire vehicle driver's licence	LG(MP)A 1976 section 52	Magistrates' Court	21 days
Refusal of private hire vehicle licence	LG(MP)A 1976 section 48	Magistrates' Court	21 days
Conditions on private hire vehicle licence	LG(MP)A 1976 section 48	Magistrates' Court	21 days
Suspension of vehicle licence	LG(MP)A 1976 section 60	Magistrates' Court	21 days
Revocation of vehicle licence	LG(MP)A 1976 section 60	Magistrates' Court	21 days
Refusal to renew hackney carriage vehicle licence	LG(MP)A 1976 section 60	Magistrates' Court	21 days
Conditions on hackney carriage vehicle licence	LG(MP)A 1976 section 47	Magistrates' Court	21 days
Refusal of private hire operator's licence	LG(MP)A 1976 section 62	Magistrates' Court	21 days
Revocation of private hire operator's licence	LG(MP)A 1976 section 62	Magistrates' Court	21 days

LICENSING DECISION	LAW*	APPEAL TO	TIME LIMIT**
Conditions on private hire operator's licence	LG(MP)A 1976 section 55	Magistrates' Court	21 days
Suspension of private hire operator's licence	LG(MP)A 1976 section 55	Magistrates' Court	21 days

* LG(MP)A 1976 is the Local Government (Miscellaneous Provisions) Act 1976

** This is the time that you have to lodge (make) your appeal from the time that we tell you of our decision.

Where there is a right of appeal we will give you a letter explaining your rights with every decision.

Criminal Convictions

We have a Suitability Policy relating to drivers, vehicle proprietors and private hire operators who either have criminal convictions when they apply for their licence, or are convicted of an offence whilst they hold a licence. Whilst the policy covers criminal convictions received in court it also details the other factors considered with regards to a person's suitability to hold a licence and you should make yourself familiar with its content.

In the policy the term "Convictions" includes more than just convictions received in court.

You must report the following matters to us in writing within 48 hours:

- **driving licence endorsement;**
- **fixed penalty notice, police caution, criminal conviction or other criminal proceedings (including acquittal as part of a criminal case);**
- **arrest and release, charge or conviction for any matter.**

If you have convictions please consult Taxi Licensing Suitability Policy to see how it might impact your application.

The Suitability Policy allows for other non-conviction information to be considered where it relates to a person's fitness and propriety.

AFTER PASSING THE TRAINING DAY

Driver licences

Before a driver's licence is issued we will need an applicant to:

- complete a Disclosure and Barring Service (**DBS Enhanced Criminal Record check**) (and then **sign up to the DBS Update Service**);
- complete a **DVLA check**;
- complete a **Right to Work check**;
- see a **satisfactory medical examination** certificate completed by a doctor;
- see your pass certificate for the Council approved **driving proficiency test**;
- see your pass certificate for the Council approved **English proficiency test**;
- see you have attended the required driver training and passed the required **knowledge test**.

This is in addition to completing and signing an application, providing a passport photograph, paying the appropriate fee and providing original documents as proof of identity.

We must be satisfied that an applicant is a 'fit and proper' person to hold a licence. Until we have carried out these checks, we cannot make that decision.

If drivers have supplied us with an email address we will contact them before the expiry date of the licence to remind them to apply to renew it. Drivers' renewal applications must be submitted no later than six weeks before the expiry date. You may book an appointment to renew your licence online via our website.

We are under no obligation to send reminders for expiring licences and it is the licence holders responsibility to renew the licence on time. Failure to renew on time is likely to result in a new application having to be made which will involve additional cost.

We sometimes need more time to conduct any other checks and to process your application.

Drivers may not work as a driver once your licence has expired. An expired licence cannot be renewed so you will not be able to work until a new licence is issued. You should surrender your badges if you no longer wish to work as a driver and must return them if your licence has expired or upon demand.

Drivers have to attend an Update course before your driver's licence is renewed and re-issued in three years' time.

An existing licence will not be valid after the expiry date, and it will be illegal for you to work as a licensed driver until it is renewed or a new one is granted. We will only

temporarily extend a licence after it has expired if you have applied in good time and there has been a delay that is beyond your control.

When applying for a driver licence, we need:

- a completed driver licence application form
- your DVLA driving licence (including the photo-card and the paper licence if you have it)
- your full address history for the last 5 years
- your National Insurance number

In addition to your DVLA driving licence, you must also produce two other forms of identification, such as your passport, birth certificate, recent bank statement or recent utility bill, to complete the Disclosure and Barring Service check.

Medical fitness

Before being granted a licence you are required to undergo a medical examination by one of our approved Doctors or your own Doctor using our official form. The Doctor will charge for this service.

We may ask you for regular medical examinations if you suffer from certain conditions such as diabetes or heart disease.

All drivers are required to have medicals. If you are under 45 years of age, the Doctor may issue a certificate which is valid until aged 45. Medicals are required at a maximum

of five-year intervals between the ages of 45 and 65, and every year once they are over 65 years of age. We will write to tell you about this when appropriate.

You must be able to read a standard number plate in good daylight at a distance of 20.5 metres (67 feet). It is an offence to drive with uncorrected vision.

You must tell DVLA Swansea and us if you have any of the following medical conditions:

- Epileptic seizures or fits involving hospital in-patient treatment
- Sudden attacks of disabling giddiness, fainting or black-outs
- Any severe psychiatric illness or mental disorder
- Severe mental handicap or serious memory problems
- Continuing permanent difficulty in the use of arms or legs which affects your ability to control your vehicle safely
- A pacemaker, defibrillator or anti-ventricular tachycardia device fitted
- Dependence on the use or misuse of alcohol, illicit drugs or chemical substances in the past three years
- Diabetes controlled by insulin or tablets
- Any visual disability which affects both eyes (not including short/long sight or colour blindness).
- Angina (heart pain)
- Parkinson's disease
- A serious problem with confusion
- A major or minor stroke
- Any type of brain surgery, brain tumour or serious head injury

Where the DVLA has not revoked a licence because of these medical conditions, the Council will require a medical report from your Doctor or consultant as to your continued fitness to drive. The Council may require regular medical examinations in the light of this information.

Driving tests

All new applicants must undertake the taxi driving test approved by the East Herts Council. The approved providers are listed on our website and applicants are required to pass the Standard Taxi assessment

Appointments can be booked online via our webpage at: <https://www.eastherts.gov.uk>

Disability awareness

All drivers and operators are required to make provision for disabled passengers under the Equalities Act 2010.

The law says that all licensed drivers are required to carry assistance dogs (such as Guide dogs and Hearing dogs) free of charge. It is an offence to refuse to carry an assistance dog unless the driver has a medical exemption certificate in the vehicle.

It is illegal to treat a person with disabilities differently from other people, for example by charging a person using a wheelchair more than an able-bodied person for the same trip.

New drivers are required to pass a disability awareness training course before their badges are issued. This will form part of the driver training day and is included in your booking fee.

The course must contain a practical assessment in handling wheelchairs for it to be a suitable course. Any course which does not contain such a practical element is not suitable. Nationally recognised training courses such as MIDAS or PAT passenger assistant transport training, or similar courses, are acceptable.

VEHICLE LICENCES

Your vehicle licence runs for one year from the date we grant the licence. It is your responsibility to ensure you renew it on time.

Testing procedure

- Look at the Vehicle Age & Emissions Policy to see what sort of vehicle the authority will licence (Appendix I)
- Make an appointment for your vehicle to be inspected at one of our nominated garages. If the vehicle is over 5 years old and being licensed for the first time the Licensing Team will need to see it first.
- If you are plating a vehicle for the first time, you are advised that we issue magnets so that plates can be stuck to the rear of the vehicle. If your vehicle is not suitable for use with magnets or you prefer another bracket/system then ensure it is fitted when you come to licence the as we will not issue a licence until the plate can be fitted to your vehicle

- At your appointment, you must bring an MOT certificate; roadworthiness certificate (VCC); the vehicle registration certificate V5C; your current insurance certificate; and a taximeter calibration certificate if the vehicle is a hackney carriage.
- Cash, cheque and credit and debit card payments are accepted.
- Your appointment will be cancelled if you do not arrive in time.
- Your vehicle must meet the vehicle licence conditions (available on our website) and continue to meet the standards whilst it is licensed. We will not issue a licence or may consider taking enforcement action as outlined elsewhere in this book if you do not keep to those conditions.
- Full details of the vehicle inspection procedure and standards are available at www.eastherts.gov.uk

Fees (refunds)

Partial refunds against vehicle licence fees and drivers licence fees are only given if a vehicle licence and plates or drivers licence and badges are surrendered to the Council.

The remaining part of any unexpired licence will be credited to a new licence if you change the vehicle whilst a current licence is in force.

Insurance

The driver or proprietor of the vehicle, whilst working MUST carry valid proof of insurance for that vehicle. Insurance cover must cover at least third-party risks and failure to produce a valid proof of insurance (a cover note or certificate) WILL lead to the immediate suspension of the vehicle licence until such proof is provided.

DECISION MAKERS

Licensing Committee

The Council's Licensing Committee, made up of fifteen elected Councillors, is responsible for agreeing rules and policies for the licensing of hackney carriages and private hire vehicles, drivers and operators.

The Council's officers are responsible for putting those policies into place. Whilst officers may have some discretion in some cases, there are other cases where either the law or the policies do not allow for exceptions to be made.

Licensing Sub-Committee

A Licensing Sub-Committee is a panel made up of three Members of the Licensing Committee with the power to make decisions in certain matter.

Head of Housing and Health

The Head of Housing & Health manages a number of service areas within East Herts Council including Licensing & Enforcement. The Licensing Committee has delegated certain decisions to the Head of Housing and Health in consultation with the Chairman of the Licensing Committee as detailed in the Constitution.

Service Manager – Licensing & Enforcement

The Service Manager – Licensing & Enforcement manages the Licensing & Enforcement Team on a day-to-day basis. The Head of Housing and Health has delegated certain powers to the Service Manager – Licensing & Enforcement.

Trade consultation

We regularly consult with the licensed taxi trade and meet individuals when they are applying for or renewing licences. We are always happy to discuss and matters of concern to the trade.

Regular newsletters are sent to drivers to either seek views or to advise them about forthcoming changes.

We have introduced regular trade meetings which are an open forum where any licence holder can ask a question or make a suggestion.

CRIME PREVENTION ADVICE

Being a licensed driver can sometimes be a dangerous job. To reduce the risk of becoming a victim of crime, or in helping the police should you be unfortunate enough to become involved in a crime, here are a few ideas:

Always remember that a passenger in your vehicle could possibly be a threat to you and your property. The goal is to maximise your personal safety.

Keeping Safe

- Try not to carry more than a small amount of cash with you, and never openly display valuables such as expensive watches or other jewellery - better still, leave valuable items at home.

Collecting your passengers

- If you don't feel confident with a passenger who tries to get into your vehicle, refuse to take them.
- Always act professionally, positively and with confidence - especially when someone approaches you.
- Always establish - prior to commencing the journey - exactly what the destination is and ensure that it is not a "dubious" location. Make it clear that you will not accept any change to those instructions.
- Always advise your control of your destination.
- Controllers should always try and get the full name of a passenger to be collected, in case they need to be identified at a later date.

- If you are unhappy about entering a particular building to collect passengers, ask your controller to try and telephone instead to tell them you have arrived and are waiting outside.
- If you are picking up at a location where there may be a large group of people waiting, keep the doors locked and speak through a partially open window. Only when you are satisfied there is no threat to your safety, allow your client(s) into your vehicle.
- Be aware of your client's behaviour throughout the journey and, if you feel uncomfortable, terminate the journey in a safe location for example a petrol station which is covered by CCTV.
- Look at your clients; notice any distinguishing features that might help, should you have to describe them later.

On the journey

- The law says that you do not need to wear your seatbelt when you have a passenger on board, in case you need to get out quickly.
- Use a code words that only you and your controller or colleagues know about to describe a type of situation, a passenger, or so that the police can be called if needed without alerting your passengers to the fact.

At the end of the journey

- Never stop your car in a position where you may become trapped. If necessary, turn the car around before you let your passengers out and do not turn off the engine.
- Consider accepting payment other than cash – such as cheques, credit cards or even vouchers.

- Where the vehicle has a partition, take fare money through the partition rather than through your driver's window.

If there are problems

- Report all incidents to the police, your controller and the council. What may have seemed to be a little problem to you could be a major problem to another driver, and your information may be useful. It may identify particular places, times or people involved in crimes against drivers.
- In the event of an offence occurring, the law says you may only use "reasonable force" to defend yourself. NEVER carry weapons - you may be prosecuted, or worse, they may be used against you.

In An Emergency

- In an emergency, call the Police using 999
- Give your EXACT location and the details of your vehicle.
- Give as much detail of the offender(s) as possible and the direction in which they made off.

Children and Young People

Particular care should be taken when carrying children and young people, especially when they are not accompanied by an adult. Although there will usually be a perfectly ordinary reason for them travelling, we ask drivers to remain vigilant to any unusual circumstances or signs that things are not right.

Any person under 18 is legally classified as a child. Drivers who have concerns about the safety of any child travelling in their vehicle are asked to report those concerns to the police by dialling 101, or in an emergency, 999.

Concerns may include:

- Picking up a child or young person late at night
- Picking up a child or young person who appears to be under the influence of drink or drugs
- Picking up or dropping off a young person at a location that seems inappropriate such as a hotel
- Remember, you may not think it is your business but this person may need your help to escape a bad situation.

Further Information

More information published by the Department for Transport is available at www.eastherts.gov.uk.

DEFENSIVE DRIVING

As a professional driver, it is your responsibility to ensure you understand and obey the Highway Code. This in particular includes understanding the rules about the use of seatbelts and mobile telephones; and about parking restrictions.

