

Hackney Carriage and Private Hire Vehicle Policy

2021 - 2025

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BCP Licensing

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CHAPTER		PAGE NO
	Introduction	
1	Purpose Statement	3
2	Who the Policy Applies to	3
3	This Policy Replaces	4
4	Approval Process	4
5	Links to Council Strategies	4
6	The policy	4
7	Requirements for new or replacement vehicles	5
8	Vehicle inspections	6
9	Vehicle emissions requirements	7
10	Applications for new or replacement vehicles	7
11	Renewal of licence	8
12	Criminal records	8
13	CCTV or other electronic equipment	9
14	Wheelchair accessibility	10
15	Hackney carriages	11
16	Quantity restrictions on Hackney Carriage numbers	12
17	Hackney Carriage livery	12
18	Hackney Carriage roof signs	12
19	Hackney Carriage licence plates	12
20	Hackney Carriage fare meters and printers	13
21	Private Hire vehicle	14
22	Private Hire meter and printer	14
23	Private Hire vehicle colour and signage	14
24	Private Hire vehicle licence plates	14
25	Vehicle advertising	15
26	Changes to vehicle licence holder	15
27	Accidents/damage to vehicles and temporary substitution	16
28	How to use this policy	17

29	Roles and responsibilities	17
30	Enforcement and sanctions	17
31	Complaints, disciplinary and delegation to officers	17
	Appendix	
A	Executive Private Hire vehicles	18
B	Private Hire and Hackney Carriage licence conditions	20
C	Criminal convictions guidelines	24
D	CCTV specification	39
E	Advertising and sign guidelines	44

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Introduction

The Licensing Committee and officers are committed to ensuring the highest standards in order to protect public safety when administering this policy.

All requirements contained within this policy together with conditions on the licence are a mandatory requirement for holding a Private Hire or Hackney Carriage Vehicle Licence issued by BCP Council.

From the first day of adoption of this policy ALL licence holders are required to meet these high standards and it is expected that they will ensure they are fully aware of this policy and comply with all the requirements set out within it.

The Licensing Committee will not accept the excuse that a licence holder was not aware of these requirements when considering any matters brought before them.

1. Purpose statement

- 1.1 BCP Council has a responsibility to issue Hackney Carriage and Private Hire vehicles, operators and driver licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
- 1.2 The policy also reflects government guidance as set out in the Department for Transport Statutory Taxi and Private Hire Vehicle Standards issued in July 2020. <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 1.3 In the interest of public safety BCP Council seek to ensure that anyone issued with such a licence is considered to be 'fit and proper' and that the vehicle meets the safety standards prior to issuing or reissuing any licence.
- 1.4 This Policy is concerned with the regulation of Hackney Carriage and Private Hire licenced vehicles, operators and drivers and the council adopts the overall approach to encouraging the responsible activity of all licence holders. In the interests of its residents and visitors, it will not tolerate any vehicle which poses a threat to the safety of any passenger or other road user.
- 1.5 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is appropriate for the Council to depart from its Policy clear reasons will be given for doing so. Nothing in this Policy will prevent an applicant or licence holder requesting that the Council considers the individual merits of their case and give reasonable consideration to departing from its Policy. Such requests may either be in writing via email or orally before the Licensing Committee or Sub Committee.

2. Who the policy applies to

- 2.1 This Policy will assist applicants, licence holders, officers of the Licensing Authority, Members of the Licensing Committee, and persons using public carriages to be aware of the standards of conduct and behaviour required of all prospective or existing licenced vehicle proprietors, drivers and operators.

2.2 This Policy also affords members of the Licensing Committee and Officers alike, to consider the concerns of the public and other recognised bodies, and to take appropriate measures where the behaviour of licensed vehicle proprietors, drivers and operators are called into question at application or after licences have been issued.

3. This policy replaces

3.1 This Policy replaces the three previous Taxi and Private Hire Public Carriage Policies that covered Bournemouth Borough Council, Christchurch Borough Council and The Borough of Poole.

4. Approval process

4.1 BCP Council as the Licensing Authority has delegated the Licensing Committee to oversee the development and review of its Hackney Carriage and Private Hire Operator Policy.

4.2 Once drafted the policy is subject to a period of public consultation. Consultation responses are reported to the full licensing committee for consideration.

4.3 Once finalised the policy is presented to the Full Council for ratification.

5. Links to Council Strategies

5.1 This policy supports the BCP Council Core Strategy.

5.2 During the preparation of this policy document due consideration has been given to the following Key Council Strategies:

- Corporate Plan
- Sustainable Transport Plan
- Workforce Strategy
- Health & Wellbeing Strategy
- Safeguarding Strategy
- Climate Change Strategy
- Children in Care Strategy
- Crime & Disorder Reduction Strategy
- Equality & Diversity

6. The policy

6.1 This policy is a working document and the Licensing Authority reserves the right to alter and amend the policy as appropriate to correct errors, inconsistencies, clarify guidance, legislative changes and issue a revised version of the policy at any time. However, any **significant changes** to the Policy will only be implemented after a formal consultation process with the trade and public.

6.2 Any **significant amendment** is defined as one that:-

- Is likely to have a significant financial effect on licence holders or
- Is likely to have a significant procedural effect on licence holders or
- Is likely to have a significant adverse effect on the community

7. Vehicle requirements for new or replacement vehicles

7.1 All vehicles must comply with British and European vehicle regulations, be approved to the standard of type M1 European Whole Vehicle Type Approval (EWVTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:

- The Council may, at its discretion, accept vehicles converted and certified as conforming to a national Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.
- Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification, must be of M1 EWVTA Approval.
- Vehicles converted from other base vehicle types (e.g. M2 or N1) will not be accepted for licensing, unless converted and certified in accordance with subparagraph 7.1.1.

7.2 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made subsequent to the inspection of the vehicle by the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed Private Hire vehicle. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification).

7.3 The vehicle should have a minimum of four opening doors, two on each side of the vehicle with the exception of London style taxis.

7.4 To assist applicants the council will publish a list of approved vehicles on the website for reference purposes only.

Vehicle age and emissions

7.5 All vehicles must be no more than 3.5 years old from the date of first registration and the the vehicle engine emissions must meet euro 6 emission standard or higher (or other equivalent standard.) See section 9.

7.6 For wheelchair accessible vehicles additional requirements are set out in section 11.

Tinted windows

7.7 Window tints are not recommended in licenced vehicles. In order to safeguard vulnerable passengers the glass in doors behind the driver at the side of the rear passengers must

let in at least 70% of the light. This is the same as that in front windscreens. If you have tinted windows you must provide calibrated evidence that the windows allow in the permitted amounts of light.

- 7.8 After-market tinted or blacked out windows are not acceptable. Tint film must not be applied to any windows.

Passenger seating

- 7.9 The vehicle must have sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity is determined on the assumption that allowance is made for a rear seating width of approximately 400 mm (16") per passenger measured laterally along the widest part of the seat and where arm rests are positioned over such seats the measurement shall be taken between arm rests.)
- 7.10 Access to every passenger seat must be unobstructed and be easily accessible to passengers and without the need for more than one passenger to move.
- 7.11 Head rests must be fitted to all forward or rear facing seats.

Luggage

- 7.12 A suitable space separated from the passenger compartment for the safe carriage of luggage.
- 7.13 The boot capacity shall be no less than 370 cubic litres, please ensure with estate and hatchback or similar type cars this is not calculated to include above the parcel shelf unless there is a permanently fixed divider behind the rear seats.
- 7.14 The vehicle shall not carry luggage on the roof of any vehicle without ensuring that it is adequately fixed on a secure luggage rack which complies with necessary safety standards and weight restrictions.

Executive Private Hire vehicles

- 7.15 Speciality vehicles such as limousines, executive or party Private Hire vehicles must comply with the requirements as set out in Appendix A.

