



# **HACKNEY CARRIAGE**

# **AND PRIVATE HIRE**

# **LICENSING POLICY**

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## **Definitions**

For the purpose of this policy:

**The Council** - shall mean St Albans District Council.

**We** - St Albans District Council, usually acting through its officers

**Senior officer** - a senior officer is the investigating officer's immediate supervisor or line manager.

**Authorised officer/Licensing Officer** - means any officer within the Council authorised by the Council's scheme of delegations as set out in the Council's Constitution.

**Licensee** - shall mean the person(s) named in the licence.

**Hirer** - shall mean any person or persons who from time-to-time hires or books the vehicle.

**Driver** - The person licensed to drive a licensed vehicle.

**Proprietor** - The person in possession of a vehicle licence.

**Vehicle or Licensed Vehicle** - means both a hackney carriage and private hire vehicle

**Hackney carriage** - means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council

**Private hire** - means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward by prior booking

**Private hire operator** - means a person who makes provision for the acceptance of private hire bookings to undertake themselves or pass to others to undertake. A private hire operator's licence is required to enable a person to accept or invite bookings for private hire vehicles.

**The DfT** - means the Department for Transport, including previous names under which that Department has been known

**DVLA licence** - means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency

**Police National Computer** - The Police National Computer (PNC) is a system that stores and shares criminal records information across the UK.

**Disclosure and Barring Service Certificate** - A certificate detailing the result of an enhanced criminal record check, also known as an Enhanced DBS Check. The certificate details any cautions, warnings, reprimands or convictions on an individual's criminal history and if relevant, can also check against the children and/or adults barred lists.

**Basic Disclosure** - A certificate detailing the result of a criminal record check. The certificate contains any convictions or cautions that are unspent.

**Data Protection Act** - The Data Protection Act 2018 controls how your personal information is used by organisations, businesses or the government

**General Data Protection Regulation (GDPR)** - GDPR is a regulation that requires businesses to protect the personal data and privacy of EU citizens for transactions that occur within EU member states.

**Information Commissioner** - the Information Commissioner's Office is responsible for regulating compliance with the Data Protection Act 2018, Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

## Introduction

This document is St Albans District Council's statement of licensing Policy in respect of hackney carriages and private hire vehicles, drivers and operators. The Policy helps the Council's Licensing Authority to promote the Better Regulation principles by:

- Promoting consistent and proportionate decision-making
- Ensuring the approach that the licensing authority will take is clear to all working within the regulated trades; and
- Informs everyone of the likely action they may face if they do not satisfy these expectations.

We had previously adopted a wide range of policies and standards in respect of the regulation of hackney carriage and private hire vehicles and drivers. This document represents the first time that these requirements have been brought together into a single document.

This Policy will take effect from 27<sup>th</sup> January 2021 and will be kept under review and amended as and when necessary to reflect changes in legislation, case law, statutory guidance and best practice. Any applications in progress on the first date will be considered under the previous, individual versions of the applicable policies and standards.

Administrative amendments to this Policy (required by virtue of legislative changes, revised statutory guidance, a Council restructure or administrative procedural changes) may be made authorised by the Business Compliance Manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local Policy.

The Policy will be periodically reviewed to ensure it remains fit-for-purpose. The Business Compliance Manager will either agree it can be amended where necessary, or approve it to continue unaltered.

In the event of any significant amendment to the Policy, a full public consultation will be undertaken prior to consideration by the Licensing and Regulatory Committee.

For the purpose of this section, a significant amendment is defined as one that:

- will have significant financial impact on applicants, licence holders or the public,
- will have a significant procedural impact on applicants, licence holders or the public, or
- may not be consistent with the objectives set out in this Policy.

## 1. Aim of the Policy

- 1.1 We want to keep up the high standard of hackney carriage and private hire drivers, operators and vehicle proprietors in St Albans District. This will maintain the taxi industry's good reputation, as well as giving the public a high quality of service.
- 1.2 In setting out its Policy, we seek to promote the following objectives:
- **Public safety;**
  - **The protection of the environment;**
  - **Ensuring an efficient and effective hackney carriage and private hire provision;**
  - **To provide and maintain a professional and respected hackney carriage and private hire trade by continued monitoring and improvement of standards of service.**
- 1.3 The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives.
- 1.4 When considering this Policy, we have tried to ensure that each requirement is properly justified by the risk it seeks to address; balancing the cost of the requirement against the benefit to the public.

## 2. Hackney Carriage and Private Hire licences

- 2.1 Licensing authorities can issue two types of licence allowing individuals to act as hackney carriage or private hire drivers while driving appropriately-licensed vehicles.
- 2.2 The two licence types convey separate entitlements which do not overlap. A hackney carriage driver's licence allows the holder to drive a hackney carriage vehicle, but not private hire vehicles. A private hire driver's licence allows the holder to drive private hire vehicles, but not hackney carriages. Where an individual needs to drive both types of licensed vehicle, it will be necessary for them to hold both types of driver's licence. All licences (driver, vehicle and operator) must be from the same authority.
- 2.3 Hackney carriages are public transport vehicles which are licensed to "ply for hire". They can:
- carry passengers for hire or reward
  - be hailed by prospective passengers in the street
  - park on a rank to await the approach of passengers.
- 2.4 Hackney carriage vehicles can be found at the ranks around the St Albans District and they can be hailed in the street. These vehicles have a roof light with the word TAXI on them. They have a yellow plate affixed to the rear and a



smaller version affixed to the windscreen which carry details of the expiry date, licence number and vehicle registration.

- 2.5 Private hire vehicles are public transport vehicles. However, a private hire vehicle cannot ply for hire or stand in a rank. It must be pre-booked with a private hire operator e.g. through the operator usually by telephone.
- 2.6 They have a green plate affixed to the rear and a smaller version affixed to the windscreen which carry details of the expiry date, licence number and vehicle registration. These vehicles are not insured to ply for hire.

### **3. Role of the hackney carriage and private hire trade**

- 3.1. The trade provides services where buses, trains and other public transport are not available. For example, in rural areas buses will often not run at late hours or regularly on Sundays. People with mobility difficulties may find it easier to use wheelchair-accessible hackney carriages than other forms of public transport.
- 3.2. The trade is important in getting people safely home from night clubs and other city-centre locations. This supports the night-time economy.

### **4. Our powers and duties**

- 4.1 Our duty to regulate hackney carriage and private hire vehicles, driver and private hire operators in the District comes from a number of laws:
- Local Government (Miscellaneous Provisions) Act 1976
  - Town Police Clauses Act 1847 (as amended)
  - Road Safety Act 2006 (Sections 52-53)
  - Immigration Act 2016
  - Deregulation Act 2015
  - Equality Act 2010
- 4.2 The first and foremost consideration for the licensing authority in exercising our powers under hackney carriage and private hire legislation is the protection and safety of the public. This includes persons using hired vehicles and the wider public who may be affected by the use, or misuse, of such vehicles. This will be achieved by ensuring:
- The fitness and propriety of any person applying for, or holding, a hackney carriage, private hire or dual driver's licence;
  - The suitability, roadworthiness, mechanical soundness and visual appearance of any vehicle licensed, or proposed to be licensed, as a hackney carriage or private hire vehicle;
  - The fitness and propriety of any person applying for, or holding, a private hire operator's licence; and
  - The prevention of unlicensed persons from carrying out any of the regulated activities, via proactive and reactive enforcement and compliance work to detect and, where appropriate, take action against such persons.

- 4.3 As the Licensing Authority we expect applicants to be aware of, and familiar with, this Policy. In particular any areas of conflict between the Policy and their proposed operations. We expect you to be prepared to propose measures to alleviate any concerns around such conflicts. This means you need to be able to assure us that you can operate to promote the principles set out above.
- 4.4 You are also encouraged to make yourself aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when planning their business activities.

## **5. Authorised Officers**

- 5.1 All Officers of the Council, duly authorised under the Council's Scheme of Delegation and supported by specific written delegations, are responsible for the day to day operation of the Council's Hackney Carriage and Private Hire Licensing Policy, save for any issues reserved for the Business Compliance Manager. Manager.
- 5.2 All Officers of the Council, duly authorised under the Council's Scheme of Delegation, and supported by specific written delegations, may issue penalty points.

## **6. Departure from the Policy**

- 6.1 In exercising our discretion in carrying out our regulatory functions, the Licensing Authority will have regard to this Policy and the objectives set out therein. Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits with regard to the licensing objectives. However, it is likely that we will only depart from the Policy in exceptional circumstances. This will not be used to circumvent the reasonable requirements of the Policy.
- 6.2 Where it is necessary for us to depart substantially from this Policy, we will give clear and compelling reasons for doing so. The Business Compliance Manager or senior officer may authorise a departure from the Policy in accordance with this section if they consider it necessary in the specific circumstances.
- 6.3 Where an applicant is able to demonstrate that a minor departure from this Policy, based on the individual circumstances of that application, would still ensure that the Policy objectives are achieved, the Licensing Officer may authorise the issue of a licence.

## **7. Whistle Blowing**

- 7.1 Our Whistle Blowing Policy is attached as **Appendix A**

## 8. Applications for licences

- 8.1 We will consider all completed applications on their own merits. Incomplete or missing documentation or evidence may result in the application being rejected. Any application that is not completed within 12 months will be treated as withdrawn.
- 8.2 Where an applicant is unable to demonstrate that they fulfil the requirements of this Policy, applications will be refused. It may be that, having regard to the particular circumstances, it would be right to depart from the Policy. If an applicant does not meet the required standards, but wishes for their application to be considered by us, it will be referred to the Legal Team and the Business Compliance Manager. This will be the case for both new applicants and existing licence holders applying to renew.
- 8.3 Where an existing licence holder has a record involving offences as detailed within Appendix B (for example a conviction, caution or substantiated complaint), Licensing officers have authority to suspend or revoke licences with immediate effect on the grounds of public safety. In cases where immediate action is not considered necessary, issues such as new offences will be referred to senior officers or the Business Compliance Manager.
- 8.4 Where a decision is made to refuse to grant or renew, or to suspend or revoke a licence, the applicant or licence holder will be advised in the decision notice of their rights of appeal.
- 8.5 We will aim to send a reminder to licence holders before their licence expires, in order to assist them to submit their renewal applications promptly. Please note that we are not obliged to do this and the responsibility of ensuring licences do not expire remains with the licence holder. You must therefore allow adequate time for the processing of your renewal applications. We are not responsible for delays due to the actions of external bodies such as the Disclosure and Barring Service (DBS).
- 8.6 **During the time between the expiry of the old licence and renewal being granted no licence is in place and therefore any associated work cannot be carried out.** Any individual working in between expiry and renewal will therefore be treated in the same way as an unlicensed individual and the appropriate enforcement action will be considered by us.
- 8.7 If an application to renew is received after the licence expiry, the application will be treated as a new licence and will need to meet all requirements involved for a new licence. For operators, this will mean they are no longer permitted to take bookings until a new licence has been granted. For vehicles, the vehicle must not be used for the carriage of passengers for hire and reward until a new licence has been granted. For drivers, they will not be permitted to drive any vehicles licensed by us until a new licence has been granted. Only in exceptional circumstances will we consider departing from this part of the Policy.

8.8 The Licensing Authority may share all information with other public bodies such as other councils, the Police, Home Office Immigration Compliance Enforcement, National Anti-Fraud Network (NAFN), Driver Vehicle Standards Agency (DVSA) and Her Majesty's Revenue and Customs (HMRC). Information will only be released in response to a properly made formal request and where there is a valid reason to do so, for example investigation of a criminal offence.

8.9 Where drivers have been licensed with other authorities, we will carry out checks with those authorities for any information that may be relevant to the application being considered.

## **9. Guidance on suitability to hold a licence**

9.1 The law says we may grant a licence **only** if we are satisfied that the person is 'fit and proper'. So, applicants have to prove they are fit and proper on the balance of probability.

9.2 When considering whether a person is fit and proper to hold a licence (which includes both new and renewal applicants, and existing licence holders), we have our own suitability criteria and this can be found in Appendix B. This applies to all vehicle, driver and operator licence holders and applicants. This Policy is in line with the Institute of Licensing's Suitability Guidance.

9.3 These guidelines should be regarded as examples of issues that may lead to us considering you are not fit and proper. They are not intended to be an exhaustive list of the issues that may be taken into consideration.

9.4 We may not be satisfied that a person is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence of good character is not available, or if there is good reason to question or doubt the evidence produced, then that in itself could amount to good reason to refuse an application.

9.5 An applicant who does not satisfy these guidelines will not necessarily be barred from obtaining a licence. We will consider each case on its own merits, taking into account any relevant circumstances or mitigating factors.

9.6 The overriding consideration in compiling and interpreting these guidelines is the safety of the public. We have a duty to ensure that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so. We need to satisfy ourselves that applicants and licensed drivers are safe drivers with good driving records and adequate experience; sober; courteous; mentally and physically fit; honest and not persons who would take advantage of their employment to abuse or assault passengers.

9.7 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

## **10. Digital services**

10.1 Although hackney carriage and private hire licences are excluded from the scope of the EU Services Directive, and the Provision of Services Regulations, which give effect to the Directive, we believe that many of the principles contained therein are relevant to this area of licensing, and are key to operating a modern, low-burden regulatory scheme.

10.2 Where possible, we will switch services away from paper-based application forms and services towards interactive and intuitive online applications and services, which will make the process of applying for a licence simpler and more efficient.

10.3 Where electronic processes are adopted, support will be available from the Licensing Team to assist with any questions, and to advise applicants and licensees how to use the new processes.

10.4 This aim is consistent with measures taken by the Government to digitise other services which also affect the hackney carriage and private hire trades, such as the abolition of vehicle excise ('road tax') discs and driving licence counterparts, and replacement of these documents with internet-based systems.

10.5 When applying for a licence you must provide an email; doing so gives significant benefits to licensees in terms of the speed at which correspondence can take place. Individuals who, under exceptional circumstances, are unable to provide an email address for correspondence, need to be prepared to accept that this could delay them from receiving important information about their licence, which could lead to times where they are unable to work as a result.

## **Drivers**

### **11. Driver Requirements**

11.1 Legislation states before granting a licence for a hackney carriage or private hire driver, we must satisfy ourselves that:

- a) The applicant is a fit and proper person to hold a driver's licence; and
- b) The applicant is authorised to drive a motor car by holding a valid driving licence, and has been so for at least 12 months.

11.2 In accordance with sections 51(1)(b) and 59(1)(b) of the 1976 Act, licences may not be granted to any person who has not been authorised to drive a motor car for at least 12 months, or who is not so authorised at the time of application.

11.3 We have adopted a Policy going beyond this requirement, and will expect applicants for hackney carriage or private hire driver's licences to have held a full motor car driving licence for at least 36 months prior to applying for a licence. Applications will generally be refused if this requirement is not satisfied.

### **12. Knowledge Tests**

12.1 Knowledge tests are considered to be an important and serious requirement in establishing whether an applicant is suitable to be a driver. Through the written knowledge test assessment drivers will be tested on their knowledge of the local area. In addition, drivers will be tested on routes; Policy; related law; maths based questions; and elements of the Highway Code.

12.2 A knowledge test pass is only valid for a period of six months. If a driver licence has not been granted within a period of six months following the successful knowledge test, a further knowledge test pass will be required prior to a licence being granted.

12.3 An application cannot be validated unless the applicant has passed the appropriate knowledge test. Applicants taking the test must not receive assistance from a third party. Strict conditions about the behaviour of applicants are considered essential. This means that applicants:

- a) will be turned away if they do not arrive on time (it is best to arrive 5 to 10 minutes before a test)
- b) will automatically fail the test if their behaviour is considered to be inappropriate during the test. For example, any talking, or checking mobile phones will lead to immediate failure.

12.4 Please note that no score will be provided for any part of the test already completed. The decision of the invigilating officer will be final on these matters.

12.5 Where an applicant is required to complete our knowledge test, any attempt at cheating in that test will result in their application being refused. Cheating in this context includes, but is not limited to, copying another applicant's answers; disruptive behaviour during the test; utilising any non-permitted papers or devices or otherwise trying to gain an unfair or improper advantage.

### **13. English Language Requirements**

13.1 An English language test is also required for drivers who do not hold a qualification in English at a grade approximately equal to level B2 on the CEFR scale. Where an applicant does not have one of these qualifications, they must complete the Versant Test. A score of 56 in the versant test is required in order for an applicant to be considered to have passed. This ensures that applicants:

*Can understand the main ideas of complex text on both concrete and abstract topics, including technical discussions in his/her field of specialisation. Can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible without strain for either party. Can produce clear, detailed text on a wide range of subjects and explain a viewpoint on a topical issue giving the advantages and disadvantages of various options.*

13.2 Where a slightly lower score is obtained (reaching a minimum of 47), the Business Compliance Manager (or anyone appointed by them) will listen to a section of the test to establish whether they are confident in the language proficiency of the applicant. They will either confirm that they have passed or failed this requirement. Applicants scoring lower than 47 will be deemed to have failed

13.3 The cost of tests will be charged to the applicant prior to the test being arranged. The current fee for this will be available on the Council's fees and charge sheet, available on the website.

13.4 If a candidate holds an existing English-language qualification, such as a GCSE or A-level, licensing officers have delegated authority to exempt a candidate from the Versant test requirement, if satisfied that the qualification shows a similar or higher ability level.

13.5 Existing drivers, at the time that this Policy is adopted, must pass this training prior to the renewal of their licence, or within the next 12 months if they are due to renew sooner.

## **14. Training Requirements**

- 14.1 All applicants for a hackney carriage/private hire driver's licence will be required to pass disability awareness training before a licence will be granted. The applicant will be required to meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the Licensing Authority.
- 14.2 All applicants for a hackney carriage/private hire driver's licence will be required to pass approved safeguarding and county lines training before a licence will be granted. The applicant or their employer will be required to meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the Licensing Authority.
- 14.3 The Equality Act 2010, safeguarding and county lines training must be retaken by all licensed drivers every renewal or every 3 years for licences issued for less than 3 years. Drivers licensed at the time that this Policy is adopted must pass this training prior to the renewal of their licence, or within the next 12 months, if they are due to renew sooner.
- 14.4 We consider that as a profession, hackney carriage and private hire drivers have a special responsibility for the safe transportation of fare paying passengers. Whilst the Council has no current plans to make it a mandatory requirement for a driver to obtain a professional qualification, for example a BTEC Level 2 Award in Transporting Passengers by hackney carriage and private hire, we would encourage drivers to do so.

## **15. DVLA Licence**

- 15.1 Applicants will be required to produce their current, full driving licence for inspection, with their application, showing the applicant's current home address.
- 15.2 Applicants are required to provide a DVLA check code with their application so that their current driving licence record can be checked. We will also require applicants to sign a consent form to enable similar checks to be possible during the validity of their licence if their application (where it is successful). These checks will be carried out both in a targeted manner, i.e. when information is received that raises potential concerns about a driver's record, and also on randomly to ensure that drivers are advising us of any driving offences. Drivers refusing to supply driving licence information on request may be suspended with immediate effect if it is considered that this is necessary for the protection of the public. The application form includes a section where the applicant signs to give their consent for this check. The cost of the check is met by the applicant.



15.3 All applicants must hold a full UK driving licence. We have also adopted a Policy requiring any applicant who holds a driving licence issued by an EEA member state to obtain a British licence counterpart, prior to making their application. This will ensure that the applicant is formally recorded on UK driving licence databases, and may be allocated licence endorsements and penalty points for motoring offences committed in the UK, thus creating an ongoing record on driving conduct of a type relevant to professional drivers. Both the British counterpart and the original European licence must be produced on making an application. British counterparts may be obtained from DVLA through the completion of form D9, available at:

<https://www.gov.uk/government/publications/d9-application-to-register-a-non-gb-driving-licence>

15.4 Where a driving licence shows an entitlement to drive in the UK that is valid for less than 3 years, a licence may, at the discretion of the Licensing Authority, be issued to expire upon the end of that entitlement. An application to renew the licence would need to be accompanied by evidence of the renewed entitlement to drive in the UK.

15.5 Driving licence endorsements are covered in Appendix B. However, should a licence holder be disqualified from driving during the validity of a licence, either following a serious offence or under the 'totting-up procedures', we will generally look to suspend or revoke the licence(s) held by that person.

## **16. Character and licensing history**

16.1 This section clarifies our requirements for applicants and licence holders to conduct themselves appropriately and honestly in their dealings both with the public and with the Licensing Authority.

16.2 Although we will not seek character references in most cases, any information provided, in addition to the required documents and application, may be taken into account, if we consider it relevant in establishing whether an individual is suitable to hold a licence.

16.3 Where an applicant has previously held (or currently holds) a licence, whether issued by St Albans or another local authority, information about the applicant's conduct under the previous or current licence(s) will be taken into account in considering an application. This may include details of any complaints made against the applicant; warnings given to the applicant by officers; or records of adverse conduct by the applicant towards members of the public, other licence holders, or officers. If there is a substantial negative history of such issues, an application will be refused. We will check whether applicants appear on the Nation Register of refused, suspended and revoked drivers (known as NR3S).

- 16.4 In addition to considering the outcomes of any individual legal actions, warnings or convictions for the above-mentioned issues, we may also draw appropriate inferences from repeat incidents or patterns of such issues which may not necessarily have resulted in formal action.
- 16.5 If the grounds for revocation or refusal are particularly serious, then this period may be extended at the discretion of the Council. Where the applicant fails to meet our suitability as described in Appendix B the longer of the two periods will be relevant.
- 16.6 Knowingly or recklessly making a false statement in, or in connection with, an application will result in that application being refused. In addition, as such conduct may constitute a criminal offence under section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976, the applicant may also be prosecuted.
- 16.7 Where an existing licence-holder is under an obligation to provide information to us and has failed to meet this obligation, it is open to us to investigate the reason for this failure. We can use that information to reach conclusions about you or draw appropriate inferences from the information. (for example, details of any convictions or motoring endorsements received during the validity of the licence) Where the failure related to a particularly serious matter, refusal of an application to renew the licence may be warranted.
- 16.8 Information relating to criminal history and driving offences can be found in **Appendix B**.

## **17. National Register of Taxi Licence Refusals, Revocations, and Suspensions (NR3S)**

- 17.1 We provide information to The National Register of Taxi Licence Refusals, Revocations, and Suspensions Register (NR3S): a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence suspended, revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest and in the exercise of official authority vested in the licensing authority. This means we consider it meets these requirements because it is necessary to assess whether an individual is a fit and proper person to hold a hackney carriage or private hire licence.
- 17.2 Where a hackney carriage/ private hire driver licence is suspended, revoked, or an application for one refused, the authority will automatically record this decision on NR3.

17.3 All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

17.4 The information recorded on NR3 it will be limited to:

- a) name
- b) date of birth
- c) address and contact details
- d) national insurance number
- e) driving licence number
- f) decision taken
- g) date of decision
- h) date decision effective

17.5 Information will be retained on NR3 for a period of 25 years.

17.6 This is a mandatory part of applying for a hackney carriage or private hire driver licence.

17.7 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR) any searches, provision or receipt of information under NR3 is necessary for our statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

17.8 Under the GDPR you have rights which include the right to request a subject access request. This is a copy of all your personal data that we hold. You can submit this request to [foi@stalbans.gov.uk](mailto:foi@stalbans.gov.uk). If you wish to rely on any other GDPR rights you can see what they are on our website <https://www.stalbans.gov.uk/general-data-protection-regulation> and submit any request to [GDPR@stalbans.gov.uk](mailto:GDPR@stalbans.gov.uk).

17.9 You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

## 18. Right to work in the UK

18.1 We, as a licensing authority have a legal duty to ensure that driver and operator licences are only issued to applicants who have the right to hold a licence in the UK.

18.2 All applicants for a hackney carriage or private hire driver's licence will be required to demonstrate that they have the right to live and work in the United Kingdom. We will follow the general advice given by the UK Border Agency, available at [www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/](http://www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/) in ascertaining this status.

18.3 A licence cannot be granted to an applicant who is not entitled to work in the UK.

18.4 It is your responsibility as an applicant to produce official documentation to demonstrate such an entitlement. This requirement shall apply equally to British, EEA and non-EEA nationals. Should you fail to do so, your licence application will be invalid and no licence will be issued.

18.5 The UK Border Agency maintains a list of documents that can prove an entitlement. The list of acceptable documents can be found here: <https://www.gov.uk/government/publications/right-to-work-checklist>

18.6 If you currently have a visa that confirms your stay in the UK attached to an expired passport, this is **no longer accepted**. As a result you will need to apply to the Home Office in order to correct this before being issued with a driver's or operator's licence.

18.7 In addition to requiring documents, we may also make direct enquiries to the UK Border Agency to verify the details of an applicant's right to work.

18.8 Where an applicant's entitlement to work (or to remain in the UK) is time-limited to less than the statutory length for a driver or operator licence, the licence can only be issued for a period of time equal to, or less than, the period of permission to be in the UK and work.

18.9 Applicants who hold the following are able to use the Governments online right to work check at <https://www.gov.uk/prove-right-to-work> :

- your biometric residence permit (BRP)
- your biometric residence card (BRC)
- your passport or national identity card, if you have settled or pre-settled status

## 19. Medical

- 19.1 A medical certificate must be submitted at first application, every 6 years up to 60 years of age, every 3 years up to 70 years of age, and annually thereafter on the anniversary of the grant of the most recent licence. Where an existing licensed hackney carriage driver applies to obtain a private hire licence, or vice versa, we will not require an additional medical certificate.
- 19.2 Medicals will need to be completed by your own GP or by another suitably qualified medical practitioner who has had access to your medical records. This should be no older than 3 months at the time of the application.
- 19.3 Applicants will be expected to satisfy the current medical standards of fitness to drive for Group 2 licences, as set by the Driver and Vehicle Licensing Agency (DVLA). Our medical form will be drafted around these standards: it will require the medical practitioner to state whether, in their opinion, you comply with the standards and are medically fit to drive hackney carriages or private hire vehicles. A summary of these standards can be viewed via:  
[www.dft.gov.uk/dvla/medical/ata glance.aspx](http://www.dft.gov.uk/dvla/medical/ata glance.aspx)
- 19.4 Where you do not fully comply with the standards, we will consider carefully whether this, in itself, makes you an unfit person. For example, a condition that can be, and is being, controlled with corrective equipment or medication will not generally be considered to make a person unfit. Although we may require further information or evidence from your doctor or consultant on the effect of such control measures, and your willingness to abide by the treatment programme.
- 19.5 Where the medical practitioner has stated that they do not consider you to be medically fit, in accordance with the Group 2 standards, to drive hackney carriage or private hire vehicles, we will refuse the application.
- 19.6 Where the medical practitioner has recommended that further monitoring of a particular condition or examinations are undertaken in a certain period, we will consider granting a licence for a shorter period so that it matches the recommendation. Alternatively, we may require additional medical certificates to be submitted more frequently than would normally be required.
- 19.7 Where there is any doubt as to your medical fitness, we may require you to undergo further medical assessment by a Doctor appointed by us, at your own expense.

## **20. Diabetic applicants**

20.1 We have adopted a specific Policy in respect of diabetic applicants whose treatment carries a risk of inducing hypoglycaemia, such as insulin treatment or certain types of tablets. In addition to a medical certificate confirming that the applicant satisfies the Group 2 standards (which make specific provisions for various types of diabetes treatment), additional documents will be required as set out in this section.