Defensive driving means driving safely to avoid preventable collisions. Most collisions on the road can be avoided by ensuring vehicles are properly maintained, by properly planning your journey and concentrating and anticipating the movement of other road users.

Concentration, observation and anticipation

You must be constantly concentrating to observe the movement of other road users, and be ready to adjust your own driving in good time. By driving within speed limits, you will give yourself enough time to look at traffic problems as they happen, and give you time to decide on appropriate action.

Safe driver

Adjust your driving to the special hazards caused by changing conditions – you will need to change your driving pattern because of the weather, traffic conditions, road surface, or your physical or mental state.

Although there are no specific rules about drivers' working hours for private hire and hackney carriage vehicle drivers, you should not drive when you are tired or straight after another job that involves driving or operating complex machinery.

Remember to 'read the road' as far ahead as possible. When driving, adopt a position in the road where you are able to see beyond the vehicle in front, and where you can stop quickly in an emergency. Driving by anticipating other road users is safer, and can also save fuel by unnecessary acceleration and braking.

Safe vehicle

Before using your vehicle each day, you should conduct some basic checks:

- Headlights, indicators and brake-lights should be working, and clean
- Windows, reflectors and mirrors are clean and wiper blades should be working without smearing the windscreens
- There are no obvious fuel or oil leaks
- Brakes and handbrake are working properly
- The speedometer is working correctly

- Litter is removed from the vehicle
- Engine oil, brake fluid and water are all at the correct levels without obvious leaks.
- The battery is secure in the engine compartment.
- Seats and seat-belts are working properly, without signs of wear and tear or fraying.
- The horn is working properly.
- You should ensure tyres (including the spare if one is carried) are inflated to the correct pressure and are in good condition. If your vehicle carries a canister instead of a spare, ensure that the canister is present and pressurised.
- Tyres must have a minimum tread depth of 1.6 mm over the central three-quarters of the tyre width, around the whole of the tyre.
- Washer bottles should be full
- That the vehicle does not emit excessive smoke
- That the vehicle licence plate on the rear of the vehicle is clearly displayed
- That the internal badge is clearly visible to front-seat passengers
- That the taximeter is working properly
- That the taxi fare tariff (for hackney carriages) is clearly on display

LOOKING AFTER CUSTOMERS WITH DISABILITIES

Your attitude and understanding towards all of your customers is very important, particularly passengers with disabilities. Treat your customers the way you would like to be treated.

Disability comes in many shapes and forms, so never make assumptions: always ask what help (if any) a passenger needs from you. Always make sure you understand the customer's instructions and that you are going to where they want.

You may find some of these suggestions useful for all customers, not just those with disabilities.

Wheelchair users

If you drive a saloon or estate car, you may take wheelchair users if they are able to transfer into the vehicle. Ask the passenger what help they need, and be polite and ask before you touch or move your customer. Act as they suggest.

Take care when loading the wheelchair into the boot as they are expensive to repair or replace and the disabled person may not be able to move at all without it.

If you drive a vehicle that can carry passengers who can sit in their wheelchairs, make sure you regularly check all of the equipment (such as ramps and straps) that none is missing and it is in working order.

Make sure you know exactly how it works, and how to help passengers into the vehicle. Get expert advice if you do not know the best way to help.

Other people with mobility problems

Some - but not all - people with disabilities will need to walk with sticks or crutches. If passengers seem to have walking difficulties, or are frail or elderly, offer the use of a

swivel seat if you have one. If you use a swivel seat, make sure it is locked back into position once inside the vehicle.

Vision impairment

Blind or partially-sighted passengers have other needs. If you are collecting a passenger from a pre-booked location, go and personally let them know you are there - do not sit in the car and sound your horn. Tell the passenger what sort of car they are entering (especially if they are not getting into an ordinary saloon or estate car).

Tell them which way the doors open. Place their hand on the open door and where the roof is. Make sure they know which way the car is facing so they can get in easily and you may have to show them or help them with their seatbelt. If you have to take a different route from the one they might expect, tell them why you have changed it.

At the end of the journey, tell them exactly how much the fare is and count out the change. Every customer must be set down in a safe place, but you should check blind customers know where they are going. If they want you to accompany them into a building, offer them your arm. Gripping you just above your elbow will help them to be guided more easily.

Assistance dogs

You may not refuse to carry a registered assistance or guide dog and you will be committing a criminal offence if you refuse to do so. The only time you may refuse is if you have a medical exemption certificate.

Assistance dogs are trained to sit on the floor of the vehicle, and will not soil it. In many saloon cars there may be more room for the dog on the floor in the front of the vehicle.

Hearing problems

When speaking to people, who are deaf or hard of hearing, look at them and speak clearly. Don't shout, and don't mumble - speak slowly and precisely. If you have difficulty in communicating, write down what you have to say instead.

LOOKING AFTER YOURSELF

(With grateful acknowledgement to Vauxhall Motors Ltd).

Sixty per cent of drivers covering over 10,000 miles per year have clinical back pain.

Poor, unstable driving positions can reduce comfort and safety. It increases muscular effort and tiredness, causes pain and discomfort and can interrupt your concentration. As your blood flow and nerve supply may be affected, your response to potentially dangerous situations may become slower.

General hints

Coats, jackets and thick sweaters can crumple up and change the shape and support patterns of your seat. This can push you further forward in your seat, making the seat base shorter and making it more uncomfortable.

Never drive for more than two hours at a time without taking a short break. If you drive for a long distance, exercise breaks will help your circulation and help keep you fresh and alert. You can improve your circulation by getting out of the car and walking a short distance, or doing one or two neck exercises.

Fresh air is important. Overheating can make you drowsy so make sure the car is not too warm. The key to staying alert is adequate air flow, preferably with fresh cool air to your head. Cars with air conditioning are obviously the best to provide fresh, dehumidified air.

Poor diet, stress and not enough exercise all add up to making drivers less fit to drive. Twenty minutes of brisk exercise a day should make you better to drive, and fitter to enjoy life in general.

Correct seating

Your spine must have maximum support and you need clear visibility to the front and rear without unnecessary stretching. You must also be able to reach the pedals, steering wheel and controls comfortably. Consider the following:

- **Seat reach:** adjust the seat backwards or forwards until your left foot is resting comfortably on the footrest and your legs are comfortably supported by the seat.
- **Pedal operation:** depress and release the clutch or accelerator, making sure your legs do not swivel on the seat edge or that you have to stretch to press it fully down.

- **Seat height adjustment:** Adjust the seat up to the highest point possible without your head touching the ceiling. You may then need to adjust the reach of the seat backwards to compensate.
- **Seat-tilt (or cushion angle):** at this point make sure that both your legs are supported whilst in the driving position. If not, adjust the front and rear of the seat slightly until you feel maximum support under the legs without affecting the optimum pedal operation (see above).
- **Seat rake:** tilt the seat back until your shoulders and upper back rest comfortably on the seat. Your arms should be slightly bent when you hold the steering wheel in the '10 to 2' position. All of your spine should be supported, and not your body simply being held upright. If this increases your headroom, re-adjust your seat height to the maximum, remembering to also adjust the seat reach and tilt if needed.
- **Lumbar (lower back) support:** the ideal position is to have comfortable, steady pressure down the whole length of your spine. Make the lower back support as slack as possible, and then only if you feel a lack of support should you slowly increase the level until you feel a very slight, even pressure in the back. You should not feel any hard thrust into your back.
- **Steering column tilt:** at normal driving position your hands should rest comfortably at a level slightly lower than your shoulders. All the instruments should be clearly visible.
- **Head restraints:** the base of the restraint should be level with the base of your skull where it meets the top of the neck to provide the best restraint in the event of an accident.
- **Seatbelt height adjuster:** this should be moved up or down until the belt applies a firm but not excessive pressure over the top of the shoulder, with no gap

between the belt and the front of your shoulder. The belt should not be placed any lower than the height of your shoulder.

- **Heated seats:** these should be switched off once comfortable warmth is felt on the back - too much heat can stop blood circulating and can create stiffness.

Some of these new positions may seem strange at first, and may cause some aches and pains at first, especially if you have been using an incorrect method for a while.

These aches and pains should go away, but if not seek professional medical advice.

Consider some of these points when buying a replacement car. Other points to think about in a car are:

- The lip on the boot should not be too high to make it difficult to load luggage.
- Power steering reduces the stress and strain of parking and manoeuvring in tight spaces.
- Automatic transmission is better in urban stop-go traffic.
- Cloth upholstery is better for grip and stability than leather or plastic.

Seatbelts

Seat belt wearing saves over 2000 lives every year. Everyone knows they should wear a seat belt in the front seat, but many people still don't realise how dangerous it is not to wear a seat belt in the back.

In a crash at 30mph, if you are unrestrained, you will hit the front seat, and anyone in it, with a force of between 30 and 60 times your own body weight. This could result in

death or serious injury to you and people sitting in the front seat. Any compensation for injury following an accident may be reduced if you were not wearing a seat belt.

For your own and others' safety, the law requires you to use a seat belt if one is fitted and for children up to 135cms in height to use a child restraint.

You must wear a seat belt in cars where one is fitted. There are very few exceptions to this. Hackney carriage drivers plying for hire, or licensed drivers carrying a passenger, are exempt. You are recommended to wear a seat belt at all times unless you think your personal safety may be at risk.

You are liable to prosecution if a child under 14 years does not wear a seat belt or use a child restraint.

You must not carry an unrestrained child in the front seat of any vehicle.

Children up to 135cms in height must use the appropriate child restraint when travelling in any car, - there are very few exceptions.

A child may use an adult belt when they reach 135cm or the age of 12.

Occupant	Front seat	Rear seat	Person responsible
Driver	Seat belt must be worn if fitted	Not applicable	Driver
Child under 3 years old	Correct child restraint must be	Correct child restraint must be	Driver

Occupant	Front seat	Rear seat	Person responsible
	used	used. If one is not available in a hackney carriage or private hire vehicle, may travel unrestrained but ONLY in the rear seats.	
Child from 3rd birthday up to 135cms in height (approx. 4'5") (or 12th birthday, whichever they reach first)	Correct child restraint must be used	Correct child restraint must be used where seat belts fitted. Must use adult belt in rear seat if correct child restraint not available: - in a hackney carriage or private hire vehicle; or	Driver

Occupant	Front seat	Rear seat	Person responsible
		- for a short distance in an unexpected necessity; or - if two occupied child restraints prevent fitting of a third	
Child 12 or 13, or over 135cms (approx. 4ft 5ins) in height	Adult seat belt must be worn if available	Adult seat belt must be worn if available	Driver
Adult passengers	Seat belt must be worn if available	Seat belt must be worn if available	Passenger

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INTRODUCTION

Background

East Herts Council has introduced this taxi licensing policy, with revised licence conditions, and revised application and administration procedures, to explain and update taxi licensing procedures and requirements.

This policy was written with regard to best practice guidance from the Department for Transport.

Objectives

Taxis are part of the integrated transport system. They provide safe, secure, convenient and comfortable transport, on-request, and door to door.

Taxi availability benefits the public, especially those with mobility difficulties, particularly where public transport is less available.

This policy will contribute to the following objectives by regulating the hackney carriage and private hire trade:

'Promoting prosperity and well-being; providing access and opportunities.

To enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.'

East Herts Council encourages professional and responsible taxi businesses, which service public need.

The conditions and procedures in this policy have been considered, to balance the burden of each against the benefit to the public.

East Herts Council is justifiably proud of the very high standard of appearance and performance of the current set of drivers, and the fleet of hackney carriages and private hire vehicles. This policy seeks to reinforce the existing high standards for all current and new taxi drivers, and vehicles to maintain the existing very low rate of refusals, suspensions, revocations and prosecutions.

Statutory Taxi & Private Hire Vehicle Standards

This policy has been reviewed as a result of the publishing of the Statutory Taxi & Private Hire Vehicle Standards by the Department for Transport in July 2020.

The DfT states the following in the introduction of the document:

- There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers.
- Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups.
- The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance.

Implementation

The policies contained within this handbook all take effect from 1st June 2021 or before. They are kept under constant review to ensure they are fit for purpose and will be fully reviewed at least every three years.

Existing licence holders, stakeholders and the general public have been consulted when revisions have been proposed and the policies will apply to all new and existing licences from implementation.

Departure from the Policy

East Herts Council will always have regard to this policy document and its objectives in carrying out its taxi licensing functions. However, each application or enforcement measure will be considered on its own merits, and the decision makers at all levels have discretion to depart from policy where considered appropriate.

Where the Council departs substantially from this policy, clear reasons will be given why the departure is necessary.

Determination of applications, and disciplinary decisions

Where applications are in accordance with this policy, determination will be by officers, acting under delegated powers.

Where an application includes information that the applicant has spent convictions or other relevant issues then reference will be made to the "Taxi Licensing Suitability Policy".

For all other applications that are not in accordance with this policy, and for decisions made in disciplinary hearings triggered by the Licensing Record Points scheme, determination or decision will be made by one of the following:

- Head of Housing & Health in consultation with the Chair or Deputy Chair of the Licensing Committee;
- a Licensing Sub-Committee;
- Service Manager – Licensing & Enforcement

Licensing Profile

On 30th May 2021 East Herts Council licensed:

- 204 hackney carriage vehicles;
- 44 private hire vehicles;
- 33 private hire operators;
- 267 dual drivers: and
- 52 private hire drivers.

Register and use of licence data

East Herts Council is obliged to keep a public register of the names and addresses and taxi plate numbers of taxi vehicle proprietors. This information is kept at the Council Offices, and may be inspected at any reasonable time by any member of the public.