8. Vehicle Inspections

- 8.1 All licenced vehicles regardless of age or mileage will be required to have two mechanical inspections per calendar year.
- Prior to the issue of a licence and annually thereafter a licensed vehicle must undergo a mechanical examination at one of the Council approved designated testing centres. The testing station will issue a Mechanical Examination Certificate (MEC) for twelve months.
 - The vehicle must then be tested no more than 6 months but no less than five months after the MEC issue date (8.1.1). This inspection will take the form of a standard MoT and can take place at any DVSA authorised garage. (if there is an existing MoT this can mean the vehicle is tested three times the first year to bring the testing into synchronisation with the policy requirements_

- 8.2 Failure to submit the MEC or MoT certificate by the due date will result in the vehicle licence being immediately suspended and the vehicle cannot be used as a licensed vehicle until confirmation that the test has been successfully completed is received and reviewed by the taxi licensing team.
- 8.3 For the annual MEC test the vehicle must also be presented no more than 4 weeks of the anniversary of the first MEC test inspection date.
- 8.4 The Council does not have a duty to notify the licence holder's that their vehicle requires a test certificate to remain licenced. It is the licence holder's responsibility to ensure that the vehicle is tested in accordance with the requirements of the licence. As a courtesy the Council will try to ensure that we send out notification to the licence holder prior to the test date.

9. Vehicle emission requirements

- 9.1 BCP council has declared an Environment Emergency, vehicles exhaust emissions are a principle source of air pollution.
- 9.2 From the date of this new policy no licence will be issued to any vehicle which does not meet the minimum emission standard Euro 6 or equivalent standard.
- 9.3 The aim of Euro 6 is to reduce levels of harmful car and van exhaust emissions, both in petrol and diesel cars.
- 9.4 All vehicles licenced by BCP council will meet the Euro 6 emission standard by 31st December 2023. No vehicle licences at renewal will be issued for vehicles which fail to meet this standard after this date.

10. Applications for new or replacement vehicles

- 10.1 Vehicle licences for new or replacement vehicles will only be issued on receipt of all the necessary paperwork. Applicants are reminded that the licence is for the vehicle and the plate together so the person who applies for the licence MUST own the vehicle as well be a licence holder. Licences can be issued to multiple applicants to ensure everyone who has a financial interest in the vehicle and its licence are named.
- 10.2 Applications must be accompanied by the following documents
- V5 – this is the registered keeper details
 - Certificate of mechanical inspection from appointed testing centre
 - Proof of purchase – receipt/bill of sale/HP agreement
 - Valid insurance which includes hire and reward
 - Basic DBS certificate, if the applicant already holds a Private Hire or Hackney Carriage drivers licence issued by BCP council the DBS update service details must be provided with the application. The basic DBS certificate or DBS update details are required for each named person applying for the vehicle licence
 - Certificate of conformance (for wheelchair accessible vehicles only on first application)
 - Driver wheelchair accessible training certificates (for wheelchair accessible vehicle only)
 - Correct fee

- 10.3 Once all the relevant paperwork has been submitted a vehicle licence and plate will be issued to the main designated licence holder.
- 10.4 Once issued the licence holder is responsible for complying with the licence conditions as set out in Appendix B Private Hire and Hackney Carriage Conditions of Licence.

11. Renewal of licence

- 11.1 From the date of this policy no licence will be issued for the renewal for any vehicle aged 15 years or older from the date for first registration.
- 11.2 The applicant must submit the necessary documentation via email to taxi.privatehire@bcpcouncil.gov.uk in order for the application to be considered to be valid.
- 11.3 Holders of existing driver's licences must apply to renew their licence no earlier than 2 months prior and no later than 5 working day prior to the expiry date.
- 11.4 The council has no duty to notify the holder that their licence is due for renewal as it is the licence holder's responsibility to renew their licence. As a courtesy an email reminder will be sent to the driver in advance of their renewal date.
- 11.5 Renewal applications must be submitted electronically via email to taxi.privatehire@bcpcouncil.gov.uk.
- 11.6 The renewal criteria as the same as for application as set out section 10.
- 11.7 Licence holder who do not renew their licence by the expiry date are no longer authorised and must return their external plates within 5 working days.
- 11.8 In the case of Hackney Carriage Vehicle Licences if they are not renewed by the expiry date, the licence will then be offered to the next person on the waiting list for a vehicle licence in the relevant zone.

12. Criminal Records

- 12.1 The applicant must declare any previous criminal convictions, cautions and fixed penalty notices received, including those awaiting appeal, and any charges pending. The council will make a decision as to the relevance of convictions, cautions, charges and fixed penalty notices in accordance with criminal convictions guidelines in Appendix C.
- 12.2 The council may require further information from the Police or Crown Prosecution Service. Applicants who have previous criminal convictions, cautions, fixed penalty notices or charges pending will be interviewed and details of that interview may be included in any report which is referred to the Licensing Committee.
- 12.3 Failure to disclose or declare any previous convictions, cautions, fixed penalty notices or pending charges maybe construed as an attempt to deceive and appropriate and proportionate action will be taken
- 12.4 BCP Council will have regard to the IOL guidance on determining the suitability of applicants and licensees in the taxi and Private Hire trade as a minimum standard

[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf), however the convictions guidelines in Appendix C will be taken as the base line relating to convictions.

12.5 In addition consideration on suitability may include other factors including the conduct of the applicant during the application process or during the term of their existing or previous licence as well as their conduct, co-operation and working relationship with the Authority and its officers.

12.6 In essence a 'fit and proper' vehicle proprietor;

- should not be violent, abusive or threatening in their behaviour even if subjected to unpleasant, confrontational or dishonest passenger behaviour or when subject to enforcement action from officers
- should be honest and trustworthy with integrity as they have access to a large amount of personal information that could be misused and significant opportunity to defraud people
- should work co-operatively with and be civil and respectful towards officers of the Licensing Authority who are carrying out their duties.

12.7 This list is not exclusive and other factors may also be relevant to the fit and proper person definition.

12.8 The Licensing Authority will consider all information provided to it from sources such as the Police, Children and Adults Safeguarding Committees, Passenger Services and other statutory agencies. Existing licence holders will also have previous history/outcomes during their time as a licensed driver /operator or previous applicant taken into account and their ability to work constructively and positively with the Licensing Authority.

12.9 The Licensing Authority will consider all criminal history, unacceptable behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst licence holders drivers were directly engaged in their professional capacity at work or whether they occurred during the licence holders own personal time.

13. CCTV and other electronic equipment

13.1 The Licensing Authority has determined that CCTV systems can be installed and operated in Hackney Carriage and Private Hire vehicles for the following legitimate purposes:

- preventing and detecting crime
- reducing the fear of crime
- enhancing the safety of Hackney Carriage and Private Hire vehicle drivers, and their passengers

13.2 The policy seeks to ensure that the installation and operation of CCTV systems does not
(a) unreasonably interfere with the rights and freedoms of members of the public; and
(b) compromise the safety of drivers and passengers.

- 13.3 A CCTV system will include any electronic recording device attached to the inside of a taxi or Private Hire car having the technical capability to capture and retain visual images from inside or external to the vehicle. See Appendix D
- 13.4 Any CCTV system to be fitted in a Hackney Carriage or Private Hire car must, as a minimum, meet the requirements of this policy.
- 13.5 Where a licensed vehicle proprietor/driver wishes to install and use a CCTV system, it will be a condition of the Hackney Carriage or Private Hire vehicle licence that the requirements of this policy are fully complied with.
- 13.6 This policy does not place a mandatory requirement to install a CCTV system in all Hackney Carriage or Private Hire vehicles.
- 13.7 Other electronic equipment which is not supplied with the vehicle as standard should be for the receiving and fulfilling of bookings and be of an approved type.
- 13.8 Unauthorised equipment for the recording and replay of video and audio is not permitted.
- 13.9 Dashcams can be installed with the agreement of the licensing team, which must be set up correctly for recording outside of the vehicle only.

14. Wheelchair accessibility

Wheelchair Accessible Vehicle Requirements and published list

- 14.1 The Equality Act 2010 statutory guidance requires that local authorities must publish a list of wheelchair accessible vehicles that are capable of transporting a reference wheelchair as set out in Public Services Vehicles Accessibility Regulations 2000 <http://www.legislation.gov.uk/ukxi/2000/1970/schedule/1/made>
- 14.2 It is expected all vehicles presented to the council to be licenced as a wheelchair accessible vehicle will meet required space standards which are 1500mm high, 750mm wide and 1300mm length.
- 14.3 Prior to any licence being issued the applicant will have to provide a copy of the vehicle conformance certificate for the adaptation of any vehicles which are not purpose-built vehicles.
- 14.4 These regulations also set out the requirements for the testing of wheelchair restraints and hoists. It will be a requirement at first licence and each subsequent renewal that testing certificates showing annual maintenance of any hoist, restraint system and ramps is submitted. (this may form part of the annual advanced mechanical test)
- 14.5 The council has a duty to publish a list of wheelchair accessible vehicles so that anyone that requires such a vehicle is able to book one directly. All wheelchair accessible vehicle licence holders will be required to provide a contact name and number together with vehicle availability details on an annual basis on first application and at renewal. If the details change it is the responsibility of the licence holder to notify the licensing team.

