



**South  
Cambridgeshire  
District Council**

# **South Cambridgeshire District Council**

## **Hackney Carriage and Private Hire Licensing Policy**

**1 January 2025**

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# 1. Introduction

- a) The purpose of this policy is to inform and guide South Cambridgeshire District Council, the “Licensing Authority” when administering its responsibilities within the legislative framework of the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, (as amended).
- b) This policy does not override the legal requirements embodied in any primary or secondary legislation in force at the time of adoption, or as may be enacted after the adoption of this policy. Where there are any subsequent changes made to the applicable legislation, or its interpretation by the courts that conflict with this policy, the conflicting elements will not apply and will be amended at the earliest opportunity.
- c) The primary focus when administering its functions are public safety, safeguarding and wellbeing. In exercising its discretion in carrying out regulatory functions, the Licensing Authority will have regard to this policy.
- d) In formulating this policy, consideration has been given to local circumstances and requirements and the Department for Transport (DfT) best practice guidance. Every decision, application and enforcement action will be considered on its own merits.
- e) This Licensing Authority may depart from this policy if merited but will provide clear and detailed reasons for doing so.
- f) This policy is not a comprehensive statement of the law; applicants should always obtain their own legal advice if they are unsure of the requirements of legislation.
- g) In setting out this policy, the Licensing Authority seeks to carry out its licensing functions with a view to promoting the following objectives:

## **i) Safety and protection of the public**

- Consideration of history of convictions and cautions
- Driver conduct and performance
- Knowledge of South Cambridgeshire and Cambridge City
- Health and fitness to fulfil the role of a licensed driver
- Vehicle specifications

## **ii) Vehicle safety, comfort and access**

- Standards of vehicle comfort and appearance
- Accessibility of facilities
- Livery

## **iii) The prevention of crime and disorder**

- Commitment to work with the Police and other relevant agencies
- Planned and unplanned enforcement programme to ensure compliance
- Operating rules, conditions, byelaws and fit and proper processes

- Support with local businesses for the dispersal of customers from licensed premises

#### **iv) The promotion of environmental sustainability**

- To encourage the uptake of zero and ultra-low emission vehicles
- To only permit licenses for vehicles that comply with the Euro Standards set out in this policy
- To work with stakeholders and the trade to improve Air Quality across the District

#### **v) The protection of children and adults at risk from harm**

- Safeguarding requirements as set down in this policy
- Co-operation with other agencies to protect children and adults at risk
- Training to cover awareness of Safeguarding
- A robust reporting mechanism for Safeguarding issues
- Determination of fit and proper persons

## **2. Relevance of Convictions / Cautions in Relation to Taxi Licensing**

- a) For the purpose of this policy the term conviction is interpreted as including conviction, caution, reprimands, warning, or where relevant information is received.
- b) Convictions, cautions, reprimands, or warnings do not necessarily mean that an application will be refused, or a licence will be revoked. Also, where an applicant does not have any convictions or cautions, the applicant must still be deemed 'fit and proper' by the Licensing authority. Each case is treated on its own merits.
- c) The fact that no convictions/cautions are revealed does not mean that applications will automatically be granted. In some cases, the applicant's history may be such that they can never be deemed a 'fit and proper' person to hold a licence with this Authority. This Licensing Authority retains absolute discretion as to whether a Licence will be granted, having regard to the licensing legislation and all information obtained, and observations made during the relevant application process.
- d) Careful consideration of the evidence provided will be given if an applicant has on more than one occasion been arrested and charged, but not convicted of a serious offence, if the evidence suggests on the balance of probabilities that they could pose a danger to the public, consideration will be given to refusing the application. In assessing the action to take, the safety of the travelling public must be the paramount concern.
- e) It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material, particularly in giving information required on the application form. Where an applicant has made a false statement, false declaration or omitted to include information on their application for the grant or renewal of a licence, the licence will normally be refused.
- f) This Licensing Authority is also entitled to use other records and available information when determining applications. This may include information held by this or other Licensing Authorities and information disclosed by the Police under the Home Office scheme for reporting offences committed by notifiable occupations or with the Home Office regarding immigration offences. Anyone on the Disclosure and Barring Service (DBS) Barred List will

be refused a licence. Any licence holder who is subsequently included on the DBS Barred List will have their licence revoked.

- g) Each application will be assessed and in each case the information provided will be considered in relation to the particular circumstances and must take into account one or more of the following (non-exhaustive) factors:

### **Level of Responsibility**

This Authority will consider the level of independence afforded to the Applicant. An Applicant who works alone with minimal supervision will be considered a greater risk than one who works in a group and/or is closely supervised.

### **Date of Offence(s)**

This Authority recognises that historic offences may have less relevance than recent offences. As a general rule, a pattern of unrelated or similar offences over a period of time will be considered more serious than an isolated minor conviction.

### **Attitude of the Applicant**

This Authority will look for evidence that the applicant has been rehabilitated and has demonstrated a determination not to re-offend.

### **Mitigating Circumstances**

This Authority may ask applicants about offence(s)/convictions so that the context can be considered. Due consideration will also be given to any references provided.

### **Sentence Imposed**

This Authority will consider any sentence imposed as an indication of the Court's view of the seriousness of the offence.

### **Rehabilitation**

This policy prescribes the minimum periods of rehabilitation which will ordinarily need to have elapsed before an application can be approved. These minimum periods will be considered in conjunction with the general considerations outlined above, as well as with reference to any additional information provided or observations made during the disclosure procedure.

Representatives of this Authority tasked with deciding whether to approve an application have absolute discretion as to the application of the minimum periods of rehabilitation. This will apply both in favour of granting an application prior to the expiry of a rehabilitation period (for example where exceptional circumstances exist) or in declining an application before or after the expiry of a rehabilitation period (for example where there is evidence of any recent, persistent, or habitual offending history).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a 'fit and proper' person to hold a licence.

### 3. Enforcement

- a) As all licence holders are 'fit and proper,' they are expected to fully understand the conditions and requirements placed on them by this Authority and other applicable legislation.
- b) This Licensing Authority will take comprehensive and appropriate action against licence holders upon receipt of evidence that an offence has been committed. An offence may be, but is not limited to, a breach of the legislation or condition imposed on a licence, byelaw, or this policy.
- c) This Licensing Authority will undertake overt and covert targeted enforcement operations as well as ad hoc compliance checks on licence holders. These operations and compliance checks may be inside and outside normal office hours and may involve partner agencies.
- d) Every enforcement action taken by this Licensing Authority will be determined on the individual circumstances, will be in accordance with this policy, this Licensing Authority's Enforcement and Inspection policy and the Regulator's Code.
- e) Informal action to secure compliance with legislation, conditions and policy will include offering advice, requests for action, verbal advice, guidance notes, the use of written instructions and the undertaking of inspections.

### 4. Range of Powers

- a) There are a range of sanctions and actions which may be taken by this Licensing Authority, e.g., prosecution, suspension, revocation, refusal to renew, formal written warning, caution, verbal warning, advisory letter, note on records and no action. The course of action will depend on the severity of the offence committed, the evidence available and the risk to public safety.
- b) In respect of minor breaches of licence conditions this Licensing Authority will issue warnings verbally or in writing, as appropriate to the circumstances. A Warning may be used for minor, technical, or first-time transgressions where it may not be in the public interest to prosecute.
- c) Prosecutions will be taken where it is in the public interest.
- d) This Licensing Authority will revoke, suspend, or refuse to renew a licence where the licence holder has committed offences that could put public safety at risk.
- e) This Licensing Authority will have due regard to S.17 of the Crime and Disorder Act 1998 which states 'without prejudice to any other obligation imposed on it, it must be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.' and;

- f) The Department for Transport's Taxi and Private Hire Vehicles: Best Practice Guidance which recognises the need for criminal record checks as an important safety measure and contemplates that a particularly cautious view will be taken in relation to offences of a violent or sexual nature.