For the safety and security of taxi drivers, if there is any doubt about the bona fides of any person wishing to inspect the public register, then Licensing Officers will ensure the inspection only takes place in the presence of a police officer, who has been informed of the Licensing Officer's concerns.

Other data about licence holders may be released to other council departments, and other statutory authorities, for use by authorised officers for the purposes of preventing or detecting crime. These bodies include, but are not limited to, Council Benefits, Department of Work and Pensions, and Her Majesty's Revenue and Customs.

VEHICLES

Vehicle proprietors

Where an applicant for a vehicle proprietor's licence is not the holder of an East Herts issued driver or operator licence they must produce a Basic DBS certificate upon application and the annually when the vehicle licence is renewed.

Limiting Numbers

East Herts Council introduced a limit on the number of Hackney Carriage Vehicle licences it issues on the 1st January 2020. The limit was set at 200 vehicles and at that time more than 200 vehicle licences were licensed so no new hackney carriage vehicle licences will be issued. This limit does not stop anybody for applying for a hackney carriage vehicle licence and each application will be considered on its own merits. However if the applicant cannot provide evidence that the vehicle will be serving a demand which is unmet by the currently licensed fleet then it is likely to be refused. Applications for fully wheelchair accessible vehicles (WAV's) or fully electric vehicles (EV's) are more likely to be granted a new hackney carriage vehicle licence using the discretion allowed within the policy.

Use of Hackney Carriage

Where a Hackney Carriage is proposed to be used, or is used, mainly or predominantly for Private Hire Work outside of the East Herts District, then a Hackney Carriage Licence may be refused.

Specifications and Conditions

East Herts Council will licence a wide range of types of vehicle as taxis, including purpose-built vehicles, however the overriding consideration over whether a vehicle will be licensed, is Public Safety.

Types of vehicles include:

- Hackney Carriages
- Standard specification Private Hire Vehicles, and
- Non Standard Private Hire Vehicles, comprising;
- Substantially VOSA compliant vehicles;
- Taxi bikes
- Special Event Vehicles, including, but not limited to:
 - HGV, and
 - Stretched Limousines;

The Council imposes conditions for the mechanical condition, and the external and internal appearance and suitability of licensed taxi vehicles.

Each type of vehicle is subject to a different set of conditions.

Appendix B sets out the taxi vehicle conditions, with a separate section for each type of vehicle.

Vehicles will be licensed for up to eight passengers, depending on the specification of the vehicle.

Equipment

- Meter

Hackney Carriages must be fitted with a type-approved taxi meter, correctly calibrated to the current East Herts table of fares, and either a calibration certificate must be produced, or the correct operation of the meter must be verified by a Licensing Officer, before the vehicle is used for hire or reward.

- 'For hire' sign

Hackney Carriages are required to carry an illuminable 'for hire' sign in the windscreen.

- Roof light

Hackney Carriages are required to carry an East Herts roof light provided, that is maintained in a safe and undamaged condition, and that is legibly marked with the lettering and logos with which it was issued.

The roof light is the responsibility of the licence holder and must be wired to the meter so that it is illuminated when the vehicle is for hire.

It is a conduct issue for a driver to drive a vehicle that is not licensed as a taxi, while it is displaying the top light.

- Rear licence plate

Hackney Carriages and Private Hire Vehicles are required to carry a currently valid East Herts rear taxi licence plate, correctly displayed and fixed to the outside of the vehicle, facing to the rear.

The licence plate must be kept clean so that it is clearly legible.

It is a conduct issue for a driver to drive a vehicle that is not licensed as a taxi, while it is displaying a rear licence plate, whether or not the plate has expired.

- Ownership of equipment

Any roof light or licence plate issued remains the property of the council, and any authorised council officer may re-take possession of this council property at any time that the vehicle proprietor's licence, or the driver licences of all, or of the only, insured driver(s) for that vehicle is suspended or revoked.

- Prohibited equipment – Private Hire

Private Hire Vehicles may not carry a roof top light, nor any similar sign or piece of equipment, that could mislead the public into believing the vehicle is authorised to ply for hire.

Insurance

All licensed taxis must at all times have in force a certificate of insurance covering third party risks for carriage of passengers and goods for hire and reward. Hackney carriage insurance must specify for 'public hire and reward' or words to the same effect, and all other licensed vehicles insurance policies must be for 'private hire and reward' or words to the same effect.

The vehicle proprietor must ensure that East Herts Council Licensing Service is in possession of a valid insurance certificate or cover note.

Failure to comply with this requirement will result in the suspension of the licence from the time that the certificate expires until a valid insurance certificate or cover note is presented or the licence expires.

Vehicle Testing

The proprietor must ensure that East Herts Council Licensing Service is in possession of a valid roadworthiness test pass certificate from a garage on East Herts approved list, for each licensed vehicle over one year old, and a current valid MOT pass certificate for all Hackney Carriage vehicles that are over one year old, and Private Hire vehicles that are over three years old.

East Herts Vehicle Licence Conditions specify the maximum length of a roadworthiness test pass certificate, depending on the age of the vehicle.

Failure to comply with this requirement will result in the suspension of the licence from the time that the certificate expires until a valid certificate is presented or the licence expires.

Luggage space

Taxi vehicles must have sufficient clear and suitable space to carry a reasonable amount of luggage.

Seating in Multi-Passenger Vehicles

East Herts District Council will licence vehicles for seating the number of passengers in the Original Manufacturer's Specification, up to eight passengers.

Passengers under the age of 16 must not be permitted to use side facing seats.

Damage to vehicles

Damage to a licensed vehicle, that prevents it from complying with the appropriate vehicle condition standard, must be reported to the licensing office at the next reasonably convenient opportunity, and in any case not later than 7 days after the damage is caused (whether or not the vehicle is taken off the road or is still being used as a taxi).

If from the report of damage, it appears to the Licensing Officer, that the vehicle is unlikely to continue to comply with the vehicle condition standard, they may suspend the vehicle proprietor's licence under delegated powers.

The vehicle must be produced for inspection at the council offices if required by the licensing officer.

The vehicle may be required to undergo a further Vehicle Condition Test and the proprietor to produce a Test Pass Certificate, if required by the licensing officer.

Failure to comply with this requirement of the policy is a conduct issue for the proprietor, and may lead to;

- suspension of the vehicle proprietor's licence, and to the council re-taking possession of the roof light and/or licence plate while there is any remaining doubt over whether the vehicle complies with the Vehicle Condition Standard, and
- the imposition of Licensing Record points against the driver or proprietor.

Appearance

Vehicles presented for inspection by Licensing Officers must be in a clean and tidy condition. This means it should be thoroughly cleaned or valeted. Failure to comply with this requirement of the policy is a conduct issue for the proprietor, and may lead to;

- the council re-taking possession of the roof light and/or licence plate, and
- a delay in renewing the licence until the vehicle is re-presented in an acceptable condition, and
- imposition of Licensing Record points against the driver or proprietor. Hackney Carriages and standard Private Hire Vehicles must be finished in manufacturer's standard colours.

Accessibility

Without the ability to travel, people with disabilities 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. Accessibility is, therefore an important consideration in respect of vehicles licensed as hackney carriages.

East Herts Council currently licences 5 taxis that are wheelchair accessible. Requirements for wheelchair accessibility to taxis will be kept under review as necessary to implement the Disability Discrimination Act 1995 in relation to hackney carriages.

Drivers who produce evidence of medical reasons that they are unable to accept guide/hearing dogs may apply for an exemption certificate. The exemption certificate, with the driver's photograph, must be displayed in the vehicle at all times the driver is working.

Age of Vehicles

There is no upper age limit for a vehicle to be licensed as a hackney carriage or private hire vehicle as long as it continues to meet the required standards. Older vehicles will be tested more frequently. Details of testing requirements are specified in Appendix A of this Policy and in the vehicle Age & Emissions Policy at Appendix I.

Brake Horse Power

Hackney Carriage and standard Private Hire Vehicles must have an engine capacity of 1600 cc, or a brake horse power of 89 bhp.

Environmental Considerations

Taxis are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the District. It is, however, clearly important that emissions from hackney carriages and private hire vehicles are reduced as far as possible.

East Herts Council policy is to promote environmentally friendly vehicles and fuels. As such the authority introduced a Vehicle Age & Emissions Policy on 1st April 2019.

Signage and Advertising

East Herts specifies limitations in the taxi vehicle conditions, on the amount of signage and advertising that may be carried on taxis.

Security/CCTV

The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. In car security cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.

In car security cameras may be provided by the council subject to available funding, and a contribution from the licence holder. Licence holders will have to enter into a written agreement for the maintenance of the system, and re-use if the vehicle is taken out of service.

When council funds are not available, the hackney carriage and private hire vehicle trades are encouraged to consider installing their own in car security cameras.

Trailers

A taxi vehicle must not be used to tow a trailer unless the vehicle proprietor's licence specifies this is permitted.

A taxi driver must not drive a taxi vehicle towing a trailer, unless their DVLA licence includes authorisation to tow a trailer.

The taxi vehicle insurance must specifically include cover to tow a trailer for hire or reward.

When a trailer is towed by a licensed taxi, a currently valid East Herts rear taxi trailer copy of the licence plate must be correctly displayed and fixed to the outside of the trailer, facing to the rear.

The trailer licence plate must be kept clean, so that it is clearly legible.

Taxi trailers must not be left unattended on the public highway.

Trailer conditions are set out in Appendix B.

DRIVERS

East Herts District Council issues;

- Private Hire Vehicle Driver; and
- Dual Drivers Licences (combined Hackney Carriage / Private Hire Driver Licences).

The criteria for both licences are the same, except that Private Hire Drivers are subject to a different routes test.

Right to work in the UK

Applicants for taxi drivers licences are required to provide evidence to Department of Work and Pensions standard, of their entitlement to work in the UK.

Medical fitness.

Taxi drivers are expected to provide reasonable assistance with luggage (shopping bags etc.). All taxi drivers should normally be capable of lifting weights of up to 15 KG. Drivers who cannot meet this requirement must obtain from a GP or the East Herts medical adjudicator, a written exemption on medical grounds. All new applicants must produce either:

- Proof of current entitlement to drive a PSV and/or HGV; or
- A certificate of medical fitness to drive to Group 2 standards, from a G.P. at the practice where they are registered, or from a G.P. on the East Herts council approved list. The certificate must state the length of time before a further medical will be required.

The applicant will be responsible for paying the medical examination fee to the relevant medical practice, unless referred by the Head of Health and Housing to the Council's medical adjudicator.

Licence holders must advise the Council of any deterioration in their health that may affect their ability to drive to Group 2 standards.

Driver licences may be suspended immediately on the grounds of concern about changes in the licence holder's state of health, by Head of Health and Housing, pending reference to East Herts Council medical adjudicator.

Any other disagreement or concern about changes in the licence holder's state of health that does not result in the suspension of the licence may also be referred to East Herts Council medical adjudicator.

The Council will take decisions to renew, suspend, unsuspend or revoke licences on medical grounds, based on the adjudicator's professional advice of whether the licence holder or applicant is fit to drive to Group 2 standards.

Criminal Records and other relevant information.

Criminal record checks on drivers, operators (including staff dealing taking booking or despatching vehicles) and vehicle proprietors are essential to assess whether an applicant is fit and proper to hold a licence.

Applicants must disclose all relevant information that could affect the council's decision of whether they are fit and proper to hold a taxi drivers licence. 'Convictions and other relevant information' includes:

- Convictions (including those that would otherwise be regarded as spent under the Rehabilitation of Offenders Act);
- Other convictions and foreign convictions;
- Cautions;
- Police warnings;
- Arrests;
- Past refusals of licence applications;
- Fixed penalty notices;
- impending prosecutions; and
- any other relevant matter.

Applicants for taxi driver licences must undergo an Enhanced Criminal Record Check at first application, and sign up to the DBS update Service. This will allow us to carry out checks of your record every six months.

Except when the applicant for drivers licence is signed up for the DBS update service with the correct level of check and can produce the original DBS certificate used when registering for the update service.

Enhanced checks performed for other organisations will not be accepted unless they are less than three months old, done for the purpose of becoming a taxi driver and had the barring lists checked.

A new enhanced check will be required if registration to the DBS Update Service is not maintained to allow the six monthly checks.

Where an applicant for a vehicle proprietor's licence is not the holder of an East Herts issued driver or operator licence they must produce a Basic DBS certificate upon application and then annually when the vehicle licence is renewed.

In relation to applications for a Private Hire Operators licence an individual applicant will be required to supply a Basic DBS check when making an application (either new or renewal) and then annually throughout the life of the licence.

Where the applicant for an operator's licence is a company, partnership or other legal entity, all the Directors, partners, etc. are each required to supply a Basic DBS when making an application (either new or renewal) and then annually throughout the life of the licence.

Applicants who have lived in the UK for less than 5 years must also provide a certificate of good conduct from the relevant Embassy in the case of an overseas applicant.

Once the Council has completed the process for which the Enhanced CRB certificate or criminal record disclosure certificate was obtained, the certificate will be returned to the applicant or securely destroyed. .

Giving false information for the purpose of obtaining a criminal record disclosure is a criminal offence enforced by the disclosure body. It is a conduct issue for the applicant, and is likely to result in your fitness and propriety to hold a licence being considered.

Relevance of Disclosure and other relevant information to applicant's suitability

'Disclosure and other relevant information' includes any pending hearings to consider refusal, revocation or suspension of a taxi proprietor, drivers or operator's licence.

Applicants are under an ongoing obligation from making the application, to being licensed, to declare any matter that has any relevance to their fitness and propriety to hold a taxi licence.

Licensed drivers must notify the Council in writing within 48 hours of any criminal convictions.

