



Hackney Carriage & Private Hire Licensing Policy 2022 TO 2027

VERSION 2.1

Author: MELANINE HARRIS, HEAD OF LICENSING

Published: 01/02/2022

POLICY: HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY 2022-2027

DATE ADOPTED: 01/02/2022

NEXT REVIEW DATE: 01/12/2026

VERSION CONTROL: – see [Version Control: A Good Practice Guide](#)

Version Number	Purpose / Change	Author	Date
1.1	Approved Taxi Policy published	Melanie Harris, Head of Licensing	01/02/2022
1.2	Officer decision report approved and published: Updated policy following new tender of approved MOT Centre	Steven Greener, Licensing Manager	09/06/2025
2.1	Amendments to conditions following Task and Finish Group	Steven Greener, Licensing Manager	10/12/2025

Corporate Plan 2025-28

Council ambition	Linked?
Working for a prosperous future <i>We want to ensure the best possible local economy, with opportunities for our residents to succeed and achieve</i>	Yes
Healthier, safer communities <i>Residents should feel safe in our Borough and supported to be more active in order to improve their health and wellbeing</i>	Yes
A greener and cleaner environment <i>It's important to everyone that we look after our environment</i>	No
Restoring the Council to good health <i>We will place our Council on a sound financial footing and ensure resilience – delivering the service our residents deserve and expect</i>	No
We ♥ Castle Point <i>We will help create and maintain the best possible place to live in, work in and visit</i>	Yes

Name: **JANETTE PARKER-EAST, ENVIROMENT HEALTH, LICENSING & COMMUNITY**

Approved by: **LICENSING COMMITTEE**

ROLES AND RESPONSIBILITIES:

Lead Member and Committee responsible for approving the policy.

- **CLLR RUSSELL SAVAGE, PORTFOLIO HOLDER, PEOPLE & COMMUNITY**
- **LICENSING COMMITTEE**

Contents

1. Introduction	8
2. Scope	8
What is the difference between Hackney Carriage, Private Hire and Executive Hire?.....	8
Hackney Carriage	9
Private Hire	9
Executive Hire	9
Definitions.....	10
Fit and proper person	11
3. Decision Making.....	12
Powers and Duties	12
Objectives of this policy	13
4. Failure to Disclose Information.....	14
5. Enforcement and Complaints against licence holders	14
Enforcement	14
Appeals Procedures.....	16
Stage 1 - Appealing to the Licensing Sub-Committee	16
Stage 2 - Appealing to Magistrates Court following Licensing Sub-committee determination.....	16
6. Applying for a licence.....	17
7. Drivers.....	17
Badges	17
Duration of Licences.....	17
Pre-licensing standards – All applicants.....	18
Pre-licensing standards – Hackney Carriage Applicants only	19
National Register of Hackney Carriage and Private Hire Vehicle Driver Licence Refusals and Revocations.....	20
All Licensed Driver badge holders - Conditions of licence	21
Renewals.....	21

Assisting Passengers and Conduct of Driver.....	22
8. Vehicles	28
Overview	28
Duration of Licences.....	28
Inspection and MOT requirements	29
Pre-licensing standards.....	29
Age of Vehicles	29
Vehicle Specification – All vehicles.....	30
Vehicle Specification – Hackney Carriage vehicle.....	30
Vehicle Specification – standard vehicles carrying up to 4 passengers	30
Vehicle Specification – Minibuses and saloon vehicle carrying more than 4 passengers	31
Wheelchair accessible vehicles.....	31
All Vehicle Licence - Conditions of licence.....	33
All Licensed vehicles	33
General condition and appearance of vehicle	33
Age of Vehicles	33
Safety equipment	33
Interior markings.....	34
Exterior signs	34
Advertisements	35
Renewal or amendment of the Licence.....	35
CCTV or Dash Cam	35
Carriage of assistance dogs	36
Change of address	36
Accidents	37
Surrender of licence.....	37
Electronic Payment Devices	37

Vehicle Licence – Additional Hackney Carriage Conditions of licence	37
Taximeter	38
Usage	38
Interior markings	39
Vehicle Licence – Additional Private Hire (excluding Executive Hire) Conditions of licence	40
Taximeter	40
Interior markings	41
Exterior signs	41
Vehicle Licence – Additional Executive Hire (Private Hire) Conditions of licence	42
Exemption Certificates to Signage	42
Specification for minibuses and other special events vehicles licensed as private hire vehicles	42
Minibuses	43
Special events vehicles – stretched limousines	44
9. Private Hire Operators Licence	45
Overview	45
Duration of Licences	45
Pre licensing standards	45
Operators Base	47
Public telephone number for Private Hire Operators which hold Operators' Licences in different districts	47
Private Hire Operator Licence - Conditions of the Licence	47
Standard of service	47
Change of operator details	48
Booking and Dispatch Staff	48
Records	49
Door signs/advertisement	49
Planning consent for operating base	50

Use of passenger carrying vehicles (PCV) licensed drivers	50
SUPPLEMENTARY MATERIALS.....	51
Appendix A - Assessment of Previous Convictions.....	52
Appendix B - Delegated Authority.....	56
Appendix C - The Penalty Points Scheme.....	60
Appendix D - English Language Requirement.....	67
Appendix E – Approved Providers.....	70
Agreed Medical Examination Providers	70
Approved Safeguarding and Child Sexual Exploitation Awareness Training	70
Approved Disability Awareness Training courses and providers.....	70
Approved Driving Assessors	70
Approved Driver Proficiency Course (HC & PH Circuit Drivers Renewals only)	71
Approved MOT centre.....	71
Appendix F - Byelaws in respect to Hackney Carriages	72
Appendix G - Carriage of passengers using wheelchairs in licensed vehicles	77
Appendix H - Guidance for CCTV systems	79
Appendix I - Road Vehicles (Construction and Use) Regulations 1986	86
Appendix J - Accessible vehicles – meeting the needs of customers.....	91
Appendix K - NR3 Policy on the use of the National Register of Taxi Licence Revocation and Refusals (NR3).....	94
Appendix L - Taximeter Approved Persons and Policy	100
Scheme of Approved Taximeter Agents - Conditions of Scheme.....	100

1. Introduction

- 1.1. The Hackney Carriage and Private Hire Policy was originally approved and published in 2022 to incorporate the Department for Transport, (DfT) 'Statutory Taxi and Private Hire Vehicle Standards' 2020 which the Government recommended all local authorities adopt.
- 1.2. This document contains guidance and information for the holders of and applicants for hackney carriage/private hire vehicles and driver's licences and the licences to operate private hire vehicles within the Castle Point Borough Council area.
- 1.3. The document shall apply in respect of disciplinary and enforcement measures. It sets out the policy that the Council will apply when making decisions about new applications and licences currently in force and it contains the standard conditions for all licence types and an explanation of the Council's Enforcement Policy.
- 1.4. The DfT recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 1.5. In formulating a Private Hire and Hackney Carriage Licensing Policy, the primary and overriding objective has been to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated and it is vital to review policies and reflect changes in the industry both locally and nationally.
- 1.6. The Council, as the licensing authority, will review this policy every five years but will also consider interim reviews should there be significant issues arising in the area, legislative changes and provide performance information to Government annually.
- 1.7. Any request to deviate from the policy will be considered on a case-by-case basis by the Chair of the Licensing Committee or the Licensing Sub-Committee.

2. Scope

What is the difference between Hackney Carriage, Private Hire and Executive Hire?

Hackney Carriage:

- 2.1. Hackney Carriages, Black Cabs and Taxis are all the same.
- 2.2. These include vehicles such as the iconic wheelchair accessible black cabs seen across the UK transport system. However, it's worth noting that not all taxis will be purpose-built taxi models.
- 2.3. In Castle Point Borough Council, saloon style vehicles are used, but they do retain certain characteristics.
- 2.4. Hackney Carriages are easily recognisable due to their illuminated "TAXI" sign and can be hailed from the street or found at designated taxi ranks. Only Hackney Carriages are permitted to wait at designated taxi ranks.
- 2.5. These vehicles must adhere to strict regulations set by Castle Point Borough Council which dictate features such as accessibility, taximeters, and vehicle age limits.
- 2.6. The fares charged are calculated using a taximeter, with rates determined by Castle Point Borough Council.
- 2.7. The vehicle will display Castle Point approved signage including door stickers and front and rear plates.

Private Hire:

- 2.8. Minicabs, Private Hire Vehicles (PHV) and Ridehail are all the same.
- 2.9. Private Hire Vehicles provide pre-booked services and cannot be hailed from the street nor use Taxi Ranks.
- 2.10. These vehicles, often diverse in make and model, must be licensed by Local Authorities.
- 2.11. Minicabs and private hire vehicles cannot display the iconic "TAXI" sign or any other roof sign. They are not permitted to wait in designated taxi ranks.
- 2.12. Fare pricing for these services is usually fixed, based on the journey distance or pre-agreed rates at the time of booking.
- 2.13. All bookings must be made via an operator and not through the driver.
- 2.14. The vehicle will display Castle Point approved signage including door stickers and front and rear plates.

Executive Hire:

- 2.15. Clients seeking a more luxurious and personalised experience, Executive Hire or chauffeur services, often offer higher-end vehicles and arrive with smartly dressed drivers.
- 2.16. Chauffeurs hold the same Private Hire licences as minicab drivers' licences. They are not permitted to wait or park in designated taxi ranks.

- 2.17. Chauffeur services are pre-booked through a Private Hire Operator, the fare structure tends to be fixed or calculated based on distance, and additional charges may apply for extra services such as airport transfers, waiting times, or event packages.
- 2.18. Some chauffeurs work exclusively with one client or passenger and take a set annual salary.
- 2.19. The vehicles used for Executive Hire do not display any Council door signage or plates on the vehicle. A single identification badge is displayed on the front windscreen in the top offside corner.