20.2 In all such cases, we will require a signed declaration from you, confirming that you will:

- a) Comply with the directions for treatment given to you by the Doctor supervising that treatment;
- b) Immediately report to us, in writing, any change in your diabetic condition;
- c) Provide to us evidence that blood glucose monitoring is being undertaken at least twice daily and at times relevant to driving a hackney carriage or private hire vehicle for employment.

20.3 In the case of applicants undergoing insulin treatment, we will also require a letter from a Consultant Diabetologist confirming that the applicant has been undergoing insulin treatment for a minimum of four weeks.

## **21. Driver's Code of Conduct**

21.1 Adopting a Driver Code of Conduct for hackney carriage and private hire licence holders serves to promote our licensing objectives in respect of the hackney carriage and private hire trades; the standards expected of licence holders are detailed in **Appendix C**. This Code of Conduct is an integral part of the 'fit and proper' assessment.

21.2 Drivers are required to comply with all parts of our Policy including all requirements of the Policy and conditions that form a part of their licence. Any driver who contravenes the Policy or any of these conditions may be deemed not fit and proper to hold a licence.

## **22. Disclosure and Barring Service Checks**

22.1 All applicants are required to obtain an Enhanced DBS Certificate with Barred Lists check and to provide this to us. The initial certificate must be obtained through us; certificates obtained through other authorities will not be accepted. All applicants are also required to maintain their Certificates through the DBS Update Service throughout the currency of their licence. In line with the DFT standards we will conduct DBS checks every 6 months. Anyone who would like to be a licensed driver must obtain a disclosure at the enhanced "Other Workforce" level.

- 22.2 In addition to this, requests will be sent to the police, following the requirements of the Data Protection Act 2018, to obtain any information that may be relevant when determining an application.
- 22.3 When submitting an application for a licence (new or renewal) under this Policy, you are required to declare all your previous convictions, cautions, penalties and motoring endorsements. You are also required to declare any ongoing criminal investigations, prosecutions, or similar legal proceedings involving you.
- 22.4 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 and therefore all criminal convictions can be taken into account by us when assessing safety and suitability. “Protected convictions” and “protected cautions” will not be taken into account.
- 22.5 If you, from the age of 10 years, spent 6 or more continuous months living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period is required. This will normally be in the form of a ‘Certificate of Good Conduct’ issued through the relevant embassy or consulate, which details any convictions or other matters arising against the applicant while resident in that country. It is your responsibility to obtain such documents and to pay any fees. This requirement is in addition to the DBS disclosure. Where you are unable to obtain the above, you must give a statement outlining the reasons and provide references from appropriate bodies as to your conduct in the country that satisfy us.

### **23. Convictions during period of licence**

- 23.1 Where offences resulting in conviction are committed by licensed drivers in the course of their business or otherwise, it is important, in the interests of consistency and transparency that a procedure should be in place to consider what effect this should have on their hackney carriage or private hire driver’s licence.
- 23.2 On application to renew a licence, we may consider it necessary to review convictions we have considered previously, especially if we have changed our Convictions Policy since the original grant. In cases where new convictions have been received, all convictions may be taken into consideration, even if the earlier convictions have previously been considered when the licence was originally granted.
- 23.3 All licence holders are required to inform us in writing within 3 days if they are arrested; formally interviewed as a suspect or charged with an offence by the Police. This is to allow to consider any public safety concerns and take appropriate action. Failing to notify us is likely to result in more severe enforcement action (even where the issue in itself does not lead to revocation and or prosecution).

## **24. Tax checks on licence renewal applications**

- 24.1 From 4 April 2022 an applicant who wishes to renew a licence will need to carry out a tax check. We will need to obtain confirmation from HMRC that the applicant has completed the check before being able to consider their renewed licence application.

## **25. Bylaws and Conditions**

- 25.1 Hackney carriage driver licences are subject to hackney carriage bylaws. Private hire driver licences are subject to private hire driver conditions. The hackney carriage driver bylaws and private hire driver conditions can be found at Appendix D.



## **Vehicles**

### **26. Introduction and General**

- 26.1 To have full use of a vehicle as a hackney carriage, or to allow a St Albans Private Hire Operator to provide jobs to someone driving a private hire vehicle, the vehicle licence must be granted by us.
- 26.2 A hackney carriage or private hire vehicle proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to leasing contract, hiring agreement or hire purchase. For these purposes, a proprietor is the person in possession of the vehicle under the agreement.

### **27. Limitation of Numbers**

- 27.1 We do not currently have a limit on the number of hackney carriages which may be licensed within the District and we have no intention of introducing one, unless evidence of 'no significant unmet demand' can be provided. The cost of any 'unmet demand' survey would need to be borne by the existing licence holders.
- 27.2 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

### **28. Specifications and Conditions**

- 28.1 Licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles. The Best Practice Guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible.
- 28.2 We are empowered to impose such conditions, as we consider reasonably necessary in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public; however, it is appropriate to set reasonable standards for the external and internal condition of the vehicle.
- 28.3 This Policy sets out our minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications. Your vehicle needs to meet the specification prior to licensing and you must maintain it throughout the duration of the licence. To ensure this happens we will attach the following licence condition to all hackney carriage and private hire vehicle licences:

*"This licence is granted subject to compliance with the Council's Hackney Carriage and Private Hire Licensing Policy vehicle specification requirements throughout the duration of the licence period."*

## **29. Disclosure Checks**

- 29.1 Enhanced DBS and barred list checks are not available for vehicle licensing. We therefore require a basic disclosure from the DBS with every vehicle application. Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC).
- 29.2 We will consider whether an applicant or licence holder with a conviction for offences provided in the Appendix B, other than those relating to driving, meet the 'fit and proper' threshold.
- 29.3 In many cases individuals who apply to license a vehicle may already be licensed as a driver. If an applicant is already a licensed driver they do not need to complete a basic disclosure.
- 29.4 Someone who is already licensed a driver is considered fit and proper when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence they must apply for a basic certificate immediately and provide it within 7 days of receiving it.
- 29.5 A refusal to license an individual as a driver, or a decision to suspend or revoke a driver licence, does not automatically mean that that individual cannot be issued or continue to hold, a vehicle or private hire vehicle operator licence. The decision about the vehicle licence is independent to a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but it will be based on the disclosed on a basic check.
- 29.6 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership. In those circumstances, we will; apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective, private hire vehicle operators are required to advise us of any change in directors or partners.

## **30. Accessibility**

- 30.1 We are committed to social inclusion and ensuring a wide variety of opportunities are available to those with mobility difficulties in order to enjoy a high quality of life. We fully support the view of the Equality and Human Rights Commission that:

*“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible.”*

- 30.2 It is arguable that different accessibility considerations should apply between hackney carriages and private hire vehicles, in that hackney carriages can be hired in the street or at a rank, by the customer dealing directly with a driver, whereas private hire vehicles can only be booked through an operator.
- 30.3 We consider it is particularly important that a person with a disability should be able to hire a suitable accessible vehicle with the minimum delay or inconvenience. Therefore all new hackney carriage vehicles must be wheelchair accessible. Having an acceptable proportion of accessible private hire vehicles available also helps ensure that this is possible. Therefore, we will actively encourage the licensing of sufficient accessible vehicles and we will have regard to the requirements of the Equality Act 2010 in achieving this aim.
- 30.4 A hackney carriage vehicle licence will only be granted in respect of a vehicle which is safely accessible to a disabled person in their wheelchair and must be able to carry the person safely and in reasonable comfort whilst remaining within their wheelchair.
- 30.5 The wheelchair accessibility requirement will not apply to the licence renewal or to the substitution of a vehicle to an existing licence, where a licence for a non-accessible vehicle was held prior to 19 January 2000. This applies providing that the licence has been maintained continuously since then without revocation or lapse, and at no point since that time has a wheelchair-accessible vehicle been substituted to the licence.
- 30.6 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:
- a) access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus,
  - b) internal wheelchair anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit,
  - c) a suitable restraint must be available for the occupant of a wheelchair.
  - d) access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper,
  - e) ramps and lifts must be securely stored in the vehicle before it may move off,
  - f) access ramps and/or lifts must be maintained in full working order at all times when the vehicle is available for hire.
- 30.7 Section 167 of the Equality Act 2010 allows us to designate accessible vehicles as subject to the requirements of the Act making it a criminal offence to refuse a passenger with a wheelchair or charge an additional fare. In support of our desire to provide accessible transport for those with disabilities, all wheelchair accessible hackney carriages and private hire vehicles will be designated for this purpose.

- 30.8 Drivers who, for medical reasons, are unable to accept wheelchair passengers or assistance dogs are able to apply to us for an exemption certificate. Such a certificate will only be issued on production of appropriate medical evidence. Exemption certificates must be displayed in the vehicle at all times whilst licensed as a hackney carriage or private hire vehicle. In the absence of a medical exemption certificate from us, it would be a criminal offence for any hackney carriage or private hire driver to refuse to carry an assistance dog or a passenger with a wheelchair; to refuse to allow the assistance dog to remain with the passenger throughout the journey; or to make any additional charge for the carriage of the assistance dog or wheelchair.
- 30.9 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to safely load and convey wheelchair users.

### **31. Environmental Considerations**

- 31.1 We have given careful consideration to the climate emergency declared by St Albans District Council. In the interests of the environment, tougher emissions standards should be introduced for all licensed vehicles. We have considered that the responsibility to protect the environment is a predominate factor within licensing Policy.
- 31.2 We have, along with many other councils in the UK, declared that there is a current and future climate change emergency that requires urgent action. One of the agreed Council plans is to ensure all services make the maximum possible impact in challenging the extent and causes of climate change.
- 31.3 Clearly emissions from hackney carriages and private hire vehicles could be further reduced through education and raised awareness of environmental issues. Simple measures such as:
- a) better and more frequent vehicle maintenance and servicing; or
  - b) switching off engines when stationary or idling, particularly at hackney carriage ranks, can make a significant environmental impact considering the number of licensed vehicles.
- 31.4 At first application – Vehicles must meet or exceed Euro 5 emissions standards (From 01/04/2022 vehicles must meet or exceed Euro 6 emissions standards at first application.)
- 31.5 At renewal – From 01/04/2022 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 5 emissions standards. From 01/04/2025 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 6 emissions standards.

- 31.6 We are currently considering the expectation for all vehicles to meet an electric/hybrid standard. When sufficient electric vehicle charging points are available, the Council may introduce this to the Policy. This will be reviewed upon the renewal of this Policy. No new vehicles will be licensed after 2030 if they are petrol/diesel, in line with the Government's announcement.
- 31.7 We encourage the use of cleaner, low emission vehicles as hackney carriages or private hire vehicles and will offer a subsidised licence fee for electric vehicles.
- 31.8 Where vehicles do not meet the relevant emissions criteria, the proprietor may:
- a) have the vehicle adapted / modified to meet the standard and provide evidence of this
  - b) change the fuel that is used to a cleaner alternative, such as bio diesel or
  - c) replace the vehicle with one that meets the emission standard.

## **32. When will the different criteria be applied**

- 32.1 If any currently licensed hackney carriage or private hire vehicle's licence expires, then any subsequent application will **not** be considered as a renewal. This means that where an existing vehicle licence expires, a subsequent application for a licence for that vehicle will be treated as a first time application and the standards and criteria relating to first time applications will be applied.
- 32.2 When a new vehicle has an existing plate transferred onto it, the vehicle will be considered under the emissions criteria for a vehicle being licensed for the first time.

## **33. Idling**

- 33.1 Idling vehicles emit pollutants to the surrounding air which tends to concentrate around the vehicles. Air quality in some parts of the St Albans District, particularly in the City Centre, already exceeds EU safe limits so it's important that we all work together for our cleaner air.
- 33.2 Idling engines create a noticeable impact on surrounding air quality. Not only does it affect others around your car, but it also puts your own health at risk as in-car air pollution is often higher because of the reduced
- 33.3 We would ask you to consider that you have a key role to play in reducing unnecessary pollution by switching off your engine whilst waiting for customers, taking a break or even when in standstill traffic. Fuel consumption of an idling-vehicle is about half a litre per hour.

33.4 Rule 123 of the Highway Code states:

*“You **MUST NOT** leave a parked vehicle unattended with the engine running or leave a vehicle engine running unnecessarily while that vehicle is stationary on a public road. Generally, if the vehicle is stationary and is likely to remain so for more than a couple of minutes, you should apply the parking brake and switch off the engine to reduce emissions and noise pollution. However it is permissible to leave the engine running if the vehicle is stationary in traffic or for diagnosing faults.”*

33.5 It is possible to receive a fixed penalty notice, under The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002, for not switching off your engine.

### **34. Maximum Age of Vehicles**

34.1 The Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate. The limits set by us are considered necessary and proportionate to promote public safety and the other objectives of this Policy, however, we accept that a greater frequency of testing may be appropriate for older vehicles.

34.2 When we first license a vehicle it must be less than five years old from the date of first registration.

### **35. Vehicle Testing**

35.1 In order to comply with our vehicle testing requirements a vehicle must obtain a current MOT pass certificate and a current Certificate of Compliance pass certificate from our nominated testing facility. The Certificate of Compliance certificate must be dated no earlier than one calendar month prior to the licence commencement date.

35.2 Vehicles that are less than one year old will be exempt from producing a current MOT pass certificate and Certificate of Compliance.

35.3 All vehicles will be subject to annual testing requirements (MOT and Compliance Test) until they reach seven years old. Once a vehicle reaches seven years of age it will be subject to six-monthly Certificate of Compliance tests. Each application for a grant or renewal of a vehicle licence must be accompanied with proof of testing requirement compliance.

35.4 The licence of any vehicle which fails its testing requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary pass certificates obtained. We, or our nominated testing facility, may retain the vehicle licence plate until such time as the inspection requirements are met.

### **36. MOT advisories**

36.1 With public safety being a significant objective of this Policy, we expect licensed vehicles to be of the highest possible standard. Accordingly, any MOT advisory relating to tyres or brakes must be rectified before a licence is granted. We also reserve the right to extend this requirement to other MOT advisories where we deem it necessary for the protection of the public.

36.2 In addition to the above testing requirements, we will undertake our own programme of inspections between formal testing dates. These tests will be undertaken at any other location within the District as advised by a licensing officer, with the aim of ensuring that vehicles maintain the high standard of testing throughout its licence period. In the event of any concern in relation to mechanical vehicle safety, the vehicle will be referred to our nominated testing facility for a formal assessment. Where the testing requirements would not be met, the officer may either agree a period of time for rectification and re-inspection, or suspend the vehicle until such time as the testing requirements would be met.

36.3 Our nominated testing facilities are:

- MOT - Any testing facility currently registered with the Department for Transport to undertake MOT testing.
- Certificate of Compliance - Undertaken by:
  - a) Gold Crest, 165 Camp Road, St Albans Tel: 01727-832835
  - b) Guildford Road Motors, 20 Guildford Road, St Albans Tel: 01727-830884
  - c) John Gordon Motors, 117 London Road, St Albans Tel: 01727 855096
  - d) M Wilson Motor Repairs, Unit 9-10 Campfield Road, St Albans, Herts AL1 5JA Tel: 01727 830539
  - e) Motown, 279 High Street, London Colney, Herts AL2 1EU Tel: 01727 824196
  - f) Drive Thru MOT Ltd- Unit 13, North Orbital Commercial Park, Napsbury Lane, St Albans, AL1 1XB – 01727 858300
  - g) D.P. Motors, 13-15 Sutton Road, St Albans, AL1 5JQ 01727 83667
  - h) MAC Testing Ltd, Unit 1 London Road Business Park, 222 London Road, St Albans AL1 1PN 01727 868599

### **37. Hackney carriage Signage**

37.1 Hackney carriage vehicles must be fitted with an illuminated external sign mounted on or above the roof of the vehicle or have a built-in illuminated roof sign. The sign should display at least one of the following:

- a) the word "TAXI",
- b) the name and/or telephone number of the hackney carriage company,
- c) the words "FOR HIRE", or
- d) any combination of the above.

37.2 The roof sign and lettering shall be of an appropriate size to enable it to be clearly identifiable to the public.

37.3 The mounted roof sign or built-in roof sign must be switched off when the vehicle has been hired and illuminated when available for hire.

37.4 An internal "FOR HIRE" sign may be fitted in licensed hackney carriages but must comply with the requirements for illumination as set out above.

### **38. Private hire vehicle signage**

38.1 A private hire vehicle must **not** have a roof sign of any description, mounted or built-in, or any markings that may give the impression that it is a hackney carriage.

38.2 We will consider an application for private hire vehicles to display approved signage on both front doors of the vehicle stating that the vehicle is only able to undertake pre-booked journeys. This will be reviewed on the renewal of this Policy.

### **39. Livery**

39.1 We believe that the requirements of this Policy ensure that hackney carriages and private hire vehicles are easily distinguishable. Therefore hackney carriages must have the following livery:

- a) yellow band: fitted along the full length of the vehicle below the windows, this must not be trimmed except at the ends so that it fits the vehicle
- b) crest: fitted in the middle of the rear passenger doors in the same manner as given

39.2 All livery must be permanently affixed to the vehicle. It should not be attached with magnets or be removed at any time while the vehicle is licensed.



## **40. Licence plates**

- 40.1 At all times when a vehicle is licensed as a hackney carriage or private hire vehicle (unless an exemption has been granted), the vehicle must display the licence plate provided by us. This must be securely and permanently fixed externally in a prominent position on or above the rear bumper of the vehicle.
- 40.2 At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, the vehicle must display the internal vehicle licence plate provided by us, securely fixed in a prominent position to the front windscreen.
- 40.3 The licence plates must be clearly identifiable and legible to the public at all times.
- 40.4 Exemption to the requirements may be given to private hire vehicles used solely for executive hire, corporate contracts, school contracts or work of a similar nature. In order to qualify for exemption a completed plate exemption application form must be submitted along with evidence supporting the application. Once issued, in order to continue to qualify for the exemption the following will need to be complied with:
- a) a written letter of exemption issued by us must be carried in the vehicle at all times,
  - b) the external licence plate must be carried in the vehicle at all times with the internal licence plate still displayed,
  - c) the vehicle must be undertaking the nature of work for which the exemption was granted.
- 40.5 If any of these criteria are not met the vehicle must display the private hire licence plates
- 40.6 Vehicles that are used for a combination of 'exempt' work and normal private hire work will be required to display external licence plates at all times.

## **41. Internal advertising**

- 41.1 In addition to notices giving the name and telephone number of the Hackney Carriage, a maximum of 2 advertisements may be displayed in the interior of the vehicle except in the case of a wheelchair accessible vehicle where a maximum of 3 advertisements may be displayed.
- 41.2 No advertising may be displayed on the windows of the vehicle. Advertising is permitted on any interior transparent partition.

## **42. Exterior advertising**

- 42.1 External advertisements will only be permitted on the two sides of the vehicle.
- 42.2 No advertising to be displayed on any windows. It is considered for public safety that passengers can be seen within the vehicle.
- 42.3 All advertising must be approved by a licensing officer in respect of content and size prior to display.
- 42.4 All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so and to confirm this fact in writing to the Council when the final stage is being considered.
- 42.5 Each proposal will be considered on its merits but advertisements will not be approved if they contain:
- a) Reference to political, ethnic, religious, sexual or controversial text
  - b) References to escort agencies, gaming establishments or massage parlours
  - c) Nude or semi-nude figures
  - d) Statements which seek to involve the driver as an agent of the advertiser
  - e) Material likely to offend public taste
  - f) Reference to tobacco or tobacco products
  - g) Reference to alcohol
- 42.6 For the purpose of this section, the display of 'no smoking' signage as required by legislation or signage indicating that the vehicle is able to convey passengers in wheelchairs (provided that the vehicle has been manufactured or properly adapted for that purpose) is not considered to be advertising.
- 42.7 All advertisements shall be in good taste and contain no material that may be considered to be offensive to any section of the community.
- 42.8 The owner of any vehicle displaying an advertisement that does not conform to this section of the Policy will be required to remove the offending advertisement. Until such time as the offending advertisement has been removed, the vehicle licence will be suspended.
- 42.9 Any advertising or signage on a private hire vehicle must not include the words "taxi", "cab", "hackney carriage" or "for hire."
- 42.10 No advertisement shall obliterate, obscure or be confused with the vehicle's Licence Plate.

### **43. Modifications**

- 43.1 No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without compliance with road traffic legislation, Policy requirements, insurance requirements, and written approval for the change(s) from us.

### **44. Communications devices**

- 44.1 All two-way radio equipment must be of a type currently approved by, and must be fitted securely in accordance with guidelines published by, the Radio Communications Agency.
- 44.2 The use of radio scanning devices is prohibited and such devices must not be fitted or carried in the vehicle.

### **45. Card machines**

- 45.1. By 3<sup>rd</sup> May 2023, all licensed Hackney Carriages vehicles, must have available at all times, an electronic device that allows contactless or card payments to be made. The driver must ask the passenger if they require a receipt. If the passenger requires a receipt, the driver must provide one which accurately states the time and date of the journey, driver number and fare.

By 3<sup>rd</sup> May 2023 all licensed Private Hire vehicles, must ensure at all times, they can provide a means for passengers to pay for fares by card or as a contactless payment. This can be, but is not limited to, electronic card payment devices or operator websites and apps.

- 45.2. All payment devices must:

- a) comply with the requirements of the current UK banking industry standards as stipulated by the Financial Conduct Authority (FCA).
- b) be checked regularly and maintained to operational standards, including repairs after any damage. Any damage preventing the device from functioning must be repaired within 7 days. If the device cannot be repaired, it must be replaced in 7 days. Failure to do so will lead to the vehicle licence being suspended, until such a time as a functional device is able to be in use.
- c) meet all requirements and standards as stipulated by the card scheme companies in terms of connections to a host such as GPRS, 3G, 4G, Bluetooth or other connection methods to complete payment transactions.
- d) provide the functionality to protect the confidentiality of critical data (in particular PINs) whilst the card transaction is being processed.
- e) payments through apps are permitted, if a passenger has access to the app via their own phone or device. Drivers must not enter card details into their own phone or device to process a payment.

- 45.3. Licence holders are reminded, they are legally obliged to comply with the requirements of data protection legislation in respect of all transaction processes, data management and storage. This includes the UK General Data Protection Regulation (GDPR), the Data Protection Act 2018 and any subsequent data protection legislation. You can find out more about your obligations from the Information Commissioner's Office (ICO). This is relevant when handling personal information such as names, addresses, email addresses and telephone numbers. All such processing must comply with the requirements of data protection legislation. Breaches of data protection legislation may impact on the ability to hold a licence with the Council.

## **CCTV**

- 46.1 The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance and CCTV cameras can be a valuable deterrent. CCTV is not a requirement we consider this a matter best left to the judgement of the owners and drivers themselves. This will be reviewed upon the renewal of this Policy.
- 46.2 All such equipment and images must be operated in accordance with any relevant data protection legislation. It is the responsibility of the driver/operator to ensure compliance.
- 46.3 No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.
- 46.4 CCTV must be clearly indicated by signs in the vehicle including contact details for the system manager/operator.

## **47. Hackney Carriages meters**

- 47.1 All licensed hackney carriage must comply with the following requirements:
- a) An approved calendar taximeter must be fitted in all hackney carriages and:
    - i. must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure,
    - ii. must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation,
    - iii. must not be capable of being manually overridden to ensure that the correct tariff is charged based on the actual date and time of the journey, and
    - iv. must be set at the correct date and time at all times throughout the period of the vehicle licence.

- 47.2 From 01/04/2022 all taximeters must be connected to a receipt printer which can print details of the journey including date, journey times, distance and fare charged. A printed receipt must be given at the conclusion of every journey including details of the driver and licence plate number of the vehicle used.
- 47.3 The taximeter shall be positioned so that the display on the face of the meter may clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and also at any time at the request of the hirer.
- 47.4 When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.
- 47.5 An official copy of our fare tariff shall be clearly displayed and legible in the vehicle so as to be plainly visible to passengers carried therein.
- 47.6 The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by us in connection with the fare tariff for the hire of hackney carriages. The taximeter should not be started until the passenger is in the vehicle ready to commence the journey.
- 47.7 In the event of such a journey commencing in, but ending outside, the District, you may charge for the journey such fare as was agreed before the hiring was affected. If no such agreement was made then the fare to be charged should be no greater than that fixed by us in connection with the fare tariff for the hire of hackney carriages.
- 47.8 A hackney carriage, regardless of whether it is pre booked or sub-contracting, must still adhere to hackney carriage law. A hackney carriage operating inside the District where they are licensed, can only charge the price on the meter and must adhere to the fares set by St Albans District Council. This includes bookings which come from private hire operators.
- 47.9 On occasions, a journey will commence during one tariff period and end within another tariff period. The tariff that is in operation at the time of the commencement of a journey must remain throughout that journey.

## **48. Private Hire meters**

- 48.1 Private hire vehicles are not required to be fitted with a taximeter, however, where a taximeter or other device for recording fares is fitted, it must be of a type approved by us.
- 48.2 Private hire operators must agree the cost of the journey with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed. If the operator intends to use the taximeter to calculate the fare, they must seek agreement from the passenger(s) at the time of accepting the booking, including the agreed point at which the meter would be engaged.

## **49. Vehicles Powered by Liquid Petroleum Gas (LPG)**

- 49.1 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice.
- 49.2 If a LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel), it is a requirement that a reasonable amount of space remains free for the stowage of passenger luggage. Any spare wheel displaced as a result must be stowed in a location that does not impact on the passenger carrying area of a vehicle.

## **50. Tinted Windows**

- 50.1 The front windscreen; front driver's side window and front passenger's side window must ordinarily be clear glass.
- 50.2 The rear windscreen and passenger compartment side windows of any vehicle must have no less than 60% of light transmitted through them, unless the following criteria can be met:
- a) the vehicle is licensed as private hire vehicle with a plate exemption,
  - b) the vehicle is a stretched limousine vehicle.
- 50.3 This ensures that the level of tint does not prevent the identification of the driver and passengers from outside the vehicle. This section does not preclude or supersede any requirements provided for in any relevant legislation relating to road traffic vehicles.

## **51. Insurance**

- 51.1 You must have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1972, throughout the duration of the vehicle licence, including appropriate cover for hackney carriage or private hire.
- 51.2 Certificates of Insurance or cover notes that do not provide appropriate cover for a minimum of the first calendar month of a licence period will not be accepted by us. We will not issue a licence if you fail to meet the insurance requirement.
- 51.3 Where a cover note is provided as part of a licence application, a full Certificate of Insurance must be provided prior to the expiry of the cover note.
- 51.4 The registered owner of the licensed vehicle shall ensure that it is insured to our satisfaction. This must comply with all relevant legislation at all times that is the vehicle is available for the carrying of passengers. In the absence of appropriate insurance, the licensed vehicle cannot be used for the carrying of passengers.
- 51.5 Only appropriately licensed hackney carriage or private hire drivers may drive the vehicle. We will not, therefore, accept any Certificate of Insurance that includes persons that do not hold a valid hackney carriage or private hire driver licence for the vehicle.