East Herts District Council will assess whether the applicant is a 'fit and proper person' to hold a licence, considering each case on its own merits. They will take account of convictions and foreign convictions, cautions, Police warnings, arrests, past refusals of licence applications, fixed penalty notices, impending prosecutions, and any other relevant matter. They will consider whether convictions are spent or unspent, but only in so far as they are relevant to an application for a licence.

Upon receipt of a DBS certificate and the application form, and taking into account any other relevant information known about the applicant, the Licensing Team will assess whether any or all of the spent convictions are capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.

When considering the relevance of cautions, the Council 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 a number of factors which are contained within the "Suitability Policy" which was last revised on the 1st June 2021.

Applications falling under this Policy will have their applications determined by the Head of Housing and Health in consultation with the Chair of the Licensing Committee.

Ongoing duties of licence holders in relation to their fitness and propriety to be a taxi driver

Licence holders, who are convicted of, or who are otherwise cautioned or penalised for any criminal or motoring offence during the period covered by their licence, must inform the Council in writing of the offence and the penalty within 48 hours of the conviction or alternative disposal of the offence.

Any acceptance of a police caution or fixed penalty notice is an alternative disposal of an offence.

Immediate suspensions of drivers licences

The Head of Health and Housing, or in their absence any other Head of Service, and in some circumstances the Service Manager – Licensing & Enforcement may authorise the immediate suspension of a taxi drivers licence on the basis of evidence that indicates they may no longer be a fit and proper person to hold a taxi driver's licence.

Suspension may be lifted following an event specified in the decision notice given to the licence holder, and may include (this is not an exhaustive list):

- Attendance by the licence holder at licensing Panel;
- Completion of a satisfactory Group 2 medical by the Council's medical adjudicator and production of the medical pass certificate;
- Production of a specific document;
- Release from arrest;
- Release from bail.

Decisions to suspend will only be taken for the reason of ensuring public safety.

Driving Experience and driving record

Applicants must provide the council with access to their DVLA driving record, and must produce their driving licence on initial and renewal application for a taxi driver's licence.

An expired DVLA driving licence photo card automatically suspends the taxi driver's licence.

Applicants must have held a British or European Economic Area licence for at least 3 years from the minimum age for driving a car in the UK before the application date.

An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must either:

- obtain a full UK driving licence within twelve months of the issue of the hackney carriage or private hire driver's licence, or
- obtain a 'backing sheet' from the DVLA within twelve months of the issue of the hackney carriage or private hire driver's licence, which can be attached to the non-UK driving licence and used by the DVLA to monitor penalty points obtained whilst driving in the UK.

Where this requirement is not satisfied, the hackney carriage or private hire driver's licence will be automatically suspended pending compliance.

This is to ensure consideration of penalty points issued for road traffic offences as part of the 'fit and proper person' test.

New applicants and those licensed drivers whose driving abilities have been brought into question will be required to pass the Council's approved driving test.

Additional driving experience requirements apply to private hire drivers who intend to drive non-standard Private Hire Vehicles that cannot be driven on a car drivers licence (e.g. HGV and two wheel motorcycle), and these are set out with the vehicle conditions for those vehicles.

Driver Knowledge Tests

Both private hire and dual driver licence applicants are required to take a knowledge test. This will involve routes, rules and regulations, Highway Code and arithmetic.

Except:

When the applicant has previously taken the East Herts Council knowledge test, and has held an East Herts taxi driver licence in the last 12 months.

Standard of English comprehension

Upon first application an applicant must pass the Council approved test of their proficiency in spoken and written English before a licence can be granted. Such test is at the applicants own expense.

Existing licensed drivers are required to pass the Council approved test of their proficiency in spoken and written English before their next renewal is granted. Such test to be at the applicants own expense.

Applicants for renewal can be exempt from this requirement if they can demonstrate (by producing the original certificate and/or examination transcript) that they have previously passed a relevant English language qualification at a suitable level, which was assessed by a recognised and accredited qualification awarding body. Acceptable qualifications are:

- i. GCSE or GCE in English (grade C or above);
- ii. TOEFL – Test of English as a Foreign Language at CEFR level B2 or higher ;

- iii. IELTS – International English Language Test System at CEFR level B2 or higher;
- iv. ESOL – English for Speakers in other languages at CEFR level B2 or higher.

Driving Proficiency and Qualifications

All new applicants for taxi drivers licences must produce a pass certificate for the Council approved driving test from one of the recognised providers.

Licence conditions and code of conduct

The Council attaches conditions to private hire driver's licences, included in dual driver's licences. Conditions include a code of good conduct.

Failure to comply with any condition of the licence may indicate that the licence holder is no longer a 'fit and proper person' to hold a private hire or dual driver's licence, and may result in enforcement action against the driver.

PRIVATE HIRE OPERATORS

Private Hire Operators are responsible for recording bookings taken for Private Hire Vehicles that they control. Operators may have access to personal information, and therefore are required to be 'fit and proper' to be licensed to do this type of work.

Private Hire Operators who are not also holders of an East Herts Private Hire Driver's Licence must provide disclosure of their criminal record, to at least basic level on first application, and annually thereafter. (Applicants may provide a standard disclosure instead of a basic disclosure for their own convenience, but this is at their option, and will give a higher level of disclosure than is required for this type of application).

Private Hire Operators who employ controllers that are not themselves East Herts licensed taxi drivers, must have, and operate, an employee convictions policy. The Policy must allow them to require a criminal record check of their employees that may handle or access information about passenger bookings. A copy of the policy must be submitted with the Operator's Licence application.

East Herts Council will not grant applications to licence operator addresses outside of the East Herts District.

The following conditions apply to all Private Hire Operators licences:

- 1) a register of all staff that will take bookings or dispatch vehicles to be kept either electronically or in hardcopy.
- 2) Operators must ensure that annual Basic DBS checks are carried out on every one included in their register of staff. The certificate numbers of the checks to be recorded in the register of staff so that it is clear which individuals have been checked and when.
- 3) the results of the DBS checks must be viewed by the holder of the operator's licence and the time and date that the certificate was viewed must be recorded in the register of staff.
- 4) in the absence of an operator having their own stricter policy in relation to employing ex-offenders East Herts standards which apply to Operators (as detailed in the "Taxi Licensing Suitability Policy") must be applied by the operator to all staff in their register and any other individuals that have contact with the public.
- 5) where booking and dispatch is outsourced operators are required to evidence that the outsourced staff have been vetted to at least the same level as if they worked directly for the operator.
- 6) operators must keep legible and complete records of bookings and must:
 - i. keep these at the place where they are licensed to operate: and
 - ii. make these records available to authorised Licensing Officers upon request.
- 7) operators are required to record the following information as a minimum for every booking:
 - i. the name of the passenger (where this is not available then the details of the hirer should be recorded whether this is an individual, company or other legal entity);
 - ii. the time of the request;
 - iii. the pick-up point;
 - iv. the destination;
 - v. the name of the driver;
 - vi. the driver's licence number;
 - vii. the vehicle registration number of the vehicle;

- viii. the name of any individual that responded to the booking request;
 - ix. the name of any individual that dispatched the vehicle.
- 8) where an operator dispatches a public service vehicle (PSV) to undertake a private hire booking they must not do so without the informed consent of the booker/hirer. Such consent must be recorded in addition to the other recording requirements for private hire bookings.

APPLICATION PROCEDURES

Application form

Applications must be made on the specified application form, which must be fully and clearly completed.

Consideration of Applications

New applications may be rejected by Officers under delegated powers where documents are not provided within 6 months of being requested. Officers will not exercise their discretion to reject applications on this grounds where applicants keep them informed of reasonable progress, i.e. dates of booked medical appointments and driving tests.

Council officers will grant most licences under delegated powers if the application complies with policy, including receipt of all the necessary supporting documents and fees.

Applications for vehicle licences other than Hackney Carriage and standard Private Hire Vehicles will be considered by the Service Manager Licensing & Enforcement or the Head of Housing & Health in the first instance. If a licence is granted then further renewals of that licence are delegated to Licensing Officers and that delegation could be limited to a set period.

Dual Plating

East Herts District Council will not grant a hackney carriage or private hire vehicle licence for 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 East Herts Council.

Application fees

Every application must be accompanied by the appropriate application fee. It is not a complete application, until the fee is received. Paying an application fee with a cheque that is subsequently dishonoured is a conduct issue for the applicant and may bring into question an individual's fitness and propriety.

Grant and Renewal of Licences

Hackney carriage or private hire vehicle licences will usually be issued for one year, or renewed to the anniversary of last grant or renewal. The decision maker can decide to grant a licence for a shorter period, but will give reasons.

Holders of existing hackney carriage or private hire vehicle licences that have provided an email address will be sent a reminder around 6 weeks before their licences are due to expire. Licences will not be renewed without all supporting documentation being received.

There are no 'days of grace' for licences. If a licence has not been renewed by the time the existing licence expires, the licence holder must cease operating until the new licence has been received. Licensed vehicle owners may apply to change vehicles at any time during the licence period, and transfer the unexpired portion of the annual licence from one vehicle to another. The new vehicle must comply with the Policy in place at that time.

Provisional applications

An operator may wish to consider setting up a business to operate a particular type of Special Event Vehicle, or a new type of vehicle, but may be unwilling to invest the necessary capital before making an application, if the outcome is uncertain.

The Head of Housing and Health is authorised to consider applications in principle for special event, or non-standard private hire vehicle licences. Provisional approval may be given, subject to conditions specified, under which approval of a full application in accordance with the provisional application, is further delegated to Licensing Officers.

ENFORCEMENT

Failure by a licence holder to comply with any requirement of this policy is a conduct issue, and may lead to:

- suspension of the licence or an associated licence, and
- formal enforcement action in accordance with the Council's Enforcement Policy. This may lead to a warning, caution or prosecution for an offence in appropriate cases.
- to the council re-taking possession of any roof light and/or licence, and
- to a delay in granting, renewing, or restoring the licence until the non-compliance or doubt about compliance is resolved, and
- the imposition of Licensing Record points against the driver or proprietor.

Licensing Record Points Scheme

The council operates a licensing record points scheme to help ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards. The Council will operate the Licensing Record points system (**Appendix E**) in a reasonable, consistent and transparent manner. This will help ascertain whether a licence holder is upholding the expected standards and therefore whether they continue to meet the "fit and proper person" test. This scheme is set out in.

Convictions during period of licence

See also ongoing duties of Licence Holders.

Any breaches of relevant legislation or conditions attached to driver, operator and vehicle licence which may come to light following complaints, enforcement action, notification or investigations should be dealt following the general principals detailed in the Enforcement Policy. This may include action with the use of the Licensing Record Points scheme detailed (**Appendix E**) or consideration under the Taxi Licensing Suitability Policy (**Appendix ?**).

Code of Good Conduct

Adopting a Code of Good Conduct for hackney carriage and private hire licence holders serves to promote the Council's objectives in respect 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 D. 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.

Failure to adhere to the Council's 'Code of Good Conduct' will be dealt with in accordance with the Enforcement Policy, primarily through the use of the Licensing Record Point's scheme (**Appendix E**).

Driver's Dress Code

Any reasonable requirement that serves to enhance the professional image of the hackney carriage and private hire trade is to be welcomed. Failure to adhere to the Council's 'Driver's Dress Code' will be dealt with in accordance with policy, primarily through the use of the Licensing Record Points scheme (**Appendix E**).

AMENDMENTS TO THE POLICY

This policy has been considered by the Licensing Committee of East Herts Council before final approval at a full Council meeting. All policies relating to taxi licensing are subject to consultation with the taxi trade. The policy will be kept under review, and will be subject to a full review, every three years.

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APPENDIX A

Advice to applicants and Licence Holders

You are advised to always refer to the documents which can be found on the Council website as these will be the up-to-date documents. An internet search may bring up results which include out of date documents and it is your responsibility to ensure the information you have remains up-to-date.

The most up-to-date information will always be on the East Herts website:

www.eastherts.gov.uk.

APPENDIX B

All vehicle licence proprietors must:

- Report any change of name or address, to the Licensing Service, in writing, within 7 days.
- Report any damage to the licensed vehicle, that prevents it from complying with the appropriate vehicle condition standard, to the Licensing Service at the next reasonably convenient opportunity, and in any case not later than 7 days after the damage is caused (whether or not the vehicle is taken off the road, or is not still being used as a taxi).

All vehicles must:

- comply with both
- vehicle mechanical standard, and
- vehicle visual standard, and
- compliance must be evidenced by a valid Vehicle Condition Certificate ('VCC') (formally a 'Roadworthiness Certificate') issued by an approved testing garage.

Vehicle mechanical standards are the same standard that would be required for that vehicle to pass an MOT test.

- Be in a clean condition when presented for inspection.

Vehicle Documents

a) Certificates of Insurance

All classes of vehicle require insurance cover which must include cover for the carriage of passengers for 'hire and reward'.

b) M.O.T. Certificates

All vehicles require a M.O.T. certificate in accordance with Road Traffic Regulations. Hackney Carriages additionally require a M.O.T. certificate 1 year after the date of first registration and then annually.

c) Vehicle Condition Certificate ('VCC')

All vehicles require a VCC to be issued 1 year after the date of first registration. All classes of vehicle require an annual roadworthiness certificate until the vehicle reaches 7 years of age. Between the ages of 7 and 10 years, both classes of vehicle require a 6 monthly roadworthiness certificate. After 10 years, vehicles require a VCC every 4 months.

NOTE: For all vehicles over the age of 10 years from date of first registration, these tests are enhanced to the standard used at the Public Carriage Office (Metropolitan Police).