Definitions

Authorised Officer	Any officer of the Council authorised in writing by the Council for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Town & Police Clauses Act 1849
The Council	Castle Point Borough Council
Hackney Carriage	The definition of a Hackney Carriage is contained in section 38 of the Town Police Clauses Act 1849 – “every wheeled vehicle whatever may be its form or construction, used in standing or plying for hire in a street” is required to be licensed by the Borough Council
Private Hire Vehicle	Means a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the service of a driver for the purposes of carrying passengers
Licence/badge/plate	Throughout this document, where the words licence and badge appears, these refer to the relevant driver’s licence issued by the said authority, where the word plate appears, this refers to the relevant vehicle licence plate issued by the said authority
Proprietor	The person or persons or body named in the licence and includes a part-proprietor and, in relation to a vehicle which is subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement
Operator	The person or persons or body named in the licence who in the course of business makes provisions for the invitation or acceptance of bookings for a private hire vehicle

Controlled district	The area that has adopted the Local Government (Miscellaneous Provisions) Act 1976 in relation to hackney carriage/private hire vehicles, drivers and operators
---------------------	---

Fit and proper person

- 2.20. Licensing authorities have a duty to ensure that any person to whom they grant a hackney or private hire vehicle driver licence is a 'fit and proper' person to hold a licence. Whilst there is no definition of a fit and proper person, the [DfT Statutory taxi and private hire vehicle standards](#) suggests that the Council is effectively asking the following question:

'Without any prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?'

- 2.21. If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 2.22. In assessing the applicant or existing licence holder as a fit and proper person, all spent convictions, fixed penalty notices and cautions may be taken into consideration to promote public safety. Since 1 April 2003 the licensed trade are included within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 SI 300 no 965 and all previous convictions remain and have to be considered. Therefore, applicants and existing licence holders must disclose all previous cautions and convictions whether they are "spent" or not.
- 2.23. Applicants and existing licence holders should have regard to the Council's Convictions' Policy. Any conviction or caution that is relevant to the determination of whether you are a fit and proper person to hold a licence will be taken into consideration.
- 2.24. Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is fit and proper. Castle Point Borough Council will consider each case on its own merits and applicants are entitled to a fair and impartial consideration of their application, however the specified periods within Appendix A should be taken as a minimum.
- 2.25. In the interests of public safety the Council will not issue a licence to any individual that appears on either of the Disclosure and Barring Service check ("DBS" or "DBS Check") barred lists.
- 2.26. A DBS check obtained on behalf of a foreign national will only reflect that the

applicant has not worked in the UK before and does not generally have access to overseas criminal records. Further guidance will be sought from the DBS and Home Office (Immigration Service) in terms of obtaining additional immigration information where necessary. If the information is not listed then the Council may need to contact the country's representative in the UK or alternatively request the applicant to provide a Certificate of Good Conduct from his or her own embassy.

- 2.27. All overseas applicants who apply for or renew a licence will be required to provide a Certificate of Good Conduct from the relevant embassy of every country the applicant has lived in, the cost of which will be borne by the applicant
- 2.28. The Certificate of Good Conduct is required as an important safety measure and will be taken into account in determining whether or not an applicant or existing licence holder is a fit and proper person to hold a licence.
- 2.29. Should a licensed driver return home or go abroad for a period of 3 months or more a further criminal record check will be required to cover the period that they are outside of the UK. A declaration will be required on renewal of the driver's application to this effect.
- 2.30. Where there is limited or no historic information available to form a decision on the suitability of the applicant to the satisfaction of the Authority then the application may be refused. Such cases the Licensing Manager will determine the suitability and if contested will be referred to the Licensing Sub-Committee for determination.

3. Decision Making

Powers and Duties

- 3.1. The Local Government (Miscellaneous Provisions) Act 1976 as amended and the Town Police Clauses Act 1847, place on the Council the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles, functions can be delegated to a committee, or an officer as detailed in the scheme of delegation.
- 3.2. Castle Point Council's Scheme of Delegation is attached as Appendix B
- 3.3. The Taxi and Private Hire Vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of

licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer.

- 3.4. All Hackney Carriage and Private Hire matters under the Council Constitution are dealt with by the Council's Licensing Committee or by its Licensing Sub-Committee. The Council's Constitution is published on the Council's website.
- 3.5. All individuals that determine whether a licence is issued will be required to undertake sufficient training. This includes Elected Members, who sit on the Committees and Officers. This training will at least meet the minimum requirements of the Department for Transport standards. Member training requirements and obligations are contained within the Council Constitution.
- 3.6. Within any determinations made by the licensing Sub-committee following a hearing, the members will carefully consider the officer report, the evidence submitted with the report and the representations made during the hearing.
- 3.7. In reaching its decision, the Licensing sub-committee will give due regard to the Council's Hackney Carriage and Private Hire Licensing Policy, the Department of Transport Statutory Guidance Taxi & Private Hire Vehicles Standards, the Local Government (Miscellaneous Provisions) Act 1976 and the guidelines relating to the application of the 'fit and proper person'.

Objectives of this policy

- 3.8. The objective of the policy is to ensure the safety of the public by ensuring that safe, clean, reliable and accessible hackney carriage and private hire vehicles are available for all who require them by:
 - a) Ensuring that drivers, proprietors and private hire operators are fit and proper persons;
 - b) Encouraging high standards of service and competence in the hackney carriage and private hire trade; and
 - c) providing clarity for licensees with respect to the Council's expectations and the decision-making process.
- 3.9. In formulating this policy consideration has been given to:
 - a) Statutory Taxi & Private Hire Vehicle Standards issued by the Department for Transport 2020
<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>;
 - b) The Local Government (Miscellaneous Provisions) Act 1976
<https://www.legislation.gov.uk/ukpga/1976/57/part/II>;

- c) The Town & Police Clauses Act 1847
<https://www.legislation.gov.uk/ukpga/Vict/10-11/89>.

4. Failure to Disclose Information

- 4.1. Withholding information when submitting an application can be interpreted as deception and may lead to refusal of the application for this reason alone.
- 4.2. Failure to notify the Licensing Service of any arrest, conviction, caution or other relevant matter during the duration of the licence in accordance with a licence condition or bylaw, will also be treated as deception and may lead to refusal/revocation/suspension of a licence for this reason alone.

5. Enforcement and Complaints against licence holders

Enforcement

- 5.1. The principal purpose of hackney carriage and private hire licensing is to protect the public and promote public safety. The Government believes that regulators should have access to effective sanctions that are flexible and proportionate and that ensure the protection of workers, consumers and the environment when tackling non-compliance by businesses. In pursuance of its objective to encourage responsible hackney carriage or private hire businesses, the Authority shall operate a firm but fair disciplinary and enforcement regime with a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference.
- 5.2. Where a licence holder has been referred to the licensing sub-committee, it has the power to order the revocation or suspension of the licence. Where a licence is due to be renewed as an alternative to revocation, the sub-committee may decide that the appropriate action is to order that the licence should not be renewed.
- 5.3. The Authority operates a penalty point scheme of enforcement whereby points may be issued by authorised officers to licence holders who are found to be in breach of legislation, byelaws, this policy or conditions. The penalty point scheme will apply to drivers, operators and vehicles.
- 5.4. The relevance of offences and convictions for prospective applicants and existing licence holders is outlined in the Authority's Assessment of Previous Convictions.

- 5.5. If any licence holder seeks to surrender their licence whilst they are under investigation for a criminal offence or other conduct that could result in the suspension or revocation of their licence, the Council will usually refuse to accept the surrender; continue with the investigation and determine the outcome.

Complaints against licence holders

- 5.6. The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity. This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.
- 5.7. Complaints about licence holders will be recorded on the Council's database. All complaints will be investigated, and appropriate action taken, which may include:
- a) No further action;
 - b) A written warning;
 - c) Penalty points on their appropriate licence (drivers, vehicle proprietors or operators);
 - d) Referral to a licensing sub-committee for consideration;
 - e) Suspension or revocation of the licence; or
 - f) Any other alternative option considered appropriate by the Licensing Committee to promote the objective of public safety.
- 5.8. A pattern of complaints about a licence holder may be sufficient on the balance of probabilities to take more formal action than an individual complaint may warrant alone.
- 5.9. Matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to conviction may also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 5.10. Castle Point Borough Council's Penalty Points Scheme is attached as Appendix C.

Appeals Procedures

- 5.11. Sometimes the Council makes decisions that result in an application for a driver, vehicle or operator licence being refused. Other decisions may result in a licence being revoked or suspended.
- 5.12. These decisions may be made by an officer or by a licensing sub-committee of the Council. If the driver or applicant are unhappy at the decision that is made, then an appeal can be lodged to consider your grounds of appeal.

Stage 1 - Appealing to the Licensing Sub-Committee

- 5.13. If the Licensing Manager has refused your application, you can appeal to the Licensing Sub-Committee within 21 days for them to consider your appeal.
- 5.14. You need to:
 - a) Email licensing@castlepoint.gov.uk or write for the attention of the Chair of the Licensing Committee.
 - b) The submission must contain any evidence to support your appeal.
 - c) The correspondence must arrive with the Licensing Team within 21 days of you receiving a notice of determination from the Council.

Stage 2 - Appealing to Magistrates Court following Licensing Sub-committee determination

- 5.15. You need to:
 - a) Write to Magistrates Court.
 - b) The letter must be accompanied by a payment for the appeal.
 - c) The letter must arrive at the Magistrate's Court within 21 days of you receiving a notice of decision from the Council.
- 5.16. There is a right of appeal to the Magistrates' Court and further right of appeal to the Crown Court, in relation to any refusal to grant, renew, suspend or revoke a driver's licence.
- 5.17. Where an applicant is seeking to appeal, an application must be made promptly in any event and without delay and must be lodged "strictly" within 21 days of notification. Full details about how to appeal will be contained in the decision letter.
- 5.18. If the appeal is withdrawn after it has been lodged with the Court, or the appellant loses in Court the Council will apply for costs incurred whilst defending the decision.
- 5.19. If an appeal is received out of time, it will be invalid and the Council shall seek costs, in the same way if an appeal is made within time but later withdrawn.