## 5. Penalty Point Scheme

- a) All licence holders are subject to the Authority's penalty point scheme, The scheme assesses the severity, numbers of and timescales of a complaint. This does not mean that sanctions or enforcement action will automatically be applied. Each incident, complaint, breach, or infringement against a driver will be considered on the individual circumstances of each case and as an accumulation.
- b) When making enforcement decisions, Authorised Officers take the Penalty Point Enforcement System into account. Any departure from this must be fully considered, exceptional, capable of justification and must be endorsed by a duly authorised officer.
- c) The Penalty Points Scheme will operate without prejudice to this Licensing Authority's ability to take other action under appropriate legislation or as provided for by this policy.
- d) The Penalty Points Scheme identifies a number of breaches of conditions, byelaws and/or statutory provisions and indicates the number of points to be imposed should the breach be proven and by whom.
- e) Where it is decided that the use of the Penalty Points Scheme is appropriate, the points will be issued in accordance with the schedule, as detailed in the Appendices.
- f) Points issued to a proprietor, operator or driver will be confirmed in writing at the completion of enquiries into the contravention or upon discovery of breach.
- g) The licence holder may be asked to attend a hearing before the Licensing Sub-Committee or Panel if 12 or more penalty points are imposed on an individual licence and are still valid. Appropriate action will be taken in accordance with this policy and may include suspension or revocation of the driver's licence. The licence holder may be permitted to continue working until a decision has been made.
- h) When issued, the penalty points will remain "live" for the period specified in the schedule as detailed in the Appendices.

## 6. Common Law Police Disclosure

Where there is a public protection risk, the police will pass information under Common Law Police Disclosure (CLPD) to the Licensing Authority to allow action to be taken to protect public safety regardless of whether there has been a conviction.

## 7. Suitability and Eligibility – All applications

There are basic local and statutory expectations and requirements that all applicants must adhere to.



## a) “Fit and Proper”

- i) This Licensing Authority will only license drivers that it considers are ‘fit and proper’ to hold a licence, ‘Fit and proper’ is given its widest interpretation and includes physical fitness, character, behaviour etc.
- ii) **All** applicants must be aware that this Licensing Authority does not allow any member of staff to be subjected to rude, threatening, abusive, intimidating, or violent behaviour either directly, by telephone or other methods of communication. In any of these circumstances staff members have the right to refuse to process the application.
- iii) This Licensing Authority can request any information on an applicant that it deems to be relevant to determine their ‘fit and proper’ status and may include checking a driver’s prior history with this or any other Licensing Authority, using intelligence from the police or any other regulatory authority as appears relevant.
- iv) Consideration of suitability includes character and patterns of behaviour and is not limited to incidents which occur whilst the operator is ‘on duty.’ Conduct or behaviour which may indicate that the safety and welfare of the public may be at risk will also be taken into account when assessing their fit and proper status. Any matters that occur whilst the person is using their licence (driving, operating or in connection with their vehicle) will be considered as aggravating factors, and the fact that they did not occur in this way will not be regarded as mitigating factors.
- v) The onus is on the applicant or licensed operator to satisfy this Licensing Authority that they are and remain ‘fit and proper.’
- vi) Additional information may be sought as part of the process if considered appropriate in individual circumstances.
- vii) Applicants for both new licences and renewals, who fail to report or declare an offence, or other relevant matters, will bring in to question their suitability to hold a licence. This prevents the authority from taking into account that information in protecting public safety. It also shows a blatant breach of conditions and will go toward consideration of suitability and their fit and proper status.

## b) Safeguarding

- i) This Licensing Authority is committed to safeguarding and promoting the welfare of children, young people, and adults at risk. We take our responsibilities seriously and expect all our licensed drivers, proprietors, and operators to share this commitment.
- ii) Safety, security, and welfare apply to the public, passengers, and licensed drivers. It is expected that proprietors and operators must consider these factors when determining what safeguarding measures should be in place.
- iii) All new applicants for Hackney Carriage and Private Hire driver, proprietors of Hackney Carriage and Private Hire vehicle and Operator licences will be required to pass a safeguarding course as approved by this Licensing Authority prior to application. The course must be undertaken in a classroom environment (remote or in person) where the attendee can be verified in person, and must include disability awareness. There is no



limit for the number of attempts to complete the test, to be borne at the applicant's own expense. The certificate may be no older than 12 months since the date of application.

### **c) Disclosure and Barring Service (DBS) Check**

- i) An applicant for a private hire or hackney carriage driver licence must provide an enhanced DBS certificate (which may be no older than one month with the application for the grant of a licence and must have subscribed to the DBS Update Service.
- ii) An applicant for a (non-driver proprietor) vehicle or operator licence must provide a basic DBS certificate (which may be no older than one month with the application for the grant of a licence. In addition, Operators are also required to ensure all dispatch staff have been subject to a basic DBS check, but the checks do not need to be provided to the Authority.
- iii) This check will detail all criminal convictions and cautions, and any other relevant matters held by the police. Hackney Carriage and Private Hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no spent convictions for applicants for drivers' licences and that any and all criminal convictions can be considered by the Licensing Authority in assessing safety and suitability. In all cases this will be in accordance with this Licensing Authority Previous Convictions Policy, but only relevant spent convictions should be considered by the decision maker.

### **d) Overseas Criminal Record Check**

- i) Applicants who have resided outside of the UK for 3 months or longer since the age of 18 years, in the last five continuous years will be required to submit an overseas record check authenticated by the embassy of each country of residence involved.
- ii) This must be translated into English at the applicant's expense. The overseas criminal record check must be no more than 3 months old at the time of submission.

### **e) Right to Remain and Work in the United Kingdom**

- i) The Authority has a statutory duty to ensure that applicants have the legal right to work in the UK prior to issuing a licence. The issuing or refusing of licences will be undertaken in accordance with the requirements of the Immigration Act 2016.
- ii) An application must be accompanied by evidence of right to work and remain in the United Kingdom, such as a UK or Irish Passport or Birth Certificate, otherwise a right to work check code can be provided by following the link: [Prove your right to work to an employer: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/working-in-the-uk).
- iii) This Licensing Authority takes this responsibility seriously and has checks in place to ensure compliance with the Act and will liaise where required with relevant Home Office departments. If, however, a licence has been issued incorrectly for whatever reason, the licence ceases to have effect if the person does not have the right to work in the UK.

- iv) Any licence which has expired due to the person's immigration status must be returned to this Licensing Authority within 7 days.
- v) A licence may be suspended or revoked, or its renewal refused if, since the grant of the licence there has been a conviction of an immigration offence or a requirement to pay an immigration penalty.
- vi) If an applicant cannot demonstrate the right to remain and work, the licence cannot be granted. If that status is lost during the period of the licence, the licence lapses see s53A (6) Local Government (Miscellaneous Provisions) Act 1976.

#### **f) Information Sharing**

- i) This Licensing Authority works in partnership with many other enforcement agencies such as the Police, neighbouring licensing authorities, HM Revenue and Customs, Home Office, DVSA, Department for Work and Pensions, Benefit Fraud etc. This Licensing Authority will share information with other departments or regulatory bodies where appropriate.
- ii) This Licensing Authority is legally required to provide information if requested, pursuant to a criminal offence, or to detect fraud, or immigration offences.

#### **g) Code of Conduct**

The code of conduct is in place to enhance the professionalism of, and to promote public confidence in all licensed drivers. Failure to comply with any aspect of the Code of Conduct may result in enforcement action. The Code can be found in the appendices.

#### **h) Conditions**

Private Hire Driver, Vehicle and Operator Licences are all issued subject to compliance with the licence conditions which can be found on the website. Failure to comply with the conditions may result in formal action, ranging from a warning to revocation.

## **8. Council Byelaws**

In addition to primary legislation, Hackney Carriage drivers are also subject to requirements and restrictions by way of byelaws which can be found in the appendices on the Council's website. Failure to comply with the byelaws may result in formal action, ranging from a warning to revocation.

## **9. Penalty Points**

- a) All licence holders are subject to the Authority's penalty point scheme. The scheme assesses the severity, numbers of and timescales of a complaint. This does not mean that sanctions or enforcement action will automatically be applied. Each incident, complaint, breach, or infringement against a driver will be considered on the individual circumstances of each case and as an accumulation.

- b) When making enforcement decisions, Authorised Officers take the Penalty Point Enforcement System into account. Any departure from this must be fully considered, exceptional, capable of justification and must be endorsed by a duly authorised officer. Full details of the penalty point scheme can be found on the website.

## 10. Tax Conditionality

- a) Since April 2022 all drivers of Private Hire or Hackney Carriage Vehicles or Private Hire Operators must meet the Tax Conditionality requirement before a Licence may be granted. All applicants for the renewal of a licence must provide a tax check code.
- b) Before a Licence may be renewed, the Authority must receive confirmation from HMRC that the applicant has completed a tax check, which must have been completed no more than 120 days before the Authority requests the confirmation.