Duty to assist passengers in wheelchairs

- 14.6 Under section 165 of the Equality Act 2010 licensed drivers of designated wheelchair accessible vehicles MUST undertake the following duties
- Carry the passenger while in the wheelchair
 - Not make any additional charge for doing so – this includes making sure the meter is NOT running while you are rendering assistance into and out of the vehicle
 - If the passenger chooses to sit in a passenger seat to carry the wheelchair
 - To take such steps as are necessary to ensure that the passenger is carried in safety and comfort
 - To provide such assistance as it necessary to enable the passenger to get into and out of the vehicle, this should include
 - installing the boarding ramp, if the passenger wishes to remain in the wheelchair, to enable them to get into and out of the vehicle while in the wheelchair. This should include pushing a manual wheelchair or light electric wheelchair up a ramp.
 - to load the passenger's luggage into out of the vehicle
 - if the passenger does not want to remain in the wheelchair to load the wheelchair into and out of the vehicle. This should include folding a manual wheelchair and placing it in the luggage compartment or stowing a light electric wheelchair in the luggage compartment.
- 14.7 It is expected by the Council that the proprietor and/or driver of a designated wheelchair accessible vehicle is fully aware of the safe method for loading, securing and unloading of wheelchair users for their particular vehicle.
- 14.8 The licence holder will be responsible for ensuring drivers of their vehicle can safely transport and assist passengers in a wheelchair and as such they must submit a certificate of training for each named driver as part of the vehicle renewal process.

15. Hackney Carriages

- 15.1 Hackney Carriage vehicles are available for immediate hire by being hailed (flagged down) in a public street or hired from a taxi rank.
- 15.2 As these vehicles are not pre-booked it is important that members of the public can easily identify a licenced vehicle in order to flag it down or accept a ride from a rank.
- 15.3 Hackney Carriages can also be used as a Private Hire vehicle and can work for any operator regardless of the area the operator is licenced in.
- 15.4 Hackney Carriage appearance and livery reflects the conurbation and in order to ensure visitors and residents alike they should be easily identifiable as a BCP Hackney Carriage. See Section 17.
- 15.5 All Hackney Carriages must have an illuminated roof sign. See Section 18.
- 15.6 The Hackney Carriage licence plates issued by BCP Council must be displayed in the approved positions. See Section 19.
- 15.7 All Hackney Carriages must be fitted with a meter and receipt printer. See Section 18.

16. Quantity restrictions on Hackney Carriage numbers

- 16.1 An 'Unmet Needs' survey was undertaken on behalf of the Licensing Authority in January 2020, the survey concluded that there is no unmet need in any of the three

licensed zones within the BCP area. A copy of the survey can be found on the council website (LINK).

- 16.2 The three Hackney Carriage vehicle zones for B (Bournemouth), C (Christchurch) and P (Poole) will be retained. Applicants will be required to state which zone the vehicle is to work in when applying for a new licence.
- 16.3 There will be 15 new Hackney Carriage vehicle licences released each year in each of the Bournemouth and Poole zones for wheelchair accessible vehicles (WAV) only. These licences will be released on the 1st April each year.
- 16.4 From the implementation of this policy Hackney Carriage vehicle licences in Christchurch zone will only be approved for WAV only.
- 16.5 Hackney Carriage licences issued after the date of this policy in any of the three zones must remain wheelchair accessible at all times and any replacement vehicles must meet the wheelchair accessible requirements of this policy.
- 16.6 All restrictions on numbers of Hackney Carriage vehicle licences will be removed by the next review of this policy in 2025.

17. Hackney Carriage Livery

- 17.1 From the date of this policy all new/ replacement Hackney Carriage vehicles must be white in colour with a blue reflective stripe down the side of the vehicle just under the window line.
- The blue strip should be 85mm wide and run continually along each side (exact colour to be agreed)
 - BCP logo on bonnet of vehicle
- 17.2 Existing licensed Hackney Carriage vehicles will not be expected to change colour however on replacement all vehicles must comply with the new livery requirements.
- 17.3 The vehicle door insignia (as approved by BCP Council) must be displayed on both front doors of the vehicle. These should be permanently affixed in the prescribed position.
- 17.4 All licenced Hackney Carriage vehicles will be required to meet the livery standards by December 2024.

18. Hackney Carriage Roof Signs

- 17.1. All Hackney Carriage vehicle must be fitted with an illuminated roof sign of a size and design approved by BCP Council Licensing Office.
- 17.2. The front of the sign should have a white background and in black letters a minimum of height of 62.5mm and a maximum of 75mm display the word 'TAXI'.
- 17.3. The rear of the sign should be the same size letters and wording as 16.2 but it should be on a red background.

19. Hackney Carriage Licence Plates

- 19.1 All Hackney Carriages will be issued with three licence plates two to be displayed externally and one internally.
- 19.2 The external vehicle plates are to be displayed on outer rear of the vehicle by the number plate or bumper and be clearly visible.
- 19.3 The internal licence plate is to be displayed in the front windscreen preferably in the top passenger side of the vehicle or on the internal partition if present in the vehicle. The internal plate must be clearly visible with the illuminated side showing into the vehicle so all traveling passengers can easily identify the licence number and how to make a complaint .
- 19.4 Any damaged or lost plates must be notified to the Licensing authority immediately. The cost of a replacement plate will incur an additional charge to the licence holder.
- 19.5 External plates will be replaced for free once in any five-year period.
- 19.6 The licence plate is the property of BCP Council and must be returned to the Licensing Office when the licence expires and/or it is not to be renewed.

20. Hackney Carriage Fare Meters and Printers

- 20.1 All Hackney Carriages must be fitted with either of the following types of device:
- a) A meter of the clock/calendar type which has been approved by the Council and which will calculate distance and time of the hiring and a receipt printer attached to the meter (“a taximeter”);
Or
 - b) A GPS equipped fare calculator which has been approved by the Council and which will calculate distance and time of the hiring and a receipt printer attached to it (“a GPS fare calculator”)
- 20.2 In both cases the device must be calibrated and set to a rate which does not exceed the Councils table of fares as may be made and be in force from time to time.
- 20.3 All Hackney Carriages fitted with a taximeter (as defined in (a) above) must comply with bylaw numbers 4 and 6 during every appropriate hiring.
- 20.4 All Hackney Carriages fitted with a GPS fare calculator (as defined in (b) above) must ensure that:
- i. When standing or plying for hire the GPS fare calculator is inactive insofar as it is not recording time or distance or calculating a fare;
 - ii. Before beginning a journey for which a fare is charged for distance and time, activate the GPS fare calculator to record and display the fare until the hiring terminates.
- 20.5 All Hackney Carriage vehicles should be fitted with a printer connected to the taximeter or GPS fare calculator this must be either hard wired or connected via Bluetooth and must be able to provide either a printed receipt or a virtual receipt to any passenger on request. (A handwritten receipt is not permitted except if the vehicle has a meter temporary permit.)
- 20.6 A receipt which must include the following information: -

- a. fare displayed and calculated by the meter together with other approved charges in accordance with the fare chart
- b. licence number of the vehicle

20.7 It is not necessary to produce a physical receipt. It is accepted that were technology is able to many passengers are happy for a receipt to be sent via text or email. However, the means to be able to print a receipt should always be available.

20.8 The meter and any associated receipt printer must be maintained in proper working order at all times.

20.9 The licensed holder must ensure that any driver using the licensed vehicle is trained to use the meter and printer in order to facilitate the above requirements.

20.10 In cases where a meter or approved system /and or printer is out of action the licensed vehicle holder must notify the Licensing Office immediately. A meter temporary permit to ply for hire without a meter and or printer may then be issued for a period not exceeding fourteen days and subject to immediate steps being taken to effect repair.

21. Private Hire Vehicles

21.1 Private Hire vehicles cannot be hired without a prior booking via a licenced Private Hire Operator. The requirements of the legislation require that licenced private hire vehicles, drivers and operators must all be licenced within the licensing area.

21.2 BCP council will create one Private Hire area which covers the entire council area allowing licenced Private Hire vehicles to be used any BCP licenced Private Hire Operator.