Standard Vehicle Licence Conditions

All licensed vehicles must:-

- Be capable of carrying at least four passengers and not more than eight passengers.
- Have a brake horse power of greater than 89 bhp or an engine size greater than 1600cc's.
- Be right hand drive.
- Be less than 5 years of age when first licensed, except for purpose built taxis, which will be licensed for the first time until they are 7 years old. Except: If the vehicle has been inspected by a council taxi licensing officer and issued with a certificate that it complies with the Vehicle visual standard before it is presented to a garage for a VCC inspection.

- Have a minimum of four opening doors, two on each side of the vehicle (except London style taxis, which need only have two doors for passenger use).
- Have a minimum internal cabin width of 52" (132 cm) in vehicles with the capacity to carry three passengers across the width of the vehicle.
- Be finished in a manufacturer's standard colour.
- Comply with all current legislation, i.e. Road Traffic Acts, Motor Vehicles (Construction and Use) Regulations, Vehicles (Excise) Act etc.
- Carry an approved First Aid kit and fire extinguisher to BS EN3: 1996 Standard fitted in such a position that it does not interfere with the driver's controls, and
- Comply with the vehicle visual standard.
- Display the taxi plate correctly at all times when working, fixed to the outside of the vehicle, facing to the rear, and clean so it is legible.
- Equipment fitted for use with mobile phones, radio microphones etc. must be capable of 'hands free' operation.

Vehicle visual standard for Hackney Carriage and standard Private Hire Vehicles is:

- Clean internally (usually the car should have been professionally valeted or cleaned carefully before presentation for a VCC inspection and before relicensing by a Licensing Officer)
- Of a high standard of appearance. This means;
 - i. Externally, and inside door reveals, free from visible rust, dents, scratches, peeling, discolouration, cracks, chips and impact damage, except where this is insignificant, isolated and superficial.
 - ii. Internally, free from dirt, staining, excessive wear, free from tears, cuts, burn marks and other damage to seat coverings, trim and linings except where the fault(s) is/are insignificant, isolated and superficial.

Several faults that could each on their own be considered 'insignificant, isolated and superficial' may detract sufficiently from the overall appearance to prevent the vehicle reaching a 'high standard of appearance'.

'Visible' means, apparent to a vehicle inspector or licensing officer standing next to the vehicle, getting in or out of the vehicle, or sitting in any one of the passenger seats in the car.

'Isolated' means no more than two defects visible when the car is viewed from any angle, or from a seated position in any one of the passenger seats in the car.

'Insignificant' means,

in relation to an internal fault; not affecting the passenger seats, or not clearly noticeable from a seated position in any of the passenger seats.

in relation to an external fault; not clearly noticeable from a distance of 1.5 metres;

'Superficial' means, in relation to internal faults; On the surfaces.

'Superficial' means, in relation to external faults;

Rust; Surface rust that should be easily removed with light, non-abrasive surface pressure (e.g. by wiping with a cloth) and that does not leave visible pitting in the metal underneath.

Scratches, peeling, chips and cracks; affecting the surface layers of paint. The scratch, chip, peeling or crack should not have penetrated the primer coat of paint.

Discolouration; this is always superficial if it is discolouration of the existing surface (e.g. faded paint), and this type of discolouration should usually only be considered in terms of whether it is insignificant and/or isolated. Where the change of colour is not a feature of the original finish (e.g. is caused by graffiti or paint splashing), this is not superficial.

Dents and impact damage; These are superficial if they do not;

- Cause any sharply defined changes in the surface contours, and
- Are not excessively deep.

Shallow dents may still create a failure if they are not insignificant, isolated and superficial, and there is a clearly defined margin between the original surface contours, and the contours of the damaged surface.

Hackney Carriage additional conditions

Hackney Carriages must be:-

- Fitted with an approved and correctly calibrated meter.
- Fitted with an approved 'for hire' sign.
- Fitted with the Council-provided roof top light.
- Display the Council provided taxi plate on the outside of the rear of the vehicle.
- Have the current "Table of Fares" available to passengers and authorised persons for inspection.

Private Hire vehicle additional conditions

Private Hire vehicles must not give the appearance of being a Hackney Carriage, in particular it cannot have any sign with the words 'taxi' or 'for hire'.

Private Hire vehicles must:-

- Display a sign in the front window 'hirings must be pre-booked'.
- Display a sign approved by East Herts Council on the exterior of each rear passenger door 'You are not insured unless your journey was pre-booked'.
- Display the Council-provided private hire plate fixed on the outside of the rear of the vehicle.

Private Hire vehicles may, but need not be, fitted with an approved and calibrated meter.

Approved licensed private hire vehicles which have been approved as "Executive Style", by the Licensing Team, may be issued with a windscreen licence disc – these vehicles do not need to display the private hire plate, but the licence plate must be carried in the boot at all times and produced, on demand, to a police officer, traffic warden or any authorised licensing officer.

Trailer conditions

Hackney Carriages and Private Hire Vehicles may be licensed to tow an approved trailer. A taxi vehicle must not be used to tow a trailer unless the vehicle proprietor's licence specifies this is permitted.

A taxi driver must not drive a taxi vehicle towing a trailer, unless their DVLA licence includes authorisation to tow a trailer.

The taxi vehicle insurance must specifically include cover to tow a trailer for hire or reward.

When a trailer is towed by a licensed taxi, a currently valid East Herts rear taxi trailer copy of the licence plate must be correctly displayed and fixed to the outside of the trailer, facing to the rear.

The trailer licence plate must be kept clean, so that it is clearly legible.

The trailer must be presented for the VCC together with the towing vehicle.

Taxi trailers must not be left unattended on the public highway.

Trailers must comply with all current legislation, and with the visual standard for the towing vehicle.

Trailers must be fitted with a secure weather tight and waterproof lid or cover.

Non-standard but substantially VOSA compliant Private Hire Vehicles

Vehicles that do not comply with the standard vehicle conditions, but are substantially compliant with VOSA standards (for example a minibus, previously licensed by VOSA to carry 11 passengers, but that no longer complies because VOSA required signage and tachograph have been removed), may be licensed as a Private Hire Vehicle for up to 8 passengers, notwithstanding it does not have passenger doors on both sides of the vehicle.

First consideration of an application to licence these vehicles (which may be an application for a decision in principle), will be made by the Head of Housing & Health. Subsequent vehicle licence renewals may be delegated to Licensing Officers to approve.

Two Wheeled Motorcycle Private Hire Taxi Bikes

Two wheeled motorcycles may be licensed as private hire taxis for one passenger, subject to stringent conditions relating to all three licences.

Two wheeled motorcycles conditions:

1. A motorcycle must be suitable for the role of carrying passengers and, if required, luggage. It must be operated in accordance with the manufacturer's specifications in all respects. Motorcycles must be fitted with additional advanced safety systems including brake assist (enhanced braking system), brake assist (combined braking system) and full fairings.
2. Motorcycle PHVs must meet appropriate motorcycle design and construction standards as set out in category L3e (equivalent to M1 standards for four-wheeled vehicles)

3. All motorcycle PHVs must meet current exhaust emission standards
4. All motorcycle PHVs must be fitted with ABS brakes
5. PHV licensing discs must be displayed. Signage must not interfere with the safety or operation of the vehicle. Licensing disc holders must be weatherproof with holders and fixing points to prevent theft. Licensing certificates should also be displayed on the operator's website.
6. Any vehicle licensed as a PHV must be able to maintain stability in an emergency situation and in high side winds (However please note that it is a separate condition of operators and drivers licences that they must elect not to carry passengers if the environmental conditions make it unsafe to do so.
7. If luggage is carried, it must be securely held so as not to affect the stability of the vehicle or the visibility of the driver.
8. The vehicle must be able to accelerate and maintain a road speed appropriate to the traffic conditions in which it operates. Vehicles are permitted on motorways provided they can travel at speeds over 50 kph (31 mph).
9. The motorcycle with all fittings for its use as a PHV, including any additional fittings such as backrests, luggage racks or container, must receive endorsement by the company providing insurance.
10. Drivers must undertake inspections of the motorcycle on a daily basis and before each journey to ensure the vehicle remains safe.
11. Motorcycles must undergo maintenance and servicing in accordance with manufacturer's recommendations and industry standards and by qualified mechanics.
12. There must be a driver/pillion passenger intercom system linked through the safety helmets.

Special Event Vehicles

Special event vehicles are vehicles provided primarily for novelty entertainment, and secondarily as a means of transport. The standard conditions for Private Hire Vehicles apply to these vehicles by default, but may be waived on a case by case basis.

First consideration of an application to licence these vehicles (which may be an application for a decision in principle), will be made by the Head of Housing & Health. Subsequent vehicle licence renewals may be delegate to Licensing Officers.

Special Event HGV

Where a special event vehicle is also an HGV or former HGV vehicle, the approved garages for the VCC are limited to those garages approved for HGV.

Special Event Stretched Limousines

Consideration will be given to licenses for 'Special Event' vehicles (stretch limos) which are capable of carrying more than 8 passengers, and cannot be adapted to carry fewer. These vehicles will be licensed to carry a maximum of 8 passengers.

There must be seat belts or lap belts fitted to the same number of seating positions as the number of licensed passengers.

There must be signage that persons under the age of 16 may not use side facing seats, unless the operator ensures on every occasion that a person under the age of 16 uses a side facing seat, that the seat belt is worn the whole time that the vehicle is in motion.

The approved garages for the VCC are limited to those garages approved for stretch limousines.

APPENDIX C

Drivers Licence Conditions

Period of issue

Hackney Carriage or Private Hire Driver's licences will be issued for a maximum of 36 months.

Fit and proper

Before a licence can be issued or renewed, the Council must be satisfied that the applicant is a “fit and proper” person to be licensed. When determining whether an applicant or licensed driver is fit and proper, the council will have regard to its Suitability Policy, at Appendix H of this Policy.

Licensed drivers must have entitlement to work in the UK, and produce evidence of this entitlement if requested.

Licensed drivers are under an ongoing duty to inform the Licensing Service of any matter that may have a bearing on their continuing fitness and propriety to be a taxi driver.

Convictions, cautions, etc.

In particular, licence holders, who are convicted of, or who are otherwise cautioned or penalised for any criminal or motoring offence during the period covered by their licence, must inform the Council in writing of the offence and the penalty within seven days of the conviction, or alternative disposal of the offence.

Any acceptance of a police caution or fixed penalty notice is an alternative disposal of an offence.

Applicants and licensed drivers must provide an Enhanced disclosure of their criminal record, on application. Proof of identity and address to the DBS standards must be provided.

Applicants must register with the DBS Update Service to allow 6 monthly checks of their record.

Applicants who have lived in the UK for less than 5 years must also provide a certificate of good conduct from the relevant Embassy in the case of an overseas applicant.

Driving Record

Applicants must produce their DVLA driving licence before first grant and on renewal. An out of date DVLA licence photo card automatically suspends any taxi drivers licence held by that individual.

Applicants must provide the Council with access their DVLA driving record and pass the Council's approved driving test.

Medical fitness and examination

Licence holders must have produced a currently valid medical examination certificate.

Medical examinations must be conducted by a Doctor on the Council's approved list, or by their own GP or another GP at their registered practice.

The standard of the examination must be to the Group 2 medical standard applied by the DVLA to PSV and HGV drivers.

If you are under 45 years of age, the Doctor may issue a certificate which is valid until age 45. If there is a doubt as to your standard of health, the Doctor may require a more frequent examination.

If you are between 45 years and 65 years of age, the maximum length of a certificate is 5 years; the Doctor may require a more frequent, examination.

Over 65 years of age, the maximum length of a certificate is 1 year.

You are responsible for paying all medical fees.

Additionally, you must be capable of lifting weights of up to 15 KG, so as to provide reasonable assistance to passengers with luggage, unless you have a medical exemption certificate from the Medical Adjudicator excusing you from this requirement.

Property in the licence and badge

The Hackney Carriage or Private Hire Drivers badge remains the property of the Council, and must be worn in such a position that it can be clearly seen at all times when plying for hire or when passengers are in the vehicle. A copy of the drivers badge must be displayed on the windscreen so that it is visible to a front seat passenger.

Badges and licences must be returned to the council on demand by any authorised officer or an offence is committed.

Other licence conditions

Licensed drivers must

- Have held a full UK or EEA driving licence for three years from the minimum age to hold a full UK driving licence
- Comply with the code of conduct and dress code, and all relevant legislation.
- Report any new name or address to the Licensing Service by the next working day after the change.
- Produce their original DVLA driving licence within 30 days of any change of name, address, licence photo card photograph, or addition of DVLA penalty points, to the Licensing Service.
- Search the vehicle after being hired. Any property accidentally left in the vehicle should be taken to a Police Station.
- Attend punctually, if hired to pick up a fare at an agreed time and place, unless there are extenuating circumstances.
- Comply with seat belt legislation:-

Note: Seat belts

Hackney Carriage and Private Hire drivers are exempt from wearing seat belts whilst carrying passengers, (Hackney Carriage drivers are also exempt while plying for hire). It is the driver's responsibility to ensure that all passengers under 14 years use the seat belts or child restraints. Drivers should encourage adult passengers to wear seat belts.

- Be aware of the advice given in the Highway Code in relation to the 'hands free' operation of mobile phones, radio microphones etc., and comply with all relevant legislation.
- When requested, carry a reasonable amount of luggage.
- Operate strictly within the terms of the licence issued to them, in particular a Hackney Carriage driver may not drive a vehicle licensed as a Private Hire Vehicle (unless they are the holder of a dual licence) and a Private Hire Driver may not drive a Hackney Carriage.
- NOT carry more passengers than the maximum permitted for that vehicle.
- No smoking is allowed in licensed vehicles at any time, to comply with Regulations under the Health Act 2006.
- NOT refuse to carry a dog which is specially trained to accompany a blind or hard of hearing passenger, unless the driver has a medical certificate to the effect that the driver has an allergy to dogs. Other dogs may be carried at the discretion of the driver.
- Pay all fees and charges due from them to the Licensing Service.