6. Applying for a licence

- 6.1. Applicants should complete the relevant application form which is available on the Council's website or from the Licensing Team. The cost of a licence is reviewed annually and the current prices are published on the Council's website. The Council requires all applicants to read the form(s) thoroughly as incomplete forms or wrong information may cause a delay in the processing of the application.
- 6.2. Applicants are also advised to consider all the relevant information before proceeding with the application as refunds of application fees paid will not be given.
- 6.3. The forms and questions are designed to be self explanatory but anything the applicant is unsure of can be verified by contacting the Licensing Team via email licensing@castlepoint.gov.uk or by telephone on 01268 882480.
- 6.4. All determinations of new applications are delegated to the Licensing Manager and if an applicant is not satisfied, applicants can appeal against the determination and the application will be referred to the Licensing Sub-Committee.
- 6.5. If the Licensing Sub-Committee refuses to grant a licence the applicant can appeal within 21 days against the decision to the appropriate Magistrates' Court.
- 6.6. The Council may suspend or revoke an existing licence or refuse to renew a licence subject to any breaches of its conditions in accordance with the scheme of delegation as outlined in Appendix B.

7. Drivers

Badges

- 7.1. The Council issues the following types of badges:
 - a) A dual (combined) badge which authorises the driver to drive both Hackney Carriage (Taxi) and Private Hire vehicles; and
 - b) Private Hire only badge for those drivers wishing to drive licensed Private Hire vehicles for pre-booked work only.
 - c) These badge holders can work as a Hackney Carriage (Taxi) or Private Hire driver or an Executive Hire driver.

Duration of Licences

- 7.2. The badges are valid for three years from the date of determination.

- 7.3. The drivers badges have a colour coded strip at the bottom of the badge as follows:
- 7.4. A driver is allowed to hold a licence with more than one authority at a time if they wish.



Example of Combined Hackney Carriage and Private Hire Drivers Licence



Example of Restricted Private Hire / Private Hire Drivers Licence

Pre-licensing standards – All applicants

- 7.5. A person being considered for a licensed drivers licence shall:-
- Complete an application form on which must be declared any convictions and any other relevant information e.g. previously had a licence held at or revoked by another licensing authority).
Omissions or incorrect statements of a serious nature will render the licence liable to immediate suspension. Where an applicant currently holds, or has previously held a licence with another authority the Council may vet the application through a local authority check.
 - Have held a current full UK licence issued by the Driver and Vehicle Licensing Agency (DVLA) to drive a motorcar for not less than three years immediately prior to making the application for a driver's badge. A DVLA check will be undertaken to confirm driving history on application and at renewal of the licence.
 - Demonstrate that they meet the English language requirement. We expect all licensed drivers to have a sufficient command of the English language, so that they can communicate freely and clearly with passengers and officials, including in stressful and emergency situations. Drivers are also expected to be able to identify situations where there may be passenger safeguarding concerns and to possess sufficient communication skills to report those concerns. See Appendix D for further details.
 - Pass a medical examination to the criteria in the 'Medical Aspects of Fitness to Drive' (Group 2 Standard) carried out by a medical practitioner licensed and registered with the General Medical Council or equivalent licensing authority and produce a D4 medical report and certificate in the D4 form provided by the Council. An essential part of the licensing process

is to ensure the safety of the travelling public and further medical checks are made according to the age of the licence holder.

- e) Be the holder of a driver's assessment pass certificate provided by an organisation whose course content is approved by the Council.
- f) Complete Disability Discrimination Awareness training provided by an organisation whose course content is approved by the Council and produce an accredited certificate on application and at renewal of the licence.
- g) Complete Safeguarding Awareness training inclusive of Child Sexual Exploitation provided by an organisation whose course content is approved by the Council and produce an accredited certificate on application and at renewal of the licence.
- h) Be vetted by the DBS to an Enhanced level with the Adult and Child Barring list search.
- i) Continuously maintain their DBS certificate by subscription to the DBS Update Service, costs associated with maintaining this subscription must be met by the licence holder. The Council will use the update service to check the DBS status of drivers every 6 months.
- j) Not have been convicted of any of the specified offences within the elapsed period listed on the Council's Conviction's Policy.
- k) Provide proof of statutory right to work in the UK. Any applicant who has a limited right to work shall not be issued a drivers licence for a period longer than that limited period. If the right to work is under review by Immigration Services at the time an application is made a licence is unlikely to be granted until the position is confirmed. A skilled worker cannot be a licensed driver
- l) Provide a HMRC Tax Share code – if already a licensed driver with another Authority.

7.6. The list of approved providers is listed within the Appendix E.

7.7. Information provided to the Authority will be shared with other Council services, other authorities and external statutory bodies, e.g., Police, Immigration services and Customs and Excise. The provision of a National Insurance number in isolation is not sufficient for the purposes of establishing the right to live and work in the UK.

7.8. All relevant facts will be taken into account when consideration is given to an application for a hackney carriage or private hire driver's licence and it may be that additional or higher standards will be imposed.

7.9. Any person who disagrees with a decision of the Council to refuse to grant a licence has the right to appeal initially to the Licensing Sub Committee and subsequently to Magistrates court within 21 days of that decision.

Pre-licensing standards – Hackney Carriage Applicants only

- 7.10. In addition to the pre-licensing standards listed above, an applicant must also comply with the requirements outlined within this section.
- a) Pass knowledge and byelaws tests designed to ensure that they have sufficient knowledge to provide a safe and reliable service to the travelling public.
 - b) A person that does not attain the pass mark on retest and wishes to take a further test will be required to pay a fee for each subsequent occasion. The Council may require a driver to take a retest on the knowledge and byelaws at any time at the discretion of the Chair of the Licensing Committee. (See Appendix F – Byelaws In Respect Of Hackney Carriages).
 - c) If the applicant fails their knowledge test they will be able to re-take the test provided a period of 14 days elapses between tests. This is to ensure that the applicant has sufficient time to revise.
 - d) If the applicant is unsuccessful on their sixth attempt their application will be refused as the applicant has not been able to evidence that they have the appropriate skills and attributes to satisfy the Council that they are fit and proper to be a licensed driver.
 - e) A new application can be made after a period of 6 months. This will provide time to enable the applicant to develop the necessary skills. The Council believes that this condition is necessary to ensure that applicants do not continue to take the test to their own financial detriment when they do not have the necessary knowledge to pass. If the applicant has completed additional training a shorter period would be considered on a case by case basis.
- 7.11. Existing drivers that currently hold a private hire badge will be expected to undertake a knowledge and byelaws test of the local area should they wish to upgrade to the combined hackney carriage/private hire drivers licence.

National Register of Hackney Carriage and Private Hire Vehicle Driver Licence Refusals and Revocations

- 7.12. The Council has subscribed to the National Register of Hackney Carriage and Private Hire Licence Refusals and Revocations (NR3). The Council will search the national database in all cases where an application is made for a new Combined Hackney Carriage and Private Hire or Private Hire Drivers licence and when an application is made for the renewal of these licences.
- 7.13. Please see Appendix K for more information.
-

All Licensed Driver badge holders - Conditions of licence

- 7.14. In order to protect the public the Council can only support licensed drivers that are reliable and of a good standard therefore a person being considered for a drivers licence will need to satisfy all aspects of the Councils pre-licensing standards before obtaining a licence.
- 7.15. The driver shall ensure that the licensed vehicle is well maintained, clean inside and out and free from damage and in every respect fit for public service.
- 7.16. The driver of a licensed vehicle may not stop on a taxi rank at any time or ply for hire outside the Castle Point Borough Council area.

Renewals

- 7.17. A person wishing to renew their combined hackney carriage and private hire, private hire or restricted private hire driver's licence must do so on or before the expiry of their current licence.
- 7.18. Driver's badges will be issued for a period of up to 3 years. Those who fail to do so will be considered a new applicant after two weeks and be required to meet the pre- licensing conditions.
- 7.19. On renewal, the licensed driver must:
 - a) Present to the Council the application form duly signed and declaring any unspent convictions.
 - b) Produce documentation to demonstrate that they meet the English language requirement.
 - c) Produce their current DVLA driving licence showing their current address.
 - d) Produce a new photograph one month prior to expiry of the licence.
 - e) Provide a signed consent form for a DVLA Disclosure check to verify the accuracy of the licence holders driving record with DVLA.
 - f) Provide a valid Disability Awareness and Passenger Assistance Training (PATs) qualification certificate by a Training Provider approved by the Council.
 - g) Provide a valid Safeguarding Training qualification certificate by a Training Provider approved by the Council.
 - h) Provide a valid Driver Proficiency Virtual Classroom Course certificate by a Training Provider approved by the Council (HC & PH Circuit drivers only).
 - i) Provide a valid qualification certificate by a Training Provider approved by the Council for any additional mandatory training packages introduced by Castle Point Borough Council to ensure public safety.
 - j) Produce documentation to confirm their immigration status and right to work.
 - k) Be vetted by the Disclosure and Barring Service (DBS).

- l) Provide a HMRC Tax Check share code

Assisting Passengers and Conduct of driver

- 7.20. A driver shall not use threatening, abusive, insulting words or display disorderly behaviour within the presence of a person which considered the act threatening abusive or insulting.
- 7.21. A driver shall not display any writing, sign or other visible representation which is considered threatening abusive or insulting.
- 7.22. The driver of a hackney carriage or private hire vehicle shall assist any person who may require support getting in or out of the vehicle. The driver will ask the passenger how they can assist and act only as requested.
- 7.23. The driver when hired shall:
 - a) Convey a reasonable quantity of luggage;
 - b) Afford reasonable assistance in loading and unloading such luggage;
 - c) Afford reasonable assistance in removing such luggage from the vehicle to or from the entrance of any building, station, or place at which they pick up or set down passengers;
 - d) Proceed to the passengers' destination by the shortest possible route unless the hirer has expressed a preferred route;
 - e) Take all reasonable precautions to ensure the safety of passengers travelling in or alighting from the vehicle; and
 - f) Be respectable and act with civility towards every person travelling in the vehicle and comply with any reasonable requirements.
- 7.24. The driver shall not at any time smoke tobacco or any other like substance or electronic cigarettes (vapes) in a licensed vehicle. Drivers must ensure that the current Smoke Free Legislation is complied with at all times.
- 7.25. The driver shall not by calling out or otherwise tout or solicit persons to hire the vehicle and shall not make use of the service of any other person for that purpose.
- 7.26. When attending to collect a pre booked passenger, the driver shall make their presence known in person and shall not attract the hirer's attention by sounding the horn or shouting.
- 7.27. The person authorised by the proprietor of a hackney carriage or private hire vehicle to act as the driver of the vehicle shall not permit any other person to act as driver of the vehicle unless they are licensed with the Local Authority and comply with relevant conditions as set out in this policy.
- 7.28. The driver of a licensed vehicle shall not tamper with or permit any person to tamper with the taximeter in the vehicle. The meter must be sealed at all times unless there is a need to remove the seal for repair. However should this be the case it must be reported to the Licensing Service and the taximeter must be resealed as soon as possible.