## 11. Refusal to grant a Licence

This Licensing Authority has the discretion to decide that a licence will not be granted if the vehicle, driver, or operator does not meet the requirements of the policy.

## 12. Right of Appeal

Where an applicant is aggrieved by the Licensing Authority's decision to refuse to grant, renew, suspend, revoke a licence or by conditions attached to a Licence the applicant has a right of appeal to the Magistrates Court within 21 days of receipt of the decision (unless it is a refusal to grant a hackney carriage proprietors' licence where the appeal is directly to the Crown Court).

## 13. Fees

There is a statutory power for the Licensing Authority to charge fees associated with the Hackney and Private Hire licensing regime to recover costs of inspecting vehicles, providing Hackney Carriage stands and administration and issue of licences in relation to the Hackney Carriages and Private Hire trades. The appropriate fee must accompany any application or renewal made.

There will be no refund issued for any licence surrendered prior to expiry, suspended or revoked.

## 14. Application for a Hackney Carriage or Private Hire Driver Licence

Applicants who fail to report or declare an offence, or other relevant matters, will bring in to question their suitability to hold a licence. Failure to report or declare an offence prevents this Licensing Authority from considering that information in protecting public safety. It is also a breach of this Licensing Authority's Code of Conduct and will be taken into account as part of the consideration of the applicant's suitability and their 'fit and proper' status.

## a) New Application Requirements

The Council's website provides details of all currently approved courses.

An application for the grant of a private hire or hackney carriage driver licence must be accompanied with:

- i) Copy of a full UK DVLA driving licence, which must have been held for at least 3 years before the date of application.
- ii) A DVLA share code with the application. Consideration of penalty points and driving offences will be made in accordance with the relevance of convictions/cautions in relation to taxi licensing. Further information can be found in the Previous Convictions Policy.
- iii) Evidence of completion and passing of an advanced driving standards test (which may be no older than 12 months since the date of application).
- iv) Evidence of completion and passing of an approved (which must be in a classroom environment remote or in person) safeguarding training course. The certificate may be no older than 12 months since the date of application).
- v) Two forms of proof of address such as a bank or credit card statement, utility bill, pension statement or other financial statement which is no older than 3 months, or a Council tax bill or P60 which can be up to 12 months old.
- vi) An enhanced DBS certificate (which may be no older than one month from the date of application).
- vii) Evidence of a subscription to the DBS Update Service.
- viii) Where an applicant who has resided outside of the UK for 3 months or longer since the age of 18 years, in the last five continuous years will be required to submit an overseas record check authenticated by the embassy of each country of residence involved. The document must be translated into English and submitted with the application.
- ix) Evidence of right to work and remain in the United Kingdom, such as a UK or Irish Passport or Birth Certificate, otherwise a right to work check code can be provided by following the link: [Prove your right to work to an employer: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/right-to-work).
- x) Evidence of medical fitness to drive. A Group 2 medical assessment must be completed by a registered medical practitioner who has access to the applicant's full medical records (i.e. own GP) and licensed to practice in the UK. The medical assessment must be no older than three months at the time of submission with the application.

If the medical assessment is not completed by the applicants own GP, and this Licensing Authority is not satisfied with the medical assessment provided (i.e. the applicants medical records have not been accessed) a second medical opinion will be required, to be obtained at the applicants cost but with a registered medical practitioner nominated by this Licensing Authority.

This Licensing Authority can request an interim medical report from this Licensing Authority's nominated registered medical practitioner at any time, and can require a second medical opinion, as deemed necessary, to be obtained at the applicants cost but the with Registered medical practitioner nominated by this Licensing Authority.

Drivers over the age of 65 are required to provide a medical certificate every 12 months.

As part of the application process, the applicant will be required to provide evidence of completion and passing of the approved Competency/Knowledge Test course. A maximum of 3 attempts of the tests may be taken before the application will be refused,

and a new application can be submitted. A new application can be submitted but at least 3 months must have elapsed since the initial application was refused.

### **b) Incomplete applications**

Where an application has been submitted without the required documentation, then the application may be rejected.

### **c) Relevant Convictions**

Where an applicant for the grant of a Driver Licence has a relevant conviction under the Previous Convictions Policy, the application will be automatically refused. The applicant then has the right to lodge an appeal to the Magistrates Court.

In other cases, where such as information received as part of the application process (such as intelligence received from another Authority which may put into question the driver's suitability) and the application is refused, the applicant will have the right of appeal to the Licensing appeals Panel or the Magistrates Court.

### **d) National Register of Refusals, Revocations and Suspensions (NR3S)**

Licensing Authorities are required to record information relating to drivers' licence history (refusals, revocations or suspensions) on the NR3S National Register. In addition, before a decision is made whether to grant or renew a driver licence, the authority must search the Register for any entry relating to the applicant. The decision will not be passed solely on the entry into the register, each application will be considered on its own merits.

### **e) Applicant Validation and English Language Proficiency**

On receipt of a valid application, the applicant will be required to undertake an interview with an officer, to validate any documents, confirm identity and evidence an acceptable level of English language proficiency. If standards are not met at this interview, for example, the applicant unable to answer a range of questions orally, the application will be rejected and the applicant must obtain a South Cambridgeshire District Council approved test or equivalent qualification of a driver's proficiency to cover both oral and written English language skills prior to submitting a new application.

### **f) Licence Duration**

If granted, the Driver Licence will be issued for a period of 3 years, it may be considered necessary by the Licensing Authority to issue a licence for a lesser period e.g., the applicant's right to work is of a shorter or limited duration.

## 15. Application for a Renewal of a Hackney Carriage or Private Hire Driver Licence

### a) Renewal Application Requirements

An application for renewal must be submitted prior to the expiry of the current licence. It is recommended that the renewal application is submitted not less than 8 weeks prior to expiry to ensure continuity of the licence.

Applicants who fail to report or declare an offence, or other relevant matters, will bring in to question their suitability to hold a licence. Failure to report or declare an offence prevents this Licensing Authority from considering that information in protecting public safety. It is also a breach of this Licensing Authority's Code of Conduct and will be taken into account as part of the consideration of the applicant's suitability and their 'fit and proper' status.

An application for the renewal of a private hire or hackney carriage driver licence must be accompanied with:

- i) Copy of a full UK DVLA driving licence, which must have been held for at least 3 years before the date of application.
- ii) A DVLA share code with the application. Consideration of penalty points and driving offences will be made in accordance with the relevance of convictions/cautions in relation to taxi licensing. Further information can be found in the Previous Convictions Policy. Two forms of proof of address such as a bank or credit card statement, utility bill, pension statement or other financial statement which is no older than 3 months, or a Council tax bill or P60 which can be up to 12 months old.
- iii) DBS update service share code. If an applicant has failed to maintain the DBS subscription, or there is a change on the status of the DBS (i.e., a new entry on the record), then an enhanced DBS (including a check of both the Adult and Children's barred list) must be submitted with the application. **An application will not be renewed until the DBS is provided.**
- iv) Where an applicant who has resided outside of the UK for 3 months or longer since the age of 18 years, in the last five continuous years will be required to submit an overseas record check authenticated by the embassy of each country of residence involved. The document must be translated into English and submitted with the application.
- v) Evidence of continued right to work and remain in the United Kingdom, such as a UK or Irish Passport or Birth Certificate, otherwise a right to work check code can be provided by following the link: [Prove your right to work to an employer: Overview - GOV.UK \(www.gov.uk\)](#).
- vi) If an applicant cannot demonstrate the right to remain and work, the licence cannot be renewed.
- vii) Evidence of medical fitness to drive. A Group 2 medical assessment must be completed by a registered medical practitioner who has access to the applicant's full medical records (i.e. own GP) and licensed to practice in the UK. The medical assessment must be no older than three months at the time of submission with the application.

If the medical assessment is not completed by the applicants own GP, and this Licensing Authority is not satisfied with the medical assessment provided (i.e. the applicants medical records have not been accessed) a second medical opinion will be



required, to be obtained at the applicants cost but with a registered medical practitioner nominated by this Licensing Authority.