## **52. Change of Ownership**

- 52.1 You must tell us of any change to the person(s) or company named on a vehicle licence within fourteen days of the change.
- 52.2 If, as the holder of a vehicle licence you wish to transfer the licence to another person you must notify us, in writing. The new owner must notify us using the prescribed application form and pay the appropriate fee before such change takes place. Transfer of the licence will not be granted until such time as the prescribed procedure has been completed and a new vehicle licence has been issued.

## **53. Inspection**

- 53.1 All hackney carriage and private hire vehicles must be available for inspection, at any location within the District, at all times when requested by an Authorised Officer or a Police Officer.
- 53.2 All vehicle documentation must be produced within twenty-four hours, or such other time as specified, when requested by an Authorised Officer or a Police Officer.

53.3 The council will be authorising neighbouring authorities to also carry out vehicle inspections. The list of these authorities will be held on our website and will be updated as and when new agreements are reached. Failure to follow directions or give assistance to an Authorised Officer of an approved council which has a shared working agreement with St Albans may lead to enforcement action.

## **54. Unauthorised Use**

54.1 The proprietor of a hackney carriage or private hire vehicle shall not allow the vehicle to be driven and/or used for hire by any person who does not hold an appropriate current hackney carriage or private hire driver licence issued by us.

54.2 Case law has established that once licensed as a hackney carriage or private hire vehicle, the vehicle remains a licensed vehicle at all times until the licence expires, is surrendered, is suspended or is revoked. Even if a licensed vehicle is being used for private purposes, it must still meet all the requirements of a licensed vehicle, for example displaying a licence plate, complying with all requirements of this Policy and being driven by a licensed driver.

## **55. Accident Reporting**

55.1 In accordance with section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident involving a hackney carriage or private hire vehicle that causes damage materially affecting:

- a) the safety, performance or appearance of the vehicle, or
- b) the comfort or convenience of the passengers,

55.2 Must be reported to us as soon as reasonably practicable, and in any case within seventy-two hours of the accident.

55.3 With the safety of the public being a predominate factor of this Policy, all vehicles involved in an accident, however minor, will be required to obtain our nominated testing facility's approval to continue operating. Upon inspection any vehicle that would fail to meet the vehicle testing requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary approval given.

55.4 In the case of only cosmetic damage, a timescale for repair will be set by us at the end of which the vehicle must be presented to our nominated inspection facility. If the vehicle would not pass a Certificate of Compliance examination, that vehicle cannot continue to operate as a hackney carriage or private hire vehicle until such time as the vehicle would meet the testing requirements.

55.5 We may suspend the use of a licensed vehicle until it is suitably repaired and conforms to our testing requirements.



55.6 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided:

- a) the damage to, or defect in, the vehicle has been reported to us,
- b) an application is made in the prescribed manner for a temporary vehicle licence,
- c) the replacement vehicle meets the requirements of this Policy and is suitable to be used for hire purposes.

## **56. Miscellaneous**

56.1 Nothing in this Policy shall be interpreted as overriding the provisions of:

- a) the Town Police Clauses Act 1847, as amended,
- b) the Local Government (Miscellaneous Provisions) Act 1976, as amended,
- c) or any other relevant legislation.

56.2 The proprietor of a hackney carriage or private hire vehicle shall not knowingly cause or permit the vehicle to be used for any illegal purpose.

## **57. Stretched Limousines**

57.1 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work as well as special occasions such as a day at the races, stag/hen parties and children's birthday parties.

57.2 A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that:

- a) is capable of carrying up to but not exceeding 8 passengers;
- b) save for this Policy could not currently be licensed by us as a private hire vehicle; and
- c) is not a decommissioned military or emergency service vehicle.

57.3 Any stretched limousines capable of carrying eight or less passengers which are offered for private hire will require a licence from us. In accordance with the Best Practice Guidance, all applications to licence stretched limousines as private hire vehicles will be treated on their own merits. Any stretched limousine capable of carrying more than eight passengers requires licensing by the Traffic Commissioners as a public service vehicle.

57.4 Due to the unique nature of these vehicles, whilst they will share some common conditions that apply to all private hire vehicles, there are also some additional conditions which may be applied and can be found at **Appendix E**.

- 57.5 It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine. If a limousine is to be provided whereby part of the booking includes “free alcohol”, the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.
- 57.6 In recent years, there has been a growing trend for the use of stretch limousines and other novelty vehicles, such as decommissioned fire engines, military vehicles or ice cream vans, which are hired for parties and other special occasions, including weddings and school proms. While wedding and funeral car services are specifically exempted from licensing requirements, there is no such exemption allowing the hire of vehicles for other types of event. Therefore, vehicles used for other events will require a licence.
- 57.7 The pre-arranged hire of a limousine or other novelty vehicle with a driver, with passenger capacities not exceeding 8 persons, falls within the legal definition of a private hire business. We will therefore expect every business operating such vehicles within St Albans District to hold the applicable private hire operator licence, and for vehicles and drivers to be appropriately licensed as private hire vehicles and private hire drivers. As with any private hire business, the location of the operating base, at which hire bookings are invited and received, will determine which authority will issue these licences.
- 57.8 Licensed stretch limousines and novelty vehicles must be submitted for testing at six monthly intervals. This test will be at the appropriate Class MOT standard from a testing station nominated by us.
- 57.9 Three-wheeled motor vehicles such as Tuk Tuks or similar will not be licensed as Hackney Carriages or Private Hire Vehicles.

## **58. Funeral and Wedding Vehicles**

- 58.1 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.
- 58.2 A vehicle does not need to be licensed whilst it is being used in connection with a wedding or civil partnership. For clarity, the exemption applies only to services directly relating to the wedding/civil partnership service itself, for example transporting the bride and/or groom to the wedding/ civil partnership service, from the service to the reception and from the service/reception to home.

## **59. Courtesy Cars**

59.1 We take the view that vehicles which are used as “courtesy cars”, i.e. for transporting customers to and from garages, airports, hotels and night-clubs, without charge but with an obvious business benefit, are likely to need to be licensed under the private hire licensing scheme. Whilst there may not be a separate charge for using the vehicles, they are being supplied with a driver for a specific purpose which is likely to result in a ‘business benefit’. For example, a customer chooses to use that particular business as opposed to one that does not offer the same transport service. We do not consider “courtesy cars” provided to garage customers for them to drive themselves during the maintenance of their vehicle fall within this definition.

## **60. Ambulances and Other Patient Transport**

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

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

60.2 Other patient transport services provided by either Primary Care Trusts or voluntary organisations are likely to require licensing as private hire vehicles.

## **61. Voluntary Sector Transport**

61.1 We 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.

61.2 We take the view that licensing requirements apply where it can be proven that the business obtains a benefit or are using drivers whose services go beyond that of mere social kindness. In all such circumstances, the business and/or driver will be contacted by us to consider the specific circumstances of the service provided.

## **62. Dual Plating**

62.1 A vehicle will not be licensed as a hackney carriage if it is already licensed as a hackney carriage or as a private hire vehicle, by St Albans District Council or by any other authority. You will need to prove that you have surrendered any applicable licence prior to the issue of a licence by us.

### **63. Vehicle Requirements and Conditions**

63.1 Our vehicle requirements for hackney carriage vehicles and private hire vehicles are found in **Appendix F**.

63.2 Hackney carriage and private hire vehicle licences are subject to conditions. The hackney carriage and private hire vehicle conditions are found in **Appendix E**.

## **Private Hire Operators**

### **64. Introduction**

- 64.1 Operators form the backbone of the private hire vehicle regulatory system under the Local Government (Miscellaneous Provisions) Act 1976. Vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same authority, and the location of the operator's base will determine the authority from which all other licences must be obtained.
- 64.2 The term 'operate' is defined at section 80 of the 1976 Act as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles. Various legal cases have examined this definition in detail, as a result of which a wide range of businesses will require licensing under these provisions – the meaning will extend greatly beyond the provision of local 'minicab' services.
- 64.3 Operators play a key role in ensuring that the public are kept safe; that drivers are suitably trained, experienced and supported to deliver the best service possible and that vehicles are kept in a clean, safe and sound condition at all times. Although operators will generally have less direct contact with the public than drivers, their other duties in ensuring the safety of the public means that we must apply similar checks when considering applications for licences. We must be satisfied that prospective operators are fit and proper persons.
- 64.4 It is a criminal offence under the 1976 Act for any person to knowingly or recklessly make a false statement or omit any material particular in connection with an application for an operator's licence.

### **65. Application process**

- 65.1 Where the application is being made by a single individual, the questions on the application form should be answered by that individual. Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants. Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors. This is particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, because the Council must be satisfied as to the fitness and propriety of every applicant.
- 65.2 All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required. If the right to work is time-restricted then further proof will be required to demonstrate continuity of right to work.

- 65.3 Applications must also be accompanied by a Basic Disclosure certificate for each applicant. This means that a certificate must be obtained and supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company applicant. Certificates must be issued in the full name of the relevant individual and must have been issued no earlier than 3 months before the date on which the application is made. Basic Disclosure certificates are required annually.
- 65.4 We will consider whether an applicant or licence holder with convictions provided in **Appendix B** meets the 'fit and proper' threshold.
- 65.5 The requirement to provide a Basic Disclosure certificate will not apply to any applicant who holds a current private hire or hackney carriage driver's licence issued by us. These individuals have already been assessed in terms of their fitness and propriety during their application for that licence, and as such no further checks of any criminal record history for that particular applicant will be considered necessary. Should the individual cease to hold a driver's licence a basic certificate will be required and you should apply for it immediately.
- 65.6 Applicants who are applying simultaneously for a driver's licence and have submitted an application, will also be exempted from the Basic Disclosure requirement, as they will be obtaining a higher level of disclosure certificate as part of that application. The operator's licence application will not be determined until any such disclosure certificates have been received.
- 65.7 In addition to this, requests will be sent to the police to obtain any information that may be relevant when determining an application.
- 65.8 If any issues arise during the processing of the application, you will be given an opportunity to provide clarification, or to amend the application form.
- 65.9 When all required information has been received, the application will be determined. The following sections of this Policy set out details of how we will consider certain aspects of the application.
- 65.10 Licences will usually be granted for a period of five years. However, we can grant licences for a shorter duration, should this be considered necessary in the particular circumstances.
- 65.11 Operator's licences are non-transferrable. In the event of operation of a licensed business passing to a different person, the new owner of the business will need to apply for a licence.

65.12 Section 62 of the 1976 Act provides a power for us to suspend or revoke an operator's licence on various grounds, including:

- a) the commission of an offence or non-compliance with the 1976 Act,
- b) conduct on the part of the operator which appears to render him unfit,
- c) any material change in the operator's circumstances, or
- d) any other reasonable cause.

65.13 The Council may also prosecute an operator for any breaches, including failure to keep the prescribed records, or operation of unlicensed vehicles or drivers.

65.14 Where an application is refused, or a licence suspended or revoked, or if an operator is aggrieved by conditions added to his licence, a right of appeal to the Magistrates' Court exists. Details of how to exercise this right will be provided in our correspondence with the operator at the time of the decision.

## **66. Fitness and propriety of applicants**

66.1 In determining applications, the statutory test that we must apply is set out at section 55 of the 1976 Act. It states that we "shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence".

66.2 In accordance with the Interpretation Act, the term 'person' may apply to both individuals and bodies corporate and unincorporated. A company or partnership may apply for a private hire vehicle operator's licence. We will apply the 'fit and proper' test to each of the directors or partners in that company or partnership. Therefore, private hire vehicle operators will be required to tell us of any change in directors or partners.

## **67. Dispatch Staff**

67.1 Operators are required to keep a register of all staff that will take bookings or dispatch vehicles. Operators must ensure that all persons that have access to their records, bookings and contracts have:

- a) A basic disclosure check and completes a statutory declaration in relation to previous offences before being commencing employment; and
- b) Completes a new Basic Disclosure at the time when the operator's licence is renewed.

67.2 Anyone with access to the operator's records bookings and contracts, whether directly employed or otherwise, must satisfy the suitability standards set out in the Council's Conviction Policy Appendix B. The operator must keep records of such checks.

67.3 A record that the operator has had sight of a Basic Disclosure check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new Basic Disclosure certificate should be requested and sight of this recorded.

## **68. Records**

68.1 The operator shall keep a record of every booking of a private hire vehicle invited or accepted on behalf of the operator. The Operator shall also keep a record of any vehicle operated by them, all licensed drivers engaged/employed to drive any vehicle operated by them and such record must be maintained.

68.2 The register and records for the operator's bookings referred to in Private Hire operator conditions a b and c Appendix A, can be kept in either paper format or electronically. The chosen format should permit inspection with the minimum of delay, and in any case within 24 hours, in response to a request made under section 56(3) Local Government (Miscellaneous Provisions) Act 1976. Where records are kept in electronic format, facilities must be available for records to be printed onto paper and to be made available to an authorised officer of the authority or a Police Officer within 24 hours.

68.3 The Operator or their controllers are required produce all or any of the records specified in this condition on request to any Authorised Officer of the Council or to any Police Officer for inspection on demand.

68.4 These records must be kept for a period no shorter than twelve months.

## **69. Operating Bases outside the District of St Albans**

69.1 We will not grant a private hire operator licence for an operating base that is outside the St Albans District. This is to ensure that proper regulation and enforcement measures may be taken by us. This is not a restraint of trade as the operator may apply to the local authority responsible for licensing where the proposed operating base is located.

## **70. Operating Bases inside the District of St Albans**

70.1 A private hire operator licence issued by us will be required for any operator with an operating base that is inside the St Albans District. Accordingly, all vehicles and drivers operating from that base will require appropriate licences issued by us. This is to ensure that proper regulation and enforcement measures may be taken by us and that all vehicles operating with St Albans District meet the Council's Policy objectives.



## **71. Address from which an Operator may operate**

- 71.1 When a private hire operator licence is granted, we will specify on the licence the address from which the operator may accept bookings and despatch vehicles. This address will usually be the address stated on the application form.
- 71.2 The operator must notify us in writing of any proposed change of address during the period of the licence. We would require an operator to apply for a new licence if they were to change the address of their operator's base as this is a fundamental part of the licence.
- 71.3 The operator must also provide proof of public liability insurance for the new premises, or sign a declaration that their new premises is not open to the public prior to a new licence being approved.

## **72. Convictions**

- 72.1 Please see **Appendix B** for our Convictions Policy.

## **73. Training**

- 73.1 All applicants for an operator's licence will be required to pass disability awareness; safeguarding; and county lines training before a licence will be granted. You will need to meet the cost of this training. If you can show you have passed adequate similar training by some other means, you may be exempted from the training arranged by us.
- 73.2 The training must be retaken by all licensed operators every five years.

## **74. Previous licences**

- 74.1 During any licensing application, we can consider any licensing history relating to an applicant or operator that we consider relevant. For example, if an applicant has previously had a licence revoked, whether by us or any other authority, this may indicate an underlying issue with the fitness or propriety of that person. We may obtain information from any other relevant available information from the other authority.
- 74.2 Where a number of previous complaints have been made against an operator, these may be taken into account, even if they did not result in formal action at the time. Similarly, a pattern of relatively minor complaints may be indicative of an underlying problem, which may be considered by us when determining the application.

## **75. Planning**

75.1 Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc) may require planning permission for that usage, irrespective of how many vehicles are to be operated from that location. It is advised that applicants seek advice on planning permission from the St Albans Planning Authority prior to making an application for a licence or commencing the use of premises under a licence.

75.2 Planning officers can be contacted during normal working hours on email to [planning@stalbans.gov.uk](mailto:planning@stalbans.gov.uk)

75.3 Planning and licensing operate as separate regulatory regimes, and the absence of planning permission for a particular site will not prohibit the licensing authority from granting a licence. However, applicants must be aware that planning and licensing requirements must both be satisfied prior to the commencement of operations, and if this is not the case then the applicant will be liable to enforcement action for breaches of the relevant legislation.

## **76. Insurance**

76.1 In accordance with the Department for Transport's Best Practice Guide, we require proof that operators hold suitable public liability insurance, covering all aspects of their business before you start to operation.

76.2 In particular, we recommend that operators hold policies in respect of public liability and employer's liability. The first will enable you to deal with any claims for damages arising from the activities of the business affecting customers and members of the public and the second will enable you to deal with any claims by persons employed or engaged by the operator, who are injured, become ill or otherwise suffer damages as a result of the business activities.

76.3 We cannot give advice as to which insurance policies or providers will be the most suitable.

76.4 It falls outside our remit to stipulate a suitable level of insurance to be held, or to take action against businesses who fail to secure appropriate policies. However, in the absence of an insurance policy any legal claims made against the operator could result in the individual proprietors of the business being held liable for any damages or legal costs incurred during proceedings, which could involve very large sums.

## **77. Communications and information security**

77.1 In the course of their business, operators will be required to process and store personal data. The processing and storage of this data will fall under the provisions of the DPA and GDPR. These require the Operator to:

- a) take certain measures to ensure the security of that data:
- b) to prevent unauthorised breaches of the security or
- c) to prevent use of the information for unauthorised purposes (e.g. sending marketing information without the consent of the subjects).

77.2 Although the standard business activities of an Operator are unlikely to require registration with the Information Commissioner's office as a data controller, operators should be aware that if they go beyond the basic activities, they may well have to register. In particular, the operation of a CCTV system (either at publicly accessible premises or in cars provided by the operator) or similar recording of audio or video signals may require registration.

77.3 For further advice on whether registration as a data controller is required, please see the website of the Information Commissioner's Office, at [www.ico.org.uk](http://www.ico.org.uk)

## **78. Trading names**

78.1 Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the Operator.

78.2 While trading names are a matter for an Operator to determine, we will seek to prevent names which may offend. We will also prevent any names that may cause confusion in connection with the provision of private hire services in the area.

78.3 Legally, only hackney carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators. However, if the Operator also provides bookings to hackney carriages, a variation of the permitted trading name including one of these terms, may be displayed on advertising specifically in respect of those vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.

78.4 Should concerns arise about the suitability of a trading name, we will discuss these with you and you will have an opportunity to respond or to amend your application.

78.5 In particular, applications will not be granted where the proposed trading name is the same or substantially similar, either phonetically or visually, as:

- a) An expletive, derogatory or offensive term
- b) A term associated with inequality
- c) A term with political implications
- d) A registered trademark (unless the applicant can demonstrate a right to use that mark)
- e) The trading name of an existing Private Hire Operator, either licensed in the St Albans District, or trading in a neighbouring area
- f) The trading name used by a St Albans licensed hackney carriage proprietor, where the proprietor has previously notified us of the use of that name and the name has been used regularly since
- g) A name which implies official recognition or endorsement by us or another regulatory body
- h) A term in any language other than English which when translated would fall within any of the preceding categories.

## **79. Sub-contracting of Private Hire Bookings**

79.1 Legislation allows for a licensed private hire operator to sub-contract a booking to another licensed private hire operator, either inside the same district or in a different District. Both operators must be licensed within the area in which their operating base is located and should record details of the booking in the normal way.

79.2 All three licences (operator, driver and vehicle) must still be issued by the same local authority. For example, an operator licensed to operate in district A and district B cannot take a booking in district A and use a vehicle and driver licensed in district B. They can however sub-contract the booking to the operating base in district B using a vehicle and driver licensed in district B.

79.3 The initial booking must be taken within the area in which the operator is based and the sub-contracted booking must be taken within the area in which the sub-contracted operator is based.

## **80. For door signs please see the Advertising section on page 33-34.**

80.1 Business card dispensers containing cards with the operator's contact details may also be utilised within vehicles. The only restriction is a requirement that they do not obstruct the safe operation of the vehicle.

## **81. Use of mobile applications**

81.1 The use of mobile applications (“Apps”) is becoming increasingly common for a wide range of uses, including many taxi companies and private hire operators. We support the use of such innovation which has many potential public safety benefits.

## **82. Disclosure of Convictions**

82.1 Operators are required to inform us in writing within 3 days if they are arrested; formally interviewed as a suspect; or charged with an offence by the Police.

82.2 The operator shall, within seven days of conviction, notify us in writing of any conviction or fixed penalty imposed during the period of duration of the operator licence. If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners receives a conviction or fixed penalty.

## **83. Complaints**

83.1 The operator must notify us in writing of any complaints concerning a contract for hire arising from their business. This will help to protect them against frivolous or vexatious complaints or allegations of misconduct against a driver. Such notification should include the action taken, or proposed, as a result of the complaint.

## **84. Conditions**

84.1 Under section 55(3) of the 1976 Act, we may attach to an operator’s licence such condition as are considered necessary. This power is subject to a right of appeal by any applicant aggrieved by one or more of the conditions.

84.2 We have adopted a schedule of standard conditions which will be attached to all licences. These conditions are set out later in **Appendix G**.

84.3 Attaching these standard conditions does not prevent us from attaching any other condition considered necessary in response to specific issues that have been considered as part of the application. This power may be used to substitute conditions from the standard conditions with further conditions or add more, or less, stringent conditions than the standard conditions.

## 85. Enforcement

85.1 Enforcement is part of the overall licensing control process exercised by the Council and is taken to:

- a) maintain standards within the trade
- b) ensure public safety
- c) support our policies
- d) respond to complaints
- e) support partnerships with neighbouring local authorities, and other agencies such as the Police and DVSA

85.2 We published a Licensing Convictions Policy in January 2019 available at **Appendix B**.

85.3 Enforcement activities are primarily targeted towards activities carrying high risks, or where there could be a considerable impact as the result of non-compliance either with licensing conditions or the legislation. Enforcement activities may be targeted towards individuals who are primarily responsible for an activity; who have the greatest responsibility to ensure compliance with the law or who have been subject to previous enforcement action.

85.4 Primarily, all enforcement action will be based upon the seriousness of the breach and the possible consequences arising from it. We will not normally take enforcement action for failure to comply where that is a minor technical failure. Repeated minor technical contraventions, however, will be subject to appropriate action.

85.5 Enforcement action must always be consistent, proportionate and reasonable, whilst ensuring that the public receive adequate protection. When we consider what enforcement action to take, we will consider, amongst other things, the following:

- a) seriousness of any offence(s);
- b) driver's or operator's past history;
- c) consequence of non-compliance;
- d) likely effectiveness of the various enforcement options;
- e) risk to the public.

85.6 All enforcement will be proportionate and transparent. Ultimately many decisions will be made by the court, who will determine prosecutions and appeals, however, the expectation is that initial enforcement will be carried out by delegated licensing officers using the penalty point system. The council will ensure that the Policy and its enforcement meet the objectives set out in this Policy whilst avoiding undue restrictions and costs upon licence holders.

85.7 Any enforcement system needs to deal with all issues from persistent, low level breaches up to serious, criminal behaviour. The majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officers through the penalty point scheme as detailed in Appendix H.

85.8 Authorised officers are empowered to give any of the following disciplinary measures:

- a) verbal warning
- b) written warning
- c) penalty points
- d) final written warning
- e) suspension of licences
- f) prosecution.

85.9 Licence holders have a clear legal duty to cooperate fully with any authorised officer. Any person who wilfully obstructs an officer; fails to comply with any reasonable requirement of an officer; fails to provide assistance or information reasonably required by an officer, or makes false statement shall be guilty of an offence. If requested to do so, licence holders may be required to attend the Council offices, for example, to produce current insurance, or their vehicle for inspection. Where a driver fails to comply with a reasonable request from an authorised compliance officer in another District, action will be taken as if the driver has failed to comply with the same request from an officer of this licensing authority.

85.10 We will take a graduated response where there is evidence of failure to comply with licensing legislation or licence conditions. Whilst an isolated or minor breach might be dealt with by way of penalty points, more serious breaches are likely to attract prosecution and/or consideration of suspension or revocation of the licence.

## **86. Penalty Points Scheme**

86.1 In order to ensure compliance with our Policy, and to monitor licence holders ability to fulfil the 'fit and proper' test, a penalty points system will be used, as described in Appendix H. This will be an early warning system to licence holders who fail to meet our required standards and a consistent and transparent method of enforcement.

86.2 The adoption of the Penalty Points System will not, however, compromise our ability to enforce breaches of statute or this Licensing Policy in the Courts should an offence necessitate such action.

## **87. Enforcement Review Process**

87.1 The day to day enforcement of hackney carriage and private hire licensing, including the issuing of penalty points, is a function carried out by licensing officers. Serious disciplinary matters will be referred to the Business Compliance Manager. Serious disciplinary matters will include, but are not limited to:

- a) an accumulation of twelve or more penalty points as detailed in Appendix H;
- b) refusal to carry a passenger without good reason;
- c) unlawful plying for hire;
- d) more than one offence of touting for business;
- e) insurance offences;
- f) overcharging; and
- g) any conviction relevant to Appendix B.

87.2 The Business Compliance Manager and the Legal Team will consider the impact of convictions, or an accumulation of penalty points, on the fitness of an individual to hold a hackney carriage or private hire licence and take appropriate action.

## **88. Alternative to enforcement action when there are driving standards concerns**

88.1 Where concerns are raised in respect of a driver's standard of driving, the driver may be required, at our discretion, to pass an appropriate driving standard assessment. Failure to achieve a pass within a specified period of time will result in the suspension of the driver until such time as a pass is achieved. Where necessary for public safety, a driver may be suspended immediately until such time as a pass is achieved.

## **89. Informal Action**

89.1 Informal action to secure compliance includes offering advice; verbal or written warnings; and the issuing of penalty points. Informal enforcement action may be appropriate in, but not limited to, the following scenarios:

- a) the act or omission is not serious enough to warrant formal action;
- b) it can reasonably be expected that informal action will achieve future compliance;
- c) confidence in the driver or operator is ordinarily high; or
- d) the consequences of non-compliance will not pose a significant risk to public safety.



## **90. Driver Suspensions**

- 90.1 We may exercise our discretion to suspend the operation of a driver's licence for a specified period at the discretion of the Business Compliance Manager.
- 90.2 Where a licence holder has been referred to the Business Compliance Manager because they have been convicted of a serious criminal offence, or have accumulated twelve or more penalty points under the Council's penalty points system, the Business Compliance Manager may order the suspension of the licence for a specified period at their discretion.

## **91. Vehicle suspensions**

- 91.1 Hackney carriage and private hire vehicles must be kept in an efficient, safe, tidy and clean condition at all times. Compliance with the vehicle specification and conditions of this Policy is essential and will be enforced by periodic, random vehicle inspections by us. Where it is found that any vehicle is not being properly maintained, a defect(s) notice will be served on the licence holder setting out the defect(s) and the required action.
- 91.2 Where there is a risk to public safety the further use of the vehicle will be suspended until the defects have been remedied. The suspension will not then be lifted until the vehicle has undergone a further test at our nominated testing facility, at the licence holder's expense, and meets the testing requirements of this Policy.

## **92. Section 68 (Stop) Notices**

- 92.1 An Authorised Officer of the Council or a Police Officer may serve notice in writing for a hackney carriage or private hire vehicle, or the taximeter affixed to such a vehicle, to be examined at our nominated testing facility at a time specified in the notice. This notice may only be served if there are concerns as to the condition of the vehicle or the accuracy of the taximeter.
- 92.2 In addition, the vehicle licence may be suspended until such time as our testing requirements have been complied with if it is deemed necessary for public safety. The suspension notice will remain in force until the issuing officer has issued written confirmation that our testing requirements have been met. If the issuing officer is not satisfied that appropriate action has been taken to allow the suspension notice to be withdrawn within a period of two (2) months from date of issue, the vehicle licence will be deemed automatically revoked.