- 7.29. The driver shall comply with the Council's conditions of licence and byelaws (where appropriate). Please see Appendix F for the full byelaws.

Dress code and conduct for licensed drivers

- 7.30. Licensed drivers shall, at all times when driving a licensed vehicle:
- a) Be clean and respectable; and
 - b) Conduct themselves in an orderly manner and with civility and propriety towards every person travelling in the vehicle and shall comply with his or her reasonable requirements.
- 7.31. Licensed drivers shall, at all times when driving a licensed vehicle ensure that they are dressed in accordance with the requirements set out below:
- a) The driver shall before commencing work ensure they are clean and smartly dressed as not to offend a passenger;
 - b) Clothing should be freshly laundered at the start of the working day;
 - c) Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency;
 - d) Sensible chest covering (string vests and low cut tops are not an acceptable form of chest covering);
 - e) Sensible foot wear must be worn (flip-flops are not permitted); and
 - f) Drivers are not permitted to wear any article that covers the face and cannot be readily identifiable from their driver's badge.
 - g) No baseball caps to be worn obscuring the drivers face.
 - h) Anyone wearing a face covering on religious grounds will be permitted. Anyone wearing an item worn over heads and faces for religious reasons, Licence holders should permit the item to be removed out of public view and where practical, it should be removed only in the sight of a Police officer or Authorised Council officer of the same sex.

Passengers

- 7.32. The driver shall not convey or permit to be conveyed a greater number of passengers than specified on the licence, even if that person is carried by another (i.e. infant in arms).
- 7.33. No person shall be carried in a hackney carriage or private hire vehicle when already hired, without the express consent of the hirer.

Lost property

- 7.34. The driver of a licensed vehicle shall immediately after the end of each hiring inspect the vehicle for any property that may have been left in the vehicle and, if any is found, make a report to Essex Police by calling 101 or via their website <https://www.essex.police.uk/ro/report/lp/lost-or-found-property/> .

Payments Options and Written Receipts

- 7.35. All licensed Hackney Carriage and Private Hire Drivers must provide a card payment facility. As a minimum, devices should accept Chip and PIN and contactless payments.
- 7.36. The device must accept VISA and Mastercard payments as a minimum but drivers may also choose to accept other electronic methods and cards, such as PayPal, American Express and Diners Club
- 7.37. The driver shall if requested by the hirer of a hackney carriage or private hire vehicle, provide the passenger with a written receipt for the fare paid.

Animals

- 7.38. A driver of a licensed vehicle is required to carry the following assistance dogs free of charge unless the driver has a proven medical condition that would preclude this:
 - a) guide dogs for the blind;
 - b) hearing dogs;
 - c) dogs for people with disabilities; and
 - d) support dogs (e.g. Epilepsy).
- 7.39. All assistant dogs can be identified usually by their harness or their identification coat.
- 7.40. A driver, who has a proven medical condition that prevents him/her from carrying any of the above mentioned dogs must obtain a Driver Exemption Certificate and display it clearly at all times when driving the vehicle.
- 7.41. A driver is responsible for informing the operator of such a condition when first employed or if such condition occurs subsequently at any time.

Prompt attendance

- 7.42. The driver of a licensed vehicle shall be on time unless unavoidably delayed.

Badge

- 7.43. The drivers badge issued by the Council must be displayed in a prominent position.

Use of unlicensed drivers

- 7.44. The use of an unlicensed driver is strictly forbidden. If a driver wishes to be employed in such a capacity then he/she must deposit with the proprietor a copy of their licence which authorises him/her to drive.

- 7.45. The proprietor will retain that copy until such times as the driver ceases to be permitted or employed to drive the licensed vehicle. It is the responsibility of the driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.

Change of address

- 7.46. A change of address must be notified within seven days to the Licensing Service at the Council. Official documents such as vehicle registration document, insurance certificate and driving licence must be presented to the Licensing Service as soon as reasonably practicable showing proof of change of address.

Accidents

- 7.47. The driver shall report to the Licensing Service any accident in which the driver is involved whilst driving a licensed vehicle. Notification must be within 72 hours of such an accident and then the vehicle must be presented to the Licensing Service at the Council for inspection.

Return of badge

- 7.48. The driver shall upon expiry (without immediate renewal); revocation or suspension of their licence, return the drivers badge issued to them to the Council.

Display of vehicle plate

- 7.49. The driver shall ensure that the vehicle plates are displayed in the correct positions and are clear and legible at all times.

Physical, mental fitness and medical evidence

- 7.50. The driver shall during the period of the licence report to the Licensing Service as soon as practicable any disability, physical or mental condition which develops or worsens and may affect their ability to drive safely.
- 7.51. A driver shall have a medical examination by a medical practitioner of Group 2 standard on first application and thereafter every 5 years (as set by the Council) until the age of 65 years when a medical will be required every year within 21 days prior to their birthday. This will be at the applicants own expense.

Driving Assessment

- 7.52. A driver shall complete and obtain a drivers assessment pass certificate from a Council approved provider every three years after the age of 65 years. This will be at the applicants own expense.

Certificate of motor insurance

- 7.53. The driver will be responsible for ensuring that any vehicle driven by them is insured as a licensed vehicle and that they are personally covered to drive the vehicle. The conditions relating to insurance of motor vehicles are contained in part 6 of the Road Traffic Act 1988.

Criminal Offences

- 7.54. Licence holders are required to notify the Licensing Service in writing or by electronic means immediately upon release following an arrest and release, interview under caution, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. This will result in a review as to whether the licence holder is fit to continue to do so. A licensed driver may be subject to their licence being suspended or revoked.
- 7.55. A decision to refuse, suspend or revoke a licence will be referred to the Disclosure and Barring Service, if it is thought that the individual could present a risk of harm to a child or vulnerable adult.
- 7.56. Other convictions, cautions, penalty points and driving offences recorded since the completion of the application form for a licence must be reported to Licensing in writing or by electronic means within seven days of the event.
- 7.57. Licence holders must continuously maintain their DBS certificate through the DBS Update Service, costs associated with maintaining this subscription must be met by the licence holder. The Council will use the update service to check the DBS status of drivers every 6 months. If the DBS update service membership is not maintained drivers will be required to submit a new enhanced DBS application every 6 months at their own expense.

Hackney Carriage Licensed Driver badge holders – Conditions of licence

Fare to be demanded

- 7.58. The driver of a licensed vehicle shall:

- a) At the commencement of a hired journey where a meter is fitted ensure that the meter indicates that the vehicle is hired until the termination of the hiring;
- b) Keep the meter properly illuminated throughout any part of the hiring during the hours of darkness and at any other time when requested to do so by the hirer of the vehicle;
- c) Not let the fare recorded be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare; and
- d) Be entitled to demand and take the displayed rate of fare approved by the Council or by negotiation a lesser fare. The driver must not charge a fee higher than that calculated by the rate of fares set at the termination of the journey.

Rank Etiquette – Castle Point Authorised ranks only

- 7.59. A driver is expected to observe the rank etiquette of first on first off, this does not affect the choice of the customer to use a particular driver, vehicle, or company.
- 7.60. Drivers must move up the rank when space becomes available. If a driver does not move within a reasonable time the next driver in line may move into the vacant space.
- 7.61. Vehicles will not be left unattended at any time on the ranks or feeder ranks.
- 7.62. If a driver is approached or hailed by a passenger requiring to be carried seated in a wheelchair which their vehicle cannot accommodate they must either:
 - a) Divert the passenger to a wheelchair accessible vehicle on the rank if one is available; or
 - b) Where possible use their phone or radio to contact an operator of a wheelchair accessible vehicle to arrange to collect the passenger as soon as possible.
- 7.63. A driver shall not obstruct or hinder another hackney carriage driver in any way.
- 7.64. The driver of a hackney carriage or private hire vehicle shall not by calling out or otherwise importune any person to hire the vehicle and shall not make use of the service of any other person for the purpose.

Private Hire Licensed Driver badge holders - Conditions of licence

- 7.65. The driver of a private hire vehicle may not stop on a taxi rank at any time or ply for hire. All journeys must be pre-booked through the operator.

Executive Hire Drivers Licence badge holder – Conditions of licence

- 7.66. The driver of a private hire vehicle may not stop on a taxi rank at any time or ply for hire. All journeys must be pre-booked through the operator.
- 7.67. A restricted private hire driver's licence may only be issued for the purpose of carrying out the following journeys in a private hire vehicle:
 - a) Local Authority contracts (e.g. school or social care) where the same regular journey is undertaken; and
 - b) Where the vehicle is not operated from a taxi or private hire circuit.
- 7.68. A restricted private hire driver will be limited to private hire vehicles, not carrying taximeters.
- 7.69. Action will be taken against any driver with a restricted private hire driver's licence found driving a private hire vehicle for general use within the district.