This Licensing Authority can request an interim medical report from this Licensing Authority's nominated registered medical practitioner at any time, and can require a second medical opinion, as deemed necessary, to be obtained at the applicants cost but the with Registered medical practitioner nominated by this Licensing Authority.

Drivers over the age of 65 are required to provide a medical certificate every 12 months.

- viii) A tax check code, before a Licence may be renewed, the Authority must receive confirmation from HMRC that the applicant has completed a tax check, which must have been completed no more than 120 days before the Authority requests the confirmation.

## **b) Incomplete applications**

Where an application has been submitted without the required documentation, then the application may be rejected, and the licence fee (less administration fee) refunded.

## **c) Convictions and Driving Licence Endorsements**

The Driver Licence conditions require than the Authority is notified of all convictions in writing within 72 hours of any convictions, warnings or driving offences. If there are any new convictions or endorsements which have not been disclosed during the licence period, the application may be refused automatically, with the applicant having the right of appeal to the Magistrates Court, or, if appropriate, the matter may be referred to the Licensing Appeals Panel.

## **d) Suspension, revocation, or refusal to renew a driver licence.**

This Licensing Authority may suspend, revoke, or refuse to renew a Driver's Licence in the following circumstances:

- i) there has been a conviction/caution for an offence involving dishonesty, indecency or violence or there has been a conviction or caution for an offence under or a failure to comply with the relevant legislation.
- ii) that since the grant of the licence they have been convicted of an immigration offence or required to pay an immigration penalty.
- iii) any other reasonable cause.

Action against a driver's licence can be imposed with immediate effect if "the interests of public safety require the suspension or revocation of the licence to have immediate effect." As public safety is the paramount consideration in relation to hackney carriage and private hire licensing, this Licensing Authority will consider immediate action whenever the actions of the driver need to be examined.



## 16. Surrender of Hackney Carriage and Private Hire Driver licence

This Licensing Authority will only accept a surrender of a Hackney Carriage or Private Hire licence in exceptional circumstances, and not where the licence holder is subject to current investigation and/or legal proceedings.

There is no right of appeal against any decision not to accept the surrender of a driver's licence, and the only challenge to this would be to be judicial review.

## 17. Hackney Carriage and Private Hire Drivers Responsibilities

### a) Fit and Proper

The onus is on the applicant or licensed driver to satisfy this Licensing Authority that they are and remain 'fit and proper.'

### b) Service Expectations

- i) This Licensing Authority and the travelling public expect licensed drivers to provide good customer service and behave in a civilised and courteous manner. They are expected to be clean and smart in their appearance.
- ii) Drivers must not operate any equipment which may distract them whilst driving. Drivers are reminded that it is illegal to hold a phone or sat nav whilst the vehicle engine is running.
- iii) Drivers must not cause annoyance to passengers during the journey by playing music without the consent of the passenger/ hirer, or constantly talking on a hands-free mobile phone.
- iv) This Licensing Authority condemns discriminatory behaviour, which is harassing, racist, religiously motivated, homophobic, sexist, or in any way offensive to disability or gender. Complaints of this nature are taken particularly seriously. This Licensing Authority does not have any power over passengers who use licensed vehicles but will give support to the trade where possible. Drivers who experience any of the above behaviour should report it to the police.
- v) Licensed drivers are responsible for their own safety, the safety of their passengers and other road users. They have a duty to take regular rest periods. Licensed drivers must not drive if they are taking medication which impairs their judgement or driving ability.

### c) Assistance Dogs

- i) Drivers must be aware of their obligations under the Equality Act to provide a service and assistance to passengers with mobility problems, or disabilities and to take assistance dogs (without extra charge).

- ii) The Authority defines an assistance dog as one which has been either;
- trained to guide a blind person.
  - assist a deaf person.
  - trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects; or.
  - a dog of a prescribed category which has been trained to assist a disabled person who has a disability of a prescribed kind.
- iii) Drivers without an exemption who refuse or fail to take assistance dogs may be prosecuted by this Licensing Authority and/or may also be subject to enforcement action by the Licensing Authority including suspension or revocation of the licence.
- iv) Drivers may apply for an exemption certificate if, for health reasons, they are unable to take assistance dogs. Drivers who wish to apply for an exemption certificate must provide written documentation signed by a registered health practitioner giving the reasons why they should be exempted from transporting assistance dogs.
- v) Drivers who have been issued with an exemption certificate must inform proprietors or operators that they have the exemption to avoid any unnecessary distress or delay to passengers.
- vi) The exemption certificate must also be on display in the vehicle.

#### **d) Conditions**

Private Hire Driver Licences are all issued subject to compliance with the licence conditions. Failure to comply with the conditions may result in formal action ranging from a warning to revocation.

#### **e) Council Byelaws**

In addition to primary legislation, Hackney Carriage drivers are also subject to requirements and restrictions by way of byelaws which can be found in the appendices on the Council's website.

#### **f) Displaying Drivers Licence Badge**

All licensed drivers are required to prominently display their driver's badge whilst working as a licensed driver. Failure to comply is an offence under the 1976 Act and local Byelaws.

#### **g) Return of Driver Licence and Badge**

Drivers are reminded that the driver's badge remains the property of this Licensing Authority; all expired and revoked badges must be returned to South Cambridgeshire District Council.

## **h) Duty to Notify the Council of Change of Circumstances**

It is important that licensed drivers notify this Licensing Authority of any significant changes which occur after their licence has been granted within 7 days of the change. This includes but is not limited to changes in name, address, email address or telephone number, change of immigration status etc.

## **i) Notification of Health Deterioration/Fitness Following Road Traffic injury**

- i) Licensed drivers must notify, within 7 days, this Licensing Authority, and their medical practitioner of any deterioration in their health which may affect their ability to drive or complete their tasks as a licensed driver. This Licensing Authority expects licensed drivers to be responsible and not continue driving following any deterioration in their health, or any health problems which could endanger the lives of the general public.
- ii) If a licensed driver is involved in an accident in which they are injured, they must ensure that they are fit prior to returning to hire and reward work; this is for the safety of the driver and the general public.

## **j) Duty to Notify the Council of Arrest, Charge or Conviction**

- i) South Cambridgeshire District Council drivers' licence holders must notify the Licensing Authority in writing within 72 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any conviction for a motoring offence.
- ii) If it comes to the attention of the Licensing Authority that a licensed driver has failed to notify this Licensing Authority of relevant matters which occur during or after the licence has been issued, enforcement action will be taken.

## **k) Duty to Notify the Council of Accidents**

- i) Proprietors and drivers of licensed vehicles must inform this Authority **via the online report form**, as soon as possible and in any event within 72 hours, of any accident that causes damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.
- ii) The driver involved in the accident must provide details to this Licensing Department of how, where and when the accident occurred and provide time-stamped photographs of the damage caused.
- iii) The damage to the vehicle will be assessed by an officer as soon as practicable, and if an in-person inspection is deemed appropriate, the vehicle may not be used for hire or reward until the vehicle has been inspected.
- iv) Where necessary, time limits will be given for the repairs to be undertaken, and in appropriate cases, a vehicle suspension notice may be issued, and evidence of repair work must be presented to the Licensing Department prior to the suspension being lifted.

## **Failure to report an accident may result in suspension or revocation of both vehicle and driver licences.**

- v) Drivers, proprietors and operators are advised that this Licensing Authority may be contacted by insurance companies to verify an accident damage report and details provided.

### **I) Competency and Safeguarding Knowledge**

Existing drivers may be required to undertake a Competency Test or Safeguarding refresher course as determined by this Licensing Authority.

## **18. Hackney Carriage and Private Hire Vehicles**

### **a) General**

- i) The main difference between Hackney Carriage and Private Hire vehicles is that a Hackney Carriage can be hailed in a street or hired from a taxi rank. Private Hire vehicles must be pre-booked in advance through a licensed Private Hire Operator; they cannot stand or ply for hire.
- ii) Once a vehicle is licensed as either a Private Hire vehicle or a Hackney Carriage vehicle it always remains a licensed vehicle until that licence is suspended, revoked or expires. This means that these vehicles must not be driven by anyone other than a South Cambridgeshire District Council Private Hire or Hackney Carriage Driver even when the vehicle is considered 'off duty'. Any insurance policy which provides insurance for a licensed vehicle may become void if the vehicle is driven by an unlicensed driver.
- iii) This Licensing Authority will not grant a Hackney Carriage or Private Hire Vehicle Licence for any vehicle that is already licensed by another authority.
- iv) Category A, B, N or S write-off vehicles will not be permitted to be licensed.
- v) The maximum period for which a vehicle licence will be granted is 1 year. This Licensing Authority may exercise discretion and issue a licence of a shorter duration if it considers this to be reasonable given the individual circumstance.
- vi) Any vehicle which has not renewed before the expiry of the licence, will be classed as unlicensed, and will be required to apply as a new vehicle and meet the required age and specification criteria for a new vehicle.