### **93. Revocation**

93.1 Where a licence holder has been referred to the Business Compliance Manager because they have:

- a) committed a criminal offence;
- b) have accumulated twelve or more penalty points, in twenty four month period, issued under Appendix H;
- c) no longer meet the 'fit and proper' test set out in Appendix B; or
- d) for any other reason whereby the Policy objectives would not be met,

93.2 They may revoke the licence. Ordinarily, any revocation is held pending the end of the period for appeal or, in the case of a submitted appeal, the appeal being determined. Where necessary for public safety, the Business Compliance Manager may determine that a revocation takes immediate effect and is not held pending an appeal.

### **94. Refusal to Renew**

94.1 The Business Compliance Manager may decide that the appropriate action is for the licence not to be renewed. This could be due to new information coming to light at renewal stage.

### **95. Simple Cautions**

95.1 The purpose of a Simple Caution as an alternative to prosecution is to:

- a) deal quickly and efficiently with less serious offences;
- b) divert less serious offences away from the Courts; and
- c) reduce the likelihood of repeat offences.

95.2 In the interests of natural justice, the following criteria must be met before a Simple Caution is administered:

- a) there must be sufficient evidence of guilt to give a realistic prospect of a conviction;
- b) the offender must admit the offence; and
- c) the offender must understand the significance of the caution and give informed consent to be cautioned.

95.3 Where a person declines the offer of a Simple Caution, it will be necessary to consider taking alternative enforcement action. This would ordinarily mean prosecution, this is not inevitable.

## **96. Smoking Offences under the Health Act 2006**

96.1 Where the option is available to administer a Fixed Penalty Notice (FPN), the Business Compliance Manager may determine that an FPN is an appropriate alternative to prosecution for the same reasons as detailed above.

96.2 In accordance with the Council's Corporate Prosecution Policy, the following criteria must be met before a FPN is issued:

- a) there must be sufficient evidence to secure a conviction and public interest test must be satisfied;
- b) the offender must admit the offence; and
- c) the offender must understand the significance of the FPN and give informed consent that they accept the FPN.

96.3 Where a person declines the offer of FPN, it will be necessary to consider taking alternative enforcement action. This would ordinarily mean prosecution, this is not inevitable.

## **97. Complaints against Drivers**

97.1 Complaints against hackney carriage and private hire drivers are relatively low in the St Albans District, however, all complaints will be fully investigated. This will usually involve taking statements from the complainant, driver and any witnesses.

97.2 The investigating officer will consider all evidence and mitigating circumstances arising from the investigation, before making a recommendation to a senior officer. The senior officer will reach a decision in accordance with the Convictions Policy, this can be found at Appendix B. For the purposes of this paragraph, a senior officer is the investigating officer's immediate supervisor or line manager.

97.3 The complainant will be told in writing of the outcome of any complaint.

97.4 We consider it is necessary to retain complaints on file as long as a licence holder remains licensed and for seven years after the licence lapses. This is in compliance with the GDPR data protection principles and the Council's disposal schedule.

## 98. Prosecution

98.1 The decision to prosecute is significant as it may impact on the licence holder's future employability.

98.2 A decision on whether to prosecute will be made by the Business Compliance Manager and referred to the Solicitor to the Council. It will be made in accordance with our Corporate Prosecution Policy. It will always focus on the public interest.

## 99. Appeals

99.1 Where licensing officers have delegated powers to grant licences, they will use this Policy when making a decision on a licence. Whilst officers will have regard to the guidelines contained in the Policy, each case will be considered on its individual merits and, where the circumstances demand, officers may depart from the Policy.

99.2 Any person aggrieved by any conditions specified in the licence may appeal to the Magistrates' Court within **21 days of the decision notice**.

99.3 If we refuse, revoke or suspend your licence because we are not satisfied you are a fit and proper person to hold a licence, you can appeal by making a written complaint to the Magistrates' Court within **21 days of the decision notice**. This means you can write to the court and request an appeal. The Court may charge a fee and it will explain what to do to make your appeal.

99.4 If you are unsuccessful at the Magistrates' Court, you can then appeal to the Crown Court.

St Albans Magistrates' Court  
C/O Luton Magistrates' Court  
Stuart Street  
Luton  
LU1 5BL

[BD-LutonMCEng@justice.gov.uk](mailto:BD-LutonMCEng@justice.gov.uk)  
Enquiries: [01223 376000](tel:01223376000)

*The details above were correct on **30/11/2020**. It is your responsibility to check the contact details before lodging an appeal.*

## **100. Return of licence plates and licence badges**

100.1 All licence plates and licence badges remain the property of the Council and must be returned:

- a) upon written request within seven days of such a request,
- b) within seven days of expiry or surrender, or
- c) immediately upon suspension or revocation.

100.2 A licence plate and a licence badge signify the existence of a current valid licence, but are not licences in their own right.

100.3 Renewed licence plates and licence badges will only be issued when you return of the existing plate or badge. Where licence plates or licence badges are posted to the licence holder, the existing plate or badge must be returned within seven days of receipt.

## **Other**

### **101. Fees**

101.1 The licence fees payable to us are subject to annual review and will be published in **Appendix I**. This may include charges for applicants who fail to attend appointments, knowledge tests, training sessions, etc.

### **102. Payments**

102.1 The Council is able to accept payment by debit or credit card, cheques, postal orders or BACS payments. Cheques or postal orders must be made payable to St Albans District Council.

102.2 The current BACS payment details are:

Account name: SADC  
Sort code: 40-40-01  
Account number: 01403818

102.3 You can also make payment over the phone or on our website. The Council is unable to accept cash payments.

### **103. Refunds and Duplicate Copies**

103.1 In the case of any licence where the licence holder voluntarily surrenders their licence prior to the expiry date, we will not normally refund any fee unless there are exceptional circumstances.

103.2 Where an applicant wishes to withdraw their application and not licence has been issued, we may make a refund in respect 80% of full fee paid (minus any of the following where they had been completed:

- a) knowledge test,
- b) DBS,
- c) DVLA,
- d) Training).

103.3 Where we receive a request for a duplicate copy of any previously issued licence, an appropriate fee will be required to cover the associated administrative costs.

103.4 In the case of a licence that has been suspended, revoked or otherwise ends early due to disciplinary matters, no refund will be made by us.

## **104. Contact details**

104.1 For information on this statement of licensing Policy, or for informal advice on making an application or whether a particular activity is likely to require authorisation, please contact:

### **Licensing**

**St Albans City & District Council**

**Civic Centre,**

**St Peter's St,**

**St Albans**

**AL1 3JE**

Phone: **01727 819264**

Email: [licensing@stalbans.gov.uk](mailto:licensing@stalbans.gov.uk)

Web: <https://www.stalbans.gov.uk/licences-and-permits>

104.2 Many application forms for licences are available from our website, at <https://www.stalbans.gov.uk/licences-and-permits>

104.3 Please note that, due to the complexity of the legislation that governs these activities, we can only give basic advice about which activities do and do not require authorisation, and about application processes. When the Council answers enquiries, the answers will be based on the Council's position at that time, following current interpretation of the legislation and relevant guidance, as well as any current case law. We cannot enter into discussions about complex or specialised proposals, nor are we able to give legal advice. Any such discussions or communications will be on a without prejudice basis.

104.4 If you are unsure as to the legality of a particular activity, or require more detailed information or advice than we are able to offer, we recommend that you consult an independent specialist advisor or a legal representative.

<b>Policy created</b>	<b>2021</b>
	<b>Regulatory Services – Business Compliance Officer</b>
	<b>[Licensing], Senior General Enforcement Officer &amp;</b>
	<b>Regulatory Solicitor</b>
<b>Review</b>	<b>2024, 2027, 2030</b>

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

<b>Appendix A –</b>	<b>Whistle Blowing Policy</b>
<b>Appendix B –</b>	<b>Convictions Policy</b>
<b>Appendix C –</b>	<b>Code of Conduct</b>
<b>Appendix D –</b>	<b>Hackney Carriage Driver Bylaws and Private Hire Driver Conditions</b>
<b>Appendix E –</b>	<b>Hackney Carriage and Private Hire Vehicle Conditions</b>
<b>Appendix F –</b>	<b>Vehicle Requirements</b>
<b>Appendix G –</b>	<b>Private Hire Operator Conditions</b>
<b>Appendix H –</b>	<b>Licensing Points Scheme</b>
<b>Appendix I –</b>	<b>Hackney Carriage and Private Hire Licensing Fees</b>





# **WHISTLE BLOWING POLICY**

## **MARCH 2019**

## **St. Albans City and District Council**

### **Whistle Blowing Policy**

#### **1. Introduction**

- 1.1 Members, officers, casual and agency workers, self-employed workers at the Council, contractors or members of the public (hereafter referred to collectively as “potential whistle blowers”) may be the first to notice something which is wrong in connection with the Council and its activities or in the wider public domain. They might not say anything however, because they:
- i. may be concerned that their suspicions might not be justified or;
  - ii. may be concerned that they or someone else might be victimised.
- 1.2 The purpose of this whistle blowing policy therefore is to help potential whistle blowers to raise their concerns. The Council is committed to being open, honest and accountable and therefore wishes to be alerted to any problems at the earliest opportunity. This will enable the Council to take appropriate action such as:
- i. Pre-empt a crime or other wrong doings where possible;
  - ii. Where a crime or something suspicious has taken place to instigate an appropriate investigation;
  - iii. Bring to account the perpetrators;
  - iv. Minimise any losses or to recover any actual ones;
  - v. Take corrective action to reduce the risk of repeat occurrences;

#### **2. Types of Action Covered by the Policy**

- 2.1 Concerns about the following issues are covered by this whistle blowing policy:
- i. Corruption;
  - ii. Fraud;
  - iii. Bribery;
  - iv. Theft;
  - v. An unlawful act;
  - vi. Health and safety;
  - vii. Welfare or Physical Wellbeing of Individuals
  - viii. Exploitation or abuse of vulnerable adults or children
  - ix. A person abusing their position in connection with unauthorised activity for personal gain;
  - x. Damage being caused to the environment (by pollution or fly-tipping for example);
  - xi. Misuse of Council property.

### **3. Confidential Reporting Procedure**

- 3.1 Any suspicion of fraud or other wrongdoing will be treated seriously and will be reviewed and analysed in accordance with the Public Interest Disclosure Act (1998), the Human Rights Act, the Council's Anti- Money Laundering Policy, the Council's Anti-Fraud, Bribery and Corruption Policy and the Council's Safeguarding Policy.
- 3.2 Potential whistle blowers should be aware that they have statutory protection against victimisation and dismissal under the Public Interest Disclosure Act 1998, if they speak out genuinely against corruption and malpractice at work.
- 3.3 It is essential for all concerned that disclosures of wrongdoing or irregularity are dealt with properly, quickly and discreetly. This is in the interests of the Council, its employees, any persons who are the subject of such allegations, as well as the person making the disclosure.
- 3.4 Confidential reporting is the disclosure or communication of information about possible wrong doing by individuals or organisations, either internally or externally, to an organisation, in this case, the Council.
- 3.5 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect all organisations that deal with us who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 3.6 This policy makes it clear that concerns can be raised without fear of victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable serious concerns to be raised with the Council rather than ignoring a problem or 'blowing the whistle' to external sources such as the media.
- 3.7 The procedure applies to all potential whistle blowers, as per paragraph 1.1.

### **4. Aims**

- 4.1 This policy aims to:
  - i. Encourage a person considering making a report to feel confident in raising serious concerns;
  - ii. Provide avenues to raise those concerns and receive feedback on any action taken;
  - iii. Ensure that a response to any concerns and how to pursue them to the person making a report is made;
  - iv. Reassure the person making the report that they will be protected from possible disadvantage if they have a reasonable belief and made any disclosure in good faith.

- 4.2 For Members and officers there are existing procedures in place to enable them to lodge a grievance relating to their own employment. For Members, officers and members of the public there is also a Complaints Policy which can be used to raise a complaint. The Whistle Blowing Policy is intended to cover concerns that fall outside the scope of the Grievance and Complaints Policies. Any serious concern that anyone has about any aspect of service provision or the conduct of Members or officers of the Council or others acting on behalf of the Council can and should be reported under this policy.
- 4.3 The concern may be about something that is:
- An offence or breach of law
  - A disclosure related to miscarriages of justice
  - A health and safety risk, including risk to the public as well as other employees
  - Damage to the environment
  - An unauthorised or inappropriate use of public funds
  - Possible fraud, bribery or corruption
  - Sexual or physical abuse of clients and/or colleagues
  - Exploitation or abuse of vulnerable adults or children
  - Against the Council's Standing Orders and policies
  - Against established standards of practice
  - Other improper or unethical conduct.
- 4.4 The concern may be something that makes potential whistle blowers feel uncomfortable in terms of known standards, their experience or the standards to which they believe the Council subscribes.

## **5. Anonymous Allegations**

- 5.1 Where someone chooses to report their concerns anonymously this will be respected. All concerns raised will be treated in confidence. However, it should be noted that concerns expressed anonymously are less powerful and will only be considered at the discretion of the Council. In exercising this discretion, the factors to be taken into account would include:
- i. the seriousness of the issues raised;
  - ii. the credibility of the concern; and
  - iii. the likelihood of confirming the allegation.
- 5.2 Therefore anyone reporting an allegation will be encouraged to put their name to it as this will greatly assist with any subsequent investigation. Furthermore anyone making an allegation in good faith will not have their identity revealed by Internal Audit or the Council unless required to do so by a court of law or the police.
- 5.3 It should be noted that if an allegation suggests criminal activity and the case is to be pursued by police, the identity of the person reporting the details may be important at a later date if criminal proceedings are to be pursued effectively.

- 5.4 It should be noted that in some instances, the Council may not be able to proceed with internal disciplinary action without being able to disclose the name of the complainant. Should the need arise, the individual will be asked if they wish to remain anonymous.

## **6. False or Malicious Allegations**

- 6.1 The Enterprise and Regulatory Reform Act 2013 (The Act) states that a person cannot be dismissed from their employment if their disclosure meets certain requirements. These are called 'qualifying disclosures'. They include when someone reports:
- that someone's health and safety is in danger
  - damage to the environment
  - a criminal offence
  - that an organisation is not obeying the law (like not having the right insurance)
  - that someone is covering up wrongdoing.
- 6.2 The Act provides protection to the following people:
- employees
  - casual and agency workers
  - people that are training with an employer, but not employed
  - self-employed workers, if supervised or working off-site.
- 6.3 The Act says that a whistleblower should also believe that their disclosure is in the public interest.
- 6.4 Therefore if an allegation is made in good faith and the person making the report has a reasonable belief in the truth of the allegation, but this is not confirmed by the investigation, there will be no action taken against them.
- 6.5 If, however, an allegation is made frivolously, in bad faith, maliciously or for personal gain, disciplinary action may be taken against the person if they are a member of Council staff.
- 6.6 The Act states that a worker dismissed for whistle blowing can bring a case against their employer at an Employment Tribunal. If the tribunal decides the employee has been unfairly dismissed, it will order that they are:
- reinstated (get their job back)
  - paid compensation
- 6.7 From 25 June 2013 a tribunal judge can reduce any compensation awarded by 25% if they find the person has acted dishonestly.
- 6.8 A whistleblower who is bullied at work will also be able to bring a claim to the Employment Tribunal against their employer or co-workers.

## **7. How to Raise a Concern**

- 7.1 A person wishing to raise a concern and who is a Member or officer of the Council (whether permanent employee, casual or agency worker or trainee) should initially consider raising this with the Chief Executive, the Deputy Chief Executive (Finance and Legal), the Monitoring Officer or a Head of Service prior to escalating to the use of this policy.
- 7.2 However anyone, whether a Member or officer of the Council or a member of the public may raise their concerns directly to the Internal Audit Manager:
- i. In person at his office in the Council building;
  - ii. Telephone – 01727 819332;
  - iii. Via the Fraud webpage on the Council's Internet site;
  - iv. email – [piyush.fatania@stalbans.gov.uk](mailto:piyush.fatania@stalbans.gov.uk)
  - v. Letter to:–  
  
The Internal Audit Manager,  
St. Albans City and District Council,  
Civic Offices,  
St. Peter's Street,  
St. Albans,  
Herts.  
AL1 3 JE
- 7.3 Cases of concerns over the exploitation or abuse of vulnerable adults or children should alternatively be reported through to the Council's Principal Community Protection Officer:
- i. In person at his office in the Council building;
  - ii. Telephone – 01727 819416;
  - iii. Via the Community Safety webpage on the Council's Internet site;
  - iv. Email – [neil.kieran@stalbans.gov.uk](mailto:neil.kieran@stalbans.gov.uk)
- 7.4 Those making an allegation should try to provide the following information:
- i. The background and history of the concern (giving relevant facts where possible);
  - ii. The reason why they are particularly concerned about the situation.
- 7.5 The sooner a concern is raised the easier it is to take definitive action. Although anyone making an allegation is not expected to prove beyond reasonable doubt the truth of it, they will need to demonstrate to the person contacted that there are reasonable grounds for their concern.

- 7.6 Where someone becomes aware of an incidence of fraud, bribery or corruption or of the exploitation or abuse of a vulnerable child or adult they **should not**:
- i. Do nothing;
  - ii. Be afraid of raising concerns;
  - iii. Approach or accuse individuals directly;
  - iv. Try to investigate the matter;
  - v. Raise suspicions to anyone other than those charged with the proper authority.

## **8. How the Council Will Respond**

- 8.1 In order to protect individuals and those accused of possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Any potential investigation may be:
- i. Conducted by Internal Audit or through the disciplinary process;
  - ii. Referred to the police;
  - iii. Referred to the External Auditor;
  - iv. Referred to the Hertfordshire Safeguarding Children's Board (HSCB) or the Hertfordshire Safeguarding Adults Board (HSAB). These Boards have been established by and are the lead responsibility of Hertfordshire County Council.
- 8.2 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.3 Within ten working days of a concern being raised, the responsible person from Internal Audit or from Community Protection will write to the person making the allegation to:
- i. Acknowledge that the concern has been received;
  - ii. Indicate how it is proposed to deal with the matter;
  - iii. Explain if further investigations will take place and if not, why not.
- 8.4 If allegations are found to be proven against a Council Member or officer and there has been a breach of Council policy or the Code of Conduct for Members or for Employees then the Council will deal with this in accordance with the relevant internal disciplinary policy.
- 8.5 If allegations are found to be proven and there has been a criminal act which has been committed, then the council will contact the police who will deal with this in accordance with the law. This is not mutually exclusive of 8.4 above and the Council may instigate disciplinary procedures alongside any police action.
- 8.6 If the allegations are found to be unproven, then the council will write to the Member or officer who has been accused and those who made the accusation (where they have identified themselves) to notify them of this outcome.



## Conviction Policy for Hackney Carriage and Private Hire Trade

How we treat convictions and cautions  
when we consider granting, renewing,  
suspending or revoking a hackney  
carriage licence or private hire licence,  
or a vehicle operator or proprietor.

2019-2024



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## Definitions

<u>appeal</u>	A review of our decision. You appeal to the magistrates' court or the crown court. The court may uphold our decision (the court agrees with us) or overturn it (the court agrees with you).
<u>caution</u>	An acceptance of guilt of an offence without a conviction
<u>conviction</u>	A court decides someone is guilty of a crime.
<u>district</u>	The area covered by St Albans District Council.
<u>driver</u>	The person licensed to drive the vehicle.
<u>conviction-free period</u>	A period without any further convictions.
<u>fit and proper person</u>	<p>A person we think has the right characteristics and ability because, (for example,) they:</p> <ul style="list-style-type: none"> <li>• are no threat to the public</li> <li>• have good knowledge of the district</li> <li>• are healthy- i.e. meets Group II medical requirements</li> <li>• are of good character (including driving record).</li> </ul> <p>We therefore regard them as fit and able to hold a licence.</p>
<u>hackney carriage</u>	A vehicle that: can carry passengers for hire or reward; can be hailed by a prospective passenger; can park on a rank to await the approach of passengers; and is available for public hire.
<u>licensee</u>	A person who holds a hackney carriage drivers licence, private hire drivers licence or private hire operator's licence issued by St Albans District Council.
<u>mitigating circumstances</u>	The circumstances of a conviction, presented to explain why it happened and try to reduce its seriousness.
<u>private hire vehicle</u>	A vehicle whose hire must be pre-booked with a private-hire operator. This type of vehicle must not stand in a rank or ply for hire (be hailed).
<u>proprietor</u>	The person in possession of a vehicle licence.
<u>operator</u>	A business that invites or accepts bookings for a private-hire vehicle.

<u>refuse/refusal</u>	We decide not to give something, usually a licence. It also means, in this policy, revoking or suspending a licence.
<u>revoke</u>	To take away a licence permanently.
<u>suspend</u>	To take away a licence temporarily.
<u>verbal warning</u>	A spoken statement saying that although a conviction or complaint was not serious enough for a written warning, the offence/incident has caused us concern as regards the person's suitability to hold a licence. Similar behaviour in future could lead us to take further action on the licence.
<u>written warning</u>	A letter saying that although a conviction or complaint was not serious enough for us to suspend or revoke a licence, the offence/incident has caused us concern as regards the person's suitability to hold a licence. Similar behaviour in future could lead to the licence being suspended or revoked.
<u>we</u>	St Albans District Council, usually acting through its officers.

## Introduction

Convictions will not necessarily stop you getting or keeping a hackney carriage or private hire licence. If a conviction means you have to wait for a while before we will accept your licence application, we believe you are more likely to value your licence and act accordingly. However, we regard some offences as so serious they will usually prevent you getting or keeping a licence for ever.

Our policy is to consider the safety, protection and well-being of the public by ensuring all licensed drivers are safe, competent drivers who maintain their vehicles to an acceptable standard. Our main aim is to ensure public safety, not punish applicants or licence holders.

We want to keep up the high standard of hackney carriage and private hire drivers, operators and proprietors in St Albans. This will maintain the taxi industry's good reputation, as well as giving the public a high quality of service.

## Our powers and duties

Our duty to regulate hackney carriage and private hire vehicles, driver and private hire operators in the District comes from a number of laws:

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847 (as amended)
- Road Safety Act 2006 (Sections 52-53)
- Immigration Act 2016
- Deregulation Act 2015
- Equality Act 2010

## Role of the hackney carriage and private hire trade

The trade provides services where buses, trains and other public transport are not available. For example, in rural areas buses will often not run at late hours or regularly on Sundays. People with mobility difficulties may find it easier to use wheelchair-accessible hackney carriages than other forms of public transport.

The trade is important in getting people safely home from night clubs and other city-centre locations, which supports the night-time economy.

## Criminal offences and the Rehabilitation of Offenders Act 1974

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

**All** types of criminal offences can be relevant. So we take into account **all** convictions, regardless of your age at the time of the offence, sentence or the type of offence. You must declare all motoring and criminal convictions on your application form and complete a disclosure and barring service form.

In addition, you must disclose any recent formal cautions you have received and any pending criminal or motoring matters.

We may refer to the Rehabilitation of Offenders Act 1974 as part of our assessment of the convictions. We provide a summary of the Act at Appendix 1.0. The fact that a conviction is not yet spent under the Act may increase the impact of the offence in the Licensing Officer's decision-making.

## **Disclosure and Barring Service Checks**

At application and renewal stage, we require you to complete a Disclosure and Barring Service check (DBS). A DBS is an important safety measure for all drivers. The DBS provides details of live and spent convictions, police cautions, intelligence, and other information.

Anyone who would like to be a licensed driver must obtain a disclosure at the enhanced "Other Workforce" level.

Any person arriving in the UK if not in the country for five years needs a certificate of good conduct. If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check (DBS or equivalent) from the country/countries covering the relevant period will be required.

## **Right to Work**

The UK Government has changed the law regarding private hire driver, hackney carriage driver and private hire operator licences with effect from 1 December 2016. These changes will affect you if:

- you apply for a driver's or operator's licence after 1 December 2016; or
- you already hold a driver's or operator's licence and you apply to renew your licence after 1 December 2016.

The legislation does not affect applications for vehicle licences.

### **What do the changes mean?**

The changes mean that, from 1 December 2016, we as a licensing authority have a legal duty to ensure that driver and operator licences are only issued to applicants who have the right to hold a licence in the UK.

In order to comply with this duty we have to check that all applicants after 1 December 2016 have the right to work in the UK. This law applies to everyone regardless of where they were born; how long they have lived in the UK and, if they already hold a driver or operator licence, or for how long they have held that licence.

## How the changes will affect you

For applications received after 1 December 2016 you will be required to provide original and valid evidence of your right to work in the UK **before** your licence will be issued. Should you fail to do so, your licence will not be issued and your application will not be processed further. **It is your responsibility to ensure that you have valid documentation with evidence of your right to work in the UK.**

## Documents

Only certain forms of documentation are acceptable. The list of acceptable documents can be found here:

<https://www.gov.uk/government/publications/right-to-work-checklist>

If you are a British Citizen, all you need to produce is your passport. For British Citizens who do not have British passports, there are other documents which you can produce instead. These are contained in List A on the right to work checklist.

If you have restrictions on your right to work in the UK, you must produce one of the documents in List B on the right to work checklist.

Please note that you must provide the original. We will **not** accept a photocopy.

If you do not possess any of the mentioned forms of documentation, you must let us know as soon as possible. It is your responsibility to make sure that you can provide one of the acceptable forms of documentation, and you should take steps to obtain the necessary documentation. If the documentation you provide demonstrates that you have a permanent right to work in the UK you **will not** be required to produce this on future applications.

In other cases, you will be required to provide your documentation when you next apply to renew your licence, so that your documentation can be checked again. You may be required to produce this evidence earlier if your right to work in the UK is limited to a shorter period.

As part of these changes from the Home Office it is also important to highlight a change with regard to a visa in an expired passport.

If you currently have a visa that confirms your stay in the UK that is attached to an expired passport, this is **no longer accepted**. As a result you will need to apply to the Home Office in order to correct this before being issued with a driver's or operator's licence.

## Best Practice Guidance

The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. As a result of the Office of Fair Trading producing a report on the UK hackney carriage and private hire trade, the DfT was asked to produce best practice guidance for local licensing authorities. This policy has taken into account that Guidance (2010)

The Department for Transport's advice in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance can be found here:

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

This document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances.

We have taken account of the DfT guidance and the Institute of Licensing (IoL) guidance to develop this policy. The IoL guidance can be found on our website:

<https://www.stalbans.gov.uk/business/Business-in-St-Albans/StAlbans-Council-Services-for-Businesses/BusinessLicences/taxi-licences/>

This policy also takes account of the legislative basis of the Council's taxi licensing powers, including those contained in the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and the Immigration Act 2016.

## How will we use the policy?

Our overriding aim when carrying out our functions relating to the licensing of hackney carriage or private hire drivers, vehicle proprietors and operators, must be the protection of the public and others who use (or can be affected by) hackney carriage and private hire services. Public protection is at the forefront of our minds when determining whether an individual is considered a "fit and proper person" to hold a licence.

This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It sets out how we will review the history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.

The relevant legislation provides that any person must satisfy us that they are a fit and proper person to hold a licence. This is the test that we will apply once an applicant has met all other requirements.

Given the important function of the licensing department to protect the public, any requirement should be set at the highest level, subject to the exercise of discretion. We will consider all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.