8. Vehicles

Overview

- 8.1. All vehicle proprietors who do not hold a Combined or Private Hire Drivers' Licence must submit an annual Basic Disclosure Check from the DBS.
- 8.2. The Council does not have any limit on the number of vehicles it licences.
- 8.3. All vehicles must be covered by the correct documentation, i.e. vehicle excise licence, MOT test certificate and insurance and will be required to be examined at the Council's approved MOT testing centre.
- 8.4. Applicants must produce an insurance document specifying that the vehicle is insured for the appropriate private hire or public hire and reward.
- 8.5. Applicants must produce a full vehicle registration document in the name of the Vehicle Proprietor.
- 8.6. Proof of ownership of the vehicle is required by way of a V5 vehicle registration log book, bill of sale, hire purchase agreement or lease agreement (if not owner and consent obtained to use the vehicle).
- 8.7. After the issue of a vehicle licence, the vehicle may only be driven by a driver holding a combined hackney carriage/private hire drivers licence issued by Castle Point Borough Council.
- 8.8. The Council expects the vehicle to be serviced and maintained to manufacturers guidelines

Duration of Licences

- 8.9. A Vehicle licence will only be issued for a one year duration.

Inspection and MOT requirements

- 8.10. All vehicles over three months old must hold a valid MOT test certificate.
- 8.11. Vehicle proprietors must produce an MOT test certificate issued within 10 working days of an inspection at the Council offices for new application, renewal or variation to the licence.
- 8.12. The vehicle must be submitted for mechanical inspection when requested (payment for an MOT at the approved garage must be made to the Licensing unit and a receipt obtained for production at the approved garage) and at least:
 - a) Upon initial application and annually in respect of vehicles up to 7 years old.
 - b) Six monthly in respect of vehicles over 7 years old and up to 10 years old at the Council's approved MOT testing centre.
 - c) Four monthly in respect of vehicles over 10 years old defined under condition at the Councils approved MOT testing centre.
- 8.13. Any vehicle over 7 years old must not have Pass with defects listed on the vehicle's MOT.
- 8.14. Any advisories must be rectified prior to the next MOT.
- 8.15. The Councils approved MOT testing centre is listed within Appendix E.
- 8.16. The vehicle licence fee incorporates 1 MOT test with the Castle Point Approved provider. Any additional costs, including retest are at the expense of the applicant.

Pre-licensing standards

- 8.17. A person being considered for a vehicle licence shall:
 - a) If not a licensed driver the applicant must provide a basic disclosure certificate from the DBS on application and be part of the update service; and
 - b) Not be a person who would be refused a driver's licence by reason of convictions recorded against them.
- 8.18. All relevant facts will be taken into account when consideration is given to an application for a hackney carriage vehicle licence and it may be that additional or higher standards will be imposed.

Age of Vehicles

- 8.19. Applications for the majority of new licences including change of vehicle to be licensed will not be considered for vehicles more than seven years old.
- 8.20. Limousines are exempt from this condition. (Please see relevant section of the policy).

- 8.21. A licensed vehicle must not be more than seven years old when first licensed for the first time by the applicant and will not be licensed if more than twelve years old from the date of registration.

Vehicle Specification – All vehicles

- 8.22. A licensed vehicle must be right-hand drive, in good mechanical order and body condition, and must be in full and proper operational order in every respect.
- 8.23. A licensed vehicle cannot be previously written off or the log book records the vehicle category as an A, B, N or S .
- 8.24. A licensed vehicle must have an engine performance with suitable power output. This will mean that the vehicle is capable of cruising at 70 mph on a motorway with four adult passengers and a fully loaded boot and have sufficient acceleration.
- 8.25. A licensed vehicle must have adequate luggage accommodation with suitable restraints to prevent items in non-saloon vehicles becoming unsecured.
- 8.26. The vehicle should not be used for Public or Private Hire when a warning light is displayed on the dashboard identifying a fault on the vehicle (including TPMS, Service, Airbag, EML, DPF and AdBlu warnings), this includes LCD warning messages displayed.

Vehicle Specification – Hackney Carriage vehicle

- 8.27. Some vehicle licences for standard vehicles are issued on 'Grandfather Rights' and therefore any NEW applications for Hackney Carriage vehicle licences will not be accepted and must be a Wheelchair Accessible vehicle. Those with Grandfather Rights retain the right to renew or replace their saloon vehicle on a like for like basis.

Vehicle Specification – standard vehicles carrying up to 4 passengers

- 8.28. A licensed vehicle must be suitable in type, size and design for use as a licensed vehicle and according to the manufacturer's specification has:
- a) Rear seats length measured in a straight line lengthways on the front edge of the seat which will allow adequate seating accommodation to the extent of at least 42 mm (16.5 inches) per person;
 - b) Seats were the width of the back seat from the rear to the front edge is not less than 46 mm (18 inches);
 - c) In addition to the driver's seat, up to two passenger seats in the front of the vehicle which are acceptable where each seat has separate lap/diagonal seat belts, with a minimum of 42 mm (16.5 inches) per person;

- d) No less than three doors in addition to the driver's door, each adjacent to and allowing direct access to and from the passenger seats. (Except with minibuses and similar vehicles); and
- 8.29. An overall length of not less than 4320 mm (170 inches).

Vehicle Specification – Minibuses and saloon vehicle carrying more 4 passengers

- 8.30. For all vehicles with more than 4 passenger seats, the vehicle must be at least 4840 mm long and 1740 mm in height (ground to the top of the car).
- 8.31. In respect of minibuses a minimum of three doors to the passenger accommodation shall be provided. Where seat rows do not have immediate access to the doorway, a clear passageway must be provided as a means of access and egress.
- 8.32. For all vehicles with more than 4 passenger seats, the vehicle must have proper signs on how to lift the second rows of seats.
- 8.33. For all vehicles with more than 4 passenger seats, the vehicle must have exit windows on the near and offside in respect of the rear row of seats and they must be free from obstruction at all times to allow access in the event of an emergency.
- 8.34. For all vehicles with more than 4 passenger seats, the vehicle must have well positioned exit window signs.
- 8.35. For all vehicles with more than 4 passenger seats, the vehicle must have an internal device for the rear hatch door to be opened from the inside.

Wheelchair accessible vehicles

- 8.36. For the purposes of these conditions in this section all references to a vehicle shall mean a wheelchair accessible vehicle being one manufactured or converted for the purposes of transporting a person in a wheelchair. All vehicles shall comply with the following requirements.
- 8.37. If the vehicle has been converted after initial manufacture it must have been issued with a Low Volume Approval Certificate (LVA also known as a SubMac) or a National Small Series Type Approval (NSSTA).
- 8.38. The licence issued to a wheelchair accessible vehicle will not be permitted to be replaced at any time by another vehicle other than a wheelchair accessible type.
- 8.39. The licence holder shall ensure that the licensed vehicle is to transport mobility impaired passengers at their request whenever not already hired by another person. They must also present the vehicle at the Council offices for the initial inspection and upon its annual renewal.

- 8.40. A safety audit by the inspecting officer will be followed by a written report with any recommendations that may require addressing to meet the standards required by the regulating bodies.
- 8.41. All vehicles are required to meet the minimum standard of construction and use and may be required to make reasonable adjustments to bring the safety standard up to date to meet current requirements to comply with best practice and the Disability Discrimination Act.
- 8.42. The vehicle must have at least two doors giving access to the area in the vehicle where the wheelchair and its occupant are to be accommodated.
- 8.43. Each of the doors must have an aperture of at least 1250 mm in height and an aperture width of at least 735 mm.
- 8.44. Wheelchair accessible vehicles not fitted with a passenger lift, must at all times carry the correct passenger ramps stamped with their safe working load (SWL) which should be a minimum of 300kgs or 660lb, and with a recommended gradient of deployment of ramps of 1:20; however, the maximum gradient should be no more than 8% (1.12) (Lifting Operations and Lifting Equipment Regulations 1998 "LOLER 1998").
- 8.45. The vehicle at all times must carry wheelchair tie downs compatible for the safe securing of the wheelchair and the correct restraint for the user.
- 8.46. All electric wheelchairs must be secured with four point tie downs.
- 8.47. Vehicles with mechanical passenger lifts, also fall within the LOLER 1998 and require an inspection by a competent person on a contractual basis. There must be a minimum of at least two inspections yearly and more if required by the manufacturers.
- 8.48. One of these inspections must be a full certificated weight test and a copy of that certificate must be given to the Licensing service.
- 8.49. The vehicle may be side or rear loading. If rear loading, the vehicle proprietor must provide an alternative method of escape in the event of a rear damage accident. This can be in the form of break glass hammer (with seat belt cutter) or alternative measures approved by the Council.
- 8.50. It is recommended that drivers use every effort to carry passengers in a conventional manner whenever possible in such an area of the vehicle that the occupant has an unrestricted view of the taximeter (if fitted).
- 8.51. This area must be at least 1400 mm in height measured from the floor to the roof lining and have a length of at least 1200 mm and a width of at least 750 mm available for the exclusive accommodation of a wheelchair and its occupant at all times while the vehicle is standing or plying for hire.
- 8.52. Any vehicle capable of carrying a wheelchair must do so in a reasonable manner. In the interests of passenger safety and comfort should any vehicle be capable of carrying a person who remains in the wheelchair or where the seating layout may be varied to accommodate a wheelchair, such vehicle must have adequate provision to enable the wheelchair to be fixed securely to the floor of the vehicle.

- 8.53. All proprietors of wheelchair accessible vehicles must have available in the vehicle a copy of the guidance notes on the carriage of passengers using wheelchairs in taxis together with the code of practice for the carriage of passengers in wheelchairs in taxis. Please see Appendix G.
 - 8.54. All proprietors of wheelchair accessible vehicles must conduct a risk assessment of their vehicle and submit a copy of it to the Licensing service on the initial application and on renewal of the vehicle.
 - 8.55. Licensed vehicles of the London style taxi i.e. the TX range can only load a wheelchair from the nearside of the vehicle and cannot transport a large wheelchair i.e. caps 2, a matrix or an electric wheelchair as these cannot be positioned into a taxi to travel rear facing; no other way is safe.
 - 8.56. Any Private Hire Operator that operates a school, social care, government contract or wheelchair accessible vehicle will submit a detailed risk assessment on a regular basis (i.e. twice yearly) to the Licensing service.
 - 8.57. Wheelchair accessible vehicles will not be renewable once they have reached fifteen years of age and any applicable licence will expire at this time.
-

All Vehicle Licence - Conditions of licence

All Licensed vehicles

- 8.58. The proprietor of the vehicle must ensure that the vehicle complies with the following conditions at all times. All vehicle proprietors who do not hold a Combined or Private Hire drivers' licence with the Council must submit an annual basic disclosure check from the Disclosure and Barring Service.