### **b) Taximeters**

- i) All Hackney Carriages are required to have a working taximeter fitted in the vehicle. Where Private Hire vehicles are also fitted with a taximeter, it must be calendar controlled and must not be set at a higher fare than the current maximum fare as agreed by this Licensing Authority. The taximeter must be sealed by an authorised person.

- ii) Where a journey starts and finishes within the South Cambridgeshire district, if a vehicle is fitted with a taximeter, it must be used when conveying passengers.
- iii) The fare demanded cannot be more than that shown on the taximeter. If a fare has been quoted and agreed and is less than the fare shown on the taximeter, the quoted lesser fare must be charged.

### c) Vehicle Safety and Comfort

- i) Vehicles must be safe, comfortable, the passenger compartments must be clean (internally and externally) and dry including upholstery, without rips or tears or sharp protrusions, and must meet the general vehicle standards contained within the private hire vehicle licence conditions.
- ii) All vehicles must have a warning triangle carried in the vehicle to ensure the safety of the driver and passengers in the event of an accident, and drivers must understand the guidelines for the use of such devices and use the warning triangle in those circumstances.
- iii) All licensed vehicles must comply with the requirements of the Health Act 2006 and display 'No Smoking' signs. Drivers are reminded that it is against the law to smoke or allow someone to smoke (including electronic cigarettes or vapes) in a licensed vehicle at any time.

### d) CCTV

- i) All Hackney Carriage and Private Hire vehicle (**with the exception of executive hire exempted vehicles**) must be fitted with a CCTV system meeting the Council's specification. Please refer to the Council's website for the current requirements, specification and details of available providers and installers.
- ii) The Licensing Authority is registered with the Information Commissioners Office and is the Data Controller, data will only be accessed in specific circumstances detailed within the Privacy Notice and Standard Operating Procedure which can be viewed on the Council's website.
- iii) The Licensing Authority reserves the right to amend the CCTV specification as the need arises, having regard to changes in technical standards, case law, national policy or any other circumstances that make it reasonable to amend the current specification. In addition, the Authority will keep under review the policy to ensure mandating of CCTV remains necessary and proportionate.
- iv) Where any fault of the CCTV is identified, this must be reported to the Licensing Authority within 24 hours, and if the fault is not rectified within 5 working days, the vehicle will be suspended until the CCTV equipment is fully operational.

### e) Dashcams

Any dashcams installed in the licensed vehicle must be outward facing only. It is the sole responsibility of the proprietor of the licensed vehicle, with dashcams installed, to be registered with the Information Commissioners Office (ICO). Further information

can be found on the following link: <https://ico.org.uk/for-organisations/register/>

## f) Limitation of Vehicle Numbers

The Council may impose restrictions on numbers of Hackney Carriages it will licence under the Transport Act 1985, Section 16. There is no such provision to restrict the number of private hire vehicles.

## g) Vehicle Emissions and Suitability

- i) Vehicles which accommodate more than 8 passengers cannot be licensed as a Hackney Carriage or Private Hire vehicle.
- ii) Whilst each application will be determined on its own merits, it is unlikely that the Licensing Authority would license a vehicle which did not meet the licensing standards and specifications. Where an application is refused, a right of appeal exists. This is to the Magistrates Court if the application was for a private hire vehicle licence, and to the Crown Court if the application was for a hackney carriage proprietors' licence.
- iii) Hackney Carriage Vehicles must meet at least Euro 6 emission standards, be fully wheelchair accessible and white in colour.
- iv) Private Hire Vehicles must be at least Euro 6 emission or zero or ultra-low emission. The vehicle may not appear to resemble a hackney carriage.
- v) Private Hire vehicles that have been specifically built for wheelchair users, which can include and after-sales professional installation of a tail-lift or ramp, are only required to meet at least Euro 5 emission standards.

**By no later than 1 December 2028, all licensed hackney carriage and private hire vehicles must be zero or ultra-low emission.** This is to recognise South Cambridgeshire District Council's adoption of the global climate and health emergency action plan to deliver a zero-carbon future for South Cambridgeshire, and to coincide with the restrictions for Cambridge City Centre access for ultra-low and zero emission licensed vehicles only. This aspect will be kept under review and may be modified by the Authority at a prior date.

## h) Limousines and Speciality Vehicles

There is a separate set of conditions applicable for Limousine and speciality vehicles which can be found on the Council's website.

## 19. Application for a Hackney Carriage or Private Hire Vehicle Licence

An application for the grant of a Hackney Carriage or Private Hire vehicle licence must be accompanied with:

- An MOT Test and Certificate of Compliance both issued no longer than one month before the application, by an SCDC approved garage (see website for the current approved garages), required for all vehicles regardless of age. A further Certificate of Compliance may be required where advisories are noted on the MOT certificate or where reported concerns are raised.
- A valid certificate of insurance (or cover note) covering the vehicle for private hire (hire or reward) or public hire as appropriate.
- Vehicle Log Book (V5C) proving ownership of the vehicle.
- Certificate of CCTV installation, provided by an SCDC recognised supplier and installer.
- In the case of a non-driver proprietor applicant, a basic DBS certificate vehicle licence which must be no older than one month of the date of application.

## 20. Application for the Renewal of a Hackney Carriage or Private Hire Vehicle Licence

It is the responsibility of the vehicle proprietor to ensure they apply for their renewal with all relevant supporting original documentation in good time, with a recommendation that the submission is not less than two weeks before expiry to ensure continuity of the licence.

An application for the renewal of a private hire or vehicle licence must be accompanied with:

- An MOT Test and Certificate of Compliance both issued no longer than one month before the application, by an SCDC approved garage (see website for the current approved garages).
- A valid certificate of insurance (or cover note) covering the vehicle for private hire (hire or reward) or public hire as appropriate.
- Vehicle Log Book (V5C) proving ownership of the vehicle (if not provided on initial grant).
- In the case of a non-driver proprietor applicant, a basic DBS certificate vehicle licence which must be no older than one month of the date of application.

## 21. Vehicle Licence Transfer of Ownership

An application to transfer a vehicle licence to another driver/proprietor must be submitted no later than 14 days from the date the vehicle was sold. Compliance with all requirements of the vehicle licence remain the responsibility of the current licence holder and any requirement for enforcement action will be taken against him/her until the new licence has been issued in the new proprietor's name.

An application for the transfer of ownership of a Hackney Carriage or Private Hire vehicle licence must be accompanied with:

- A valid certificate of insurance (or cover note) covering the vehicle for private hire (hire or reward) or public hire as appropriate.
- Vehicle Log Book (V5C) proving ownership of the vehicle, if the new V5C has not been issued, then the V5C new owner slip and bill of sale/receipt from the vehicle owner is required.



- In the case of a non-driver proprietor applicant, a basic DBS certificate vehicle licence which must be no older than one month of the date of application.

## 22. Vehicle Proprietor Responsibilities

### a) CCTV Faults

Where any fault of the CCTV is identified, this must be reported to the Licensing Authority within 24 hours, and if the fault is not rectified within 5 working days, the vehicle will be suspended until the CCTV equipment is fully operational.

### b) Livery, Signage and Roof Signs

All non-executive exempt licensed vehicles must:

- i) Securely fix and displayed, the Council's white identification plate on the rear of the vehicle (white for hackney carriages, yellow for private hire), in such a manner that the plate does not obscure the vehicle registration plate. The plate must also be able to be easily removed by an authorised officer or police officer. Magnetic fixings, Velcro or similar are not permitted.
- ii) Permanently affix Council issued door signs on the front passenger and driver doors in a prominent location.
- iii) Display in the front windscreen, passenger side, the Council's internal vehicle notice (IVN).
- iv) **Private hire vehicles** must display permanently on the driver and front passenger door in a prominent position the name and telephone number of the Operator fulfilling the booking. If this is not technically possible any alternative position of the Operator signage must be agreed by this Licensing Authority. Only one set of Operator signage may be displayed at any time.