Each case will always be considered on its merits having regard to the policy, and we can depart from the policy where we consider it appropriate to do so. This will normally happen where we consider that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority* [2006] EWHC 1792 (Admin)

## Why do we look at convictions?

The licensing process places a duty on local authorities to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trade meet the required standards. As previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability. It is essential we consider all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.

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

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

### Types of convictions

Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.

We will consider all fixed penalties and formal cautions. Cautions may not always be as serious as convictions, but they will give some indication as to your character. We will bear in mind that a caution is given where there is *sufficient evidence* for a prosecution. An admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction. This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

Penalty notices are similar to fixed penalties, but are issued for a wide range of offences of an anti-social nature. These include behaviour likely to cause harassment, alarm or distress to others, drunk-and-disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. We will also consider these because they can give an indication of character.



If a court finds you have committed an offence, we have to accept this at face value so we cannot consider your belief that you were not guilty. However, you can tell us about any mitigating factors that led you to commit the offence. We will take these into account.

In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, we will decide what action to take in the light of these guidelines.

Where an applicant/licensee is convicted of an offence which is not detailed in this Policy, we will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

### **Number of convictions**

Whilst it is possible that a licence holder may have a number of previous convictions that, individually, meet the guidelines below, the overall offending history must be considered when assessing the licence holder's suitability to continue to be licensed. A series of offences/behaviour over a period of time is more likely to give cause for concern than an isolated minor conviction/demonstration of unacceptable behaviour.

Obviously some discretion can be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. We are looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not normally be granted or renewed.

### **Suitability to hold a licence**

The law says we may grant a licence **only** if we are satisfied that the person is 'fit and proper'. So **you** have to prove you are fit and proper on the balance of probability. In other words, you must persuade us that it is more likely than not that you are an appropriate person to hold a licence.

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

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

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

- vulnerable adults

- elderly people
- unaccompanied children
- disabled people
- those who have had too much to drink
- lone women
- tourists including visitors from abroad
- You may also carry unaccompanied property

Some areas cause particular concern:

- **Honesty and trustworthiness** – drivers often know that a customer is leaving a house empty; and they have opportunities to defraud drunken, vulnerable or foreign people, or to steal property left behind by passengers in cars. You must not abuse your position of trust. For example, passengers expect you to charge the correct fare and give the correct change; they expect you to hand in any article they leave in a vehicle; and they expect you to maintain confidentiality.
- **Not abusive** – drivers are often subject to unpleasant or dishonest behaviour. We do not expect drivers to retaliate with aggressive or abusive conduct. Drivers are expected to avoid confrontation, and to tackle disputes through the proper legal channels. They should never take the law into their own hands.
- **Good and safe driving** – Passengers rely on you to get them safely to their destination. So you should be fully aware of all road-traffic law and your licence conditions.

We want to ensure that licensed drivers, operators and proprietors will **not** be a risk to the public. Some applicants say our decisions punish them again for the same conviction but this is not our intention as our priority is always to protect the public. If you have to wait a while to get a licence, we hope you will value it more highly.

## Deciding whether to revoke or suspend a licence immediately

If we decide to suspend or revoke a licence, this will normally take effect at the end of the 21-day period starting with the day on which we give the driver the notice, unless you lodge an appeal at the court. If you lodge an appeal, our decision will not take effect until the appeal is determined.

However, section 52 of the Road Traffic Act 2006 allows us to suspend or revoke a licence immediately in the **interests of public safety where the risk to the public is great**. If we are using this section, we will tell the driver in writing at the time of the revocation or suspension. The letter will explain why we have used this section in your case. This takes effect as soon as we notify you, regardless of whether or not you appeal.

## Medical

Drivers are required to demonstrate compliance with the medical standards for a group 2 licence and will have to provide a medical certificate, our prescribed form, to this effect.

This should be no older than 3 months at the time of the application. All drivers are required to provide a certificate signed by their registered medical practitioner to declare whether or not they are physically fit, in line with the DVLA Group 2 medical standards, to be the driver of a hackney carriage or private hire vehicle. A medical certificate must be submitted at first application, every 6 years up to 60 years of age, every 3 years up to 70 years of age, and annually thereafter. Where an existing licensed hackney carriage driver applies to obtain a private hire licence, or vice versa, an additional medical certificate will not be required.

We will have regard to the published Department of Transport “best practice” guidance: <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance> (as updated from time to time) when considering the medical fitness of new applicants with insulin dependent diabetes or existing licence holders diagnosed with insulin dependent diabetes during the duration of their licence.

Where there is reasonable doubt over a driver’s fitness, we will require the driver to undertake a medical examination by a registered medical practitioner at any time as specified by us. The applicant is responsible for the payment of all fees required for any medical examination.

If there is reason to suspect alcohol/drugs misuse or dependency, a specialist medical examination and report may be required to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol/drugs misuse and dependency.

### **Policy on exempting drivers on medical and physical condition grounds.**

The requirements of Section 165, which places a duty on a driver of a designated wheelchair accessible vehicle to take a wheelchair user, of the Equality Act 2010<sup>1</sup> do not apply to drivers who are issued with a medical exemption certificate who display the prescribed notice in their vehicle.

Generally, we will seek to consider the contents of a drivers exemption application (completed by the driver and their doctor) when a driver requests to be granted the required exemption, confirming that the driver is not able to provide this service and should be granted an exemption certificate. Any charges associated with additional GP reports must be met by the driver and will not be reimbursed by us.

We are also able to issue certificates to drivers who are exempted by their doctors under strict medical grounds from the duty to carry assistance dogs. Exemption certificates will only be issued when written requirement for this exemption is provided by the driver’s registered GP practice. Any charges associated with additional GP reports must be met by the driver and will not be reimbursed by us.

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<sup>1</sup> Information on the Equality Act 2010 can be found on page 26

## **Safeguarding**

We are committed to ensuring the safety and welfare of all vulnerable persons including children and young people, to whom we provide services directly or indirectly and with whom we come into contact.

Drivers are on the frontline, often coming into contact with people who may be vulnerable, for example because they are young, have learning difficulties, be suffering ill health, or be elderly or who have drunk to excess on a night out, or who may have taken an illegal substance. Such persons may be travelling alone or accompanied by another person.

Sadly there are persons who prey on precisely these people and drivers are often best placed to raise concerns over what they hear or see occurring whilst in their vehicles. Drivers may also have concerns over the vulnerability of passengers who are being dropped off at locations in or out of the district. For example drivers in other authorities have reported concerns that young persons are being dropped off at a particular guest house, hotel or house and are either distressed before being dropped off or after they have been picked up as a fare paying passenger.

Information is provided on our website in relation to safeguarding and applicants and licensees have a duty to report matters if they suspect harm.

### **When you have concerns regarding a child**

If you are worried about a young person, you must do something. There are specialists who can advise you on what to do next.

Children Schools and Families reporting line for Social Services – 0300 123 4043.

If you think a child or young person is in immediate danger call 999.

### **When you have concerns regarding an adult**

Adults at risk reporting line for Social Services – 0300 123 4042.

For up to date information you should visit the safeguarding section of St Albans City and District Council website: <https://www.stalbans.gov.uk/community-and-living/community-safety/safeguardingchildrenandadults/>

## Driving offences

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

Convictions for traffic offences (including fixed penalties) will not necessarily prevent you getting a licence. However, we will consider the number, type and frequency of an offence. In some cases we may issue a licence along with a strong warning as to future driving conduct. If you disclose a significant history of offences, we may refuse your application.

## Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a fit and proper person to be granted or retain a licence.

### Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

Where an applicant has been convicted for drink driving or driving under the influence of drugs, a licence will not be granted until at least **7 years** have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has been convicted for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least **5 years** have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## Other motoring offences

A minor traffic or vehicle related offence is one which **does not** involve driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in death or injury to any person or damage to any property (including vehicles).

Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least **5 years** have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in death or injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any

offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least **7 years** have elapsed since the completion of any sentence imposed.

### **Hackney carriage and private hire offences**

Where an applicant has been convicted for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least **7 years** have elapsed since the completion of any conviction imposed.

### **Vehicle use offences**

Where an applicant has been convicted for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least **7 years** have elapsed since the completion of any sentence imposed.

## Motoring Offences

OFFENCE	EXCLUSION PERIOD FOR LICENCE DRIVER/NEW APPLICANT i.e. period free of convictions before a licence will be considered
<p><b>Minor Traffic Offences-</b> 7 or more points on the DVLA licence for minor traffic or similar offences</p> <p>Disqualification from minor traffic or similar offences</p>	<p><b>DVLA Licence free from conviction for 5 years</b></p> <p><b>Revocation- then 5 years free from conviction</b></p>
<p><b>Major Traffic Offences</b> A major traffic or vehicle related offence</p> <p>Disqualification from major traffic or vehicle related offence</p>	<p><b>Suspension/Revocation- 7 years</b></p> <p><b>Suspension/Revocation- 7 years</b></p>
<p><b>Drunkenness/Drugs with Motor Vehicle</b></p>	<p><b>7years</b></p>
<p><b>Motor Vehicle Insurance</b> Driving without valid insurance</p> <p>Whilst working in a hackney carriage or private hire</p>	<p><b>7 years</b></p> <p><b>Immediate Revocation then 7 years</b></p>
<p><b>‘Totting up’ under section 35 Road Traffic Offenders Act 1988</b></p> <p>If there are 12 or more penalty points on your DVLA licence, the court will normally disqualify you for at least six months under the totting-up rules. These points can be gained from major <b>and</b> minor traffic offences.</p> <p>If the Court allows an ‘exceptional hardship’ so that they do not disqualify you, you will retain your DVLA licence with 12 penalty points on the licence</p>	<p>If you have been disqualified under totting up, we will normally refuse a licence until you have had <b>7 years</b> free of convictions.</p> <p>We will still normally refuse a licence and will require <b>7 years</b> free of convictions.</p>

## Drug offences

We take a serious view of any drug related offence because taking drugs and driving poses an obvious risk to public safety. Given the ease with which a vehicle can be used to assist the supply of drugs, any applicant who has convictions for the supply of drugs will cause us considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which we will consider.

Due to the nature of a driver's involvement with the public, a licence will not normally be granted where the applicant has been convicted for an offence related to the supply or connected with possession with intent to supply, import or production of drugs until a period of at least **10 years** from sentence has past.

### Possession

Where an applicant has been convicted for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least **5 years** have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of **5 years** free from drug taking after detoxification treatment. Any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.



## **Offences involving children**

### **Child Sexual Exploitation (CSE)**

One of the aims of this policy is to protect the public and safeguard children and the vulnerable.

Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person) receives “something” (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities. In all cases, those exploiting the child/young person have the power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources.

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

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

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young person. It is easy for a dishonest driver to take advantage of such vulnerable persons.

A licence will not be granted where an applicant has been convicted for any CSE related offence.

## **Sexual offences**

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences will cause us concern. All sexual and indecency offences will be considered as serious.

Where an applicant has been convicted for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. In addition to the above, we will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

## Violence

As licensed drivers have close contact with the public, we will regard any convictions for violence as serious when deciding whether the applicant is fit and proper.

Where an applicant has been convicted for an offence of violence (such as ones listed below), or connected with **any** offence of violence, we will normally refuse until at least **10 years** have elapsed since the completion of any sentence imposed.

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assaulting Police
- Common assault which is racially aggravated
- Violent disorder
- Resisting arrest
- Racially-aggravated criminal damage
- Racially-aggravated offence
- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction of a Police officer
- Criminal damage
- **Or any similar offences where the element of the offence is one of threats of violence or actual violence, or offences of public disorder or threatened public disorder (including attempt or conspiracy to commit the offences listed above or similar)**

Licensed drivers have close regular contact with the public so an applicant or current driver involved in violent offences raises an obvious risk to the public.

### Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person a licence will not be granted.

## **Terrorism offences**

If an applicant has been convicted of Terrorism offences or any similar offences (including any attempt or conspiracy to commit), this will give serious concern as to whether the person is fit to carry the public and a licence will not be granted.

## **Possession of a weapon**

Where an applicant has been convicted for possession of a weapon or any other weapon related offence, we will normally refuse a licence until **7 years** have elapsed since the completion of any sentence imposed

## **More than one offence**

Notwithstanding the time periods listed above, we will usually refuse a licence if an applicant has more than one conviction in the last **10 years** for an offence of a violent nature.

## Discrimination

As licensed drivers have close contact with the public, we will regard any convictions for discrimination (including hate crimes) as serious when deciding whether the applicant is fit and proper.

It is against the law to discriminate against anyone because of:

- age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation

Hate crime is any crime that is perceived as having been motivated (entirely or partially) by a hostility to or prejudice against a personal characteristic or perceived personal characteristic.

This includes any offence that involves unlawful discrimination as an aggravating factor.

Hate crime refers to offences relating to disability, gender-identity, race, religion/faitth and sexual orientation. Crimes based on hostility to age, gender or appearance can also be hate crimes.

Hate crime can take many forms including but not limited to:

- physical attacks such as assault, grievous bodily harm and murder, damage to property, offensive graffiti and arson
- threat of attack including offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate, and unfounded, malicious complaints, and
- verbal abuse, insults or harassment – taunting, offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace.

If an applicant has been convicted for any discrimination offence we will normally refuse until **7 years** have elapsed since the completion of any sentence imposed.

## Dishonesty

A licensed private hire or hackney carriage driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused.

Licence holders also have access to the names and addresses of their customers and their daily movements. Overseas visitors may not be familiar with the currency or costs of journeys and may be vulnerable to a dishonest driver. Nationally it has been known for drivers to pass information on vulnerable persons to others for later abuse or to abuse vulnerable persons, including taking money from such persons. For all these reasons, a serious view is taken of any conviction involving dishonesty.

Where an applicant has been convicted for any offence of dishonesty, or any offence where dishonesty is an element of the offence, we will normally refuse to licence until at least **7 years** have elapsed since the completion of any sentence imposed.

### More than one offence

We will normally refuse a licence if an applicant has been convicted for more than one dishonesty offence. Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will normally be refused.

## Administration of justice

For the licensing service to work effectively, licensed drivers must co-operate with police and our officers.

So we will consider the following matters relevant when deciding whether someone is fit and proper.

The licensee shall be guilty of an offence if they:

- Wilfully obstructs an authorised officer acting in pursuance of Part II of the 1976 or the Town Police Clauses Act 1847;
- Fails to comply with any requirements made to them by an authorised officer;
- Without reasonable cause fails to give an authorised officer any other assistance or information which they may require for the performance of their functions.

Where an applicant has been convicted for one of these offences or a similar offence, we will normally refuse to licence until at least **5 years** have elapsed since the completion of any sentence imposed.

## Police investigations

From time to time the police will notify us to advise that a licensed driver is under police investigation. We will assist the police with their investigations and provide them with any relevant information.

Where information that a driver is currently being investigated comes to the attention of the Council, we will usually await the outcome of the investigation to make a decision on the driver's licence. However we may suspend or revoke the licence of the individual immediately if there is potentially high risk to the public.

We are also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.

## **Breach of driver, vehicle and operator licence conditions**

There are a number of options that shall be considered following the identification of an activity for which the necessary licence, notice or registration has not been applied for or the Licensee has not complied with the conditions of a licence issued by the Council or byelaw made by the Council, or this policy or other legislation has been contravened.

One or more of the following may be deemed appropriate:

- Verbal advice
- Inspection
- Warnings (verbal/written/final written)
- Suspension
- Revocation
- Refusal of future licence application or restriction of such licence by imposition of conditions
- Formal Caution
- Prosecution

## **Compliance with legislation**

Drivers, where applicable, are expected to comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the byelaws made in respect of hackney carriages and conditions relating to the private hire drivers licence, vehicle licences and private hire operators.

They are also expected to comply with Section 37 of the Disability Discrimination Act 1995 and Equality Act 2010 in respect of assistance dogs and wheelchair users.

It is prohibited for anyone (driver or passenger) to smoke within a hackney carriage or private hire vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006.



## Equality Act 2010

The Equality Act 2010 has implications for both hackney carriage and private hire operators and drivers in respect of disabled access to vehicles.

### **Duties to assist passengers in wheelchairs (sections 165 to 167 of Equality Act 2010)**

Section 165 places a duty on a driver of designated wheelchair accessible hackney carriages and private hire vehicles.

The duties are:

- Not to refuse to take the passenger while in the wheelchair
- Not to make any additional charge for doing so if the passenger chooses to sit in a passenger seat;
- To take such steps as are necessary to ensure that the passenger is conveyed in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required to enable the passenger to get in or out of the vehicle and to secure/convey the wheelchair as appropriate.

Section 167 of the Equality Act allows licensing authorities to maintain a list of “designated vehicles”, that is, a list of wheelchair accessible hackney carriages and private hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165.

Following the full commencement of sections 165 and 167 of the Equality Act 2010 on 6th April 2017, we maintain a statutory list of wheelchair accessible vehicles (i.e. designated vehicles). Accordingly, drivers of these vehicles are required to carry passengers in wheelchairs, provide assistance to those passengers, and not charge extra to do so.

It is an offence to fail to undertake the duties in section 165 of the Act. Where an applicant has been convicted of one of these offences or a similar offence, we will normally refuse until at least **7 years** have elapsed since the completion of any sentence imposed.

### **Assistance dogs (sections 168 to 171 of Equality Act 2010)**

Section 168 places a duty on a driver of a private hire or hackney carriage to carry guide and other assistance dogs at no extra cost.

The duties are:

- To carry the disabled person’s assistance dog and allow it to remain with that person
- Not to make any additional charge for doing so

The driver of a private hire or hackney carriage vehicle commits an offence by failing to comply with a duties imposed by this section of the equality act.

Where an applicant has been convicted of one of these offences or a similar offence, we will normally refuse until at least **7 years** have elapsed since the completion of any sentence imposed.

## **Abuse of drivers by members of the public**

We strongly disapprove of any form of abuse, discriminatory or otherwise, directed at drivers by members of the public. However, we are not the appropriate authority to investigate such incidents. We will only investigate when these incidents are part of a counter allegation following a complaint about a driver. In that situation information will be obtained from all parties prior to a decision being made on the appropriate action for us to take.

Normally incidents of this nature should be reported to the Police using 101 so that they can be investigated. We will assist the police with regards to such investigations as far as possible.

## Complaints against drivers and operators

People often make complaints against licensed drivers and operators. They allege things like refusal to help a disabled passenger, use of abusive language or refusal to accept a fare. We will investigate all complaints and, if the complaint is serious enough, we may ask the licensee to make comments or ask the licensee to attend an interview.

We will consider the licensee's conduct, taking into account the incident's circumstances and the realities of a trade where members of the public often verbally abuse drivers.

If we are satisfied that the licensee's behaviour fell below that of a fit and proper person, we will consider whether to issue a verbal, written or final warning, provided in each case that we think the complaint is justified. However, if an incident is serious enough, we may give a final warning immediately. If we agree that a further complaint is justified, we may revoke the licence.

All complaints will remain on the licensee's record together with the licensee's version of events. This is necessary because our primary focus is protecting the public. What appears to be an unjustified complaint may turn out to be the first of many and a pattern may be established.

We will consider the history of all complaints against a licensee to assess any patterns. If a pattern is identified, we will consider whether the licensee is a fit and proper person to hold a licence. The licensee will be able to attend an interview and any pattern can be discussed.

We consider it is necessary to retain complaints on file as long as a licensee remains licensed (and for seven years after the licence lapses). This is in compliance with the GDPR data protection principles and the council's disposal schedule.

For existing drivers where we receive more than three complaints from customers on their lack of customer care, overcharging or poor driving, they are required to undertake additional council approved training at their own expense at the next available course.

For existing operators where we receive more than three complaints from customers on their lack of customer care or disability/equality issues, they are required to undertake additional council approved training at their own expense at the next available course.

## Appeals

Where licensing officers have delegated powers to grant licences, they will utilise this policy when making a decision to grant a licence. Whilst officers will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, officers may depart from the guidelines.

Any person aggrieved by any conditions specified in the licence may appeal to the Magistrates' Court within **21 days of the decision notice**.

If we refuse, revoke or suspend your licence because we are not satisfied you are a fit and proper person to hold a licence, you can appeal by making a written complaint to the magistrates' court within **21 days of the decision notice**. This means you can write to the court and request an appeal. The court may charge a fee and will explain what to do.

If you are unsuccessful at the magistrates' court, you can then appeal to the crown court.

St Albans Magistrates' Court  
C/O Luton Magistrates' Court  
Stuart Street  
Luton  
LU1 5BL

[BD-LutonMCEng@justice.gov.uk](mailto:BD-LutonMCEng@justice.gov.uk)  
Enquiries: [01223 376000](tel:01223376000)

*The details above were correct on 15<sup>th</sup> October 2018. It is your responsibility to check the contact details before lodging an appeal.*

## Appendices

### Appendix 1

#### Rehabilitation of Offenders Act 1974

The Act says convictions must be regarded as 'spent' a certain time after the conviction date. However, when you are applying for a licence, convictions are always relevant even if they are spent. Below are some examples.

##### Adult

	Sentence	Rehabilitation period
1.	2½ years' (30 months') imprisonment and over whether the sentence was suspended or not	Never spent
2.	6 months' imprisonment/youth custody and over but under 30 months whether or not the sentence was suspended	10 years
3.	Under 6 months' imprisonment/youth custody whether or not the sentence was suspended	7 years
4.	A fine, compensation or community service order	5 years
5.	A conditional discharge, bound over or probation order. (Also includes fit person, supervision and care orders.)	1 year or period of probation sentence, whichever is longer
6.	Absolute discharge	6 months
7.	Disqualification, disability or prohibition	Period of sentence unless a longer period as above (e.g. disqualification and a fine – 5 years)
8.	Remand home/ attendance centre orders	1 year after the order expires
9.	Hospital order under the Mental Health Acts	The period of the order plus a further 2 years after the order expires (at least 5 years from the conviction date)

##### Youths

For applicants aged under 17 on the conviction date, the rehabilitation period is halved for items 2, 3 and 4 above.

Sentences that can be passed only on young offenders remain **fixed** and cannot be halved, as follows:

	<b>Sentence</b>	<b>Rehabilitation period</b>
10.	Borstal	7 years
11.	6 months' to 2½ years' detention in a place determined by the Secretary of State	5 years
12.	6 months' detention and less as above	3 years
13.	Detention centre orders	3 years

The time that must pass in other cases before the conviction becomes 'spent' may vary considerably according to the nature of the offence and other circumstances. **It can be extended, for example, if the person commits another offence during the rehabilitation period.**

<b>Policy created</b>	<b>2007</b>
	<b>Regulatory Services – Business Compliance Officer</b>
	<b>[Licensing]</b>
	<b>Regulatory Solicitor</b>
<b>Review</b>	<b>2013, 2016, 2018, 2024</b>

<b>Police Amended</b>	
<b>Section 13</b>	<b>May 2022</b>
<b>Appendix I</b>	<b>August 2022</b>
<b>Section 45</b>	<b>March 2023</b>
<b>Section 17</b>	<b>July 2023</b>

### **Code of Conduct**

This Code of Conduct should be read in conjunction with the other statutory and policy requirements set out in the Private Hire & Hackney Carriage Licensing Policy ("the Licensing Policy"). Ordinarily, but without prejudice to any other disciplinary procedures detailed in this Policy, breaches of the Code of Conduct will be dealt with by use of the Licensing Points System contained within the Licensing Policy.

#### **1. Responsibility to the Trade**

- 1.1 Licence holders shall endeavour to promote a positive image of the hackney carriage and private hire trade by:
- complying with this Code of Conduct;
  - complying with the Council's Private Hire and Hackney Carriage Licensing Policy;
  - behaving in a civil, orderly and responsible manner at all times.

#### **2. Driver self-reporting**

- 2.1 Whilst licensed, drivers must notify us in writing of any change of name; postal address; email address or telephone number within 7 days of the change taking place.
- 2.2 Drivers must notify us in writing within 72 hours of any change in their medical condition. We may request a new medical to determine if the driver is fit to continue to drive licensed vehicles.
- 2.3 Drivers must report in writing all new convictions, cautions, warnings, reprimands, criminal behaviour orders (CBOs), community service orders (including community protection notice CPN and community protection warning CPW), restraining orders and fixed penalties (including traffic offences) in writing within 7 working days of becoming aware. This can be done by emailing: [Licensing@stalbans.gov.uk](mailto:Licensing@stalbans.gov.uk). Licence holders are advised that if they are in any doubt as to whether something should be reported; they should report it.
- 2.4 Drivers are required to inform us in writing within 48 hours if they are arrested; formally interviewed as a suspect or charged with an offence by the Police. This can be done by emailing: [Licensing@stalbans.gov.uk](mailto:Licensing@stalbans.gov.uk). Licence holders are advised that if they are in any doubt as to whether something should be reported; they should report it.
- 2.5 Importantly, a failure by a licence holder to disclose an arrest that we are told about, might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation about the arrest.

## **Appendix C**

- 2.6 The driver must, notify us within 7 days, in writing, when they change operators.

### **3. DBS Update service**

- 3.1 Drivers must sign up for the DBS Update service and maintain their annual payments to the DBS. If a driver is given notice to undertake a random enhanced DBS or DVLA check they must provide all relevant documentation to us within 14 days of the request.

### **4. Driver Conduct.**

- 4.1 A driver's badge should be worn or displayed in such position and manner as to be plainly and distinctly visible. In addition, the driver must, if requested, give particulars of their name; licence number; and the name and address of their employer. Driver's must not wilfully damage or deface the licence or badge.
- 4.2 A driver should take all reasonable steps to ensure that the vehicle is kept clean inside and out. The vehicle should be in in a safe and serviceable condition at all times.
- 4.3 Whilst in control of a licensed vehicle a driver shall, if required to do so by any authorised person, give their name; badge number; the vehicle plate number; registration number and the name and address of the vehicle proprietor.
- 4.4 Drivers shall ensure that they comply with all traffic signs, signals and regulations and the Highway Code at all times. Drivers must not cause an obstruction or nuisance to other traffic or pedestrians when parked or collecting passengers. Drivers must not park in breach of any parking restrictions.
- 4.5 Drivers must not drink or eat whilst driving, nor should they use any hand-held mobile phone; PDA; or any other device which may cause their attention to be distracted.
- 4.6 Drivers must not smoke or use electronic cigarettes/vaping equipment whilst in a licensed vehicle. Drivers are responsible for ensuring passengers do not smoke or use electronic cigarettes/vaping equipment whilst in a licensed vehicle.