General condition and appearance of vehicle

- 8.59. At all times vehicles will be kept clean and tidy both internally and externally.
- 8.60. The vehicle must be roadworthy and have a valid MOT (if tested) when carrying passengers.
- 8.61. Vehicles without alloy wheels will be fitted with all four hubcaps.

Age of Vehicles

- 8.62. A licensed vehicle will not be licensed if more than twelve years old from the date of registration.

Safety equipment

- 8.63. Each vehicle shall carry a first aid kit for the use of the driver and shall contain those items laid down by the Health and Safety (First Aid) Regulations 1981.
- 8.64. An efficient (in date or pressurised) fire extinguisher shall be carried of a type conforming to BS EN3 (2 kg capacity). It must be readily available for use in case of emergency.
- 8.65. Vehicles specifically adapted to carry wheelchairs should carry two efficient fire extinguishers conforming to BS EN3 (2 kg minimum capacity). They must be readily available for use in case of emergency.
- 8.66. The proprietor shall have available in the vehicle “High Visibility Jerkins/Jackets” for all passengers and an “Emergency Triangle” in the event of breakdown or accident.
- 8.67. All road wheels fitted with manufacturer’s recommended size tyres (remould tyres are not acceptable). Where the vehicle has a factory fitted spare wheel it must be in a serviceable condition at all times.
- 8.68. Where a space saver tyre is supplied as the vehicles only spare wheel, the vehicle must comply with the conditions set by the manufacturer whilst it is fitted to the vehicle.
- 8.69. Where a space saver tyre has been fitted to a licensed vehicle, the vehicle cannot be used other than to complete a single journey.
- 8.70. Where a run flat tyre is supplied as the vehicles only spare wheel the vehicle must comply with the conditions set by the manufacture of the tyre whilst fitted to the vehicle.
- 8.71. Where the vehicle is only supplied with a run flat tyre, the licensed vehicle must not be used other than to complete a single journey when the tyre has suffered a deflation.

Interior markings

- 8.72. The proprietor shall ensure that the following are clearly displayed inside the vehicle:
 - a) “No smoking signs” shall be displayed on both rear passenger door windows;
 - b) The Council approved window badges will be displayed; and/or
- 8.73. A panel not exceeding ten inches by six inches inside such carriage for advertisement purposes provided that such panel is not illuminated and is not readily visible from outside the carriage.

Exterior signs

- 8.74. The proprietor shall ensure that:
 - a) No smoking signs shall be displayed on both rear passenger door windows;

- b) The Council approved window badges will be displayed.
- 8.75. Vehicles may display national flags, at the discretion and written approval of the Licensing Manager. If approved, it shall not exceed in size 18" x 12" (46cm x 30cm) and not obscure the driver's vision.
- 8.76. No festive decorations to be displayed in the front window.

Advertisements

- 8.77. Where an inscription which identifies the circuit or company of the vehicle is to be displayed, it may be positioned either:
 - a) In the rear screen of the vehicle, and must not obstruct the view to the rear; and/or
 - b) On the panel of each rear door.
 - c) On the bonnet or the boot.
- 8.78. Advertisements may be placed in the rear screen of the vehicle and must not obstruct the view to the rear, on the boot lid or hatchback door or moulded rear bumper.
- 8.79. Display advertising on the rear door panels must only be of such content that has been approved by the Licensing Manager.
- 8.80. The written approval of the Council shall be obtained as to the content and layout of any advertisement before it is fitted or displayed.

Renewal or amendment of the Licence

- 8.81. At the renewal or an amendment of the Licence a proprietor shall produce:
 - a) The appropriate application form and pay the appropriate fee;
 - b) A current certificate or cover note of Motor Insurance and Vehicle Inspectorate MOT test certificate and ensure original documents are supplied to the Licensing service. These copies must run concurrent, without any breaks in date or time and new or replacement copy documentation must be in the possession of CBPC Licensing service prior to the date and time of the expiring copies already held by them.
 - c) Failure to provide copies of a valid insurance certificate or cover note and or MOT test certificate will lead to immediate suspension for a minimum of twenty-four hours or until the production of the required document is made – in person – to an officer of the Licensing service of the Council. At which time the suspension will be immediately lifted.
 - d) Vehicle registration documents or any other evidence of proprietorship of the vehicle to the Council.

CCTV or Dash Cam

- 8.82. The Council permits the installation of CCTV or Dash Cams within licensed vehicles but it is not mandatory. It is the responsibility of the vehicle licence holder that they meet the standards of the Information Commissioners Office regarding responsibilities of a data controller. See Appendix H for guidance on CCTV systems.
- 8.83. Where in-car video surveillance is installed, a notice to this effect must be clearly displayed inside and outside the vehicle, the wording of which shall be approved by the Council.

Carriage of assistance dogs

- 8.84. The proprietor shall ensure the driver of the vehicle complies with the requirement to carry a Guide, Hearing and other assistance dogs for the disabled, including canine partner dogs.
- 8.85. A driver of a licensed vehicle is required to carry all assistance dogs free of charge.
- 8.86. A driver, who has a proven medical condition that prevents him/her from carrying any guide or assistance dog, must obtain a Medical Exemption Certificate and display it clearly at all times when driving the vehicle.
- 8.87. Guide, hearing and other assistance dogs can be identified by the colour of their coat and harness label:
- a) Guide dogs for the blind have a yellow jacket with the words guide dog printed on it;
 - b) Blind/Hearing dogs have a yellow jacket with red piping around the outside of the jacket;
 - c) A hearing dog will have a burgundy jacket;
 - d) Support dogs have blue jackets;
 - e) An assistant dog for physically disabled adults and children with autism will have a light yellow jacket; and
 - f) A canine partner's dog will have a purple jacket.
- 8.88. The dog owner should carry an identification card, in the case of those registered blind, this will include a passport size photograph, and in addition they may also hold an Institution of Environmental Health card confirming no hygiene risk to vehicles or premises.

Change of address

- 8.89. Change of address must be notified within seven days in writing or by electronic means to the Licensing service. Official documents such as vehicle registration document, insurance certificate, and driving licence must be

presented to the Licensing service, as soon as reasonable practicable, showing proof of change of address.

Accidents

- 8.90. The driver shall report to the Licensing service any accident in which the driver is involved whilst driving a licensed vehicle. Notification must be reported within 72 hours of such an accident.

Surrender of licence

- 8.91. If the proprietor ceases to use the vehicle for the purpose for which it is licensed they shall surrender the licence and return the plate which remains the property of the Council.
- 8.92. The Licensing Authority may, at any time during the period of the licence, revoke the licence should a breach be detected of any terms and conditions of the licence.

Electronic Payment Devices

- 8.93. Vehicles must be equipped with the means to accept electronic payments in addition to cash. The vehicle must have a Castle Point Borough Council approved electronic payment device which can accept an electronic payment.
- 8.94. All electronic payment devices must be able to accept:
- a) Contactless or PIN card payments for the following methods:
 - b) Visa, Mastercard, Maestro, Google Pay and Apple Pay
- 8.95. Additional electronic payment methods or Apps may be used upon application to, and approval by, the Council.
- 8.96. Invoices and BACS transfer is an acceptable method of payment.
- 8.97. The Council considers the electronic payment facility to be part of the vehicle and as such it must be working at all times.
- 8.98. If the means of making electronic payments is not working the vehicle cannot be used as a Public/Private Hire vehicle until this is rectified.

Vehicle Licence – Additional Hackney Carriage Conditions of licence

- 8.99. In addition to the All vehicle conditions, the following conditions apply to Hackney Carriage Vehicles.

Byelaws and regulations

- 8.100. The proprietor shall ensure that any driver complies with the Council's Byelaws and Conditions.

- 8.101. The proprietor should make themselves familiar with statutory requirements in relation to Hackney Carriage Licensing in the Town Police Clauses Act 1847 (as amended), Public Health Acts 1875 and 1936 and the Local Government (Miscellaneous Provisions) Act 1976. These are available at a public library or on the internet.

Taximeter

- 8.102. The vehicle shall be fitted with a taximeter visibly recording the approved passenger fare payable. See Appendix L for a list of approved meter agents and conditions.
- 8.103. The taximeter shall be maintained at all times so that the fare displayed can readily be seen by the passenger. There shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate of fare which the proprietor is entitled to demand and take in pursuance of the scale of fares prescribed by the Council.
- 8.104. The taximeter and all the fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
- 8.105. The operation of the taximeter shall accord with any byelaws made by the Council.
- 8.106. The taximeter shall be tested for accuracy on initial application and following any changes to the table of fares or as required.
- 8.107. The Taximeter Fees and charges will be automatically reviewed by the Chair of the Licensing Committee every 2 years from the date of the last amendment or request. This condition does not prevent a request to amend the fees within a lesser period.
- 8.108. Any requests for amendments to the fees will be approved by the Licensing Committee and will follow due process in accordance with the legal framework.

Usage

- 8.109. Whilst a vehicle is licensed and plying for hire as a hackney carriage it shall not be driven by any person other than a driver properly licensed by the Council.
- 8.110. If the proprietor permits or employs any other person to drive the vehicle, that person must deposit a copy of their combined hackney carriage/private hire driver's licence with the proprietor, before he/she commences to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose.
- 8.111. The copy of the licence will be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. It is the responsibility of the

driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.

Interior markings

- 8.112. The proprietor shall ensure that the following are clearly displayed inside the vehicle:
- a) The number of the licence;
 - b) Window badges which will be displayed to the near side of the front windscreen and on both rear passenger door windows/quarter lights;
 - c) “No smoking signs” which shall be displayed to the front near side of the front windscreen and on both rear passenger door windows; and
 - d) The table of fares currently in operation.
- 8.113. Where a “FOR HIRE” flag is installed it must be situated at the bottom left side of the front windscreen, of which the illuminated area does not exceed 16 square inches (41cm).
- 8.114. Where in-car video surveillance is installed, a notice to this effect must be clearly displayed inside and outside the vehicle, the wording of which shall be approved by the Council.
- 8.115. A panel not exceeding ten inches by six inches (15 cm) inside such carriage for advertisement purposes provided that such panel is not illuminated and is not readily visible from outside the carriage.