- Ensure the licensing service is at all times in possession of valid and up to date inspected copies of documents that you are required to have as a condition of your driver licence or any associated vehicle or operator licence.
- Provide a recent passport sized photograph that complies with the Passport Agencies requirements with each renewal application.
- Take adequate rest and refreshment to enable you to drive safely.

Additional conditions for Hackney Carriage drivers

Hackney Carriage Drivers must:

- When plying for hire on a rank, a Hackney Carriage driver must join the end of the queue and NOT park in contravention of any 'no waiting' restrictions.
- When using a taxi rank, take up a position at the rear and move forward when spaces become available.
- Not leave a taxi unattended on a rank.
- A driver may be licensed as both a Hackney Carriage Driver and a Private Hire Driver (known as a dual licence).
- For hiring's that begin and end in East Herts, Hackney Carriages may not charge more than the amount shown on the meter (but you may accept a gratuity if one is offered). You may charge less. The meter must be correctly calibrated to the current Table of Fares, and the fare table must be available to passengers. The meter must be used on all journeys that do not begin and end in East Herts if no agreement has been reached with the passenger about the fare for the journey.

Additional conditions for Private Hire drivers:

- A Private Hire Driver may only respond to bookings made with a licensed private hire operator, he/she must not "ply for hire".

APPENDIX D

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. Ordinarily, but without prejudice to any other disciplinary procedures detailed in this Policy, breaches of the Code of Good Conduct will be dealt with by use of the Licensing Record Points System.

Responsibility of the Trade

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

- i) complying with this Code of Good Conduct;
- ii) complying with the Council's Hackney Carriage and Private Hire Licensing Policy;
- iii) behaving in a civil, orderly and responsible manner at all times.

Responsibility to Clients

Licence holders shall:

- a) maintain their vehicles in a safe and satisfactory condition at all times;
- b) keep their vehicles clean and suitable for hire to the public at all times;
- c) attend punctually when undertaking pre-booked hiring;
- d) assist, where necessary, passengers' ingress to and egress from vehicles;
- e) offer passengers reasonable assistance with luggage.

Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- a) not sound the vehicle's horn illegally;
- b) keep the volume of all audio equipment and two-way radios to a minimum;
- c) switch off the engine if required to wait;
- d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.
- e) at hackney carriage ranks, in addition to the requirements above:
 - i) rank in an orderly manner and proceed along the rank in order and promptly;
 - ii) remain with the vehicle.

Responsibility to Licensing Authority

Licence holders shall:

- a) act in good faith at all times in their dealings with the Licensing Authority;
- b) attend punctually for appointments;
- c) pay all fees due;
- d) comply with the requirements of the Taxi Licensing Policy;

General

Drivers shall:

- a) pay attention to personal hygiene and dress, so as to present a professional image to the public;

- b) be polite, helpful and fair to passengers;
- c) 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;
- d) obey all Traffic Regulation Orders and directions at all time;
- e) not smoke at any time when inside the vehicle;
- f) not consume alcohol* immediately before, or at any time whilst, driving or being in charge of a hackney carriage or private hire vehicle;
- g) not drive while having misused legal or illegal drugs*;
- h) fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.
- i) not eat in the vehicle in the presence of customers.

*ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT

DRESS CODE FOR LICENSED DRIVERS

Objectives

East Herts Council is committed to encouraging the professional image of the 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 licensing 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.

Ordinarily, but without prejudice to any other disciplinary procedures detailed in this Policy, breaches of the Dress Code for Licensed Drivers will be dealt with by use of the Licensing Record Points System contained in the Licensing Enforcement Policy.

Unacceptable Standards of Dress within this Code

The following are deemed to be unacceptable:

- i) Bare chests
- ii) Clothing or footwear which is unclean or damaged

- iii) Clothing printed with words, logos or graphics which might offend
- iv) Sports shirts e.g. football, rugby or cricket tops or track suits
- v) Footwear that prevents the safe operation of the licensed vehicle
- vi) Headgear that partially or completely conceals the face or the identity of the licensed driver e.g. baseball caps
- vii) Shorts, other than smart tailored shorts

APPENDIX E

LICENSING RECORD POINTS SCHEME

The Licensing Record Points Scheme will operate as follows:

1. The Council's Licensing Enforcement Policy will be fully considered by the enforcing Officer when determining the manner in which any breach of legislation or the requirements of this Policy are dealt with. Where it is decided that the use of the licensing record points system is appropriate, the points will be issued in accordance with this appendix. If this scheme allows a range of points for the particular incident, the enforcing Officer will determine the appropriate number of points proportionate to the offence.
2. Before points are issued there must be, in the enforcing Officers opinion, sufficient evidence to prove the offence or breach of licensing requirements.
3. A maximum of twelve points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose points, a licence holder has committed more than one offence or breach of licence conditions, no more than twelve points will be imposed.
4. Points issued to either a proprietor, driver or operator will be confirmed in writing within ten working days from the decision to impose points.
5. When issued, the points will remain "live" for a period of two years from the date they are imposed so that only points accumulated in a rolling twenty four month period will be taken into account. If a driver, proprietor or operator accumulates twelve or more points within a period of two years from the date they are imposed, he/she will be required to attend a Licensing Sub-Committee, where the appropriate action will be decided in accordance with Policy.

6. Where a driver is brought before a Licensing Sub-Committee, the options available to them will include suspension or revocation of the licence, where appropriate. If the Licensing Sub-Committee does not feel that the matter warrants suspension or revocation of the licence, they may extend the period for which the points are to remain "live" or instruct that a written warning is issued with regards to future conduct.
7. Periods of suspension of a licence will be dependent on the nature of the breaches and the compliance history of the licence holder.
8. Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. However, if the "live" period is extended or a written warning given the points will remain "live" for the normal two-year period, or for such extended period as imposed by the Sub-Committee.
9. A driver will retain the right to be represented at any meeting with the Licensing Sub-Committee, either legally or otherwise, and to state any mitigating circumstances he/she deems relevant.
10. Even though points have been issued by an Authorised Officer of the Council, if it is subsequently found that the driver has previously been issued with points, or has been formally cautioned or convicted, for similar offences, the Council reserve the right to cancel the points and deal with the matter in accordance with the Licensing Enforcement Policy.
11. The points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by Policy.
12. Where licensing points are issued a licence holder has ten working days, from the date of the letter notifying of the decision to issue points, to appeal that decision or the number of points given. Appeals must be made in writing to either: licensing.enforcement@eastherts.gov.uk or Licensing Enforcement, East Herts Council, Wallfields, Pegs Lane, Hertford, Hertfordshire, SG13 8EQ. Appeals will be decided by the Head of Housing & Health (or in his/her absence another Head of Service at east Herts Council) and the results will be notified to the appellant in writing.

POINTS RELATING TO OFFENCES IN RESPECT OF LEGISLATION

Town Police Clauses Act 1847		
Section	Offence	Points
40	Giving false information on a hackney carriage licence application	5-10
44	Failure to notify change of address of a hackney carriage licence	2
45	Plying for hire without a hackney carriage licence	8-12
47	Driving a hackney carriage without a hackney carriage driver's licence	8-12
47	Lending or parting with a hackney carriage driver's licence	4
47	Proprietor employing an unlicensed hackney carriage driver	8
48	Failure of a proprietor to hold a hackney carriage driver's licence	6
48	Failure of a proprietor to produce a hackney carriage driver's licence	3
52	Failure to display a hackney carriage plate	4
53	Refusal to take a fare without a reasonable excuse	6-12
54	Charging more than the agreed fare	6-12
55	Obtaining more than the legal fare (including failure to refund)	6-12
56	Travelling less than the lawful distance for an agreed fare	6
57	Failure to wait after a deposit to wait has been paid	6
58	Charging more than the legal fare	12
59	Carrying persons other than the hirer without the hirer's consent	8
60	Driving a hackney carriage without the proprietor's consent	6-12
60	Allowing a person to drive a hackney carriage without the proprietor's consent	4
62	Driver leaving a hackney carriage unattended on a rank	2-6
64	Hackney carriage driver obstructing other hackney carriages	3

POINTS RELATING TO OFFENCES IN RESPECT OF LEGISLATION

Local Government (Miscellaneous Provisions) Act 1976		
Section	Offence	Points
46(1)(a)	Using an unlicensed private hire vehicle	12
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence	12
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	8
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	8
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	12
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver	8
48(6)	Failure to display a private hire vehicle plate	4
49	Failure to notify the transfer of a vehicle licence	3
50(1)	Failure to present a hackney carriage or private hire vehicle for inspection upon request	6-12
50(2)	Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested	3
50(3)	Failure to report an accident to the Council within seventy two hours	6

Local Government (Miscellaneous Provisions) Act 1976		
Section	Offence	Points
50(4)	Failure to produce the vehicle licence and insurance upon request	8-12
53(3)	Failure to produce a driver's licence upon request	3
54(2)	Failure to wear a private hire driver's badge	4-6
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(3)	Failure of a private hire operator to keep records of all private hire vehicles, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(4)	Failure of a private hire operator to produce his licence on request	4
57	Making a false statement or withholding information to obtain a hackney carriage or private hire driver's licence	10
58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence	6-12
61(2)	Failure to surrender a driver's licence after suspension, revocation, or refusal to renew	6
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank	6
66	Charging more than the meter fare for a journey ending outside the District, without prior agreement	6
67	Charging more than the meter fare when hackney carriage is used as a private hire vehicle	6
69	Unnecessarily prolonging a journey	6-12
71	Interfering with a taxi-meter with intent to mislead	12
73(1)(a)	Obstruction of an Authorised Officer of the Council or a Police Officer	12
73(1)(b)	Failure to comply with a requirement of an Authorised Officer or Police Officer	8-12
73(1)(c)	Failure to give information or assistance to an Authorised Officer or Police Officer	6

Equality Act 2010		
Section	Offence	Points
168(2a)	Refusal to carry a guide, hearing or other assistance dog in a hackney carriage without a valid certificate of exemption	8-12
168(2b)	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	8-12
170(1)	Private Hire operator refusing or failing to accept a booking because a disabled passenger will be accompanied by an assistance dog	8-12
170(2)	Private hire operator charging an additional cost for the carrying of an assistance dog	8-12

Equality Act 2010		
Section	Offence	Points
170(3)	Private hire driver failing or refusing to carry out a booking accepted by the operator because a disabled passenger will be accompanied by an assistance dog	8-12

Hackney Carriage and Private Hire Licensing Policy		
Section or Appendix	Breach of policy requirement	Points
	Failure to report a change of name or address to the Licensing Service by drivers and proprietors.	2
	Failure to produce an updated DVLA licence (or backing sheet) within 30 days of a change of name, address, photo card photograph, or addition of DVLA penalty points.	2-5
	Failure to adhere to the Dress Code for Licensed Drivers	2
	Failure to wear a driver's badge	4-6
	Failure to adhere to the Code of Good Conduct for Licensed Drivers where not mentioned below	2-6
	Failure to ensure the safety of passengers	4
	Concealing or defacing a vehicle licence plate	4
	Failure to attend on time for a pre-arranged booking without reasonable cause	3
	Conveying a greater number of passengers than permitted	6
	Failure to give reasonable assistance with passenger's luggage	3
	Private hire vehicle soliciting for hire or accepting a fare that is not pre-booked	6-12
	Operating a vehicle that is not clean and tidy	2
	Driving without the consent of the proprietor	5
	Drinking or eating in the vehicle whilst carrying passengers	3
	Smoking in a licensed vehicle at any time	4
	Cause excessive noise from any radio or sound-reproducing equipment	2
	Operating the horn as a means of signalling that the vehicle has arrived	3
	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand	6
	Using a non-hands free mobile telephone whilst driving	4
	Failure to advise of a relevant medical condition	4
	Failure to provide a receipt for a fare when requested	6-12
	Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire of hackney carriages	2
	Failure to notify the Council of any amendment to the details of a licence within fourteen days	6
	Failure to produce a licence upon request	3
	Failure to notify within seven days of starting or terminating employment, the name and address of the proprietor and the term of employment	4
	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment	3
	Failure to surrender a driver's licence, badge or plate upon request	2
	Failure of a licence holder to disclose convictions within seven	6-12

Hackney Carriage and Private Hire Licensing Policy		
Section or Appendix	Breach of policy requirement	Points
	days of conviction	
	Failure to take found property to the Police within forty eight hours of finding	12
	Failure to report an accident within seventy two hours	3
	Carrying an animal other than one belonging to the passenger(s)	3
	Carrying an animal not safely restrained	2
	Failure to comply with the requirements for the safe carrying of a wheelchair	3
	Operating a vehicle that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein	6
	Operating a vehicle which is not maintained in a sound and roadworthy condition	2-6
	Failure to carry an approved fire extinguisher	6-12
	Failure to carry an approved first aid kit	3
	Operating a vehicle which is not maintained in a clean and/or safe condition internally or externally	3
	Modifying a vehicle without the consent of the Council	3
	Failure to display or maintain external licence plates as issued by the Council	3
	Hackney carriage vehicle signage not in accordance with the Council's requirements	4
	Affixing or displaying a roof sign on a private hire vehicle	4
	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the Policy requirements or has not been approved by the Council	4
	Taxi-meter does not conform to the Council's requirements	6
	Trailer does not comply with the Council's requirements	3
	Operating an LPG vehicle which does not comply with the Council's LPG vehicle requirements	3
	Operating a vehicle which does not comply with the Council's requirements in relation to tinted windows	4
	Driving with no insurance or inadequate insurance for the vehicle	12
	Allowing a vehicle to be used for hire by a person who does not hold a current driver's licence	8
	Permitting the vehicle to be used for any illegal or immoral purposes	6-12
	Failure of a private hire operator to provide a prompt, efficient and reliable service	3
	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times	3
	Failure of a private hire operator to ensure that vehicles attend bookings punctually	4

Hackney Carriage and Private Hire Licensing Policy		
Section or Appendix	Breach of policy requirement	Points
	Failure of a private hire operator to keep the operating premises in accordance with the Council's requirements	3
	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	6
	Failure of a private hire operator to keep and display public liability insurance for the operating premises if the public are allowed access	4
	Failure of a private hire operator to ensure that every driver employed by him has a private hire licence and badge	4
	Failure of a private hire operator to keep a copy of the Council's Hackney Carriage and Private Hire Licensing Policy to be made available for inspection by passengers upon request	4
	Payment for a licensing fee using a cheque that is subsequently dishonoured.	2
	Displaying a taxi roof light or plate on a vehicle while it is not licensed as a taxi.	2-6
	Any other cause not covered by above	2-12

LEGISLATIVE OFFENCES AND PENALTIES

1 Introduction

Two statutes principally create offences relating to hackney carriages and private hire vehicles:

- i) Town Police Clauses Act 1847.
- ii) Local Government (Miscellaneous Provisions) Act 1976.