21.3 Private Hire vehicle categories

- Vehicles of the approved type will be licensed according to their proposed usage in the following categories:-
 - A. Non-metered Vehicles: Specialist and port/airport vehicles
 - B. Metered Vehicles: All other vehicles
- The proprietor of a Private Hire vehicle shall at all times ensure the vehicle is not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage.

22. Private Hire fare meter and printer

22.1 Category B Private Hire vehicles must be fitted with meter of the clock/calendar type to calculate distance and time of the hiring and a receipt printer attached to the meter.

- The Licensing Authority consider a meter to include a GPS type system or any other system that is capable of meeting the requirements as set out in Clause 4 of the Bylaws with respect of Hackney Carriages made in 1968.
- Any such system shall be approved by the Licensing Authority prior to installation.

22.2 Category B Private Hire vehicles should be fitted with a printer connected to the meter or other approved system this must be either hard wired or connected via Bluetooth and

must be able to provide either a printed receipt or a virtual receipt to any passenger on request. (A handwritten receipt is not permitted except if the vehicle has a meter temporary permit.)

22.3 A receipt which must include the following information: -

- c. fare displayed and calculated by the meter together with other approved charges in accordance with the fare chart
- d. Licence number of the vehicle

22.4 It is not necessary to produce a physical receipt. It is accepted that were technology is able to many passengers are happy for a receipt to be sent via text or email. However, the means to be able to print a receipt should always be available.

22.5 The meter and any associated receipt printer must be maintained in proper working order at all times.

22.6 The licensed holder must ensure that any driver using the licensed vehicle is trained to use the meter and printer in order to facilitate the above requirements.

22.7 In cases where a meter or approved system /and or printer is out of action the licensed vehicle holder must notify the Licensing Office immediately. A meter temporary permit to ply for hire without a meter and or printer may then be issued for a period not exceeding fourteen days and subject to immediate steps being taken to effect repair.

23. Private Hire Vehicle Colour and signage

23.1 No vehicle licensed as a Private Hire shall be coloured white. (this is to avoid confusion with Hackney Carriages.)

23.2 Signage all category B vehicles shall permanently affixed in the prescribed positions the following:

- Large 'No booking No ride' stickers on both rear passenger doors as near to the door handle as is possible either to the side or directly underneath. (they are clearly visible to the customer when entering the vehicle).
- Small 'No booking, No ride' sticker on front passenger door in as above.
- If the vehicle wishes to use the bus lanes in the BCP Council area a 'Chequered flag' sticker should be on the offside, front of the bonnet.

24. Private Hire Licence Plates

24.1 All Private Hire vehicles will be issued with two licence plates one to be displayed externally and one internally.

24.2 The external vehicle plate must be displayed on outer rear of the vehicle by the number plate or bumper and be clearly visible.

24.3 The internal licence plate is to be displayed in the front windscreen preferably in the top passenger side of the vehicle. The internal plate must be clearly visible with the illuminated side showing into the vehicle so all traveling passengers can easily identify the licence number and how to make a complaint.

24.4 Any damaged or lost plates must be notified to the Licensing Authority immediately. The cost of a replacement plate will incur an additional charge to the licence holder.

24.5 External plates will be replaced for free once in any five-year period.

24.6 The licence plate is the property of BCP Council and must be returned to the Licensing Office when the licence expires and/or it is not to be renewed.

25. Vehicle advertising

25.1 All vehicle advertising must be approved by the Licensing Office before being used.

25.2 A proof of the proposal must be provided to the Licensing Office and where necessary an appropriate fee prior to approval.

25.3 All advertising and signs should meet the following as stated in Appendix D.

26. Changes to Vehicle Licence holder

26.1 Vehicle licences can be amended to add or remove licence holders.

26.2 A vehicle licence includes the licence and the vehicle to which it relates, as such a vehicle cannot change hands without the licence being updated to reflect this change in ownership. In addition a licence cannot change hands if the vehicle is not owned by anyone on the licence.

26.3 As a vehicle licence is technically a business, the licensing team must ensure that everyone involved in the business is aware of any change in ownership of the licence. Identity documentation will be checked, and copies will be required prior to the change in licence being administered.

27. Accidents/damage to vehicles and temporary substitution

27.1 In the event that a licenced vehicle requires repair due to accident or mechanical breakdown the licence holder can apply for a temporary licence to allow an alternative vehicle to be used for a period of no more than 28 days on application to the Licensing Authority.

27.2 In the case of repair due to an accident, the licence holder must have reported the accident as per the conditions of the licence.

27.3 Temporary vehicles must meet the councils colour requirements.

27.4 The age policy for temporary substitute vehicle will not apply provided that the vehicle has undergone a mechanic inspection at one of the appointed council testing centres within 7 days of the application.

27.5 The application form must be completed by the vehicle licence holder (not vehicle hire company) and must include the following requirements:

- V5 – this is the registered keeper details
- Certificate of mechanical inspection from appointed testing centre
- Proof of purchase – receipt/bill of sale/HP agreement
- Valid insurance which includes hire and reward

- Correct fee

25.6 Temporary substitute plates will be provided by appointment only at the civic offices and at the time of appointment the licence holder must provide the plate from the vehicle being repaired in exchange for a temporary plate. On the expiry of 28 days, by appointment, the licence holder must return the temporary plate to the civic officers in exchange for the plate for the licenced vehicle.

25.7 In exceptional circumstances an extension for the temporary substitute will be granted on receipt of written request detailing the reasons that an extension is necessary. A further fee will be payable.

28. How to use this policy

28.1 All BCP vehicle licence holders should ensure that they are fully compliant with this policy and appendices.

29. Roles and responsibilities

29.1 The Licensing Manager is responsible for overseeing the functions and work of the licensing team who deliver the policy.

29.2 The Licensing Committee or Sub-Committee will be presented with reports in cases where drivers do not meet the conditions of their licence or where complaints have been received and a decision is required if the driver remains a fit and proper person.

29.3 Decisions by the Licensing Committee are subject to appeal to the Magistrates court within a statutory appeal period of 28 days from the notification of any committee hearing decision.

30. Enforcement and sanctions

30.1 Any driver who does not comply with the policy and legislation will be referred to the licensing committee for consideration. The Licensing Committee can choose to revoke a licence or suspend a licence pending any necessary action by the drivers such as attending training or counselling as required.

30.2 Decisions by the Licensing Committee are subject to appeal to the Magistrates court within a statutory appeal period of 28 days from the notification of any committee hearing decision.

31. Complaints, disciplinary and delegation to officers

31.1 In cases of complaints or allegations about a licenced vehicle, the licensing officer will investigate the matter fully and determine the seriousness of the allegation.

31.2 Where there are serious allegations that are deemed to pose an **imminent risk to public safety**, the Licensing Manager or other senior officer, will contact the vehicle proprietor/operator in question and obtain their version of the event. If the officer deems that the complaint is founded the matter will be referred to three members of the Licensing Committee to include the chair and vice chair.

- 31.3 If members determine that the evidence presented demonstrates there is an imminent risk to public safety, the drivers licence will be immediately revoked and the person concerned will be notified and required to surrender their badge and paper licence the same day. Members will confirm in writing the decision made and the reasons why the decision was reached.
- 31.4 If members agree there is a risk to public safety, but it is not an imminent risk the matter will be referred to the Licensing Sub-Committee.
- 31.5 For complaints of a less serious matter with no requirement for consideration by the Licensing Committee, the Licensing Manager is permitted to issue/authorise caution letters and can suspend a licence for a period of no more than 2 weeks.
- 31.6 In all cases of complaint, officers will make reference this policy and any conditions as specified as well as the Institute of Licensing guidance on the suitability of applicants and licensees in the Hackney Carriage and Private Hire trades.

[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

Appendix A

Executive/Speciality Private Hire Vehicles requirements

Executive Private Hire Vehicle licences will only be granted to vehicles which comply with sections 1, 2 and 4 below. Limousine or Party Private Hire Vehicle Licenses will only be granted to vehicles which comply with 1, 3 & 4 below

1. Executive/limousine/party

1.1 The vehicle shall be of a make and model which the Council considers appropriate for an Exemption Notification. The Council may consult any person or organisation as it considers appropriate before deciding whether an Exemption Notification shall be granted in respect of any vehicle.