## Appendix C

- 4.7 Drivers must not initiate any dialogue of a sexual nature with a passenger, including by telephone contact, social media, email or any other form of communication. Drivers are not permitted to have sexual contact, even with consent, with a passenger, whilst on duty or otherwise, in a licensed vehicle.
- 4.8 A driver shall afford all reasonable assistance in loading and unloading a passenger's luggage and shopping. This includes removing luggage to or from the entrance of any place at which a passenger is taken up or set down.
- 4.9 The driver shall behave in a civil, polite and orderly manner at all times and shall take all reasonable precautions to ensure the safety of persons carried in, or entering or leaving, the vehicle.
- 4.10 A driver who is attending a hire must do so, unless delayed or prevented by some sufficient cause, in a prompt and timely fashion. If unable to arrive at the agreed time the driver will, where possible, ensure they inform the hirer.
- 4.11 Where unruly or aggressive conduct is displayed by passengers, the driver should whenever possible maintain a professional attitude. If necessary the driver should call the Police.
- 4.12 A driver shall not carry passengers if they are drowsy and in need of sleep.
- 4.13 In the event of lost property being found which a driver can identify as belong to a particular passenger, the driver shall either return the property to the passenger quickly, or contact the passenger to arrange its return. Where they cannot identify the passenger, the lost property should be handed in to the Police within 72 hours of being located.
- 4.14 The driver shall not lend the badge to any other person or cause or permit any other person to wear it.
- 4.15 On termination or surrender of a driver's licence, the driver shall return the badge to us immediately.
- 4.16 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:
- a) not sound the vehicle's horn
  - b) keep the volume of audio and communications equipment to a reasonable level
  - c) take all reasonable actions to avoid disturbance to persons in the vicinity.

## **Appendix C**

### **5. Hackney Carriage**

5.1 At hackney carriage ranks, drivers shall:

- a) queue in an orderly manner and proceed along the rank promptly
- b) if approached by a potential customer, direct them to the vehicle at the front of the rank, unless the passengers specifically ask for a particular vehicle or driver
- c) not call out to any person to ask if they require a taxi ('touting')
- d) when not inside the vehicle, remain within 10 metres of the vehicle
- e) not park on the rank when not working.

5.2 Fare Meters must not be switched on until passengers are seated in the vehicle.

5.3 The Fare Meter must be used at all times by a hackney carriage and must be illuminated and visible to passengers at all times.

5.4 A hackney carriage operating inside the district where they are licensed, can only charge the price on the meter and must adhere to the fares set by St Albans District Council. This includes bookings which come from private hire operators.

5.5 The only time a hackney carriage driver can charge anything other than the meter is, if the journey finishes, or is outside, the district. This can only be done with the express permission of the hirer and the fare must be agreed before the journey starts.

### **6. Private Hire**

6.1 Fares for Private Hire must be pre-booked. This includes journeys in hackney carriages working outside their licensed District., The cost of these fares must be agreed in advance of the journey.

### **7. Vehicle**

7.1 The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view, or allow the licence plate to be so defaced as to make any information illegible.

7.2 A driver shall not permit their taxi to be used by any person (including themselves) for improper purposes, improper conduct or indecent behaviour.

7.3 A driver should take all reasonable steps to ensure that the vehicle is kept clean inside and out, and that the vehicle is in a safe and serviceable condition at all times.

## **Appendix C**

- 7.4 Drivers should not prevent authorised officer from carrying out their duties. The driver of any vehicle in line for inspection at a rank, who decides to leave the rank during the spot check for any reason, should note that an authorised officer has the authority to insist upon a vehicle inspection at a Vehicle Test Centre or at the Council Offices within 7 days.
- 7.5 The driver must not convey, or permit to be conveyed, in their licensed vehicle any greater number of persons than the number of persons specified on the Vehicle Licence.
- 7.6 The driver must, if requested by the hirer, provide a written receipt for the fare paid.
- 7.7 Any animal in the custody of any passenger, which in the driver's discretion may be conveyed in the licensed vehicle, shall only be conveyed in the rear of the vehicle. This does not include assistant animals, such as Guide Dogs.

## **8. Equality**

- 8.1 A driver must carry assistance dogs when requested to do so by a passenger unless the driver has been issued with a medical exemption certificate. Assistance dogs include guide dogs for blind or partially sighted persons; hearing dogs for the hard of hearing or deaf persons; and any other assistance dog which assist a disabled person with a physical or mental impairment.
- 8.2 Passengers with wheelchairs often prefer to travel in a normal saloon, estate or multi-passenger vehicle rather than a specially adapted wheelchair accessible vehicle. In these circumstances, a driver must carry a passenger with a wheelchair unless the vehicle is unable to accommodate the wheelchair within the luggage compartment.
- 8.3 Drivers of wheelchair accessible vehicles must:
  - a) not refuse to carry any passenger with a wheelchair,
  - b) not charge any additional fare for passengers with wheelchairs and should not start the metre until the passenger is safely secured in the vehicle,
  - c) be fully aware of the correct method of operating all ramps, lifts and wheelchair restraints fitted to the vehicle,
  - d) ensure that all wheelchairs are firmly secured in the vehicle using an approved restraining system and that the wheelchair brakes have been applied prior to commencing the journey,
  - e) ensure that all ramps, lifts and wheelchair restraints fitted to the vehicle are available in full working order at all times the vehicle is available for hire.

## **Appendix C**

### **9. Dress Code for Licensed Drivers**

- 9.1 We are committed to encouraging the professional image of the trade. We consider that drivers should conform to a minimum standard of dress, as set out below, in order to:
- a) raise and maintain the profile of the licensed trade
  - b) promote confidence amongst members of public to ensure passengers feel comfortable when using licensed vehicles
  - c) promote public safety by ensuring the safe operation of licensed vehicles at all times and that licensing drivers are readily identifiable.
- 9.2 We do not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.
- 9.3 Ordinarily, but without prejudice to any other disciplinary procedures detailed in this Policy, breaches of the Dress Code for Licensed Drivers will be dealt with by use of the Licensing Points System contained in the Licensing Policy.
- 9.4 The following are deemed to be unacceptable standards of dress for the purposes of this Code:
- a) Bare chests
  - b) Clothing or footwear which is unclean or damaged
  - c) Clothing printed with words, logos or graphics which might offend
  - d) Track suits or sports shirts e.g. football, rugby or cricket tops
  - e) Footwear that prevents the safe operation of the licensed vehicle
  - f) Headgear that partially or completely conceals the face or the identity of the licensed driver e.g. baseball caps
  - g) Shorts, other than smart tailored shorts
- 9.5 A driver shall at all times be clean, tidy, and respectable in their dress and person, and behave in a civil and orderly manner.

### **10. Request for Documents**

The Driver must, at the request of any Authorised Officer of the Council or of any Police Constable, produce for inspection this Licence immediately, or

- a) in the case of a request by an Authorised Officer of the Council, at the Licensing Department, St Albans District Council, Civic Offices, St Peter's Street, St Albans or such other place as may be specified, within 7 days beginning with the day following that on which the request is made.
- b) in the case of a request by a Police Constable before the expiration of any such period and any such place as may be specified in writing for the purpose.

## Appendix D

### Bylaws Relating to Hackney Carriage

Bylaws made under Section 68 of the Town Police Clauses Act, 1847 Section 171 of the Public Health Act 1875 by the Mayor and Citizens of the District of St Albans acting by the Council of the District of St Albans with respect to Hackney Carriages in the District of St Albans. Certified as a true copy Solicitor to the Council

#### Interpretation

1. Throughout the Bylaws, "the Council" means the Council of the District of St Albans and "the district" means the District of St Albans.

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

2. The proprietor of a Hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly marked on the outside and inside respectively of the carriage on plates provided by the Council in the positions indicated by the Council.

A proprietor or driver of a Hackney Carriage shall:-

- a) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.
- b) Not cause or permit the carriage to ply for hire with any such plate so defaced that any figure or material particular is illegible.

Provisions regulating how Hackney Carriages are to be furnished or provided

3. The proprietor of a Hackney Carriage shall:-

- a) provide sufficient means by which any person in the carriage may communicate with the driver.
- b) cause the roof or covering to be kept watertight
- c) provide any necessary windows and a means of opening and closing not less than one window on each side, such windows and other glass fitted shall be of toughened glass in accordance with the latest British Standard Specification for such material.
- d) cause the seats to be properly cushioned or covered.
- e) cause the floor to be provided with a proper carpet, mat or other suitable covering.
- f) cause the carriage with its fittings and furniture to be kept in a clean condition well maintained and in every way fit for public service.
- ) provide means for securing luggage if the carriage is so constructed as to carry luggage.
- g) Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use and which must comply with British Standard Specification No. 1721.
- h) Provide at least two (2) doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
- i) Provide equal internal lighting within the carriage.

## Appendix D

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

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

Provision regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employment's and determining whether such drivers shall wear any and what badges.

5. The driver of a Hackney Carriage provided with a taximeter shall:

- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the bylaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of hiring;
- c) cause the dial of the taximeter to be kept properly illuminated throughout any part of hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.

6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

## Appendix D

7. The driver of a Hackney Carriage for which stands are fixed by any bylaw in that behalf shall, when plying for hire in any street and not actually hired:-

- a) proceed with reasonable speed to a station the carriage on one of such stands
- b) if a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction
- c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
- d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved away.

8. The drivers of the first two Hackney Carriages standing upon a stand appointed by the Council shall be in constant attendance in, or within the immediate vicinity of, their carriages.

9. The proprietor or driver of a Hackney carriage, when standing or plying for hire, shall not by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

10. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

11. The driver of a Hackney Carriage, when attendant upon such a carriage shall be clean and tidy.

12. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time or place.

13. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage, he shall, when standing or plying for hire, and when hired, wear the badge in such a position and manner as to be plainly visible.

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

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

15. The driver of a Hackney Carriage when hired to drive any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

16. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number specified on the plate affixed to the outside of the carriage. Provided that for the purposes of this bylaw, 2 children under

## Appendix D

the age of 12 years shall be regarded as one person and children under the age of 3 years shall not be reckoned.

17. The proprietor of a Hackney Carriage shall cause a statement of the fares to be fixed by the bylaw in that behalf to be exhibited inside the carriage in clearly distinguishable letters and figures.

The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this bylaw shall not wilfully or negligently cause or suffer the letters or figures in the Statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

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

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

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

### Penalties

20. Every person who shall offend against any of these bylaws shall be liable on summary conviction to a fine not exceeding £20 and in the case of a continuing offence to further fine not exceeding £5 for each during which the offence continues after conviction thereof.

### Repeal Of Bylaws

21. The bylaws with respect to Hackney Carriages which were made by the former St Albans City Council on the 17th day of March 1972 and confirmed by one of Her Majesty's Assistant Under Secretaries of State on the 22nd day of May 1972 as amended by the bylaws made by the Council on the 23rd day of May 1974 and confirmed by one of the said Assistant Under Secretaries of State on the 2nd day of April 1976 and the amendment to the bylaws made by the Council in pursuance of the Hackney Carriage Fares (amendment of bylaws) Order 1974 made on the 23rd day of January 1975 are hereby repealed.

THE COMMON SEAL OF THE COUNCIL OF THE DISTRICT OF ST ALBANS was hereto affixed this 10th day of May 1976 in the presence of: E.L. Hewitt, Mayor and R.H. Braddon, Chief Executive Officer

The Secretary of State this day confirmed the foregoing bylaws and fixed the date on which they are to come into operation as the 23rd day of July 1976. R.F.D. Shuffrey, An Assistant Under Secretary of State



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THE COMMON SEAL OF THE COUNCIL OF THE DISTRICT OF ST ALBANS Was hereto affixed this 4th day of February 1977 in the presence of Kenneth S. Hill, Mayor and R.H. Braddon, Chief Executive Officer

The Secretary of State this day confirmed the foregoing bylaw and fixed the date on which it came into operation as the 1st day of April 1977. R.F.D. Shuffrey an Assistant under Secretary of State Signed by authority of the Secretary of State 25th March 1977. Home Office, Whitehall

Bylaw 17 of the series of Bylaws relating to Hackney Carriages made by the Mayor and Citizens of the District of St Albans, acting by the Council on the 10th day of May 1976 and confirmed by one of Her Majesty's Principal Under Secretaries of State on the 23rd July 1976, is hereby repealed and replaced by the following Bylaws which shall be read and construed as one with the series aforesaid:-

Provision Fixing the Stands of Hackney Carriages No. 17

Places specified below shall be stands of such number of Hackney Carriages as specified:-

### Provision Fixing the Stands of Hackney Carriages No. 17

Places specified below shall be stands of such number of Hackney Carriages as specified: -

St. Peters Street St Albans	6 Vehicles	on the west side of the service road outside number 38 commencing 4'6" (1.37 m) from the Municipal Gardens exit and extending for a distance of 95'3" (29.3 m) the vehicles facing a southerly direction.
Ringway Road How Wood St Albans	2 Vehicles	On the north east side of Ringway Road, south of the shop commencing from a point 7 metres from the junction line with How Wood and extending for a distance of 11 metres, and the vehicles to stand facing a south easterly direction.
High Street London Colney	2 Vehicles	On the east side of High Street, London Colney, commencing from a point 21 metres from the junction line of Alexander Road and extending for a distance of 11 metres in a southerly direction, the vehicles to stand facing in a southerly direction.
Granary Close Wheathampstead	2 Vehicles	On the south side of Granary Close commencing from a point 10 metres from the junction line of High Street, Wheathampstead, and extending for a distance of 11 metres in an easterly direction, vehicles to face in a westerly direction.
Hughenden Road Marshalswick	2 Vehicles	On the south side of Hughenden Road, commencing from a point 17 metres from the junction line of Sherwood Avenue extending for a distance of 11 metres in an easterly direction, the vehicles to face in a westerly direction.

**\*NOTE The following bylaws: 2h, 16 (part) and 19b are not being enforced due to being out of date.**

## **Appendix D**

### **Standard Conditions for A Private Hire Driver's Licence**

The following are the standard conditions which affix to private hire driver licences issued by St Albans District Council:

Any requirements of legislation which effects the operations being carried out under the terms of the licence shall be regarded as if they are conditions of this licence.

#### **1. Conduct of Driver**

1.1 The driver shall:

- (a) At all times be clean and respectable in their dress and person and behave in a civil and orderly manner;
- (b) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle;

#### **2. Passengers**

2.1 The driver shall not:

- (a) Carry more passengers than the vehicle is licensed to carry (NB: a one day old child is a passenger);
- (b) Have more than one passenger in one seat belt;
- (c) Without consent of the hirer of the vehicle, convey or permit to be conveyed, any other person in that vehicle;
- (d) Place any passenger in danger regarding the use of seat belts or child restraints

#### **3. Luggage**

3.1. The driver shall:

- (a) Convey a reasonable quantity of luggage;
- (b) Afford reasonable assistance in loading and unloading;
- (c) Afford reasonable assistance in removing a reasonable amount of luggage to or from the entrance of any house, station or place.

#### **4. Lost Property**

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

4.2 In the event of lost property being found that is identifiable to a known passenger, the driver shall either return the property to the passenger forthwith or contact the passenger to arrange its return. Where the passenger is not known the lost property should be handed in to the Police within 72 hours

#### **5. Prompt Attendance**

5.1 A driver who is attending a hire shall do so, unless delayed or prevented by some sufficient cause, in a prompt and timely fashion. If unable to arrive at the agreed time the driver will, where possible, ensure they inform the hirer.

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### **6. Hire of Vehicle**

6.1 The driver shall not, whilst in charge of a hire car:

- (a) Offer that vehicle for immediate hire whilst the driver of that vehicle is on a road or other place to which the public have access; or
- (b) Accept an offer for the immediate hire of that vehicle whilst the driver of that vehicle is on a road or other place to which the public have access, except where such an offer is first communicated to him/her by telephone or by radio from the operator's office to the vehicle. (In this condition "road" means any highway and any other road to which the public have access and includes bridges over which a road passes)
- (c) without reasonable cause, unnecessarily prolong, in distance or in time, a journey for which the Private Hire Vehicle they are driving has been hired.

### **7. Touting and Soliciting**

7.1 The driver shall not, whilst driving or in charge of the hire car:

- (a) Tout or solicit any person to hire or to be carried for hire in any hire car;
- (b) Cause or procure any other person to tout or solicit any person to hire or to be carried for hire in any hire car.

### **8. Taximeter**

8.1 If a hire car is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and paid for the fare.

8.2 The driver of the hire car shall not tamper with or permit any person to tamper with any taximeter or with the seals affixed thereto.

8.3 Hire cars fitted with a taximeter may not operate unless the meter is in working condition and the position of the meter inside the vehicle has been approved by an Authorised Officer.

8.4 When the vehicle is not hired keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter

8.5 At the commencement of the journey when the vehicle is hired by distance bring the machinery of the taximeter into action so that the word "Hired" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.

8.6 The Driver should at all times display a fare chart if using the taximeter in accordance with Condition 14 of the Council's Standard Conditions for a Private Hire Vehicle Licence, provided always that the Licensee shall not take or demand a fare greater than that shown on the face of the taximeter.

8.7 Wilfully or negligently cause or suffer the letters or figures in the statement displayed inside the vehicle in accordance with Condition 14 of the Council's Standard Conditions for a Private Hire Vehicle Licence to be concealed or rendered illegible at any time while the vehicle is hired.

## **Appendix D**

### **9. Fares to be Deemed**

- 9.1 The driver shall not demand from the hirer a fare in excess of any previously agreed for the hiring between the hirer. The operator, or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter is to be charged. Journeys shall be by the shortest route unless requested otherwise by the hirer.

### **10. Change of Details**

- 10.1 A driver must notify us in writing of any change of name, postal address, email address or telephone number during the period of the licence within 7 days of the change taking place

### **11. Convictions/Other**

- 11.1 A driver must report in writing all new convictions, cautions, warnings, reprimands, criminal behaviour orders (CBOs), community service orders (including community protection notice CPN and community protection warning CPW), restraining orders and fixed penalties (including traffic offences) in writing within 7 working days of becoming aware. This can be done by emailing: [Licensing@stalbans.gov.uk](mailto:Licensing@stalbans.gov.uk). Licence holders are advised that if they are in any doubt as to whether something should be reported; they should report it.
- 11.2 A driver is required to inform us in writing within 48 hours if they are arrested; formally interviewed as a suspect; or charged with an offence by the Police. This can be done by emailing: [Licensing@stalbans.gov.uk](mailto:Licensing@stalbans.gov.uk). Licence holders are advised that if they are in any doubt as to whether something should be reported; they should report it.

### **12. Badges**

- 12.1 The driver's badge should be worn or displayed in such position and manner as to be plainly and distinctly visible. In addition, the driver shall, if requested, give particulars of their name; licence number; and the name and address of their employer. They must not wilfully damage or deface the licence or badge. The badge will be provided by, and remain the property, of the Council, at all times.

### **13. Consent of Proprietor**

- 13.2 The driver shall not act as the driver of any hire car without the consent of the hire car proprietor.

### **14. Operator's Licence**

- 14.1 The driver shall ensure that they are employed or otherwise engaged as a Private Hire Driver by an Operator who holds a current valid Operator's Licence with St Albans District Council.

### **15. Medical fitness requirements**

- 15.1 The Operator shall notify us within 72 hours of any medical condition that could affect the driver's fitness to drive a Private Hire Vehicle.
- 15.2 A medical certificate confirming the driver's fitness to drive a Private Hire Vehicle shall be produced within seven days of the request of the Council for such certificate.
- 15.3 If the driver has reached the age of 70 years they shall produce a medical certificate to the Council on the Renewal/Grant of his/her licence each year.
- 15.4 All medical checks must be undertaken at the Practice where the applicant is registered.

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### 16. Accidents

16.1 If the driver of a licensed vehicle is not the proprietor of the Private Hire Vehicle they are driving, or are in charge of, when the vehicle is involved in an accident, they shall report to the proprietor of that vehicle details of the accident in which the vehicle has been involved as soon as possible after the occurrence of the accident.

16.2 Where a vehicle has sustained damage or has been involved in any accident the driver must report this in writing to us within 72 hours. **No further hirings may be undertaken until the vehicle has been inspected and approved by an Authorised Officer.**

### Conditions

The Council reserves the right to vary, delete or waive any of the foregoing Conditions.

## Appendix E

### Hackney Carriage vehicle licence conditions

The following are the standard conditions which affix to hackney carriage proprietor's (vehicle) licences issued by St Albans District Council:

Any requirements of legislation, which affect the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.

#### **Type of Vehicle**

Please refer to our vehicle standards and requirements document, **Appendix F**, for information on the types of vehicles we licence and the requirements that need to be met.

#### **1. Maintenance of Vehicle and Safety Equipment**

1.1 The proprietor of the vehicle shall:

- (a) ensure the driver can communicate easily and effectively with the passengers;
- (b) keep the roof in a watertight condition;
- (c) Provide adequate windows which must be capable of being opened and closed at all times by passengers;
- (d) keep the seats properly cushioned, covered and clean;
- (e) keep the floor covered with a proper carpet, mats or other suitable floor covering;
- (f) keep the fittings and furniture generally in a clean condition and well maintained;
- (g) Provide means for securing luggage;
- (h) Provide external rear view mirrors to be fitted both sides of the vehicle;
- (i) Provide a heater screen to the rear window of the vehicle which must be kept in working order;
- (j) Ensure that the wheels (including the spare) are not fitted with remould tyres;
- (k) Ensure that the wheels (including the spare) are fitted with radial tyres, unless the vehicle is an FX4 or London type Taxi;
- (l) Ensure that the vehicle and all its fittings and equipment are, at all times when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition. Ensure that all relevant statutory requirements (including those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with;
- (m) Ensure that no material alteration or change in specification, design, condition or appearance of the vehicle are made without the approval of the Council at any time whilst the licence is in force;

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- 1.2 Any vehicle should be free from any significant areas of visible rusting. Minor blemishes should be monitored for progression. Any vehicle with a rust patch of more than 10cm<sup>2</sup> must be repaired following a request from an Authorised Officer. Any vehicle presented for the Certificate of Compliance test with a rust patch of more than 10cm<sup>2</sup> will fail the test.
- 1.3 Any vehicle with a dent of more than 5cm in any one panel length must be repaired following a request from an Authorised Officer. Any vehicle which has an accumulation of dents as to adversely affect the appearance of a vehicle must be repaired following a request from an Authorised Officer. Any vehicle presented for the certificate of compliance test will fail the test if the vehicle does not satisfy the dent requirements above.
- 1.4 Any vehicle with unrepaired scratches down to bare metal or primer on three or more panels of 5cm in length or a single scratch of more than 20cm in length must be repaired following a request from an Authorised Officer. Any vehicle, which has an accumulation of scratches as to adversely affect the appearance of a vehicle must be repaired following a request from an Authorised Officer. Any vehicle presented for the certificate of compliance test will fail the test if the vehicle does not satisfy the scratches requirements above.
- 1.5 All panels on all vehicles shall be painted in the same colour without significant runs or blemishes. Panels with unmatched colours or primer must be repaired to ensure a match following a request from an Authorised Officer. Any vehicle presented for the certificate of compliance test will fail the test if the vehicle does not satisfy the paintwork requirements above.

### **2. Certificate of Compliance (COC)**

- 2.1 All vehicles will be subject to annual testing requirements (MOT and Compliance Test) until they reach seven years old. Once a vehicle reaches seven years of age it will be subject to six-monthly Certificate of Compliance tests. Each application for a grant or renewal of a vehicle licence must be accompanied with proof of testing requirement compliance.
- 2.2 The proprietor shall make arrangements direct with the authorised garage and be responsible for paying the fee for the test.

### **3. Windows**

- 3.1. Obscure and dark tinted windows will not be permitted so as to observe driver and passengers being carried. Windows are required to let at least 60% of light through. An exemption to this condition is for executive vehicles with a plate exemption.

### **4. Identification Plate**

- 4.1 The identification plate issued by us bearing the number of the licence granted in respect of the vehicle shall be permanently fixed on or above the bumper on the outside of the offside rear of the vehicle, in such a position that it shall be clearly visible from the rear of the vehicle and the proprietor/driver shall not willfully or negligently conceal it from public view whilst the vehicle is being used for hire. Our decision on this is final.

### **5. Interior Marking**

- 5.1 The interior plate issued by us bearing the number of the licence granted in respect of the vehicle, shall be securely fixed inside the vehicle, to our satisfaction, in such a position that it is clearly visible to the passengers while the vehicle is being used for hire.

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### **6. Roof and For Hire Signs**

- 6.1 Every vehicle must be fitted with a roof sign indicating the word 'Taxi' at the front and rear or 'Taxi' at the front and the owners name and/telephone number at the rear. The word 'Taxi' or any other lettering shall not exceed 6.5 cm high.
- 6.2 The roof sign must be capable of being illuminated and when illuminated must show white to the front and red to the rear.
- 6.3 The Proprietor must fit an illuminated "FOR HIRE" sign inside and on the windscreen of the vehicle in a position approved by the Council. The sign's illumination must be switched off when the vehicle has been hired.

### **7. Notices, Advertisements etc.**

- 7.1 A maximum of 2 advertisements may be displayed on the exterior of the vehicle and these will be restricted to the front doors of the vehicle.
- 7.2 No advertising may be displayed on any windows of the vehicle.
- 7.3 All advertising must be approved by an Authorised Officer prior to display.
- 7.4 Any advertisement must not contain the words "cab" "taxi-cab" or "taxi", this includes the words whether in the singular or plural and words of similar sound or appearance whether alone or as part of another word.
- 7.5 No advertisement by the Proprietor can indicate that motor cars can be hired on application to an address or telephone number; or on or near the notified premises indicating that motor cars can be hired at those premises shall include the words "cab" "taxi-cab" or "taxi"; this includes the words whether in the singular or plural and words of similar sound or appearance whether alone or as part of another word.

### **8. Fare Table**

- 8.1 The Proprietor must display the printed copy of the table of fares in a prominent position in the passenger compartment of the licensed vehicle, and the fare charged to any passenger must not exceed that in the table.

### **9. Vehicle Fitted with Taximeter**

- 9.9 If the licensed vehicle is fitted with a taximeter or other device for recording fares, it must be of a type approved by us and the position of the device in the vehicle must be approved by an Authorised Officer.
- 9.10 The Proprietor shall notify us immediately if for any reason the seals affixed to the taximeter are broken.
- 9.11 Vehicles having taxi meters which are set to a tariff which is not the same rates as quoted on the current St Albans District Council Fares for Hackney Carriages must supply a statement to the Licensing Department giving details of the tariff to be set on the meter.
- 9.12 St Albans District Council's Licensing Department reserve the right to request that the vehicle undertake a measured journey to ensure the meter is operating at any time.



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### **10. Two way Radio Equipment and Hands-Free Telephones**

- 10.1 The Proprietor must immediately notify the Licensing Department before such equipment is installed in a licensed vehicle, so that the equipment and proposed position can be checked and approved in relation to passenger and driver safety.
- 10.2 Any device for two way communication must be securely fitted to the vehicle at all times the vehicle is in operation.

### **11. Driver**

- 11.1 The Proprietor of the licensed vehicle shall ensure that the vehicle is at all times driven by a person who holds a valid Hackney Carriage Driver's Licence issued by St Albans District Council and request that that person provide up to date proof of their hackney carriage insurance by way of a cover note/policy for the licensed private hire vehicle.

### **12. Passengers**

- 12.1 The driver shall not, when the vehicle is in use:
- (a) Carry more passengers than the vehicle is licensed to carry (NB: A one-day old child is a passenger);
  - (b) Have more than one passenger in one seat belt;
  - (c) Without the consent of the hirer of the vehicle, convey or permit to be conveyed, any other person in that vehicle;
  - (d) Place any passenger in danger regarding the use of seat belts or child restraints.