Exterior signs

- 8.116. The proprietor shall ensure that:
- a) Two plates bearing the number of the licence granted shall be displayed on the outside of the vehicle. The larger plate near to the rear number plate and the smaller plate near to the front number plate.
 - b) The Council’s official emblem must be permanently fixed in the centre of the upper panels of both front doors.
 - c) No smoking signs shall be displayed to the front near side of the front windscreen and on both rear passenger door windows.
 - d) Window badges will be displayed to the near side of the front windscreen and on both rear passenger door windows/quarter lights.
- 8.117. Vehicles must display a Council approved sticker on both the rear passenger door panels indicating that debit and credit card payments are taken.
- 8.118. The vehicle shall be fitted with a sign on the roof, this sign must only be illuminated when the vehicle is for hire.
- 8.119. The roof sign shall be capable of being lit internally so that it is illuminated when the carriage is for hire and reward and not so illuminated otherwise. A mechanism must be fitted to allow for the roof sign to be switched off when

outside of the Borough to eliminate any accusations of plying for hire.

An illustration of the Hackney Carriage vehicle signage is shown below.



Vehicle Licence – Additional Private Hire (excluding Executive Hire) Conditions of licence

8.120. In addition to the All vehicle conditions, the following conditions apply to Private Hire Vehicles except Executive Private Hire vehicles.

8.121. Private hire vehicles are not permitted to display a roof sign of any type.

Taximeter

8.122. There is no legal requirement for Private Hire vehicles to use a Taximeter. A number of Private Hire operators use a meter.

8.123. If the vehicle is fitted with a taximeter:

- a) It must be visibly recording the approved passenger fare payable; and
- b) The meter must be fitted by one of the approved meter agents.

8.124. The taximeter shall be maintained at all times so that the fare displayed can readily be seen by the passenger. There shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate of fare which the proprietor is entitled to demand and take in pursuance of the scale of fares prescribed by the Council.

8.125. The taximeter and all the fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

8.126. The operation of the taximeter shall accord with any byelaws made by the Council.

8.127. The taximeter shall be tested for accuracy on initial application and following any changes to the table of fares or as required by a Licensing Officer.

Usage

8.128. Whilst a vehicle is licensed it shall not be driven by any person other than a driver properly licensed by the Council.

- 8.129. If the proprietor permits or employs any other person to drive the vehicle, that person must deposit a copy of their driver's licence with the proprietor, before he/she commences to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose.
- 8.130. The copy of the licence will be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. It is the responsibility of the driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.

Interior markings

- 8.131. The proprietor shall ensure that the following are clearly displayed inside the vehicle:
- a) The number of the licence;
 - b) Window badges which will be displayed to the near side of the front windscreen and on both rear passenger door windows/quarter lights;
 - c) "No smoking signs" which shall be displayed to the front near side of the front windscreen and on both rear passenger door windows; and
 - d) The table of fares currently in operation.
- 8.132. Where in-car video surveillance is installed, a notice to this effect must be clearly displayed inside and outside the vehicle, the wording of which shall be approved by the Council.
- 8.133. A panel not exceeding ten inches (25cm) by six inches (15cm) inside such carriage for advertisement purposes provided that such panel is not illuminated and is not readily visible from outside the carriage.

Exterior signs

- 8.134. The proprietor shall ensure that:
- a) Two plates bearing the number of the licence granted shall be displayed on the outside of the vehicle. The larger plate near to the rear number plate and the smaller plate near to the front number plate.
 - b) The Council's official emblem must be permanently fixed in the centre of the upper panels of both front doors.
 - c) No smoking signs shall be displayed to the front near side of the front windscreen and on both rear passenger door windows.
 - d) Window badges will be displayed to the near side of the front windscreen and on both rear passenger door windows/quarter lights.

An illustration of the Private Hire vehicle signage is provided below.



- 8.135. Vehicles must display a Council approved sticker on both the rear passenger door panels indicating that debit and credit card payments are taken.
- 8.136. The vehicle shall be fitted with a sign on the roof, this sign must only be illuminated when the vehicle is for hire.
- 8.137. The roof sign shall be capable of being lit internally so that it is illuminated when the carriage is for hire and reward and not so illuminated otherwise. A mechanism must be fitted to allow for the roof sign to be switched off when outside of the Borough to eliminate any accusations of plying for hire.

Vehicle Licence – Additional Executive Hire (Private Hire) Conditions of licence

Exemption Certificates to Signage

- 8.138. An exemption certificate may be applied for to the Council, for a higher class private hire vehicle, used exclusively for executive hire, subject to there being a contract/agreement in writing between the private hire operator and the hirer that specifically stipulates that the hirer requires the vehicle not to display a licence plate or any signage.
- 8.139. At all times when the exemption granted by this certificate applies, the proprietor shall ensure the private hire vehicle licence plate is carried within the vehicle and readily available for inspection.

An illustration of the Restricted (Executive) Private Hire signage is shown below (inside red circle)



- 8.140. A copy of the exemption certificate specifying non-display of signage should be available for production to any Police Officer or Authorised Person.
- 8.141. Whilst an exemption certificate is in force no advertising, company name or logo may be displayed on the vehicle

Specification for minibuses and other special events vehicles licensed as private hire vehicles

Minibuses

- 8.142. A private hire vehicle licence will be granted in respect of a minibus constructed or adapted to carry up to 8 passengers i.e. 8 seats plus the driver's seat.
- 8.143. Front bench or crew type seating will be permitted; however, this must accommodate one person in addition to the driver and must have a lap/diagonal belt fitted.
- 8.144. The vehicle must:
- a) Have appropriate emergency exit facilities i.e. two emergency doors which should be clearly marked with adequate lighting and means of opening from inside;
 - b) Be right hand drive;
 - c) Have all road wheels fitted with manufacturer's recommended size tyres with a minimum rating of 8 ply (remould tyres are not acceptable);
 - d) Have a spare tyre or run flat type tyre (remould tyre not acceptable);
 - e) Have a permanent roof which is watertight – standard sunroof is allowed (i.e. if the sunroof was fitted when new by manufacturer); and
 - f) Have an internal floor free from protruding objects, rips in the floor covering and it must not be a slippery surface.
- 8.145. All luggage carried in the vehicle must be adequately secured to the body of the vehicle to prevent luggage carried in the rear compartments from coming into contact with persons travelling in the bus. If one of the emergency exits is via the rear door, luggage should not be stored in such a way as to hinder the use of that door.
- 8.146. There must be sufficient means by which passengers can communicate with the driver.
- 8.147. Minibuses and those vehicles specifically adapted to carry wheelchairs should carry two fire extinguishers with a minimum rating of 8A – 34B (type AFFF 2 litre minimum capacity recommended) and appropriate signage must be displayed in the vehicle indicating where these are located. They must be readily available for use in case of an emergency.
- 8.148. The vehicle must have a clean and smart appearance externally and internally.
- 8.149. A current Vehicle Inspectorate MOT Test Certificate must be produced immediately following each mechanical inspection and upon request.
- 8.150. At all times the vehicle owner must hold a current certificate of motor insurance and vehicle inspectorate MOT test certificate and must ensure copies are provided to the Licensing service. Failure to provide copies of a valid insurance certificate and MOT test certificate will lead to immediate suspension for a

minimum of 24 hours or until the production of the official document is made in person to an officer of the Licensing Authority.

- 8.151. When a vehicle is adapted to carry 8 passengers from an original capacity of 1 or more, it is the duty of the proprietor to inform HM Revenue and Customs for the vehicle to be re-classified for taxation purposes before it is taken into use as a hire vehicle.

Special events vehicles – stretched limousines

- 8.152. Any stretched limousine submitted for licensing, which does not comply with the requirements of the standard vehicle specification shall have:
- a) A valid Single Vehicle Approval (SVA) or Certificate of Initial Fitness (COIF);
 - b) A maximum passenger accommodation of eight (Note – for the purpose of calculating seating capacity the measurement unit of a single seat width shall be 42cm (16.5”) per person); and
 - c) All seat positions fitted with approved seat belts.
- 8.153. In addition to the driver and front passenger door, two doors allowing access to the rear passenger compartment shall be provided on the near and offside of the vehicle.
- 8.154. There should be an overall vehicle height of not less than 135cm (53”).
- 8.155. There should be an engine rating providing adequate power relative to the size of the vehicle.
- 8.156. The vehicle owner must produce a current Vehicle Inspectorate MOT Test Certificate immediately following each mechanical inspection and upon request.
- 8.157. At all times the vehicle owner must hold a current certificate or cover note of motor Insurance and Vehicle Inspectorate test certificate and ensure copies are supplied to the Licensing service. These copies must run concurrent, without any breaks in date or time and new or replacement copy documentation must be in the possession of the CPBC Licensing service prior to the date and time of the expiring copies already held by them.
- 8.158. Failure to provide copies of a valid insurance certificate or cover note and or MOT test certificate will lead to immediate suspension for a minimum of twenty-four hours or until the production of the required document is made – in person – to an officer of the Licensing service. On production of valid documentation the suspension will be immediately lifted.
- 8.159. The vehicle owner must produce vehicle registration documents or any other evidence of proprietorship of the vehicle to the Council at the request of the Licensing service, within a reasonable period of time or a maximum of seven days from such request.