The Department for Transport Best Practice Guidance suggests that operator door signage should not be mandated, however, in the interests of public safety and fact that many journeys commence or end outside the district, and many on hours of darkness, having clear door signage is of paramount safety to passengers and drivers to ensure the correct vehicle accepts the booking.

- v) **Hackney Carriages** must have a roof sign fitted which does not exceed 500mm in length and 120mm in height, bear **only** the word "TAXI" on the front, in black lettering illuminated in yellow or red, and **only** the words "TAXI" and "SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL" in black lettering, illuminated in red or yellow to the rear.
- vi) Private Hire vehicles are **not** permitted to display roof mounted signs or any signage that include the words "taxi" or "cab" or "for hire".
- vii) No other signage shall be displayed except with the written authority of the Licensing Authority.
- viii) A vehicle remains a Hackney Carriage or Private Hire vehicle until the licence is suspended, revoked or expires and it is the responsibility of the driver and/or proprietor to ensure door signage and licence plate is in place at all times and in all parts of England and Wales. Failure to do so will result in enforcement action being taken.

### c) Duty to Notify the Council of Arrest, Charge or Conviction

South Cambridgeshire District Council drivers' licence holders must notify the Licensing Authority in writing 72 hours of an arrest and release, charge, or conviction of any sexual offence, any offence involving dishonesty or violence and any conviction for a motoring offence.

If it comes to the attention of the Licensing Authority that a licensed driver has failed to notify this Licensing Authority of relevant matters which occur during or after the licence has been issued, enforcement action will be taken.

### d) Duty to Notify the Council of Accidents

Proprietors and drivers of licensed vehicles must inform this Authority **via the online report form**, as soon as possible and in any event within 72 hours, of any accident that causes damage which materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.

The driver involved in the accident must provide details to this Licensing Department of how, where and when the accident occurred and provide time-stamped photographs of the damage caused.

The damage to the vehicle will be assessed by an officer as soon as practicable, and if an in-person inspection is deemed appropriate, the vehicle may not be used for hire or reward until the vehicle has been inspected.

Where necessary, time limits will be given for the repairs to be undertaken, and in appropriate cases, a vehicle suspension notice may be issued, and the vehicle required to undergo a certificate of compliance test at an appointed garage. Where a full certificate of compliance test is not required, evidence of repair work must be presented to the Licensing Department prior to the suspension being lifted.

**Failure to report an accident may result in suspension or revocation of both vehicle and driver licences.**

### e) Vehicle Inspections

- i) Licensed vehicles must always be kept in a safe, tidy and clean condition.
- ii) Compliance with the vehicle specifications and conditions of licence are essential and will be enforced by periodic and/or random vehicle inspections by authorised officers of this Licensing Authority.
- iii) As per the DfT Best Practice Guidance, a driver should undertake a walkaround check before a vehicle is used. Where more than one driver is using the vehicle during the day's running, the driver taking charge of the vehicle should make sure it is roadworthy and safe by carrying out their own walkaround check. Drivers are required to retain the vehicle checklist as proof they have undertaken a vehicle check. For practicality a mobile phone app may be used for this purpose. If a driver is unable to provide the checklist(s) to an authorised officer within 7 days of the request, the vehicle licence may be suspended until a

new MOT Test and Certificate of Compliance has been undertaken. A sample checklist provided by the DfT is available in the appendices.

- iv) Further sanctions may result against the driver as well as vehicle proprietors, if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over several days. Such sanctions could include revocation of the driver licence, or referral to a Licensing sub-Committee or Panel.

#### **f) Inclusive Service Plans for Accessibility**

- i) The aim of this Licensing Authority is to provide an accessible public transport system where people with disabilities have the same opportunities to travel as other members of society. This Licensing Authority expects that proprietors, drivers and operators give full consideration to ensure they provide a service to all members of society without discrimination. The Council will keep a register of all wheelchair accessible vehicles (WAV).
- ii) This Licensing Authority is committed to social inclusion and ensuring a wide variety of opportunity is available to all residents to enjoy a high quality of life. It is recognised that making door to door journeys easily and on-demand is crucial to social inclusion for all members of society.
- iii) The Equality Act 2010 places certain duties on licensed drivers to provide assistance to people in wheelchairs and to carry them safely. There are similar requirements on drivers in relation to the treatment of passengers with an assistance dog. Neither drivers nor operators of licensed vehicles can make any extra charge or refuse to carry such passengers. It is a criminal offence to breach any of these requirements.
- iv) Licensed drivers who are unable to carry out the duties imposed upon them under the Equality Act 2010 may apply to the Licensing Authority for an exemption certificate from those duties. This Licensing Authority must issue an exemption certificate to that licensed driver if they are satisfied that it is appropriate to do so on medical or physical grounds. Even if a medical ground or other physical condition exists, a driver has no defence against the offence of failing to provide assistance to people in wheelchairs contrary to s165 Equality Act 2010, if they have not been issued an exemption certificate.
- v) This Licensing Authority encourages all Private Hire operators to include wheelchair accessible vehicles amongst their fleet and to ensure that no additional costs are levied by them or their drivers, for conveying disabled passengers or assistance dogs.
- vi) All vehicles fitted with a tail lift for wheelchairs must meet all the requirements of the Health & Safety Executive Lifting Operations Lifting Equipment Regulations (LOLER).
- vii) When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers, the proprietor and/or driver must produce certification that the vehicle meets the required standards.
- viii) It is important that vehicle drivers, proprietors and operators ensure that licensed drivers carry all passengers in safety and comfort, and that they do not allow wheelchair passengers to travel sideways in their wheelchair. Therefore, drivers must be appropriately trained in the use of relevant belts and other restraint locking mechanisms to ensure the safety of their passengers. It is the driver's responsibility to ensure that they understand fully how to use the equipment and then do so.

- ix) The Licensing Authority takes all complaints of discrimination seriously and will have due regard to its duty to eliminate discrimination, along with the provisions of the Equality Act 2010, when considering the fitness of an individual to hold a Hackney Carriage or Private Hire licence (driver, vehicle or operator).

## 23. Speciality Vehicles and Limousines

- a) Limousine and speciality vehicles are generally used for special occasions such as anniversaries, stag and hen parties, prom nights, etc. and may be specialist, or stretched vehicles.
- b) Limousine and speciality vehicles used for the purpose of hire and reward are required to be licensed as Private Hire vehicles, with a seating capacity for 8 passengers or fewer, and all bookings must be made via a licensed operator.
- c) These are specialist types of vehicles with their own set of conditions in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these specialist conditions, then these specialist conditions will prevail. Proprietors of prestige type vehicles licensed as Private Hire vehicles or Private Hire vehicles used in special circumstances may seek the permission of this Licensing Authority to waive the conditions of their licence relating to the display of licence plates and door signage.

## 24. Private Hire Executive Vehicles

- a) This Licensing Authority recognises that there is a specialist market for the use of unmarked hire and reward vehicles in the following circumstances:
- Chauffeur / prestige-type services
  - Fulfilling a pre-existing, written contract (pre-existing meaning signed at least 10 working days in advance of the hire)
  - Providing a regular service (whether to an individual or to a business)
- b) This definition will not cover every business circumstance and officer discretion will be used to determine individual applications based on the merits of the case, as required by legislation.
- c) Customers for this type of service will expect these vehicles to be prestige high specification vehicles and will also expect the driver to be smartly dressed either as a chauffeur or in a business suit with collared shirt and tie.

Vehicles considered for exemption must be at least Category E or F of the EU Classification of vehicle types considered to be “luxury” standard such as BMW 7 series or Mercedes S Class. People-carrier type vehicles must be of the highest specification and in showroom condition.

The highest specification executive type cars from other manufacturers may also be considered.

- f) The type of work is “executive” in nature. This means that the vehicle is used solely to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.