The offences are set out below under the relevant statute.

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.

2 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

3 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

Section	Offence	Maximum Penalty
		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 carriage or private hire vehicle is stored, if requested	Level 3 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

Section	Offence	Maximum Penalty
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

4 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

APPENDIX F

An up-to-date list of the Garages authorised to issue Vehicle Condition Certificates (also known as a VCC or Roadworthiness) can be found at: <https://www.eastherts.gov.uk>

APPENDIX G

You may use any GP at the practice where you are registered or:

- All General practice surgeries in East Herts District (but they will generally only undertake medicals for patients registered at their surgery)
- Cotswold Medicals Ltd who have a Clinic at the Rugby Club, Silver Leys, Hadham Road, Bishop's Stortford, CM23 2QE call 01454 317436 or 0870 609 1540 to book medical.enquiries@cotswoldmedicals.co.uk.

The current medical requirements and forms can be found at:
<https://www.eastherts.gov.uk>



Taxi Licensing

Suitability Policy

Introduction

- 1.1 This policy provides guidance to all parties on the criteria that will be taken into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire Driver Licence, an Operator Licence or be the proprietor of a licensed vehicle. Whilst criminal convictions play a significant part in the Licensing Authority's determination on whether an individual is fit and proper or not, the Council will also take into account other factors such as demeanour, general character, non-criminal behaviour, driving abilities, and police information and the like.
- 1.2 When the Council makes any decisions or takes any actions in line with this policy, the safety of the public will be its paramount concern.

This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- applicants for a driver's licence
- existing licensed drivers
- licensing officers
- the Council's properly delegated decision makers
- magistrates and judges hearing appeals against local authority decisions.

In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the decision makers may depart from the guidelines.

- 1.3 It is the responsibility of East Herts Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976. In exercising this duty the Council will consider its duty to ensure the safety of the public as its primary consideration. Licences will not be issued unless the person is considered to be 'fit and proper'.
- 1.4 In seeking to safeguard the safety of the public the Council will be concerned to ensure:

- that a person is a fit and proper person in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
 - that the person does not pose a threat to the public
 - that the public are safeguarded from dishonest persons
 - the safety of children, young persons and vulnerable adults.
- 1.5 In drafting this policy and considering responses to the consultation consideration has been given to the Human Rights Act 1998, particularly in relation to:
- Article 6 (right to a fair trial);
 - Article 8 (the right to respect for private and family life); and
 - Protocol 1, Article 1 (protection of property)
- 1.6 All decisions taken under this policy will be taken in accordance with the Human Rights Act.
- 1.7 Similarly the impact of this policy on the local community of East Herts, both positive and negative, has been considered.

Decision-making principles

- 1.8 The term “Fit and Proper” for the purposes of taxi and private hire licensing is not legally defined but it has also been described as “safe and suitable” in a number of court cases.
- 1.9 In determining whether a person is fit and proper to hold a **driver’s 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?”

- 1.10 In determining whether a person is fit and proper to hold an **operator's licence**, those tasked with determining licences / applications are effectively asking the following question of themselves:

“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”

There are no statutory criteria for granting a vehicle proprietor's licence so the authority has absolute discretion over whether or not to grant. In determining whether a person should be granted a **vehicle licence**, those tasked with determining licences / applications are effectively asking the following question of themselves:

“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”

- 1.11 If the answer to the pertinent 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.

- 1.12 In order to assess the suitability of an Applicant (and to inform decision makers when answering the questions above), the Council 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 driver's licence
- Number of endorsed driving licence penalty points
- Right to work in the UK

- Medical fitness
- Standard of driving / driving ability
- The conduct of the individual in making the application (which could include whether they have acted with integrity during the application process, made a misleading statement or omission)
- The previous licensing history of existing / former licence holders

The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) on all applicants for a new driver's licence and every six months following the grant of a driver's licence. It is mandatory that holders of drivers licences sign up to the DBS Update Service and maintain that registration throughout the life of their licence. Persons with legitimate reasons for being unable to register with the DBS Update service or that allow their registration to lapse will be required to apply for an Enhanced DBS Disclosure every six months at their own expense.

- 1.13 Hertfordshire Constabulary will be consulted on all new and renewal applications. Applicants and existing licence holders should be aware that any information that the Police provide regarding their fitness and propriety to hold a licence will be considered.
- 1.14 East Herts Council is a member of the National Anti-Fraud Network (NAFN) and as such has access to the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3). This is an important step in tackling the issue of individuals making applications to different licensing authorities following a refusal or revocation elsewhere. The register will be used in the following way:
- When a new application is received the register will be checked to see if that individual has had a licence revoked or refused by another authority; and
 - When an application to this authority is refused the applicants details will be added to the register; and
 - When a licence which has been issued by this authority is revoked the individuals details will be added to the register.

- 1.15 In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards (or other bodies with a similar function), other licensing authorities and statutory agencies where appropriate.
- 1.16 An individual wishing to be licensed would normally be required to remain conviction free for an appropriate period of time as detailed in this policy. In the case of a new application for a licence it is the applicant's responsibility to demonstrate how they are fit and proper to hold a licence
Simply remaining free from complaint and/or conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 1.17 The standards and criteria set out in paragraphs 3 to 12 below are those that would normally be applied to applications and licences. The Council may depart from these criteria; however it must only do so in wholly exceptional circumstances¹. The otherwise good character and driving record of the Applicant or licence holder will not ordinarily be considered as exceptional circumstances.
- 1.18 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 or new information has come to light.

2.0 Powers

- 2.1 Section 61 and Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allow the Council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 2.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the Council to take into account all convictions recorded against an applicant or

¹ Wholly exceptional circumstances will be decided by discussion between the officer dealing with the matter, the Head of Service and the Chair of the Licensing Committee.

the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore the Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Individuals need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

- 2.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence and/or Private Hire Vehicle Operator's licence is a "fit and proper" person to hold such a licence. However, if there is any reason to question an individual's fitness and propriety to hold a licence (such as convictions, warnings, charges awaiting trial, police intelligence, complaints or any other matter considered relevant) the Council will look into:
- How relevant the information is to the licence
 - How serious the matter(s) were
 - When the matter(s) occurred
 - The date of the conviction, warning, caution etc.
 - The number of matters/offences i.e. lots of minor offences
 - Circumstances of the individual concerned
 - Any sentence or sanction imposed by a court
 - Any comments made by the court or other information laid before the court
 - The individual's age at the time of offence / incident
 - Whether they form part of a pattern of conduct/offending
 - Any other character check considered reasonable (e.g. personal references)
 - Any other factors that might be relevant, for example:

- Whether the Applicant has intentionally misled the Council or lied as part of the application process
- Information provided by other agencies / Council departments
- The previous conduct of an existing or former licence holder

2.4 Existing holders or those with open applications are required to notify the Council in writing within 48 hours (email is acceptable) of the following matters:

driving licence endorsement;

- fixed penalty notice, police caution, criminal conviction or other criminal proceedings (including acquittal as part of a criminal case);
- arrest and release, charge or conviction for any matter.

Failure to notify

Failing to notify the Council within this time period will raise serious questions for the Council as to the honesty of the individual and will be taken into account in relation to the fitness and propriety of that person.

2.5 Individuals can discuss further what effect any relevant information may have on their application or licence by contacting the Licensing Team for advice. It is in the individual's best interest to bring any relevant detail to the attention of the authority at an early stage.

If you are not sure whether or not to bring a matter to the Authority's attention then the simple answer is that you should. If the matter is not considered relevant then you will have peace of mind and if it is considered relevant it can be dealt with. The costs involved in applying for a licence may be wasted if details come to light later which mean the application should be refused. Similarly failure to notify the authority of a relevant matter whilst licensed will bring your fitness and propriety into question.

2.6 It is an offence for any person knowingly or recklessly to make a false statement or to omit any material matter when giving information required as part of the application for a licence or required by holding a licence. Where an individual has made a false statement or a false declaration or

omission on their application for the grant or renewal of a licence, the licence will normally be refused. Where a licence is already in place, that licence can be suspended or revoked. Subsequent applications for licences will be refused for a period of five years from the date that the lie or omission came to light.

- 2.7 The Council is entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police. Examples of information sources that may be used include but are not limited to social care information, benefits payments, and the like.
- 2.8 The lists of offences within this Policy are not exhaustive. The Council can consider any offences not detailed in this Policy when examining the fitness and propriety of an individual.
- 2.9 **Options at time of new applications or renewals:** When determining the fitness and propriety of an applicant for a licence the Council has the following options:
- approve the application
 - approve the application with a shorter expiry date
 - refuse the application.
- 2.10 **Options when considering an existing licence:** When considering the fitness and propriety of an existing licence holder the Council has the following options:
- take no action
 - issue a warning which may include the use of Licensing Record Points in line with the Council's Licensing Points Scheme
 - suspend the licence subject to a 21 day appeal period
 - suspend the licence with immediate effect
 - revoke the licence subject to a 21 day appeal period
 - revoke the licence with immediate effect.

2.11 A suspension or revocation of the licence of a driver normally takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that this is so and an explanation of why, the suspension or revocation takes effect when the notice is given to the driver. [s61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.]

2.12 The Council recognises the different roles of drivers, vehicle proprietors and operators and its responsibility to ensure that they are ‘fit and proper’ to hold such licences. For driver’s licences all of the following sections apply but sections 11 and 12 do not apply to private hire operator’s licences or vehicle proprietor’s licences.

3.0 Convictions

3.1 Licensed drivers, and potentially private hire operators, have close regular contact with the public. A firm line is to be taken with those who have any convictions.

3.2 Offences including threat to or loss of life and/or violence

Offence	Policy position
<ul style="list-style-type: none"> • Murder • Manslaughter • Manslaughter or culpable homicide while driving • Grievous bodily harm • Violent disorder • Riot • Malicious wounding or grievous bodily harm which is racially aggravated • Aggravated burglary • Terrorism offences • Any related offences (including aiding, abetting, attempting or conspiring to commit offences) that are similar in gravity to those above or which replace those above 	<p>Applications will be refused</p> <p>An existing licence will be revoked</p>

Offence	Policy position
<ul style="list-style-type: none"> • Arson • Actual bodily harm • Robbery • Possession of firearm • Assault Police • Resisting arrest • Any racially aggravated offence against a person or property • Affray • Any offence that may be categorised as domestic violence • Any other Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence) • Any related offences (including aiding, abetting, attempting or conspiring to commit offences) that are similar in gravity to those above or which replace those above 	<p>Applications will only be considered if a period of at least 10 years has passed since conviction, the end of any prison sentence or period 'on licence' (whichever is longest)</p> <p style="text-align: center;">An existing licence will be revoked</p>

3.4 Possession of a weapon

Offence	Policy position
Conviction for possession of an offensive weapon or other weapon related offence	<p>Applications will only be considered if a period of at least 7 years has passed since conviction, the end of any prison sentence or period 'on licence' (whichever is longest)</p> <p style="text-align: center;">An existing licence will be revoked</p>
A history of two or more separate convictions for offences of a violent nature or weapon related offences	<p>Applications will be refused</p> <p style="text-align: center;">An existing licence will be revoked</p>

3.5 Other offences

Offence	Policy position
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Offence	Policy position
<ul style="list-style-type: none"> • Obstruction • Criminal damage • Common assault • Any related offences (including aiding, abetting, attempting or conspiring to commit offences) that are similar in gravity to those above or which replace those above 	<p>Applications will only be considered if a period of at least 5 years has passed since conviction, the end of any prison sentence or period 'on licence' (whichever is longest)</p> <p style="text-align: center;">An existing licence will be revoked</p>

3.6 As licensed drivers often carry unaccompanied and/or vulnerable passengers, the Council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. Similarly licensed private hire operators will have access to information regarding the location and movements of these groups of people. All sexual and indecency offences will be considered as serious.

3.7 Sexual and indecency offences

Offence	Policy position
<ul style="list-style-type: none"> • Rape • Assault by penetration • Offences involving children or vulnerable adults • Trafficking, sexual abuse against children and/or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003) • Making or distributing obscene material • Possession of indecent photographs depicting child pornography • Sexual assault • Indecent assault • Exploitation of prostitution • Soliciting (kerb crawling) • Making obscene/indecent telephone calls • Indecent exposure • Any related offences (including aiding, abetting, attempting or conspiring to commit offences) that are similar in gravity to those above or which replace those above • Applicant is currently on the Sex Offenders Register or any other similar register 	<p>Applications will be refused</p> <p>An existing licence will be revoked</p>

3.8 In addition to the above the Council will not allow an individual to remain licensed or grant a licence to any individual who is currently on the Sex Offenders Register or any other similar register.