1.2 Without prejudice to the generality of Clause 1 above, the vehicle shall comply with all of the following minimum requirements:

- a) Be a recognised model of a four door saloon motor car or people carrier but **not** a hatchback, kit car or vehicle substantively altered in appearance or modified in any way except as within the section Limousines/Party Vehicles below.
- b) The vehicle interior and exterior shall be of the very highest quality in design and use of materials available and in exceptional condition.
- c) The vehicle shall not be designed or adapted for off road purposes.
- d) Vehicles manufactured as people carriers may be considered for an exemption to display the plate. However, the vehicle shall be of the highest specification, quality and condition. Each application will be considered on its own merits. Only vehicles on the approved executive list shall be considered for licensing as an executive vehicle.

1.3 Any vehicle presented for licensing for the first time shall not be older than five years on the day that the fully and correctly completed application is received with the appropriate fee. (Limousines and Party vehicles shall be considered for exemption of this condition in exceptional circumstances where the vehicle is in immaculate condition).

1.4 Only vehicles that satisfy Clauses 2 (a) to 2 (d) above, are on the approved executive list and at the top of the range within the manufactures fleet of vehicles, may be considered for a Exemption Notice, not to display the vehicle plate, which will be at the Council's discretion.

2 Executive

2.1 The makes and models of vehicle which **will** be considered for licensing as an executive vehicle are:

- BMW 7 SERIES
- MERCEDES S CLASS
- MERCEDES E CLASS
- LEXUS GS and LS

- JAGUAR I PACE (electric vehicle)
- JAGUAR XJ SWB and LWB
- TESLA Model S (electric vehicle)
- AUDI A8

For vehicles not included on the above list contact the Licensing team by email: taxi.privatehire@bcpcouncil.gov.uk.

3 Limousine and party

3.1 On being presented for licensing for the first time, the vehicle shall have proof of one of the following:

- Individual Vehicle approval certificate
- a European whole vehicle certificate
- a UK low vehicle type approval certificate

3.2 No Stretched Limousine/Party Vehicle shall be licensed by the Council where the conversion carried out results in the vehicle being more than 330.2cm (10 feet 10 inches) long. Where the conversion has been approved there shall be displayed on the vehicle a fixed plate giving the details of the company that carried out the conversion.

3.3 No Stretched Limousine/Party Vehicle shall be licensed by the Council where the maximum unladen weight of the vehicle exceeds 3,220.50kg (7,100 lbs).

3.4 A Stretched Limousine/Party Vehicle shall only be considered for licensing where the applicant produces evidence that the “stretch” was performed by the manufacturer or by a coachbuilder approved by the vehicle manufacturer. American limousines/party vehicles shall have been built by an approved coachbuilder under the QVM programme for Ford vehicles or the CMC programme for Cadillac vehicles. The onus shall be upon the applicant to prove that the vehicle meets the prescribed standards.

3.5 Any replacement parts fitted to a Stretched Limousine/Party Vehicle shall meet the approved standards of the stretched specifications i.e. tyres shall meet both the size and weight specifications.

3.6 Vehicles shall be capable of carrying no fewer than three and not more than eight passengers in addition to the driver. Side facing seats shall only be permitted on a Stretched Limousine/Party Vehicle if they meet the minimum requirements of lap belts fitted to each passenger seat of the side facing seats. A seat shall be a minimum width of 400mm. Stretched limousines shall only be licensed to carry a maximum of eight passengers regardless of how many seats are fitted to the vehicle.

3.7 Vehicles shall be equipped at all times with seat belts of an acceptable type in respect of every seat which can be used for the carriage of passengers. Seat belts shall comply with current legislation and be in proper working order at all times.

3.8 passenger shall have direct access to a door without the need to fold flat, tilt up or remove other seating.

3.9 Vehicles shall be fitted with at least four doors and four wheels.

3.10 The vehicle may be left or right hand drive.

3.11 All paintwork shall be free of rust and corrosion and be of a very high standard.

3.12 Vehicles shall have adequate space for luggage.

3.13 All brakes and mechanical parts shall be kept in good order and condition.

3.14 The vehicle shall have a serviceable spare wheel, together with the proper tools and equipment to change the wheel in the event of a tyre or wheel becoming defective.

3.15 All tyres (including the spare) shall be suitable for the vehicle

3.16 The vehicle shall not be designed or adapted for off road purposes.

3.17 The vehicle shall not be designed or adapted as a people carrier, mini bus, people mover or other like vehicle.

Note: **PRIOR TO** purchasing any vehicle to be used as an executive vehicle or limousine/party vehicle you are strongly advised to contact the Licensing Team for advice concerning the different makes and models of vehicles considered appropriate for licensing for this type of work.

4. Identification signs

Executive, Limousine and Party Private Hire vehicles are not required to display a vehicle plate to rear or side identification panels.

Appendix B

Private Hire and Hackney Carriage Conditions of Licence

These conditions of licence are made pursuant to of the Local Government (Miscellaneous Provisions) Act 1976 the Town and Police Clauses Act 1847

The licence holder must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any orders or regulations made thereunder.

1. Change to licence holders address

The licence holder must notify the Council *in writing/email within 5 working days* * of any change of his/her address taking place during the period of the licence, whether permanent or temporary.

2. Change to licence holders contact information including email address

The licence holder must notify the Council *in writing/email within 5 working days* * of any change of his/her contact numbers and/or email address taking place during the period of the licence, whether permanent or temporary

*** The 5 working days excludes a Saturday or a Sunday, Christmas Eve, Christmas Day, Good Friday, Bank Holidays or any other day on which the Licensing Office is closed.**

3. Insurance

At all times during the licence period the licence holder shall hold valid insurance in relation to the use of the vehicle as a licenced vehicle for hire and reward. The licence holder is required to produce the most up to date copy of this on request by the Licensing Authority.

4. Cooperation in regulatory matters

Licensed holders must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle. However nothing in this condition affects the licence holders statutory protection afforded by other legislation.

5. Reporting of accidents

The licence holder must report any accident or damage to the vehicle within 1 day of the incident and provide full details

6. Maintenance of vehicle

The vehicle, all of its fittings and any attached equipment shall at all times when the vehicle is in use or available for hire, be kept in a clean, safe, tidy and efficient state, and must also comply with all relevant statutory provisions including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.

No material alteration or change to the vehicle, its fittings or any attached equipment shall be made without the prior approval of the Council. 1

7. Tyres

A spare wheel tyre appropriate for the vehicle must be carried when the vehicle is being used for public hire.

All tyres fitted to the vehicle or carried as a spare must comply with the Motor Vehicles (Construction and Use) Regulations 1986 and Motor Vehicle (Tests) Regulations 1981.

Re-cut and Remoulded Tyres Re-cut tyres are not acceptable for M1 passenger vehicles and remould tyres shall only be acceptable if they carry a recognised approval marking (currently BSAU144e) and display the following information clearly displayed on each tyre:

- a) Nominal size;
- b) Construction type (e.g. radial ply);
- c) Load capacity; and d) Speed capability Space Saver Tyres

The carrying and use of Space saver tyres and tyre sealant kits will only be approved with the support of a method statement. The method statement will detail the drivers and vehicle owners responsibility with regard to the maximum permitted speed and restrictions of use and highlight that they are ONLY a temporary measure to complete the journey in which the puncture occurred.

An approved repair to BS AU159 or a replacement tyre must be undertaken before any further fares are carried. Run flat tyres fitted to any vehicle by the manufacturer will not be replaced by any other type or make either individually or all of them. The use of these tyres must be supported by a method statement (such as the manufacturers handbook for the vehicle) specifying the capability and restrictions of use following a puncture. In all cases the Tyre Pressure Monitoring System (TPMS) must be working correctly and if required, be reset when a tyre(s) are renewed ore replaced. Worn or damaged run flat tyres must be replaced by the same make and size.

8. Roof racks

A roof rack may only be used when excess luggage is to be carried and any luggage so carried shall be safely secured and shall not exceed such weight or size that as can safely be carried on the vehicle.

9. Advertising

The proprietor of any licenced vehicle shall not place or allow any window or on any part of the exterior of such carriage any advertisement or printed matter other than such as may be required to comply with this policy or approved by the Council.

10. No smoking

The Health Act 2006 prohibits smoking in enclosed places, all licensed vehicles are designated as an enclosed public space and therefore it is unlawful for any person to smoke in a licensed vehicle at any time, including any time when it is not being used for hire.