### **13. Change of details**

- 13.1 The Proprietor must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within 7 days of the change taking place

### **14. Convictions**

- 14.2 The Proprietor must report in writing all new convictions, cautions, warnings, reprimands, criminal behaviour orders (CBOs), community service orders (including community protection notice CPN and community protection warning CPW), restraining orders and fixed penalties (including traffic offences) in writing within 7 working days. This can be done by emailing: [Licensing@stalbans.gov.uk](mailto:Licensing@stalbans.gov.uk) Licence holders are advised that if they are in any doubt as to whether something should be reported, to report it.
- 14.3 The proprietor are required to inform the Council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the Police. This can be done by emailing: [Licensing@stalbans.gov.uk](mailto:Licensing@stalbans.gov.uk). Licence holders are advised that if they are in any doubt as to whether something should be reported; they should report it.

### **15. Deposit of the Driver's Licence**

- 15.1 If the Proprietor of the vehicle permits or employs any other person to drive the vehicle as a hire car, they shall, before the person starts to drive the vehicle, obtain from the driver the Hire Car Driver's Licence. They must retain this until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of theirs.

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### 16. Insurance

16.1 The Proprietor shall at all times be adequately insured to our satisfaction in respect of the use of the vehicle for carrying fare paying passengers. The Proprietor shall ensure that they or any driver they engage, or employ, carries proof that the vehicle is insured and makes it available for inspection by an Authorised Officer; the hirer or any other passenger on request.

### 17. Equality Act

17.1 A driver must carry assistance dogs when requested to do so by a passenger unless they have been issued with a medical exemption certificate exempting them from this requirement. Assistance dogs include guide dogs for blind or partially sighted persons; hearing dogs for the hard of hearing or deaf persons; and any other assistance dog which assist a disabled person with a physical or mental impairment.

17.2 Passengers with wheelchairs often prefer to travel in normal saloon, estate or multi-passenger vehicles rather than a specially adapted wheelchair accessible vehicle. In these circumstances, a driver must carry a passenger with a wheelchair unless the vehicle is unable to accommodate the wheelchair within the luggage compartment.

17.3 Drivers of wheelchair accessible vehicles must:

- a) not refuse to carry any passenger with a wheelchair,
- b) not charge any additional fare for passengers with wheelchairs and should not start the meter until the passenger is safely secured in the vehicle,
- c) be fully aware of the correct method of operating all ramps, lifts and wheelchair restraints fitted to the vehicle,
- d) ensure that all wheelchairs are firmly secured in the vehicle using an approved restraining system and that the wheelchair brakes have been applied prior to commencing the journey,
- e) ensure that all ramps, lifts and wheelchair restraints fitted to the vehicle are available in full working order at all times the vehicle is available for hire.

### 18. Seatbelts

18.1 Hackney Carriage and Private Hire drivers are exempt from wearing seat belts whilst carrying passengers. Hackney Carriage drivers are also exempt from wearing seat belts while plying for hire.

18.2 It is the driver's responsibility to ensure that all passengers under 14 years use the seat belts or child restraints. Drivers should encourage adult passengers to wear seat belts.

### 19. Accidents

19.1 Where a vehicle has sustained damage or has been involved in any accident the Driver must report this in writing to us within 72 hours of the accident. **No further hirings may be undertaken until the vehicle has been inspected and approved by an Authorised Officer.**

19.2 All vehicles that sustain damage or have been involved in any accident, may be required to obtain approval to continue operating. This approval must be obtained from our nominated testing facilities. The certificate of compliance will need to be provided to an Authorised Officer.

### 20. Fees

20.1 Full fees are required upon application or renewal. Fees once paid are not refundable and may be varied from time to time to meet the cost of issue and administration.

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### **21. Vehicle ownership/Dual Plating**

21.1 Vehicles which are currently licensed by another licensing authority will not be licensed by us.

### **22. Vehicle specification requirements**

22.1 This licence is granted subject to compliance with our Private Hire and Hackney Carriage Licensing Policy vehicle specification requirements throughout the duration of the licence period.

### **Conditions**

17. The Council reserves the right to vary, delete or waive any of the foregoing Conditions. If you are aggrieved by any of the Conditions attached to a licence, you may appeal to a Magistrate's Court within 21 days of the service of the licence on you. (S.47 and 77 of the 1976 Act and S.300 to 302 of the Public Health Act 1936.) The Council reserves the right to vary, delete or waive any of the foregoing conditions.

### **Interpretation**

For the purpose of these conditions.

An Authorised Officer means an officer of St Albans District Council for the time being authorised in writing by the council for the purposes of part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985 and the bye laws made under these Acts.

Purpose Built Cab means a vehicle built and maintained in accordance with the current design specification for Hackney Carriages as drawn up by the Metropolitan Police Force.

### **NOTE**

The Council being in possession of a certificate of exemption granted by the Secretary of State for Transport, is required to issue a certificate of compliance in respect of each licensed Hackney Carriage operating within the District.

By virtue of the said certificate of exemption, the Council may not accept anything other than a certificate of compliance as evidence of the satisfactory condition of the vehicle which is to be licensed. The test may only be carried out at a testing station appointed by the council and authorised by the Department of Transport. The test must be at least to M.O.T standard before the certificate can be issued. When presenting the vehicle for licensing or re-licensing you must ensure that the date of issue of the certificate of compliance is not more than one month prior to the date of issue of the licence.

Further details as to the appointed garages and the scope of the test may be obtained from the Authorised Officers on request.

Nothing in this document shall be interpreted as overriding the provisions of the part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985 and the byelaws made under those Acts.

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### Private hire vehicle licence conditions

**The following are the standard conditions which affix to private hire vehicle licences issued by St Albans District Council:**

Any requirements of legislation, which affect the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.

#### **Type of Vehicle**

Please refer to our vehicle standards and requirements document, **Appendix F**, for information on the types of vehicles we licence and the requirements that need to be met.

#### **1. Maintenance of Vehicle and Safety Equipment**

1.1 The proprietor of the vehicle shall:

- a) Provide sufficient means by which any person in the vehicle may communicate with the driver;
- b) Cause the roof or covering to be kept watertight;
- c) Provide adequate windows which must be capable of being opened and closed at all times by passengers;
- d) Cause the seats to be properly cushioned, covered and kept clean;
- e) Cause the floor to be provided with a proper carpet, mats or other suitable floor covering;
- f) Cause the fittings and furniture generally to be kept in a clean condition and well maintained;
- g) Provide means for securing luggage;
- h) Provide external rear view mirrors to be fitted both sides of the vehicle;
- i) Provide a heater screen to the rear window of the vehicle which must be kept in working order;
- j) Ensure that the wheels (including the spare) are not fitted with remould tyres;
- k) Ensure that the wheels (including the spare) are fitted with radial tyres.
- l) Ensure that the vehicle and all its fittings and equipment are at all times, when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with;
- m) Ensure that no material alteration or change in specification, design, condition or appearance of the vehicle are made without the approval of the Council at any time whilst the licence is in force.

1.2 Any vehicle should be free from any significant areas of visible rusting. Minor blemishes should be monitored for progression. Any vehicle with a rust patch of more than 10cm<sup>2</sup> must be repaired following a request from an Authorised Officer. Any vehicle presented for the Certificate of Compliance test with a rust patch of more than 10cm<sup>2</sup> will fail the test.

## **Appendix E**

1.3 Any vehicle with a dent of more than 5cm in any one panel length must be repaired following a request from an Authorised Officer. Any vehicle which has an accumulation of dents as to adversely affect the appearance of a vehicle must be repaired following a request from an Authorised Officer. Any vehicle presented for the certificate of compliance test will fail the test if the vehicle does not satisfy the dent requirements above.

1.4 Any vehicle with unrepaired scratches down to bare metal or primer on three or more panels of 5cm in length or a single scratch of more than 20cm in length must be repaired following a request from an Authorised Officer. Any vehicle, which has an accumulation of scratches as to adversely affect the appearance of a vehicle must be repaired following a request from an Authorised Officer. Any vehicle presented for the certificate of compliance test will fail the test if the vehicle does not satisfy the scratches requirements above.

1.5 All panels on all vehicles shall be painted in the same colour without significant runs or blemishes. Panels with unmatched colours or primer must be repaired to ensure a match following a request from an Authorised Officer. Any vehicle presented for the certificate of compliance test will fail the test if the vehicle does not satisfy the paintwork requirements above.

### **2. Certificate of Compliance (COC)**

2.1 All vehicles will be subject to annual testing requirements (MOT and Compliance Test) until they reach seven years old. Once a vehicle reaches seven years of age it will be subject to six-monthly Certificate of Compliance tests. Each application for a grant or renewal of a vehicle licence must be accompanied with proof of testing requirement compliance.

2.2 The proprietor shall make arrangements direct with the authorised garage and be responsible for paying the fee for the test.

### **3. Windows**

3.1. Obscure and dark tinted windows will not be permitted so as to observe driver and passengers being carried. Windows are required to let at least 60% of light through. An exemption to this condition is for executive vehicles with a plate exemption.

### **4. Identification Plate**

4.1 The identification plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be permanently fixed to the satisfaction of the Council, on or above the bumper on the outside of the offside rear of the vehicle, in such a position that it shall be clearly visible from the rear of the vehicle and the proprietor/driver shall not willfully or negligently conceal it from public view whilst the vehicle is being used for hire.

### **5. Interior Marking**

5.1 The interior plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed inside the vehicle, to the satisfaction of the Council, in such a position that it is clearly visible to the passengers while the vehicle is being used for hire.

### **6. Roof Signs**

6.1 The proprietor must not fix a roof sign on the vehicle.

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### **7. Notices, Advertisements etc**

- 7.7 A maximum of 2 advertisements may be displayed on the exterior of the vehicle and these will be restricted to the front doors of the vehicle.
- 7.8 No advertising may be displayed on any windows of the vehicle.
- 7.9 All advertising must be approved by the Senior Licensing Officer prior to display.
- 7.10 Any advertisement must not contain the words "cab" "taxi-cab" or "taxi", this includes the words whether in the singular or plural and words of similar sound or appearance whether alone or as part of another word
- 7.11 No advertisement by the Driver can indicate that motor cars can be hired on application to an address or telephone number; or on or near the notified premises indicating that motor cars can be hired at those premises shall include the words "cab" "taxi-cab" or "taxi"; this includes the words whether in the singular or plural and words of similar sound or appearance whether alone or as part of another word.

### **8. Two way Radio Equipment and Hands-Free Telephones**

- 8.1 The proprietor shall immediately notify the Licensing Office before such equipment is installed in a licensed vehicle, so that the equipment and proposed position can be checked and approved in relation to passenger and driver safety.
- 8.2 Any device for two way communication must be securely fitted to the vehicle at all times the vehicle is in operation.

### **9. Driver**

- 9.9 The Proprietor of the licensed vehicle shall ensure that the vehicle is at all times driven by a person who holds a valid Private Hire Driver's Licence issued by St Albans District Council and request that that person provide up to date proof of their private hire insurance by way of a cover note/policy for the licensed private hire vehicle.
- 9.10 The Proprietor of the licensed vehicle shall ensure that the vehicle is at all times operated by a person who holds a current valid Private Hire Operator's Licence issued by St Albans District Council.

### **10. Passengers**

- 10.1 The driver shall not, when the vehicle is in use:
- a) Carry more passengers than the vehicle is licensed to carry (NB: A one-day old child is a passenger);
  - b) Have more than one passenger in one seat belt;
  - c) Without the consent of the hirer of the vehicle, convey or permit to be conveyed, any other person in that vehicle;
  - d) Place any passenger in danger regarding the use of seat belts or child restraints.

### **11. Change of details**

- 11.1 The proprietor must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within 7 days of the change taking place

## **Appendix E**

### **12. Convictions**

- 12.1 The proprietor must report in writing all new convictions, cautions, warnings, reprimands, criminal behavior orders (CBOs), community service orders (including community protection notice CPN and community protection warning CPW), restraining orders and fixed penalties (including traffic offences) in writing within 7 working days of becoming aware. This can be done by emailing: [Licensing@stalbans.gov.uk](mailto:Licensing@stalbans.gov.uk). Licence holders are advised that if they are in any doubt as to whether something should be reported, to report it.
- 12.2 A proprietor is required to inform us in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the Police. This can be done by emailing: [Licensing@stalbans.gov.uk](mailto:Licensing@stalbans.gov.uk). Licence holders are advised that if they are in any doubt as to whether something should be reported; they should report it.

### **13. Deposit of the Drivers Licence**

- 13.1 If the proprietor of the vehicle permits or employs any other person to drive the vehicle as a hire car, they shall, before the person starts to drive the vehicle, cause the driver to deliver to them their Hire Car Driver's Licence for the retention of until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of theirs.

### **14. Vehicle Fitted with Taximeter**

- 14.2 If the licensed vehicle is fitted with a taximeter or other device for recording fares, it must be of a type approved by the Council and the position of the device in the vehicle shall be approved by an Authorised Officer.
- 14.3 The Proprietor shall notify the Council immediately if for any reason the seals affixed to the taximeter are broken.
- 14.4 Vehicles having taxi meters which are set to a tariff which is not the same rates as quoted on the current St Albans District Council Fares for Hackney Carriages must supply a statement to the licensing department giving details of the tariff to be set on the meter.
- 14.5 St Albans District Council Licensing department reserve the right to request that the vehicle undertake a measured journey to ensure the meter is operating at any time.

### **15. Insurance**

- 15.1 The proprietor shall at all times be adequately insured to the Council's satisfaction in respect of the use of the vehicle for carrying fare paying passengers and ensure that they or any driver they engage or employs carries proof that the vehicle is insured and makes it available for inspection by an Authorised Officer, the hirer or any other passenger on request.

### **16. Equality Act**

- 16.2 A driver must carry assistance dogs when requested to do so by a passenger unless they have been issued with a medical exemption certificate. Assistance dogs include guide dogs for blind or partially sighted persons, hearing dogs for the hard of hearing or deaf persons, and any other assistance dog which assist a disabled person with a physical or mental impairment.
- 16.3 Passengers with wheelchairs often prefer to travel in normal saloon, estate or multi-passenger vehicles rather than a specially adapted wheelchair accessible vehicle. In these circumstances, a driver must carry a passenger with a wheelchair unless the vehicle is unable to accommodate the wheelchair within the luggage compartment.

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16.4 Drivers of wheelchair accessible vehicles must:

- a) not refuse to carry any passenger with a wheelchair,
- b) not charge any additional fare for passengers with wheelchairs and should not start the meter until the passenger is safely secured in the vehicle,
- c) be fully aware of the correct method of operating all ramps, lifts and wheelchair restraints fitted to the vehicle,
- d) ensure that all wheelchairs are firmly secured in the vehicle using an approved restraining system and that the wheelchair brakes have been applied prior to commencing the journey,
- e) ensure that all ramps, lifts and wheelchair restraints fitted to the vehicle are available in full working order at all times the vehicle is available for hire.

### 17. Seatbelts

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

### 18. Accidents

18.1 Where a vehicle has sustained damage or has been involved in any accident the driver must report this in writing to the Council within 72 hours. **No further hirings may be undertaken until the vehicle has been inspected and approved by an Authorised Officer.**

18.2 All vehicles that sustain damage or have been involved in any accident, may be required to obtain, from the Council's nominated testing facilities, approval to continue operating. The certificate of compliance will be need to be presented to an Authorised Officer.

### 19. Fees

19.1 Full fees are required upon application or renewal. Fees once paid are not refundable and may be varied from time to time to meet the cost of issue and administration.

### 20. Vehicle ownership/Dual Plating

20.1 Vehicles, which are currently licensed by another licensing authority will not be accepted for licensing.

### 21. Vehicle specification requirements

21.1 This licence is granted subject to compliance with the Council's Hackney Carriage and Private Hire Licensing Policy vehicle specification requirements throughout the duration of the licence period

### Conditions

The Council reserves the right to vary, delete or waive any of the foregoing Conditions.

If you are aggrieved by any of the Conditions attached to a licence, you may appeal to a Magistrates Court within 21 days of the service of the licence on you. (S.47 and 77 of the 1976 Act and S.300 to 302 of the Public Health Act 1936.) The Council reserves the right to vary, delete or waive any of the foregoing conditions.



## **Appendix E**

### **Interpretation**

For the purpose of these conditions, an Authorised Officer or Senior Licensing Officer means an officer of St Albans District Council for the time being authorised in writing by the council for the purposes of part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985 and the byelaws made under such provisions.

### **NOTE**

The Council being in possession of a certificate of exemption granted by the Secretary of State for Transport is required to issue a Certificate of Compliance in respect of each licensed Private Hire Vehicle operating within the district.

By virtue of the said Certificate of Exemption, the Council may not accept anything other than a Certificate of Compliance as evidence of the satisfactory condition of the vehicle which is to be licensed. The test may only be carried out at a testing station appointed by the Council and authorised by the Department of Transport. The test must be at least to M.O.T standard before the certificate can be issued. When presenting the vehicle for licensing or re-licensing you must ensure that the date of issue of the Certificate of Compliance is not more than one, month prior to the date of issue of the licence.

Further details as to the appointed garages and the scope of the test may be obtained from the Authorised Officer or Senior Licensing Officer on request.

Nothing in this document shall be interpreted as overriding the provisions of the part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985 and the byelaws made under those provisions.

## **Appendix E**

### **Special Event Stretched Limousines**

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

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

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

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

## **Appendix F**

### **Vehicle Requirements**

#### **1. Hackney Carriage and Private hire requirement**

1.1 All hackney carriage and private hire vehicles must:

- a) be capable of carrying not less than four (4) nor more than eight (8) passengers,
- b) have no damage affecting the structural safety of the vehicle,
- c) have sufficient means by which any passenger in the vehicle may communicate directly with the driver,
- d) be maintained in sound and roadworthy condition at all times,
- e) serviced in accordance with manufacturers' recommendations.

#### **2. Type approval**

2.1 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:

2.2 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.

2.3 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.

2.4 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 the above.

#### **3. Certificate of Compliance (COC)**

3.1 All vehicles will be subject to annual testing requirements (MOT and Compliance Test) until they reach seven years old. Once a vehicle reaches seven years of age it will be subject to six-monthly Certificate of Compliance tests. The vehicle must satisfactorily complete both elements of the test before it may be considered for licensing.

3.2 The proprietor shall make arrangements direct with the authorised garage and be responsible for paying the fee for the test.

#### **4. Age of vehicle**

4.1 A vehicle which, on the date of issue of a licence is older than 7 years (as calculated from the date of first registration shown on the V5C registration certificate) shall be required to complete an additional MOT and compliance test through the Council's authorised testing station, within a period of 28 days prior to the day 6 months prior to the expiry of the licence

4.2 When we first license a vehicle it must be less than five years old from the date of first registration.

## **Appendix F**

### **5. Emission Standards**

- 5.1 At first application – Vehicles must meet or exceed Euro 5 emissions standards (From 01/04/2022 vehicles must meet or exceed Euro 6 emissions standards at first application.)
- 5.2 At renewal – From 01/04/2022 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 5 emissions standards. From 01/04/2025 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 6 emissions standards.

### **6. Windows**

- 6.1 Obscure and dark tinted windows will not be permitted so as to observe driver and passengers being carried. Windows are required to let at least 60% of light through.

### **7. Seating in Multi-Passenger Vehicles**

- 7.1 The Council will licence vehicles for seating arrangements of up to eight (8) passengers where all licensing requirements are satisfied.

### **8. Doors**

- 8.1 All licensed hackney carriages or private hire vehicles must have at least three side-opening passenger doors, which must be easily opened from the inside and the outside.
- 8.2 All vehicles must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

### **9. Tyres**

- 9.1 The licensed vehicle must be fitted with either all radial or all cross-ply tyres, including the spare wheel. All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.
- 9.2 Run-flat tyres and 'space-saver' tyres are acceptable on licensed vehicles provided they conform to the Original Manufacturers' Specification.
- 9.3 If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.
- 9.4 Original Manufacturers' Specification 'tyre repair kits / compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards. If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.

## **Appendix F**

### **10. Drivers' Vehicle Mirrors**

- 10.1 External rear view mirrors must be fitted to both sides of all licensed vehicles.
- 10.2 All licensed vehicles must have an internal rear view mirror appropriately fitted in accordance with appropriate legislation and/or manufacturers' specification.

### **11. Passenger Comfort**

- 11.1 There must be sufficient space between the seat cushions and the lowest part of the roof, and the front and back seats, to safely accommodate the driver and passengers in reasonable comfort.

### **12. Seats**

- 12.1 Passenger seats must allow a reasonable width per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle.
- 12.2 Unless the Original Manufacturers' Specification states otherwise, the front seat of the vehicle next to the driver will be regarded as a seat for one (1) passenger only.

### **13. Seat Belts**

- 13.2 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.
- 13.3 In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with.

### **14. Ventilation**

- 14.1 Windows must be provided to all passenger compartments along with adequate means of opening and closing, not less than one (1) window on either side of the vehicle, in both the front and rear passenger compartments.
- 14.2 Rear passenger windows must be capable of being opened by passengers when seated unless air conditioning is available, in which case the air conditioning must be operated by the driver upon request.

### **15. Luggage**

- 15.1 Adequate storage for passenger luggage must be available and all luggage carried must be suitably secured in place without obstructing any emergency exits.
- 15.2 If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle, it must be fitted with a guard-rail or manufacturer's specification compartment cover to prevent luggage from entering the rear passenger compartments.

## **Appendix F**

### **16. Maintenance and Condition of the Vehicle**

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

- a) be free of large and/or sharp-edged dents,
- b) be free of visible rust,
- c) be free of unrepaired accident damage,
- d) have uniform paintwork equivalent to that applied by the manufacturer, and
- e) be maintained in an acceptable state of cleanliness.

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

- a) be free of all stains to the upholstery,
- b) be free of all splits and tears to the seats,
- c) be maintained in an acceptable state of cleanliness, and
- d) provide seats functioning in accordance with the Original Manufacturers' Specification.

16.3 For the avoidance of doubt, any vehicle that would not pass a Certificate of Compliance inspection or an MOT must not be used until such time as the requirements of the Certificate of Compliance and MOT testing can be met.

### **17. LPG Vehicles**

17.1 A vehicle which is converted to LPG or any other approved alternative fuel must supply proof that the conversion has been properly carried out by competent person or business carrying out such conversions.

17.2 A vehicle powered by LPG or other approved alternative fuel, which does not have a provision for a spare tyre, must carry a suitable "space saving" type wheel properly secured or have proof that the four other tyres have been treated with a puncture proofing substance. Written confirmation of such puncture proofing is to be provided to the Licensing Department prior to the vehicle being used to convey passengers.

### **18. Vehicle Documents**

18.1 On the application for the issue, renewal or transfer of a private hire or hackney carriage vehicle licence, the vehicle owner must produce the following documents in respect of the vehicle :-

- a) The vehicle registration document.
- b) A valid certificate of insurance for hackney carriage/private hire use.
- c) A valid Certificate of Compliance, the date of issue of which should not be more than one month prior to the date of issue of the licence.

### **19. Change of appearance**

19.1 If during the currency of the licence it is intended that the appearance or design of the bodywork or engine of the licensed vehicle is to be materially altered, the written consent of the Council to such an alteration must first be obtained before any such action is taken.

## **Appendix F**

### **20. Exterior advertising for Hackney Carriages**

- 20.1 External advertisements will only be permitted on the two sides of the vehicle only. No advertising to be displayed on any windows. It is considered a public safety issue that passengers can be seen within the vehicle.
- 20.2 All advertising must be approved by the Licensing Officer in consultation with the Chairman of the Licensing and Regulatory Committee in respect of content and size prior to display.
- 20.3 All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so and to confirm this fact in writing to the Council when the final stage is being considered.
- 20.4 Each proposal will be considered on its merits but advertisements will not be approved if they contain:
- a) Reference to political, ethnic, religious, sexual or controversial text
  - b) References to escort agencies, gaming establishments or massage parlours
  - c) Nude or semi nude figures
  - d) Statements which seek to involve the driver as an agent of the advertiser
  - e) Material likely to offend public taste
  - f) Reference to tobacco or tobacco products
  - g) Reference to alcohol
- 20.5 All advertising must be approved by the Licensing Officer with regard to content, size and positioning prior to display

### **21. New hackney carriages**

- 21.1 All vehicles for new hackney carriage licence applications must be either:

- a) a 'London' type hackney carriage, or
- b) a suitable wheelchair accessible vehicle, approved by the Council,

### **22. Hackney Vehicle specification**

- 22.1 The vehicle must be suitable in type, size and design for its proposed use, and must satisfy the following requirements:
- a) The vehicle must be a vehicle with four road wheels, which is authorised for use on public roads in Great Britain;
  - b) The vehicle must be right-hand drive;
  - c) The vehicle must be in a suitable mechanical condition, free of rust and dents, safe and comfortable;
  - d) 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). In saloon and estate cars, the internal rear width seat dimension must not be less than 120cm unobstructed width, excluding armrest.

## Appendix F

22.2 The vehicle must:

- a) must be capable of carrying a person confined to a wheelchair
- b) Have at least four doors capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees, or slide open to their fullest extent;
- c) all seats facing forwards or rearwards, and each fitted with an inertia seat belt per passenger, except continuous rear seats where centre belt may be lap type; and
- d) a suitable space separated from the passenger compartment for the safe carriage of luggage; or

22.3 Be a 'London' type taxi; a purpose-built taxi or a similar large passenger carrying vehicle (with seating for no more than eight passengers), with:

- a) at least four doors, either hinged or sliding, and a rear tail-gate that must be capable of opening to their full extent. There must be at least one door on either side of the vehicle for passenger loading;
- b) all seats facing forwards or rearwards, and each fitted with a seat belt restraint per passenger per seat; and
- c) a vehicle capable of carrying passengers in wheelchairs must be equipped to safely load and restrain every wheelchair and its occupant securely. The wheelchair may face either forwards or rearwards. The vehicle must have a ramp or lift to load the wheelchair from the near side or rear.

### 23. Livery for Hackney Carriages

23.1 With the exception of purpose built cabs ('Purpose Built Cab' means a vehicle built and maintained in accordance with the current design specification for Hackney Carriages as drawn up by the Metropolitan Police Force - currently LTI's and Mercedes-Benz Vito.), all vehicles shall be of an all-white body and must permanently display on both sides the St Albans and District Crest and Taxi Licence number. A yellow band must run the entire length of the vehicle body. The position of the crest, licence number and yellow band must be agreed by the Licensing Officer. The crest, licence number and yellow band must be obtained from the Licensing Office (fee payable). The complete vehicle must be attached to the vehicle. It cannot be attached with magnets.

23.2 Purpose Built cabs ('Purpose Built Cab' means a vehicle built and maintained in accordance with the current design specification for Hackney Carriages as drawn up by the Metropolitan Police Force - currently LTI's and Mercedes-Benz Vito.) must permanently display the crest and licence number.

### 24. New private hire vehicles

24.1 All vehicles for new private hire licence applications must be either:

- a) a saloon, estate, MPV, SUV or hatchback vehicle with a least four (4) side doors, or
- b) a purpose-built minibus designed to carry not less than (4) nor more than eight (8) passengers.



## Appendix F

### 25. Private Hire Vehicle specification

25.1 The vehicle must be suitable in type, size and design for its proposed use, and must satisfy the following requirements:

- a) The vehicle must be a vehicle with four road wheels, which is authorised for use on public roads in Great Britain;
- b) The vehicle must be right-hand drive;
- c) The vehicle must be in a suitable mechanical condition, free of rust and dents, safe and comfortable;
- d) 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). In saloon and estate cars, the internal rear width seat dimension must not be less than 120cm unobstructed width, excluding armrest.
- e) The vehicle must be painted in a single standard colour and must not be white.