- g) The ability to exempt a vehicle from displaying the licence plate only applies to Private Hire vehicles, it does not extend to Hackney Carriages which must always display their plates.
- h) Prestige high specification Private Hire vehicles which carry out contract work such as executive bookings etc. may apply for an exemption licence, which exempts that vehicle from the requirement to display the standard licence plate and door signage.
- i) The driver must carry their Private Hire Driver badge with them so that it is immediately available upon request.
- j) The vehicle will be issued with a licence plate or identification, which must always be kept within the vehicle.
- k) A certificate of exemption and internal vehicle notice will also be issued by this Authority and must be displayed in a prominent place, visible to all passengers.
- l) Vehicles which have been issued with an exemption certificate will solely undertake executive chauffeur work.
- m) Exempted vehicles found to be carrying out standard private hire work will be subject to enforcement action and the exemption certificate may be revoked.
- n) Exempted vehicles must not display any advertisements, signage, logos, or insignias advertising the operating company inside or outside the vehicle.
- o) Operators and proprietors who wish to apply for an exemption certificate must complete the application form, pay the required fee and provide sufficient supporting documentation to establish that the vehicle will be solely used for executive bookings.
- p) There are extra conditions applicable to exempted vehicles, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these extra conditions, then these extra conditions must prevail. The extra conditions can be found in the appendices.
- q) If an exemption certificate has been issued but the vehicle will no longer be utilised solely for executive type bookings, the exemption plate or identification and certificate must be surrendered and returned to this Licensing Authority. If the vehicle is still licensed, it must then display the plate and door stickers as required by the conditions for private hire vehicles. There will be a fee for the replacement plate and door stickers.
- r) The types of work that will not be considered for the grant of an exemption include but is not limited to: -
- Council 'school contract' work
  - Journeys to airports, seaports or railway stations, unless part of a journey covered by an exemption
  - Theatre journeys or sporting events unless stipulated on the exemption
  - 'Hen' and 'Stag' nights.

- s) Each application for exempt status will be considered on its own merits and there is no right of appeal against a decision by the Licensing Authority to refuse to grant under s75(3) Local Government (Miscellaneous provisions Act) and the only direct means of challenge would be judicial review.
- t) In order to protect the public and to allow customers to correctly identify and report either a driver or a vehicle which caused concern, this Licensing Authority has determined that certain information must be displayed inside all licensed vehicles, in the form of a Council issued Internal Vehicle Notice.
- u) Licensed drivers who work for more than one operator must have an internal vehicle notice for each operator that they work for.
- v) Licensed drivers who work for more than one operator must have an internal vehicle notice for each operator that they work for.

## 25. Advertising

This Licensing Authority will not permit any advertising on or in vehicles.

## 26. Contract Vehicles

- a) The Road Safety Act 2006 requires vehicles used for a contract with an organisation or company, for carrying passengers for hire or reward under a contract, to be licensed as private hire vehicles. As a general guide this will include executive hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.
- b) All vehicles with less than 8 passenger seats that carry passengers for hire and reward must be licensed by this Licensing Authority. Vehicles which are used as 'courtesy cars', i.e. for transporting customers to and from hotel, nightclubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They must, accordingly, be licensed.
- c) Those operating 'courtesy cars', e.g. for transporting customers to and from hotels, nightclubs, etc. should have an operator's licence and the vehicles and driver must be appropriately licensed.
- d) All ambulances registered with the British Ambulance Association will be exempt from private hire licensing.
- e) Other patient transport services provided by either NHS or Voluntary Services that are registered with the British Ambulance Association will be exempt from private hire licensing.
- f) All other ambulance or patient transport services that are not registered with the British Ambulance Association may be required to conform to private hire licensing requirements. This Licensing Authority strongly recommends that anyone wishing to provide this type of service contact this Licensing Authority for each case to be considered on its merits.
- g) In relation to Voluntary Sector Transport, this Licensing Authority will assess each individual organisation on its own merits to determine whether or not it will require licensing as a

private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.

- h) When determining whether a vehicle is operating as a Private Hire Vehicle, this Licensing Authority will have reference to the Department for Transport's guidance note "Private Hire Vehicle Licensing" and any relevant case law.
- i) This Licensing Authority will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit, and the Authority considers that private hire vehicle licensing is necessary.

## **27. Hackney Carriage Stands (Taxi Ranks)**

A Hackney Carriage stand is a location reserved exclusively for Hackney Carriages to wait a hiring. A Hackney Carriage can lawfully be hired from any point on the street when it is either stationary (standing) or cruising in response to a hailing (plying).

## **28. Private Hire Operators**

### **a) General**

- i) The legislation requires that any person, who in the course of business makes provision for the invitation or acceptance of bookings by any method for a Private Hire vehicle, must be licensed as a Private Hire operator.
- ii) The legislation requires the authority to only license operators who are considered to be 'fit and proper' to hold an operator's licence and who are not disqualified by reason of their immigration status.
- iii) All work undertaken by Private Hire vehicles and drivers must be pre-booked via a licensed operator. All three licences (Private Hire vehicle, Private Hire driver and operator) must be issued by the same Licensing Authority.
- iv) New operator's licences will be issued for one year with a renewal application for up to a further five years subject to checks.

### **b) Suitability and Eligibility**

- i) The business address (physical or remote) must be located within South Cambridgeshire District. When considering an application for a new operator's licence, consideration will be given to the location, the vicinity, facilities, and parking arrangements.
- ii) Applicants should ensure that they obtain any necessary planning consents relating to the use of the premises in connection with the operation of the business. Where planning permission is required, operators must comply with any condition attached to such permission. Whilst any breach of planning legislation will be enforced by the planning department, it may also be used in consideration of an operator's 'fit and proper' status.



- iii) If the property is a Council or Housing Association property or rented privately, applicants should seek written permission from the landlord to operate a private hire business from the premises.
- iv) This Licensing Authority will not grant a licence to an operator whose premises are located outside South Cambridgeshire. For those with Operator licences issued before 1 October 2017 the premises are permitted to be up to 10 miles outside the district boundary. This is to ensure that proper regulation and enforcement measures may be taken by this Licensing Authority and is in no way intended to be a restraint of trade.

### **c) Safeguarding**

All new applicants (who are not currently licensed by the Authority as a Private Hire or Hackney Carriage Driver), will be required to pass a safeguarding course as approved by this Licensing Authority prior to application.

### **d) Relevant Convictions**

- i) Where an applicant for the grant of an Operator Licence has a relevant conviction under the convictions policy, the application will be automatically refused.
- ii) In other cases, such as information received as part of the application process, where an application is refused, the applicant will have the right of appeal to the Licensing Appeals Panel or the Magistrates Court.

### **e) Overseas Criminal Record Check**

- i) Applicants who have resided outside of the UK for 3 months or longer since the age of 18 years, in the last five continuous years will be required to submit an overseas record check authenticated by the embassy of each country of residence involved.
- ii) The record check must be translated into English at the applicant's expense. The overseas criminal record check must be no more than 3 months old at the time of submission.

### **f) Right to Remain and Work in the United Kingdom**

- j) The Authority has a statutory duty to ensure that applicants have the legal right to work in the UK prior to issuing a licence. The issuing or refusing of licences will be undertaken in accordance with the requirements of the Immigration Act 2016.
- ii) An application must be accompanied by evidence of right to work and remain in the United Kingdom, such as a UK or Irish Passport or Birth Certificate, otherwise a right to work check code can be provided by following the link: [Prove your right to work to an employer: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/proof-your-right-to-work-to-an-employer).
- iii) This Licensing Authority takes this responsibility seriously and has checks in place to ensure compliance with the Act and will liaise where required with relevant Home Office departments. If, however, a licence has been issued incorrectly for whatever reason, the licence ceases to have effect if the person does not have the right to work in the UK.

iv) Operators also have an obligation to ensure that they only use, as their staff, persons who have the right to work in the UK. Failure to observe this obligation, or to provide due diligence checks, will be subject to enforcement action by the appropriate Home Office department, which may result in a civil penalty or imprisonment. In these circumstances action may also be taken by this Licensing Authority against the licence.

### **g) Disclosure and Barring Service (DBS) Check**

- i) An applicant (who does not hold a Private Hire or Hackney Carriage Driver Licence issued by the Authority), must provide a basic DBS certificate (which may be no older than one month old with the application for the grant of a licence).
- ii) Although enhanced DBS certificates cannot be demanded by this Licensing Authority for operator licences, the Authority will accept them and DBS update service certificates.
- iii) Although the role of a private hire operator is not covered by the Rehabilitation of Offenders Act 1974, the High Court decision in *Adamson v Waveney BC* make it clear that this Licensing Authority can take spent convictions into account when considering an application for a private hire operator's licence. All convictions must be detailed on the application form and accompany Statutory Declaration and will be taken into consideration in determining the application.
- iv) Operators are also required to ensure all dispatch staff have been subject to a basic DBS check, but the checks do not need to be provided to the Authority.