11. Driver records

If the proprietor permits or employs any other person to drive the vehicle as a Taxi or Private Hire vehicle, the proprietor shall retain the person's Taxi or Private Hire drivers licence until such time as the driver ceases to be permitted or employed to drive the vehicle.

12. Licenced drivers

The proprietor of a Private Hire vehicle or Hackney Carriage shall not allow the vehicle to be driven and used for hire by any person who does not hold a current Private Hire or Hackney Carriage driver's licence, as appropriate, issued by the Council.

Appendix C

Criminal Convictions Guidelines

NOTE: In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

This document aims to provide guidance to any person with an interest in public and Private Hire licensing. In particular, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed/renewed
- Applicants for operators' licences
- Existing licensed operators whose licences are being reviewed/renewed
- Licensing Officers
- Members of the Licensing Committee (or other relevant decision making body)
- Magistrates hearing appeals against local authority decisions
- Police Officers

Thereby providing transparency and consistency, in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

Where Licensing Officers have delegated powers to grant or refuse licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Committee (or other relevant decision-making body). Whilst Officers and the Committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee may depart from the guidelines.

1. Background

- 1.1 In this policy the word "individual" includes an existing licence holder, an applicant for a new licence, and an applicant for the renewal of an existing licence.
- 1.2 Licences for drivers of Hackney Carriages, Private Hire vehicles or Private Hire Operator may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
- 1.3 In this policy the word "issue" is used. This includes complaints made to the Council, Police, Operators or any other agency, breaches of licensing conditions and intelligence received from other agencies (including circumstances which have not resulted in a criminal conviction, caution or other disposal). E.g. incidents which have resulted in a police investigation where there has been no further action due to the criminal burden of proof will still be considered if Licensing Committee is satisfied that the incident occurred based on the balance of probabilities.
- 1.4 Licences for operators of Private Hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.

- 1.5 The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous convictions and cautions.
- 1.6 The Council is concerned to ensure:
 - a. That a person is a fit and proper person.
 - b. The public are not exposed to persons with a history of dishonesty, indecency or violence.
 - c. The safeguarding of children and young persons and vulnerable adults.
- 1.7 The public are not normally permitted to attend Committee hearings for private hire, Hackney Carriage driver applications or Private Hire operator applications or reviews, however, in determining whether to grant a licence the Committee or Officers will take into account the human rights of the wider public and balance these against the human rights of the applicant.
- 1.8 When submitting an application for a licence to drive a Hackney Carriage or Private Hire vehicle, or for an operators' licence, individuals are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all fixed penalties and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.
- 1.9 An application for a drivers' licence is an exempt activity listed in the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 (as amended in 2013) and as such both spent and unspent convictions and cautions must be declared.
- 1.10 The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a licence for the purposes of sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 and 62 of the Act (i.e. suspension, revocation or refusal to renew a licence).

Where a person is referred to the Licensing Committee and they hold more than one Licence the fit and proper test will be applied individually to each Licence.

- 1.11 Applicants for a licence to drive a Hackney Carriage or Private Hire vehicle should be aware that the Council is empowered by law to check with the Disclosure Barring Service for the existence and content of any criminal record and other intelligence held in their name. Officers from the licensing section will where appropriate contact other agencies for any other information which they may hold for instance, Housing Service, Children's Services and Dorset Police. Information received from the Disclosure Barring Service or other agency will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event, will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.
- 1.12 The disclosure of a criminal convictions/fines or cautions or other relevant information relating to an individual's conduct will not necessarily debar an individual from being granted, retaining or renewing a licence. It will depend on whether or not the individual can satisfy the Council that they are a fit and proper person to hold such a licence.

1.13 The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence or an operator's licence for any reasonable cause. If an applicant is unable to produce adequate evidence that they are a fit and proper person or if there is reasonable cause to question or doubt the evidence provided, then that could amount to reasonable cause to refuse a licence.

1.14 In considering evidence of an individual's good character and fitness to hold a driver's licence or operator's licence, where previous convictions/cautions or other information relating to criminal matters/character is disclosed, the Council will consider the nature of the offence/issue and penalty; when it was committed/took place; the date of conviction/issue and the length of time which has elapsed, the individual's age when the offence was committed/issue took place; whether or not it is part of a pattern of criminal behaviour, the intent, the harm which was, or could have been caused and any other factors which might be relevant. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [*Nottingham City Council v. Mohammed Farooq (1998)*].

However, if an individual is acquitted of an offence, the Council are entitled to go behind the acquittal because of the different standard of proof (*R v Maidstone Crown Court Ex Parte Olson 1992*).

1.15 The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining new/renewal applications for drivers' licences and operators' licences and when considering whether to take any disciplinary action against an existing licence holder.

1.16 The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not listed in the guidelines, or any other conduct, which may be relevant to an individual. Regard will be given to all relevant information when deciding to issue or renew a licence or whether any disciplinary action should be taken.

1.17 Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

1.18 The guidelines are not an attempt to define what is a "fit and proper person". There is no statutory definition of what is a "fit and proper person" but is guidance given in the case of *McCool v Rushcliffe BC 1998*.

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

1.20 Any individual who is refused an operator's licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.

2. General Policy

2.1 Each case will be decided on its own merits. A person with a conviction for a single serious offence or a number of separate offences need not be automatically barred from obtaining a licence, but would normally be expected to:

a. Remain free of conviction for an appropriate period (which will depend on the nature of

the offence); and

- b. Show adequate evidence that he or she is a fit and proper person;
- c. Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.2 The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.

2.3 In reaching a decision the Council may assess the seriousness of the offence in accordance with the penalty imposed in using the following table:

Sentence length	Rehabilitation period
0-6 Months	3 years
6-30 Months	5 years
30 months to 4 years	7 years
Over 4 years	None

2.3.1 Restorative justice and other criminal disposals are increasingly used by the police as a less formal way of dealing with issues and as an alternative to the criminal disposals tend to be applied in less serious cases or for first time offenders, nevertheless all such disposals will be taken into account when determining if a person is a fit and proper person.

2.3.2 Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.

2.6 The Council through the Licensing Committee will convene to consider any information/representations received that a person is not/no longer a "fit and proper" person, or if a breach of a condition of a licence. If proved they may refuse, or revoke a licence or suspend for any specified period.

- a. Hearing with notice – Where a Committee is to be convened to consider whether or not a person is a "fit and proper" person, notice of the time and date of the meeting will be given in order to allow the person to seek independent legal advice and to attend and be represented at the hearing.
- b. Hearing without notice – Where a sub-committee is convened as a result of sensitive information being received by the Council an assessment will be undertaken in balancing a person's right to a fair hearing against whether or not it is in the public interest to hold the hearing without notice against the Councils first priority of Public Safety.
- c. Where new offences are created or existing offences are consolidated or re-enacted etc. they will be treated in a manner appropriate to their severity whether or not this guidance has been updated to reflect the changes.

3. Disclosed Convictions General Guide

Spent Convictions

- 3.1 The Council will only consider spent convictions if it appears to be relevant for deciding whether the individual is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction. The council will consider the nature of the offence(s), the history or pattern of offending, the lapse of time and whether all the convictions have previously been considered.

Formal/Simple Cautions and Endorsable Fixed Penalties

- 3.2 For the purpose of these guidelines formal/simple/conditional cautions and endorsable fixed penalties shall be treated as though they were convictions.

Multiple Convictions from a Single Incident

- 3.3 Where an individual has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines.
- 3.4 In these circumstances the period for which the individual would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.

4. Offence of Dishonesty

- 4.1 In view of the nature of their work drivers of Hackney Carriage and Private Hire vehicles are expected to be trustworthy.
- 4.2 Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing, Passengers may include especially vulnerable people and children.
- 4.3 It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.
- 4.4 The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.
- 4.5 In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.
- 4.6 For these reasons a serious view is taken of any convictions involving dishonesty. In general, an applicant with conviction(s) and/or caution(s) for dishonesty, which are less than 5 years old, is unlikely to be considered favourably and are to be referred to the Licensing Committee for determination.
- 4.7 In particular, an application will normally be refused where the individual has conviction(s) and/or caution(s) for an offence or similar offences or offences which replace the below offences.