25.2 The vehicle must be a saloon, estate, hatchback or multi-purpose vehicle with:

- a) at least four doors capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees, or slide open to their fullest extent;
- b) all seats facing forwards or rearwards, and each fitted with an inertia seat belt per passenger, except continuous rear seats where centre belt may be lap type; and
- c) a suitable space separated from the passenger compartment for the safe carriage of luggage; or

25.3 Be a large passenger carrying vehicle (with seating for no more than eight passengers), with:

- a) at least four doors, either hinged or sliding, and a rear tail-gate that must be capable of opening to their full extent. There must be at least one door on either side of the vehicle for passenger loading;
- b) all seats facing forwards or rearwards, and each fitted with a seat belt restraint per passenger per seat; and
- c) a vehicle capable of carrying passengers in wheelchairs must be equipped to safely load and restrain every wheelchair and its occupant securely. The wheelchair may face either forwards or backwards. The vehicle must have a ramp or lift to load the wheelchair from the near side or rear.

25.4 The vehicle **must not** resemble a 'London' type or purpose-built taxi or be of such design to lead any person to believe the vehicle is a taxi. The vehicle must be painted in a single standard colour and must not be white.

### 26. Electronic Payments

26.1. All licensed Hackney Carriages vehicles, must have available at all times, an electronic device that allows contactless or card payments to be made. A receipt which accurately states the time and date of the journey, driver number and fare, must be provided if requested by a passenger.

26.2. All licensed Private Hire vehicles, must ensure at all times, they can provide a means for passengers to pay for fares by card or as a contactless payment. This can be, but is not limited to, electronic card payment devices or operator websites and apps.

## Appendix G

### **STANDARD CONDITIONS FOR PRIVATE HIRE OPERATOR'S LICENCE**

The following conditions will attach, pursuant to section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act"), to all private hire operator's licences issued by St Albans Council, unless a specific exemption has been granted by the authority. The attachment of these conditions does not affect the Council's entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application.

#### **Interpretation**

- "the Council" means St Albans District Council;
- "the Operator" means the holder(s) of the private hire operator's licence issued by the Council;
- "vehicle" means any licensed private hire vehicle (and hackney carriages, if bookings are also invited and accepted for fulfilment by these vehicles) operated by the Operator.
- "advertisement" includes any form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs, pictures, video tape, film, computer generated images or by way of sound broadcasting or television.
- Terms defined under section 80 of the 1976 Act shall bear the meanings set out therein.

#### **1. Records**

1.1 The operator shall keep a record of every booking of a private hire vehicle invited or accepted on behalf of the operator including:

- a) The date and time at which the booking was received
- b) The date and time of commencement of the proposed journey
- c) The name of the hirer
- d) The starting point of the journey
- e) The destination of the journey
- f) The agreed fare
- g) The vehicle registration number and the licence number for the vehicle
- h) The name and licence number for the driver of the vehicle
- i) The name of any individual that responded to the booking request
- j) The name of any individual that dispatched the vehicle.
- k) If the booking was undertaken at the request of another operator, the name of that operator
- l) If the booking was passed to another operator to fulfil, the name of that operator.

1.2 The Operator shall keep a record of the following particulars of any vehicle operated by them, and such record must be maintained for at least one year from the cessation of operation of the vehicle:

- a) The registration number of the vehicle
- b) The number of the identification plate provided by the Council pursuant to s.48(5) of the 1976 Act
- c) The make and model of the vehicle
- d) The name and address of the proprietor(s) of the vehicle
- e) The number of passengers permitted to be carried in the vehicle, as shown on the licence
- f) The start and expiry dates of the vehicle's licence issued by the Council
- g) The date on which the vehicle was added to the operator's fleet
- h) The date on which the vehicle was withdrawn from the operator's fleet.

## **Appendix G**

- 1.3 The Operator shall keep a record of the following particulars of all licensed drivers engaged/employed to drive any vehicle operated by them, and such record must be maintained for at least one year from the cessation of the engagement:
  - a) The full names of the driver
  - b) The permanent address of the driver
  - c) The drivers date of birth
  - d) The drivers licence (badge) number
  - e) The start and expiry dates of the driver's licence issued by the Council
  - f) The dates the driver's engagement/employment was commenced and terminated.
- 1.4 Drivers and vehicles must have their own unique allocated records which are not overwritten or disposed of if the driver or vehicle is no longer used by the operator
- 1.5 The register and records referred to in conditions a b and c above can be kept in either paper format or electronically. The chosen format should permit inspection with the minimum of delay, and in any case within 24 hours, in response to a request made under section 56(3) Local Government (Miscellaneous Provisions) Act 1976. Where records are kept in electronic format, facilities must be available for records to be printed onto paper and to be made available to an Authorised Officer of the Council or a Police Officer within 24 hours.
- 1.6 The Operator or their controllers shall produce all or any of the records specified in this condition on request to any Authorised Officer of the Council or to any Police Officer for inspection on demand.
- 1.7 the licensee shall preserve the particulars of each journey at the address of the place of business notified to the Council, in writing, for a period of not less than twelve months.
- 1.8 Upon request from the Licensing Authority operators are required to provide the details of the licensed drivers and vehicles that are operating under their operator's licence:
  - a) Name and licence number of drivers; and
  - b) Registration number and licence number of vehicles.
- 1.9 Upon request from the Licensing Authority operators are required to provide the details of all contracts which the operator fulfils which start and finish outside of the District:
  - a) Name and address of the person or company who the contract is with; and
  - b) Starting point for journey; and
  - c) Destination of the journey; and
  - d) Registration and licence number of the vehicle carrying out the contract.

## **2. Use of licensed vehicles and drivers**

- 2.1 The Operator shall not invite or accept bookings for private hire work for any vehicle which is not currently licensed by the Council for such work.
- 2.2 The Operator shall not employ or engage, whether directly or indirectly, any driver to drive any vehicle operated by him unless the driver holds a valid private hire or hackney carriage driver's licence (as applicable) issued by the Council.
- 2.3 The Operator shall notify the Council upon the commencement or cessation of operation of a vehicle, or the employment/engagement or termination of a driver, within 7 days of such an event.

## **Appendix G**

### **3. Vehicles**

- 3.1. The Operator shall ensure that any vehicle he operates is in a suitable mechanical condition, safe, comfortable, clean and presentable, and that the licence plates provided by the Council are affixed to the vehicle in the manner and position stipulated in the conditions applied to the vehicle's licence.
- 3.2. The Operator shall ensure that any vehicle he operates is insured for the carrying of passengers for hire or reward at all times, that every Private Hire Vehicle operated by them is insured for the carrying of passengers for hire and reward by previous bookings; and a copy of the vehicles current insurance details are to be held by the operator and available for inspection on demand by an Authorised Officer of the Council or a Police Officer; and that the provisions of Section 50 of Part II of the Local Government (Miscellaneous Provisions) Act, 1976 are complied with.
- 3.3. The Operator shall ensure that any vehicle he operates shall not permit, cause or suffer to be conveyed in a Private Hire Vehicle, a greater number of persons than that specified in the current Private Hire Vehicle Licence in respect of that vehicle.
- 3.4. The operator shall immediately notify the Council of any damage sustained by a vehicle operated by him.

### **4. Passengers**

- 4.1 The Operator shall ensure that bookings are fulfilled by licensed vehicles with sufficient capacity to carry all members of the hirer's group, as advised at the time of booking.

### **5. Standard of Service**

- 5.1 The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times, and in particular shall:
- a) Ensure that when a vehicle has been hired to be in attendance at the agreed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
  - b) Publish a complaints handling procedure, detailing how members of the public may make complaints to the Operator, in respect of any aspect of the service provided, and investigate any complaints received in a timely manner, making details of such complaints and investigations available to authorised Council officers upon request;
  - c) Keep any facilities provided to the public for the purpose of making bookings or waiting, clean, adequately heated, ventilated and lit;
  - d) Ensure that any waiting area provided by the operator has adequate seating facilities;
  - e) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

### **6. Complaints**

- 6.1 The operator shall notify the Licensing team of any complaints made against the operator or any driver used by the operator within 72 hours of receipt of the complaint. This includes complaints received from third parties and relates to any journey whether a hiring by the public or from contract work. Any response to a complaint should be forwarded to Licensing when made.

## Appendix G

### 7. Display and availability of licence

- 7.1 A copy of the private hire operator's licence issued by the Council shall be displayed in a prominent position where visible by the public, at every booking office maintained by the Operator which is accessible by members of the public. The licence, or a copy thereof, shall be produced for inspection on request to an authorised Council officer or a constable.
- 7.2 A copy of the private hire operator's licence issued by the Council shall be kept securely at any location at which, by virtue of the licence, bookings may be accepted or invited but to which members of the public do not have access, and shall produce the licence, or a copy thereof, for inspection on request to an authorised Council officer or a constable.

### 8. Operator Address

- 8.1 This licence does not permit the Operator to operate licensed Private Hire Vehicles from premises other than the authorised premises mentioned in the Licence. The Operators licensed premises has to be located within St Albans District Council.
- 8.2 Any change of address of the Operator must be notified to the Licensing Department, address as immediately above within 7 days.

### 9. Convictions, cautions, insolvency and disqualification

- 9.1 The Operator shall notify the Council in writing, within 7 days of becoming aware, if they are convicted or receives a caution for any criminal offence, or if they are declared insolvent, or if they are disqualified as a company director (or if the operator is a company or partnership, on conviction, caution, insolvency or disqualification of any of the directors or partners) during the period of the licence.

### 10. Staff

- 10.1 The Operator shall keep a register of all staff that will take bookings or dispatch vehicles.
- 10.2 The Operator is required to ensure that all persons that have access to their records, bookings and contracts have:
- a) A basic disclosure check and completes a statutory declaration in relation to previous offences before being commencing employment; and
  - b) Completes a new basic disclosure at the time when the Operator's licence is renewed.
- 10.3 Persons with access to the Operator's records, bookings and contracts, whether directly employed or otherwise, must satisfy the suitability standards set out in the Council's Conviction Policy (**Appendix B**). The Operator must keep records of such checks.
- 10.4 A record that the Operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

## **Appendix G**

### **11. Advertisements**

- 11.1 Any advertisement must not contain the words "cab" "taxi-cab" or "taxi", this includes the words whether in the singular or plural and words of similar sound or appearance whether alone or as part of another word
- 11.2 An Operators company name or names must not contain the words "cab" "taxi-cab" or "taxi", this includes the words whether in the singular or plural and words of similar sound or appearance whether alone or as part of another word
- 11.3 No advertisement by the Operator can indicate that motor cars can be hired on application to an address or telephone number; or on or near the notified premises indicating that motor cars can be hired at those premises shall include the words "cab" "taxi-cab" or "taxi"; this includes the words whether in the singular or plural and words of similar sound or appearance whether alone or as part of another word.
- 11.4 The Operator shall not permit any licensed vehicle operated by him or her to display on or above the roof of any vehicle any sign which consists of or includes the words "cab", "taxi-cab" or "taxi", this includes the words whether in the singular or plural and words of similar sound or appearance whether alone or as part of another word; or any sign, notice, mark, illumination or other feature which may suggest that the vehicle is a taxi, as defined in sub-section (3) of section 64 of the Transport Act, 1980.

### **12. Limited company directors**

- 12.1 The following condition applies only where the operator's licence is issued to and held by a limited company:
- a) The Operator shall notify the Council within 21 days of the termination of appointment of a director of the limited company;
  - b) The appointment of a new director of the limited company; or
  - c) The liquidation or dissolution of the company, or the appointment of administrators.
- 12.2 Where the Operator notifies the Council under sub-paragraph (12.1)(b), a basic disclosure issued in the name of the new director no earlier than 3 months prior to the date of notification, shall be provided to the Council no later than 2 months after appointment.

### **13. Equality Act**

- 13.1 The Licensed Operator is to ensure that they comply with Section 170 of the Equality Act 2010 (EA 2010). It is an offence for a private hire operator to fail or refuse to take a booking for a private hire vehicle;
- a) If the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
  - b) The reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.
- 13.2 It is also an offence by virtue of EA 2010, s 170(2), for the operator to make any additional charge as a result of the need to carry an assistance dog.

## **Appendix G**

### **14. General**

14.1 This licence has been granted to the licensee personally and does not licence any other person, who may take over the licensee's business for which he or she requires a Private Hire Operator's Licence, as a Private Hire Operator. Therefore, unless any person who intends to take over the licensee's said Private Hire business is already an Operator licensed by the Council that person must obtain an Operator's licence in his or her own right from the Council prior to taking over the said Licensee's Private Hire business.

14.2 The Licensed Operator is to be directly concerned in the day-to-day management of the business and is to ensure that all of the conditions listed above are adhered to.

14.3 The Operator shall notify the Licensing Department of any material change in the particulars originally supplied to the Council when this Licence was applied for or if the change was not expected within 7 working days.

14.4 Ensure that public liability insurance is in place for any premises to which the public have access and provide a copy to the St Albans District Council's Licensing Team.

### **15. Planning**

15.1 The granting of an operator's licence does not allow the use of the premises as a private hire operator's base in the absence of planning permission. The Council will notify planning that an application has been granted.

### **Conditions**

The Council reserves the right to vary, delete or waive any of the foregoing Conditions

Applicants aggrieved by any of the Conditions attached to this licence, including both these standard conditions and any further conditions imposed in response to specific issues, may appeal to a Magistrates' Court within 21 days of the service of the licence, in accordance with sections 55 and 77 of the 1976 Act, and sections 300 to 302 of the Public Health Act 1936.

## Appendix H

### LICENSING POINTS SCHEME

The Licensing Points Scheme will operate as follows:

1. Our Licensing Enforcement Policy will be fully considered by the Authorised Officer when determining the manner in which any breach of legislation or failure to comply with the requirements of this Policy are dealt with. Where it is decided that the use of the licensing record points system is appropriate, the points will be issued in accordance with this appendix. If this scheme allows a range of points for the particular incident, the authorised officer will determine the appropriate number of points proportionate to the offence/failure.
2. Before points are issued there must be, in the Authorised Officer's opinion, sufficient evidence to prove the offence or breach of licensing requirements.
3. A maximum of twelve points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose points, a licence holder has committed more than one offence or breach of licence conditions, no more than twelve points will be imposed.
4. Points issued to either a proprietor, driver or operator will be confirmed in writing within ten working days of the decision to impose points. Only in extreme circumstances will more than one set of points be issued on one occasion. This will need to be approved by the Business Compliance manager.
5. When issued, the points will remain "live" for a period of two years from the date they are imposed, so that only points accumulated in a rolling twenty four month period will be taken into account. If a driver, proprietor or operator accumulates twelve or more points within a period of two years from the date they are imposed, they will be required to attend a meeting with a Senior Licensing Officer where the appropriate action will be decided in accordance with Policy.
6. Where a driver is invited to attend a meeting with a Senior Licensing Officer, the options available to the officer will include suspension or revocation of the licence. If the Senior Licensing Officer does not feel that the matter warrants suspension or revocation of the licence, they may extend the period for which the points are to remain "live", or issue a written warning regarding future conduct.
7. The length of the suspension of a licence will be dependent on the nature of the breaches and the compliance history of the licence holder.
8. Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. However, if the "live" period is extended or a written warning given the points will remain "live" for the normal two-year period, or for such extended period as imposed by the Senior Licensing Officer.
9. At any meeting with the Senior Licensing Officer, a driver has the right to be represented, either by a legally qualified individual or someone else of his choice. A driver or their representative can provide any mitigating circumstances they deem relevant.
10. Even though points have been issued by an Authorised Officer of the Council, if it is subsequently found that the driver has previously been issued with points, or has been formally cautioned or convicted, for similar offences, the Council reserve the right to cancel the points and deal with the matter in accordance with the Licensing Enforcement Policy.
11. The points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by Policy.



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12. Where licensing points are issued a licence holder has ten working days, from the date of the letter notifying of the decision to issue points, to appeal that decision including the number of points given. Appeals must be made in writing to either: [licensing@stalbans.gov.uk](mailto:licensing@stalbans.gov.uk) or Licensing, St Albans City and District Council, Civic Centre, St Peter's St, St Albans AL1 3JE. Appeals will be decided by the Business Compliance Manager (or in their absence another Head of Service at St Albans District Council). The result of that appeal will be notified to the licence holder in writing.

### POINTS RELATING TO OFFENCES IN RESPECT OF LEGISLATION

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

### POINTS RELATING TO OFFENCES IN RESPECT OF LEGISLATION

<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
46(1)(a)	Using an unlicensed private hire vehicle	8-12
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence	8-12
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	8-12
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	8-12
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	8-12

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46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver	8-12
48(6)	Failure to display a private hire vehicle plate	4
49	Failure to notify the transfer of a vehicle licence within 14 days (hackney carriage and private hire vehicles)	3
50(1)	Failure to present a hackney carriage or private hire vehicle for inspection upon request	6-12
50(2)	Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested	3
50(3)	Failure to report an accident to the Council within seventy two hours	4-6
50(4)	Failure to produce the vehicle licence and insurance upon request	6-8
53(3)	Failure to produce a driver's licence upon request	3-6
54(2)	Failure to wear a private hire driver's badge	4-6
56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(3)	Failure of a private hire operator to keep records of all private hire vehicles, or failure to produce them on request of an Authorised Officer of the Council or a Police Officer	6
56(4)	Failure of a private hire operator to produce his licence on request	3-6
57	Making a false statement or withholding information to obtain a hackney carriage or private hire driver's licence	5-10
58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence	6-12
61(2)	Failure to surrender a driver's licence after suspension, revocation, or refusal to renew	6
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank	6
66	Charging more than the meter fare for a journey ending outside the District, without prior agreement	6-12
67	Charging more than the meter fare when hackney carriage is used as a private hire vehicle	6-12
69	Unnecessarily prolonging a journey	6-12
71	Interfering with a taxi-meter with intent to mislead	12
73(1)(a)	Obstruction of an Authorised Officer of the Council or a Police Officer	12
73(1)(b)	Failure to comply with a requirement of an Authorised Officer or Police Officer	6-12
73(1)(c)	Failure to give information or assistance to an Authorised Officer or Police Officer	4-6

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<b>Equality Act 2010</b>		
Section	Offence	Points
168(2a)	Refusal to carry a guide, hearing or other assistance dog in a hackney carriage without a valid certificate of exemption	8-12
168(2b)	Charging an additional cost for the carrying of an assistance dog in a hackney carriage	8-12
170(1)	Private Hire operator refusing or failing to accept a booking because a disabled passenger will be accompanied by an assistance dog	8-12
170(2)	Private hire operator charging an additional cost for the carrying of an assistance dog	8-12
170(3)	Private hire driver failing or refusing to carry out a booking accepted by the operator because a disabled passenger will be accompanied by an assistance dog	8-12

<b>Hackney Carriage and Private Hire Licensing Policy</b>		
Section or Appendix	Breach of policy requirement	Points
	Failure to report a change of name or address to the Licensing Service by drivers and proprietors.	2
	Failure to adhere to the Dress Code for Licensed Drivers	2
	Failure to wear a driver's badge	4-6
	Failure to adhere to the Code of Good Conduct for Licensed Drivers where not mentioned below	2-6
	Failure to ensure the safety of passengers	2-6
	Concealing or defacing a vehicle licence plate	4
	Failure to attend on time for a pre-arranged booking without reasonable cause	3
	Conveying a greater number of passengers than permitted	6
	Failure to give reasonable assistance with passenger's luggage	3
	Private hire vehicle soliciting for hire or accepting a fare that is not pre-booked	6-12
	Driving without the consent of the proprietor	6-12
	Drinking or eating in the vehicle whilst carrying passengers	1-3
	Smoking in a licensed vehicle at any time	4
	Cause excessive noise from any radio or sound-reproducing equipment	2
	Operating the horn as a means of signalling that the vehicle has arrived	3
	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand	4-6
	Using a non-hands free mobile telephone whilst driving	4-8
	Failure to advise of a relevant medical condition	4
	Failure to provide a receipt for a fare when requested by a passenger	6-12
	Failure to operate the meter from the commencement of the journey and/or charging more than the fixed charge for hire of hackney carriages	2-4
	Failure to notify the Council of any amendment to the details of a licence within seven days	4-6

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	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment	3
	Failure to surrender a driver's licence, badge or plate upon request	4 - 6
	Failure of a licence holder to disclose convictions within seven days of conviction	6-12
	Failure to take found property to the Police within forty eight hours of finding	4-6
	Carrying an animal other than one belonging to the passenger(s)	3
	Carrying an animal not safely restrained	3
	Failure to comply with the requirements for the safe carrying of a wheelchair	8-12
	Anything that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein	3-6
	Operating a vehicle which is not maintained in a sound and roadworthy condition	4-8
	Operating a vehicle which is not maintained in a clean and/or safe condition internally or externally	2-4
	Modifying a vehicle without the consent of the Council	3-6
	Hackney carriage vehicle signage not in accordance with the Council's requirements	4
	Affixing or displaying a roof sign on a private hire vehicle	4
	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the Policy requirements or has not been approved by the Council	4
	Taxi-meter does not conform to the Council's requirements	6
	Operating an LPG vehicle which does not comply with the Council's LPG vehicle requirements	3
	Operating a vehicle which does not comply with the Council's requirements in relation to tinted windows	4
	Driving with no insurance or inadequate insurance for the vehicle	12
	Allowing a vehicle to be used for hire by a person who does not hold a current driver's licence	8-12
	Permitting the vehicle to be used for any illegal or immoral purposes	6-12
	Failure of a private hire operator to provide a prompt, efficient and reliable service	3
	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times	3
	Failure of a private hire operator to keep the operating premises in accordance with the Council's requirements	3
	Failure of a private hire operator to ensure that all vehicles operated by them are adequately insured	6
	Failure of a private hire operator to keep and display public liability insurance for the operating premises if the public are allowed access	4
	Failure of a private hire operator to ensure that every driver employed by them has a private hire vehicle licence and driver licence	6
	Displaying a taxi roof light on a vehicle while it is not licensed as a Hackney Carriage.	2-6
	Failure to follow directions or give assistance to an Authorised Officer of an approved council which has a shared working agreement with St Albans.	4-6
	Failure to comply with section 45 of the policy	3-6

## Appendix H

### **LEGISLATIVE OFFENCES AND PENALTIES**

#### **1 Introduction**

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

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

The offences are set out below under the relevant statute.

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

Level 1 - £200;  
Level 2 - £500;  
Level 3 - £1,000;  
Level 4 - £2,500.

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

#### **2 Town Police Clauses Act 1847**

Section	Offence	Maximum Penalty
40	Giving false information on an application for a hackney carriage licence.	Level 1
44	Failure to notify a change of address of a hackney carriage proprietor	Level 1
45	Plying for hire without a hackney carriage proprietor's licence	Level 4
47	Driving a hackney carriage without a hackney carriage driver's licence	Level 3
47	Lending or parting with a hackney carriage driver's licence	Level 3
47	Hackney carriage proprietor employing an unlicensed driver	Level 3
48	Failure by a hackney carriage proprietor to hold a hackney carriage driver's licence	Level 1
48	Failure by a hackney carriage proprietor to produce a hackney carriage driver's licence	Level 1
52	Failure to display a hackney carriage plate	Level 1
53	Refusal to take a hackney carriage fare	Level 2
54	Charging more than the agreed hackney carriage fare	Level 1
55	Obtaining more than the legal hackney carriage fare	Level 3 and 1 month's imprisonment
56	Travelling less than the lawful distance for an agreed hackney carriage fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal hackney carriage fare	Level 3
59	Carrying other persons in a hackney carriage other than with the consent of the hirer	Level 1
60	Driving a hackney carriage without the proprietor's consent	Level 1
60	Allowing another to drive a hackney carriage without the proprietor's consent	Level 1

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61	Drunken driving of a hackney carriage	Level 1
61	Wanton or furious driving of a hackney carriage leading to injury or danger	Level 1
62	Driver leaving a hackney carriage unattended	Level 1
64	Hackney carriage driver obstructing other hackney carriages	Level 1

### 3 Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Maximum Penalty
46(1)(a)	Using an unlicensed private hire vehicle	Level 3 by virtue of s76
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence	Level 3 by virtue of s76
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	Level 3 by virtue of s76
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence	Level 3 by virtue of s76
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	Level 3 by virtue of s76
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver	Level 3 by virtue of s76
48(6)	Failure to display a private hire vehicle plate	Level 3 by virtue of s76
49	Failure to notify the Council of the transfer of a hackney carriage or private hire proprietor's licence	Level 3 by virtue of s76
50(1)	Failure to present a hackney carriage or private hire vehicle for inspection, as required	Level 3 by virtue of s76
50(2)	Failure to inform the Council where the hackney carriage or private hire vehicle is stored, if requested	Level 3 by virtue of s76
50(3)	Failure to report an accident to the Council involving a hackney carriage or private hire vehicle	Level 3 by virtue of s76
50(4)	Failure to produce the hackney carriage or private hire vehicle proprietor's licence and insurance certificate	Level 3 by virtue of s76
53(3)	Failure to produce the hackney carriage or private hire driver's licence	Level 3 by virtue of s76
54(2)	Failure to wear a private hire driver's badge	Level 3 by virtue of s76
56(2)	Failure by a private hire operator to keep records of bookings	Level 3 by virtue of s76
56(3)	Failure by a private hire operator to keep records of private hire vehicles operated by him	Level 3 by virtue of s76
56(4)	Failure to produce a private hire operator's licence on request	Level 3 by virtue of s76

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

### 4 Transport Act 1980

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

## Appendix I

### Hackney Carriage and Private Hire Licensing Fees

<b>Driver Licences</b>	<b>Fee</b>
New Driver	£481.00
New Driver 1 year licence pro rata	£161.00
Driver renewal	£468.00
Driver renewal 1 year licence pro rata	£156.00
<b>Additional Chargeable</b>	
DBS	£69.00
Versant Test	£66.00
PH Knowledge test	£46.00
HC Knowledge test	£67.00
Driver Training Day (New Drivers)	£90.00
Driver Training (For Renewal Applications)	£40.00
Change of address Vehicle and Driver licence	£10.20
<b>Replacement Driver Licence Activity</b>	
Replacement Driver Paper Licence	£10.20
Replacement Driver Licence Badge	£16.90
<b>Operator Licences</b>	<b>Fee</b>
Operator (5 year)	£680.00
<b>Additional Chargeable</b>	
Duplicate paper licence	£10.20
Operator Training Day (New Operators)	£90.00
Operator Training (For Renewal Applications)	£40.00
<b>Vehicle Licences</b>	<b>New Fee</b>
New Vehicle	£253.00
Vehicle Renewal	£238.00
New Electric Vehicle	£193.00
Electric Vehicle Renewal	£178.00
Transfer of ownership	£82.00
Application to change plate details	£45.00
Transfer of vehicle	£106.00
Plate Deposit	£102.00
Bracket	£10.00
<b>Replacement Vehicle Licence Activity</b>	
Replacement Vehicle Paper Licence	£10.20
Replacement Vehicle Licence Plates	£26.50
Change of address Vehicle and Driver licence	£10.20
<b>Livery</b>	
Full set cost	£32.00
Stripes cost	£24.00
Crest costs	£14.00