3.9 A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Both drivers and

operators may be privy to information regarding empty homes as taxis are often used as transport to airports etc. For these reasons, a serious view is taken of any conviction involving dishonesty.

3.10 Dishonesty offences

Offence	Policy position
<ul style="list-style-type: none"> • 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 • Fare overcharging • Any related offences (including aiding, abetting, attempting or conspiring to commit offences) that are similar in gravity to those above or which replace those above 	<p style="text-align: center;">Applications will only be considered if a period of at least 7 years has passed since conviction, the end of any prison sentence or period 'on licence' (whichever is longest)</p> <p style="text-align: center;">An existing licence will be revoked</p>

3.11 A serious view is taken of any drug-related offence. Taking drugs and driving poses an obvious risk to public safety, whilst individuals who have convictions for the supply of drugs will also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully.

3.12 It is recognised nationally that taxis can travel to any location at any time without raising suspicion so they are the ideal mode of transport for moving illegal items. An individual applying for an operator's licence with any conviction relating to the supply of illegal substances will be refused.

3.13 As licence holders are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while exceeding the legal limit or under the influence of drink or drugs (see section 4).

- 3.14 If an individual has previously been an addict then they will be required to show evidence of 5 years free from alcohol or drug taking after detoxification treatment.

3.15 Drug related offences

Offence	Policy position
Conviction for an offence relating to the supply of illegal/controlled drugs	Applications will be refused An existing licence will be revoked
Conviction for possession of illegal/controlled drugs	Applications will only be considered if a period of at least 10 years has passed since conviction, the end of any prison sentence or period 'on licence' (whichever is longest) An existing licence will be revoked

4.0 Driving and traffic offences

4.1 A very serious view is to be taken of any individual who has been convicted of a driving offence that resulted in the loss of life.

4.2 Driving offences including loss of life

Offence	Policy position
<ul style="list-style-type: none"> • Causing death by dangerous driving • Causing death by careless driving whilst under the influence of drink or drugs • Causing death by dangerous driving • Causing death by driving: unlicensed, disqualified or uninsured driver • Any related offences (including aiding, abetting, attempting or conspiring to commit offences) that are similar in gravity to those above or which replace those above 	<p style="text-align: center;">Applications will be refused</p> <p style="text-align: center;">An existing licence will be revoked</p>

4.3 Other traffic offences

Offences	Policy position
Minor traffic offences	Individual offences will be considered but will not normally result in an application being refused or an existing licence being revoked.
Major traffic offences (one)	At least 1 year free of any other driving conviction (either major or minor) An existing driver licence revoked.
Major traffic offences (two or more)	At least 2 years free of any other driving conviction (either major or minor) An existing driver licence revoked.
Disqualification	At least 5 years free of any other driving conviction (either major or minor) starting from the date the drivers licence is restored An existing driver licence revoked.
Disqualification (two or more)	Application refused An existing driver licence revoked.
Drink driving or driving under the influence of drugs	At least 7 years have elapsed since completion of any sentence or period of disqualification, whichever is the later. An existing driver licence revoked.
Using a using a hand-held mobile telephone or a hand-held device whilst driving	At least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.
New applicant with 7 or more points on their DVLA licence	Application refused
Existing licensed driver who accumulates 9 or more points on their DVLA licence	6 weeks to pass the Council approved driving test or licence suspended until successfully completed. (Test to be taken at individuals own expense)
12 or more points on the DVLA licence	Application refused. An existing driver licence revoked.

- 4.4 Minor traffic offences come under the following categories: Construction and use offences (prefixed CU), Miscellaneous offences (prefixed MS), Motorway offences (prefixed MW), Pedestrian crossings (prefixed PC), Speed limits (prefixed SP) and Traffic direction and signs². These offences can also be subject to consideration as part of the Licensing Records Points Scheme.
- 4.5 Major traffic offences, which are all offences not covered in the paragraph above, will give rise to serious doubts about the individual's suitability to be a driving professional. An individual with any such convictions will be required to show a period of at least one year free of any other driving conviction. For individuals with more than one offence this period will be increased to two years.

5.0 Outstanding charge or summons

5.1 If the individual is the subject of an outstanding charge or summons their application should be suspended until the matter is resolved.

5.2 Outstanding Charges or Summonses

Offence	Policy position
Outstanding charge or summons	Application put on hold until the matter is resolved. Fitness and propriety of existing licence holder will be considered with the seriousness of matter viewed in reference to the categories contained within this policy.

6.0 Licensing offences

6.1 Certain offences under taxi legislation will prevent a licence being granted or renewed.

² The offences that fall under each of these categories can be found at www.gov.uk.

6.2 Licensing offences

Offence	Policy position
<ul style="list-style-type: none"> • Illegal Plying for hire • Overcharging • Refusing to carry a person with a disability or assistance dog 	<p>Applications will only be considered if a period of at least 3 years has passed since conviction</p> <p>An existing licence will be revoked</p>

7.0 Insurance offences

7.1 A serious view will be taken of convictions for any insurance offence but in particular 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 for 5 years. However, strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.

7.2 Insurance offences

Offence	Policy position
Any insurance offence	<p>Applications will only be considered if a period of at least 5 years has passed since conviction, the end of any prison sentence or period 'on licence' (whichever is longest)</p> <p>An existing licence will be revoked</p>
More than 1 insurance offence	<p>Applications will be refused</p> <p>An existing licence will be revoked</p>

7.3 An operator found guilty of aiding and abetting, or otherwise assisting the driving of passengers whilst without insurance will have his Operator's Licence revoked immediately and will not be permitted to hold a licence for a period of at least three years.

8.0 Discrimination offences

8.1 Discrimination offences

Offence type	Outcome
1 conviction for a discrimination offence in the last 7 years	Applications will be refused

Offence type	Outcome
1 conviction for a discrimination offence which is more than 7 years old	Application will be refused unless: <ul style="list-style-type: none"> • The applicant has no other conviction for a similar offence; AND • The applicant can demonstrate a thorough understanding of the requirements of the Equality Act 2010 (or any Act replacing or amending this Act) to the satisfaction of the issuing authority.
More than 1 conviction a discrimination offence	Applications will be refused
Existing licensed operator or driver convicted of any of the following: <ul style="list-style-type: none"> • discriminating, whether as the result of a criminal investigation or by way of a successful action in the County Court for a claim of discrimination. • refusing an assistance dog. • over-charging a passenger on the basis of their disability. • allowing a disabled passenger to travel in an unsafe manner. 	An existing licence will be revoked

8.2 Where the applicant for an operator’s licence is a company or partnership a conviction for discrimination against any partner, director or secretary of that body will be considered in the same way as it would be for an individual and the licence will be revoked.

9.0 Exploitation offences

9.1 Exploitation offences

Offence type	Outcome
Any conviction involving, related to, or that has any connection with: <ul style="list-style-type: none"> • abuse; • exploitation; • use or treatment of another individual irrespective of whether the victim or victims were adults or children. 	Applications will be refused An existing licence will be revoked

9.2 The above categories include matters such as slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse. This is not an exhaustive list.

10.0 Non-conviction information

10.1 At any point during a licence application or once a licence is held, the Council will take into account information that becomes known about situations and circumstances that have not led to a conviction. This will include but is not limited to:

- If an individual is alcohol or drug dependent, a satisfactory special medical report (as specified by the Council at that time) must be provided
- If there is persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required. Such a report will be at the individual's own expense.
- an arrest
- being held on bail
- being charged but not convicted
- acquittals
- circumstances in which convictions were quashed due to misdirection to the jury
- circumstances where the decision was taken not to prosecute, and
- complaints.

10.2 In determining the most appropriate action to take, the Council will take into account, though not limit itself to:

- the source of the information
- the nature of non-conviction information
- the credibility of the witness / complainant
- the range of information / number of complaints available
- the credibility of the licence holder.

With regard to the options available, the Council will have regard to paragraphs 2.9 and 2.10 of this policy.

11.0 Individuals with periods of residency outside the UK

11.1 If at any time an Applicant or existing licence holder has spent six continuous months or more overseas the Council will expect to see evidence of a criminal record check from the country/countries visited covering the whole period spent overseas.

11.2 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those individuals who have lived overseas. For EU nationals suitable checks should be available, for those countries for which checks are not available, one option is to require a certificate of good conduct authenticated by the relevant embassy. Where an individual cannot demonstrate that they were conviction-free during periods abroad they will be unable to meet the 'fit and proper' criteria. The onus is on the applicant to provide proof of their fitness and propriety and where they cannot applications will be refused.

12.0 Conditional discharge

12.1 Applicants are required to notify the Council of any conditional discharge or absolute discharge and these will be considered on a case-by-case basis. As the court can use these options in a variety of cases it is not possible to give comprehensive guidelines regarding the likely outcome of their consideration by the Council.

12.2 If an offence is committed during the period of a conditional discharge the courts may re-sentence an offender for the offence for which the conditional discharge was given. At this point the Council may consider that offence under this policy.

13.0 Cumulative impact of offending history

13.1 The Council recognises there may be cases where an Applicant or an existing licence holder may have a number of convictions and/or non-conviction matters, none of which, if considered in isolation, would preclude the holding

of a licence. A number of convictions and/or non-conviction matters, however, will give cause for concern, thus, in such circumstances the Council will take into account the cumulative nature of these separate convictions and/or non-conviction matters when determining the suitability of that person to hold a licence.

14.0 Appeals

- 14.1 Any Applicant refused a driver's licence or an existing licence holder who has their licence suspended or revoked has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s 77 (1)].

APPENDIX I

Licensed Vehicle Age and Emissions Policy

The purpose of this policy is to ensure taxis are as safe, reliable and comfortable as possible while at the same time minimising emissions. The policy aims to have a positive impact on emissions as it is recognised that the age of vehicles and the exhaust emission specification are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the taxi fleet, standards relating to the exhaust emissions have been introduced in addition to the requirements regarding the age of vehicles.

In order to be licensed, a vehicle must **meet both the age and emissions criteria**. Applications to licence vehicles which fall outside of the policy will be considered on their own merits.

Vehicle Age

At first application - Vehicle licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 5 years prior to the date that the application is made.

At renewal - Vehicle licences will not be renewed in respect of any licensed vehicle that was first registered (or, in the case of imported vehicles, manufactured) more than 10 years prior to the date of renewal (or 12 years in the case of purpose-built or fully wheelchair accessible vehicles).

A vehicle will be considered for licensing beyond these upper age limits if it is in '**exceptional condition**'. The criteria for meeting this standard are below.

Exceptional Condition Criteria

A vehicle will be considered to be in 'exceptional condition' if **ALL** of the following apply:

1. The vehicle must not have failed the council's vehicle inspection or standard MOT (or just the standard MOT if the vehicle has not been licensed previously) on any significant item within the previous five years.
2. The vehicle meets or exceeds the vehicle standards contained within East

- Herts policy in relation to vehicle condition.
3. The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
 4. The boot or luggage compartment is in good condition, clean and undamaged.
 5. Passenger areas are free from damp and any unpleasant odours.

The criteria will be checked by an officer of the council and the proprietor of the vehicle must provide all the necessary documentation to support their request for a vehicle licence to be granted outside of this policy. An appointment will need to be made for this and a fee will be charged.

If the above criteria are satisfied then the proprietor of the vehicle must book and pay for the council's approved vehicle inspection from a nominated garage and produce the pass certificate to the council. This test CANNOT be carried out before the vehicle is inspected by a council officer.

Emissions Standards

At first application – From 01/04/2020 vehicles must meet or exceed Euro 6 emissions standards at first application.

At renewal – From 01/04/2020 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 5 emissions standards. (From 01/04/2023 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 6 emissions standards.)

Where vehicles do not meet the relevant emissions criteria the proprietor may:

- have the vehicle adapted / modified to meet the standard and provide evidence of this
- change the fuel that is used to a cleaner alternative, such as bio diesel or
- replace the vehicle with one that meets the emission standard.

Notwithstanding that each application will be considered on its own merits.

When will the different criteria be applied?

If the licence of a currently licensed Hackney Carriage or Private Hire Vehicle is allowed to **EXPIRE** by its proprietor then any subsequent application will **NOT** be considered as a renewal. This means that where an existing vehicle licence expires, a subsequent application for a licence for that vehicle will be treated as a first time application and the standards and criteria relating to first time applications will be applied.

For the avoidance of doubt when a new vehicle has an existing plate transferred onto it the vehicle will be considered under the criteria for a vehicle being licensed for the first time.

Low Emission and Electric Vehicles

The Council encourages the uptake of low emission and electric vehicles in the District. The authority will seek to examine the feasibility of introducing schemes which help improve the charging network and aid drivers in testing and purchasing electric vehicles.

The Council will waive the initial vehicle licence application fee for any application to licence a fully Electric Vehicle (EV) received before 31/03/2022.

NOTE:

The various sections and policies contained in this handbook have all been subject to consultation and subsequent review (where appropriate).

Each individual policy and this handbook as a whole will be reviewed every three years as a minimum.

CONTACT DETAILS:

Licensing Team
East Herts Council
Wallfields, Pegs Lane
Hertford
Hertfordshire
SG13 8EQ

Tel: (01992) 531503
Fax: (01992) 583683

Email: licensing.taxis@eastherts.gov.uk
Website: www.eastherts.gov.uk