- i. Theft
- ii. Burglary
- iii. Fraud

- iv. Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- v. Handling or receiving stolen goods
- vi. Forgery (e.g. producing false insurance policy)
- vii. Conspiracy to defraud
- viii. Obtaining money or property by deception
- ix. Other deception
- x. Blackmail

5. Violence

- 5.1 Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety to Private Hire and Hackney Carriage drivers whenever they take a journey.
- 5.2 Passengers often travel alone and are vulnerable to physical attack etc. Users of Private Hire and Hackney Carriage vehicle have a right to expect that drivers are not individuals with a predisposition towards or a propensity for violent behaviour at any level.

6. Offences against Other Persons

- 6.1 As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused.
- 6.2 The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence children under 14 or young persons.
- 6.3 An application will normally be refused where the individual has a conviction for an offence or similar offence(s), or similar offence(s) which replace the below offences:
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
- 6.4 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences:
 - Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
 - Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
 - Grievous bodily harm with intent (s.18 Offences Against the Person Act)
 - Grievous bodily harm with intent (s.20 Offences Against the Person Act)
 - Robbery
 - Possession of firearm
 - Riot
 - Assault Police
 - Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
 - Violent disorder
 - Resisting arrest

6.5 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences.

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)

6.6 An application will also normally be refused where the individual has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences.

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Harassment- breach of restraining order- on conviction Protection from Harassment Act 1997 s5(5) = s. 5(6)
- Obstruction
- Possession of offensive weapon
- Criminal damage

7. Drugs

7.1 An application will normally be refused where the individual has a conviction for an offence related to the supply of drugs and the conviction is less than 5-10 years prior to the date of application.

7.2 An offence related to the supply of drugs and the conviction is less than 10 years prior to the date of application will be referred to the Panel for determination. A conviction less than 5 years old will generally be refused.

7.3 An application will normally be refused where the individual has more than one conviction for offences related to the possession of drugs.

7.4 For convictions for driving whilst unfit through drugs see Section 10 'Drunkness.'

7.5 If any applicant was an addict, then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment as required by the Council.

8. Sexual and Indecency Offences

- 8.1 Any individual currently on the sex offenders' register would not normally be granted a licence.
- 8.2 Drivers of Hackney Carriage and Private Hire vehicles are often entrusted with care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.
- 8.3 Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.
- 8.4 The Council will sometimes be made aware of other intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek to consult with other appropriate agencies such as police and social services, in order to ensure that they have a comprehensive understanding. Where appropriate, officers will refer such information/ intelligence to other agencies. Any additional information gathered through this process may then be taken into account at any subsequent licensing committee.

9. Offences against persons other than children / young persons

- 9.1 As Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied passengers, an individual with a conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence.
- 9.2 Individuals with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be referred to the Committee for determination.
- 9.3 Amongst circumstances, which the Council may wish to consider, are circumstances, which if they occurred at the time of the consideration of the application would not now be a criminal offence.

10 Drunkenness

- 10.1 Driving whilst under the influence of drink is unacceptable under any circumstances and puts not only the driver, but passengers and other road users at risk. Such irresponsible behaviour is not conducive with the responsibilities of a Private Hire or Hackney Carriage driver.

With a motor vehicle (No Disqualification)

- 10.2 A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.
- 10.3 An application will normally be refused where the individual has a conviction, which does not result in disqualification, for an offence within 2 years of the date of the application.

With a motor vehicle (Disqualification)

10.4 Where a disqualification has occurred as a result of a drink-driving offence, an application will not normally be considered until at least 5 years have passed from the date of the restoration of the DVLA licence.

Not in a motor vehicle

10.5 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

10.6 In addition, individual will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

10.7 More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

11. Motoring Convictions

Major Traffic Offences

11.1 New applicants and existing licensed drivers with a conviction for a ‘Major Traffic Offence’ as defined below, which is less than 5 years prior to the date of the application (the present date in relation to existing licensed drivers) will be referred to the Licensing Committee for determination. A conviction less than 2 years prior to the date of the application will generally be refused.

11.2 Where the conviction resulted in a period of disqualification, an application will normally be refused unless a period of 3 years free from conviction has lapsed from the restoration of the DVLA licence and 5 years where the disqualification relates to driving whilst unfit through drink or drugs
For the purposes of these guidelines the following motoring offences are classed as ‘Major Traffic Offences’:

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death through careless driving the failing to supply a specimen for drug analysis
DD10	Causing Serious injury by dangerous driving
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle

DD80	Causing death by dangerous driving
DD90	Furious driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for
DR31	Driving or attempting to drive when unfit through drugs
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

Aiding, Abetting, Counselling or Procuring

11.3 Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12).

Causing or Permitting

11.4 Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14).

Inciting

11.5 Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16). Or similar offences or offences which replace the above offences.

Intermediate and Minor Traffic Offences

11.6 New applicants and existing licensed drivers with a Conviction / Fine / Simple Caution/Fixed Penalty Points for an offence which falls under the headings of 'Minor' or 'Intermediate' Traffic Offences and where the total number of accumulated points on their drivers licence

is less than 12 or does not result in a period of disqualification, can have their applications granted without the application being referred to the Committee.

- 11.7 An applicant with a disqualification owing to the totting up system or in relation to an offence under these two group headings for any period of disqualification, will not normally be granted a licence unless they have held a DVLA licence for at least 12 months following the expiry of the period of the disqualification.
- 11.8 Existing drivers disqualified for incurring 12 or more penalty points within a three year period, will be required to complete a driver competency assessment on expiry of the disqualification before they are allowed to drive a public carriage. If the driver is not disqualified their Public Carriage Licence will be suspended until a driver competency assessment has been completed.

For the purposes of these guidelines the following motoring offences are classed as 'Intermediate Traffic Offences':

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle mobile phones etc
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration of other road users
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road – not resulting in a fixed penalty
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence

Aiding, Abetting, Counselling or Procuring

- 11.9 Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12).

Causing or Permitting

- 11.10 Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14).

Inciting

11.11 Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16).

For the purposes of these guidelines the following motoring offences are classed as 'Minor Traffic Offences':

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary
SP30	Exceeding statutory speed limit on a public road resulting in a fixed
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a "Stop" sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

11.12 Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12).

Causing or permitting

11.13 Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14).

Inciting

11.14 Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16).

12. Plying for Hire

12.1 Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and Section 167 Criminal Justice and Public Order Act 1994.

- 12.2 One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) and Hackney Carriage Byelaws, is to ensure the protection of the public.
- 12.3 For this reason, a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an individual is to be treated as a fit and proper person to hold a licence.
- 12.4 In particular, an individual will normally be refused a licence if (s)he has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.
- 12.5 In the case of a Private Hire driver found guilty of an offence of plying for hire, the driver would be asked to appear before the Licensing Committee to show why they believe they are still a fit and proper person to hold a public carriage drivers licence. The Committee will consider whether any further disciplinary action should be taken.

13. Breach of Conditions, and complaints

- 13.1 This guidance is not intended to cover every possible circumstance and there is an expectation that licensees will comply with all relevant legislation.
- 13.2 The Licensing Authority will act with proportionality and consistency. Disciplinary action taken under this policy is without prejudice to the Licensing Authorities right to institute legal proceedings, where a criminal offence has been committed.

Examples of licensing breaches or conduct likely to receive a written caution

- 13.3 Cautioning may be appropriate for single breaches, where the offender has not received any written caution or other disciplinary action for the same or similar breach within the last 12 months:

General

- Persistent failure to comply with Road Traffic legislation.
- Failure to behave in a civil and orderly manner to customer and/or other road users.
- Refusal to carry passengers without reasonable excuse/ refusing to wait.
- Failure to convey or assist with carrying of luggage.
- Driving in a manner likely to cause alarm to passengers/ road users.
- Failure to display tariff or fares or to conceal same.
- Vehicle not cleaned or well maintained.
- Failure to wear/display driver badge.
- Failure to deliver lost property to Town Hall.

Vehicle defects

- Failure to display vehicle licence plate/licence disc internally/ other signage.
- Failure to report accident within 72 hours.
- Failure to produce insurance documents at request of authorised officer within 5 days.
- Failure to produce interim MOT.
- Unauthorised signs /window stickers/ adverts.
- Failure to notify transfer of vehicle licence—or change of vehicle.
- Defective taxi meter/ printer.
- Defective taxi top light.
- Unattended Hackney Carriage vehicle on rank.

- Failure to attend mechanical inspection.
- Late cancellation of mechanical inspection—give less than 24 hours' notice.
- Defective lights, horn, indicators, exhaust system, tyres, brakes.