## **29. Application for a Private Hire Operator Licence**

An application for the grant of a private hire operator licence must be accompanied with:

- The application fee
- Basic DBS - less than 1 month old (for non-driver operators)
- Safeguarding certificate (if appropriate)
- proof of National Insurance
- proof of right to work
- Information Commissioners Office (ICO) registration certificate
- company training procedure
- company complaints policy
- company customer service policy
- company disability awareness policy
- company disciplinary procedure
- company lost property procedure
- public liability insurance (if applicable)
- landlord permission to operate the business (if applicable)

## **30. Application for Renewal of an Operator Licence**

An application for renewal of the licence must be applied for before expiry of the current licence. Where an application for renewal is submitted after the initial licence has expired, the application will be rejected, and a new application must be submitted. The expired licence cannot be used until the new application is determined.

An application for the renewal of a private hire operator licence must be accompanied with:

- The application fee
- Basic DBS - less than 1 month old (for non-driver operators)
- Proof of right to work
- Information Commissioners Office (ICO) registration certificate
- Where any changes have been made since the last application, a copy of the company's training procedure, complaints policy, customer service policy, disability awareness policy, disciplinary procedure or lost property procedure
- public liability insurance (If applicable)

## **31.Private Hire Operator Conditions**

The Licensing Authority has power to impose such conditions on an operator's licence, as it considers reasonably necessary. These are set out in the Appendix.

## **32. Suspension, revocation, or refusal to renew an operator licence**

- a) This Licensing Authority may suspend, revoke, or refuse to renew an Operator's Licence in the following circumstances:
- i) there has been an offence under or non-compliance with the relevant legislation.
  - ii) any conduct on the part of the Operator which renders him unfit to hold a licence.
  - iii) any material change since the licence was granted in any of the circumstances of the operator based on which the licence was granted.
  - iv) the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty.
  - v) any other reasonable cause

## **33.Transferring or Sale of an Operator Business**

There is no provision within the legislation to transfer an operator's licence. If an existing operator sells or otherwise transfers their business (whether or not including any assets) to another person, partnership or limited company, the new owner must make a new application for a private hire operator licence. They will be subject to the 'fit and proper' test and be assessed by this Authority for suitability, must demonstrate their right to remain and work in the UK.

## **34.Operator Licence Holder Responsibilities**

### **a) Record of Bookings**

- i) Operators are required by law to keep a record of bookings and records relating to each and every vehicle operated by the operator, the contents of recording these records are detailed in the conditions attached to the operator's licence. Breach of this condition is a criminal offence which will result in prosecution and a criminal conviction, as well as action against the operator's licence.

- ii) Records of bookings must be made before the commencement of the journey. All such records must be made available to an authorised officer for inspection. Records of bookings must be retained for a period of not less than six months.
- iii) Regardless of which operator fulfils the booking, the operator can only dispatch a vehicle licensed by the same authority that licenses the operator and driven by a driver also licensed by that same authority.

## **b) Data Protection**

Operators need to be aware of their obligations when it comes to data protection. Where databases containing personal information, such as records of bookings and CCTV, they are required to be registered with the Information Commissioners Office (ICO). Further information can be found on the following link;  
<https://ico.org.uk/for-organisations/register/>

## **c) Additional Charges**

- i) Operators must make customers fully aware of the fare and any additional charges which may be applied, e.g., for waiting time and for cleaning a soiled vehicle. These additional charges must be clearly displayed in the operator's office and on their website if they have one.
- ii) Operators are responsible for ensuring that the vehicles utilised are clean, fit for the purpose of the booking and comply with the conditions applied by this. It is expected that operators have a planned maintenance programme in place for all vehicles it utilises. The testing requirements applied by this Licensing Authority are to confirm a level of safety and quality, rather than to highlight what maintenance needs to be carried out.

## **d) Wheelchair Accessible Vehicles**

- i) This Licensing Authority encourages all Private Hire operators to include wheelchair accessible vehicles amongst their fleet. They must ensure that no additional costs or charges are levied by them or their drivers for conveying disabled passengers or assistance dogs.
- ii) Operators and/or proprietors, who provide Wheelchair Accessible Vehicles must ensure that the driver is appropriately trained to load, unload, and convey passengers in a safe and secure manner. This training, if not part of the original licensing requirements, must be documented and refreshed at suitable intervals. These training records must be available for inspection by an authorised officer.
- iii) Operators must ensure that the drivers they utilise are 'fit and proper' to carry out the bookings and are appropriately trained for their role. Operators should be able to demonstrate how they will achieve this by way of a policy to include any training (or checks) provided by the operator, customer service company policies and practices, including disability awareness. A copy of this policy must be included with all applications.

## **e) Duty to Notify the Council of Arrest, Charge or Conviction**

- i) South Cambridgeshire District Council operator licence holders must notify the Licensing Authority in writing within 72 hours, of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any conviction for a motoring offence.
- ii) If it comes to the attention of the Licensing Authority that a licensed driver has failed to notify this Licensing Authority of relevant matters which occur during or after the licence has been issued, enforcement action will be taken.

## **f) Insurance**

- i) Operators must ensure they have all the correct insurances in place for the business, vehicles and drivers they utilise.
- ii) Those who provide a waiting area for clients must provide evidence that they have valid public liability insurance.

## **g) Cross Border Hiring**

- i) The customer has the choice of which operator they book through. This means that the customer may choose an operator licensed by a neighbouring authority, known as cross border hiring.
- ii) The legislation permits cross border hiring for bookings across other authorities and this Licensing Authority has no jurisdiction over these private hire contracts.

## **h) Sub-Contracting**

- i) Section 55a of the Local Government (Miscellaneous Provisions) Act 1976, inserted by the Deregulation Act 2015, permits Operators licensed by this Licensing Authority to sub-contract a private hire booking to another operator licensed by this Licensing Authority or to any other licensed private hire operator holding a private hire licence granted by another Licensing Authority.
- ii) Regardless of which operator fulfils a booking, the operator can only dispatch a vehicle licensed by the same Licensing Authority that licenses the operator and driven by a driver licensed by that same Authority.
- iii) Operators that accept an initial booking remain legally responsible for that booking even if they sub-contract the booking to another Operator and should record the booking as usual and note the fact that it was sub-contracted. The initial operator must record what checks they made to ensure that the operator they passed the booking onto is correctly licensed.

## **i) Radio Systems**

Applicants who intend to operate a radio system will be required to provide proof of their licence from Ofcom as part of the application process.

## j) Operator's Complaint Policy

- i) Customers have a right to complain if the service provided by the operator fails to meet expectations. It is the responsibility of operators to attempt to find an amicable resolution to the complaint, without any unnecessary regulatory burden or intervention by this Licensing Authority.
- ii) Complainants must be dealt with in a respectful, timely manner in an open and transparent way. To ensure this is achieved, operators are required to have a formal complaints policy and procedure which is made freely available to all customers, and to maintain a record of complaints received.
- iii) A copy of the operator's complaints policy and procedure must be produced as part of all new applications, and where changes are made to the policy, on renewal.
- iv) The complaint records must detail specific information, be monitored, and be made available to authorised officers upon request. The specified information to be recorded must include the following information as a minimum:
  - The name of the complainant and how they can be contacted,
  - The date the complaint was made and the time and date of the journey,
  - If the booking was subcontracted, the details of the licensed operator who fulfilled the booking and any action taken by the subcontractor regarding the complaint or concern,
  - The name of the driver and vehicle being reported,
  - The nature of the complaint or concern,
  - The date by which the proprietor will respond to the complaint, which must not exceed 72 hours from time of receipt,
  - The action taken, if any, by the operator to resolve the complaint or concern.
- v) Operators must also inform the complainant that they can further their complaint to this Authority if they remain dissatisfied with the outcome of their complaint.
- vi) If an operator is made aware of any information or complaint reflected in the relevant convictions section of this policy, they must notify this Licensing Authority immediately and provide details of the actions taken by the operator.
- vii) Operators must ensure that persons hiring a vehicle are aware of a complaints policy either by digital notification given before the commencement of the hiring or by way of a notice in the vehicle.