Operator breaches

- Premises unclean—not fit for use.
- Failure to keep proper records of bookings of complaints.
- Failure to keep current driver/ vehicle licence details.

13.4 In all cases the caution will be in writing and stipulate a timescale for the matter to be corrected, if appropriate. If the matter is not corrected within the timescale stipulated, or there is a repetition, further disciplinary action may follow.

13.5 The Licensing Team Manager or another manager at principal officer level or higher, has authority to approve and issue letters of caution.

Examples of licensing breaches or conduct likely to receive suspension for a defined period, or revocation of licence:

- Any of the contraventions listed in the 'caution' section above, in these or similar circumstances:
- where the offender has received a written caution or other disciplinary action for the same or a similar breach within the last 12 months; or
- where the offender did not correct a matter as required by a written caution; or where several breaches have been committed together; or where the matter is considered too serious for a caution to be appropriate.
- Permitting no insurance, or insurance that is invalid to cover public carriage use
- Permitting unauthorised/ unlicensed drivers.
- Using or permitting use of unlicensed /unauthorised vehicle.
- Falsifying or making untrue representations in Licence applications or other council licensing documentation.
- Obstruction of an authorised officer of the Council or of a Police Officer in the course of their duty.
- The commission of a criminal offence, or engagement in an activity of a type that brings suitability as a licensee into question.
- Causing injury to passengers, members of the public or other road users by negligence or intent.

13.6 The action taken will be proportionate and take into account all the circumstances including previous suspensions and cautions. Decisions will be determined by a review of available facts at the time the decision is taken.

14. Authority to suspend or revoke.

Suspension/Revocation with immediate effect:

- 14.1 A licence can be suspended or revoked immediately in the interests of public safety under the provisions of section 61(2B) of the Local Government (Miscellaneous Provisions) 1976. If the Council is advised of such conduct, a decision may be taken in consultation between officers and at least three members of the Licensing Committee. In such cases efforts, will be made to contact the driver to advise of the situation and establish if there is any other information that may be relevant and should be considered before any decision is made.

Suspension/Revocation/Caution following Licensing Committee hearing:

- 14.2 Where a decision does not need to be considered immediately, it will be considered at a formal hearing of the Licensing Committee where the alleged offender (and any witnesses) will be afforded the opportunity to hear the evidence and present their case.
- 14.3 Following a hearing members may direct that letters of caution be issued, suspend a licence for specified periods of time, or revoke a licence. Other conditions or stipulations may be attached to the decision as Members see fit.

Appeals against decisions taken

- 14.4 Decision to caution by manager—register a complaint in writing to the Head of Community Safety .
- 14.5 Decision to caution by Members—no appeal possible.
- 14.6 Decision to suspend or revoke licence— relevant information regarding statutory right of appeal to the Magistrates Court, will be provided in a written notification of the Council's decision.

15. Reapplication

- 15.1 Where an applicant has previously had a licence revoked by the Council the Authority will not, save in exceptional circumstances, consider any further application from the applicant for a period of three years from the date of the Authority's decision or, if that decision was appealed against and the appeal was dismissed, abandoned, or otherwise failed, from the date of the dismissal, abandonment or other failure of the appeal, whichever is the later.

Appendix D

CCTV specification

1. A CCTV system must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances.
2. Wherever possible, the CCTV system should not have any sound recording facility. However, if the system comes equipped with a sound recording facility then this functionality should be disabled and only capable of being utilised in the following limited circumstances:- where the recording is triggered due to a specific threat to driver or passenger safety, e.g. a 'panic button' is utilised and must be subject to the following safeguards:-
 - a) Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed.
 - b) The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

3. The installation and operation of a CCTV system must comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available at the following address:- <https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>
4. All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.
5. All equipment must meet any and all requirements as regards safety, technical acceptability and operational/data integrity.
6. All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or to the driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear. In particular, the camera(s) must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.
7. All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions by a qualified auto-electrician.

8. The CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
9. All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
10. All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.
11. It is contrary to the Motor Vehicle (Construction and Use) Regulations 1986 for equipment to obscure the view of the road through the windscreen.
12. Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.
13. Viewing screens within the vehicle for the purposes of viewing captured images will not be permitted.
14. The location of the camera(s) installed within the vehicle must be for the purpose of providing a safer environment for the benefit of the Hackney Carriage and Private Hire vehicle driver and passengers, and not for any other purpose.
15. All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.
16. All system components requiring calibration in situ should be easily accessible.

Automotive Electromagnetic Compatibility Requirements (Emc)

1. CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.
2. Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.
3. CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

4. Activation of the equipment may be via a number and combination of options, such as - door switches, time delay, drivers' panic button or in the case of incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces) and configured to record for a short period of time before the event, during the event and a short period following the event.

Security of Images

1. All images captured by the CCTV system must remain secure at all times.
2. The captured images must be protected using encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen.
3. It is recommended by the Information Commissioner that the data controller ensures that any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent.
4. System protection access codes will also be required to ensure permanent security.

Retention of Images

1. The installed CCTV equipment must have the capability of retaining images either:
 - within its own hard drive;
 - using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
 - or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS GSM telephone) signalling to a secure server within the service provider's monitoring centre.
2. Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

The CCTV system must include an automatic overwriting function, so that images are only retained within the installed storage device for a maximum period of 31 days from the date of capture.

Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

Use of the Information Recorded by the CCTV system

1. Any images and any audio recording should only be used for the purposes described in this policy.
2. Requests may be made to the data controller by Authorised Officers of the Licensing Authority, the Police or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or exceptionally other appropriate bodies, to view captured images, or obtain audio recordings if applicable. The licence holder, as data controller, is responsible for responding to these requests.
3. All requests should only be accepted where they are in writing and specify the reasons why disclosure is required.
4. Under the Data Protection Act 1998, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording).

The Data Controller

1. The Information Commissioner defines a "data controller" as the body which has legal responsibility under the Data Protection Act 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of a CCTV system in Hackney Carriage and Private Hire vehicles, the "data controller" will be the holder of the Hackney Carriage and Private Hire vehicles licence and not the driver.
2. The licence holder, as data controller, will therefore be responsible for ensuring compliance with the requirements of this policy and with all relevant data protection legislation, including the Data Protection Act 1998. The data controller is legally responsible for the use of all images including breaches of legislation.

Third Party Data Processor

1. Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'.
2. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions.
3. The data controller retains full responsibility for the actions of the data processor.
4. There must be a formal written contract between the data controller and the data processor. The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

5. A copy of the contract must be provided to an authorised officer of the Licensing Authority, or to the Police, on reasonable request.

DRAFT

Advertising and signs guidelines

EXTERNAL

Hackney Carriages

Advertising for Hackney Carriage vehicles using Licensed Private Hire Operator Radio Circuit

- Advertising shall only be located on the rear passenger doors or the equivalent portions
- The advertising panel shall not larger than 420mm wide x 300mm high
- It must be positioned below window level and the licensed vehicle stripe

Private Hire Vehicles

Category A vehicles

- Advertising must be limited to the operator name, logo, email/website and contact number
- They can positioned on the rear passenger door and/or rear of the vehicle below the registration plate. Company logo can be located on the bonnet of the vehicle.

Category B vehicles are permitted the following

- Advertising shall only be located on the rear passenger doors or the equivalent portions
- The advertising panel shall not larger than 420mm wide x 300mm high
- It must be positioned below window level and the licensed vehicle stripe
- Advertising must include the words "Pre-Bookable Vehicle Only" in letters not less than 18mm high in a contrasting colour which is clearly visible.
- No advertising shall contain the words "Taxi", "Tax", "Cab" or any other words that might imply that the vehicle is a Hackney Carriage, whether in the singular or plural or as part of another word.

All Vehicles

Third Party Advertising

This includes those vehicles that use other app based services.

- One advert per car to be placed on the rear quarter/ sides of the vehicle
- Advert to be fixed and maintained in good condition - that is, no peeling, blistering or fading
- Adverts will be permitted to display website addresses/emails address but not telephone numbers

- Background colour of advert to be transparent or match with the vehicle colour as appropriate

INTERNAL

- Advertising shall only be displayed below window level.
- Advertising on headrests including use of display screens will be permitted subject to the normal approval process for third party advertising.

The Licensing Committee may waive this fee where the display of signage is considered to be in the public interest.

- No signs shall be displayed on or in vehicle including windows other than those approved/required by policy ie. No smoking signs No booking No ride Signs etc.