9. Private Hire Operators Licence

Overview

- 9.1. The objective in licensing Private Hire Vehicle Operators is to protect the public, who may be using Operators' premises and trusting that the drivers and vehicles dispatched are above all else safe.
- 9.2. It is important therefore that licensing authorities are assured that those that are granted a Private Hire Vehicle Operator licence also pose no threat to the public and have no links to serious criminal activity.
- 9.3. Although Private Hire Vehicle Operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.
- 9.4. The cost of an Operator's Licence varies according to the number of vehicles working with the Operator and also the time period covered by the Licence. Operators operating either a fleet of private hire vehicles or a "mixed fleet" of private hire and hackney carriage vehicles require an Operator's Licence.
- 9.5. Operators operating entirely a hackney carriage fleet will be exempt from requiring an operator's licence.
- 9.6. It is the responsibility of the applicant to ensure all relevant planning permissions are in place and to comply with all planning and building regulations.

Duration of Licences

- 9.7. An Operator Licence will normally be issued for a five year duration.
- 9.8. Any shorter duration will only be issued if it is appropriate in the specific circumstances of the case, this can include:
 - a) when the licensee has requested it or where it is required;
 - b) the licence holder's leave to remain in the UK is time-limited.

Pre licensing standards

- 9.9. Applicants must satisfy the Council's pre-licensing standards for private hire operators.
- 9.10. To apply for a Private Hire Operator licence the applicant needs to submit the following:
 - a) A completed application form;
 - b) Evidence of the right to work in the UK;
 - c) A basic disclosure from the DBS (unless the applicant is also a licensed

- driver with the Council);
 - d) A Certificate of Good Character or criminal records information if the applicant has from the age of 10 years, spent six continuous months or more living outside the United Kingdom;
 - e) The fee; and
 - f) Supporting documentation.
- 9.11. A person or company who accepts a booking directly from a hirer for the use of a private hire vehicle requires a Private Hire Vehicle Operators Licence and shall:
- a) Produce a current Passport or Birth Certificate;
 - b) Produce a list of vehicles used under the Operators Licence;
 - c) Submit an annual Basic Disclosure check from the DBS if they do not hold a Combined or Private Hire drivers' Licence ;and
 - d) Provide evidence of their right to work in the UK. This is required for the first application and all renewals.
 - e) Where an applicant is subject to immigration controls the licence will be issued in line with the work permit restrictions.
- 9.12. Applicants, including all directors or partners, that are not licensed as a driver will be vetted by the Disclosure and Barring Service and must complete a Basic Disclosure upon application and subsequently thereafter annually. Applicants are required to complete a form for this purpose which is provided by the Council and return it together with the appropriate fee.
- 9.13. A basic disclosure certificate will disclose any unspent conviction recorded on the Police National Computer (PNC). The Council will consider whether an applicant or licence holder with a conviction for offences other than those related to driving, meets the "Fit and Proper" threshold.
- 9.14. Any offence involving dishonesty or violence, an arrest and release, interview or charge and conviction of any sexual offence, driving offences, cautions and penalty points received recorded since the completion of the application form for a licence must be reported to the Licensing service in writing or by electronic means within 48hrs of the event.
- 9.15. Operators must have a written policy on employing ex-offenders.
- 9.16. Operators must maintain Public and Employers Liability Insurance (if open to the public and employ staff).
- 9.17. Applicants must provide a HMRC Tax Share code – if already licensed with another Authority.

Operators Base

- 9.18. To ensure proper regulation and enforcement a licence will not be granted to an operator whose premises is located outside the Castle Point Borough. Operators based outside of the Castle Point Borough Council area and who have been granted a licence prior to the adoption of this policy will be permitted to continue to trade from that address provided the conditions of their licence are fully met.

Public telephone number for Private Hire Operators which hold Operators' Licences in different districts.

- 9.19. Where the Operator accepts telephone bookings, the Operator shall maintain a dedicated telephone line to the Castle Point Operator with its own unique telephone number. The telephone number used must be exclusive to this Operator's Licence.

It was made clear by the High Court that each private hire operator's licence must have a separate telephone number. This was the conclusion in *Blue Line Taxis (Newcastle) Ltd v Newcastle-upon-Tyne City Council*

Private Hire Operator Licence - Conditions of the Licence

Standard of service

- 9.20. The operator shall at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall in particular ensure that:
- a) When a vehicle has been hired to attend at an appointed time and place the vehicle shall unless delayed or prevented by sufficient cause attend punctually;
 - b) Premises provided by the Operator, either for waiting or booking shall be kept clean, adequately heated, ventilated and well-lit and also adequate seating provided (if open to the public). Public Liability insurance up to £10 Million; and
 - c) Any telephone facilities and radio equipment are maintained in a sound condition.

- 9.21. Any complaints received by the Operator shall be referred in writing to the Council, together with any action taken.
- 9.22. All vehicles operated by them shall be maintained in a satisfactory and road worthy condition.
- 9.23. The Operator shall ensure, without prejudice to any other liabilities imposed under the act that all drivers vehicles owned, controlled or operated in association with the Operator shall observe and perform to the conditions of their licence.
- 9.24. The Operator shall not employ or otherwise engage whether directly or indirectly any driver to drive any private hire vehicle for which the Operator invites or accepts bookings unless the driver has been granted the appropriate licence by the Borough Council.

Change of operator details

- 9.25. A licensee shall notify the Council of any change of director or partners or any changes to their place of business address within seven days.

Booking and Dispatch Staff

- 9.26. A register of all staff that take bookings or dispatch vehicles must be kept. This register must be produced on request to any police officer or authorised officer of the Council for inspection.
- 9.27. All individuals listed on the register must provide a recently issued Basic DBS disclosure (no older than 3 months). This should be compatible with the Operators Policy on employing ex-offenders.
- 9.28. Operators are required to record that they have had sight of each disclosure (although the certificate itself should not be retained) and should retain this record for the duration that the individual remains on the register.
- 9.29. The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records.
- 9.30. Operators or applicants for a licence must provide the Council with their Policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a Private Hire Vehicle Operators Licence , those with a conviction for offences provided in Appendix A (Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Records

- 9.31. The records to be kept by the Operator shall be kept in a suitable book or electronic records in such a form as the Council have approved and the following particulars shall be entered concerning every booking:
- a) The time and date of the booking;
 - b) The name and if appropriate address of the hirer;
 - c) How the booking was made;
 - d) The point of pick up - – full address;
 - e) The time of pick up ;
 - f) The destination – ‘to be advised by passenger’ or ‘the town’ is not acceptable;
 - g) The licence number or the call sign of the vehicle allocated;
 - h) The time at which the driver was allocated the booking;
 - i) The name or call sign of the driver allocated to the booking;
 - j) The name of any individual that responded to the booking request; and
 - k) The name of any individual that dispatched the vehicle.
- 9.32. Records kept in accordance with the above shall be preserved for a period of not less than 2 years following the date of the last entry.
- 9.33. The Operator shall keep at their operating base premises records of the following information in relation to all private hire vehicles operated by them:
- a) Vehicle registration number and licence number;
 - b) Make, colour and engine size;
 - c) Year of manufacture;
 - d) Name and address of licensed proprietor;
 - e) Name and address of licensed driver(s) of the vehicle and badge numbers; and
 - f) Copies of the licences of drivers and vehicles will be retained by the Operator whenever they are working for them.
- 9.34. A record will be kept of all call signs/numbers and the vehicle and drivers to which the call sign or number refers. In the event of a call sign or number being allocated for a temporary period, a record must be kept of relevant dates and the vehicle and driver concerned.
- 9.35. The above records to be produced on request to any police officer or authorised officer of the Council for inspection.

Door signs/advertisement

- 9.36. When an Operator wishes to provide drivers/proprietors with door advertising panels the procedures below must be followed:
- a) Where an inscription which identifies the circuit or company of the vehicle is to be displayed, it may be positioned either:

- In the rear screen of the vehicle, and must not obstruct the view to the rear; and/or
- On the panel of each rear door; and/or
- On the bonnet, boot lid or hatch back door or any of these combinations.

9.37. It shall not show the words “TAXI” or “CAB” or any word of a similar meaning or appearance which may be taken to indicate that the vehicle is a hackney carriage which is licensed to ply for hire.

Planning consent for operating base

9.38. It is the responsibility of the applicant to ensure all relevant planning permissions are in place and to comply with all planning and building regulations.

Use of passenger carrying vehicles (PCV) licensed drivers

9.39. A driver who holds a PCV licence and has the use of a Public Service Vehicle PSV such as a minibus to undertake a private hire booking should not be permitted without the informed consent of the booker.

9.40. The booker should be informed if a PSV is necessary, and that a PCV licensed driver will be used, who is subject to different checks and not required to have an enhanced DBS check.

COMPLIANCE AND ENFORCEMENT:

- Equality Impact Assessment (EIA) undertaken? Yes
- Risk Assessment undertaken? No
- Reference(s) to any audit recommendations No

SUPPLEMENTARY MATERIALS:

- [Statutory Taxi and Private Hire Standards](#) – July 2020
- [Taxi and Private Hire Vehicle Licensing Best Practice Guidance](#) –March 2010
- [IOL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#) – October 2024
- [Licensing authority guide to right to work checks](#) – 23 January 2018
- [Overseas Criminal Record Checks Guidance](#) – December 2020
- [Assessing fitness to drive – a guide for medical professionals](#) – February 2020
- [Access for wheelchair users to Taxis and Private Hire Vehicles – Statutory Guidance](#) - February 2017
- [Taxis and Private Hire Vehicles Carrying Disabled Passengers – Advice for Licensing Authorities](#) – 15 September 2010
- [Taxis and Private Hire Vehicles Carrying Disabled Passengers – Advice for Drivers and Operators](#) – 15 September 2010
- [DPTAC \(Disabled Persons Transport Advisory Committee\) position on taxis and PHV](#) - August 2020
- [Government Response to report of the task and finish group on taxi and private hire vehicle licensing.](#) – February 2019
- [Guidance for Operators of stretch limousines](#) – March 2011
- [Coronavirus \(COVID-16\):taxis and PHVs](#) -12 January 2021
- [Licensing motorcycles and private hire vehicles](#) – July 2012
- [Private Hire Vehicle Licensing guidance note](#) – August 2011
- [Councillor Handbook: Taxi and PHV Licensing](#) – November 2017
- [Developing an approach to mandatory CCTV in taxis and PHVs](#) – January 2016
- [Guidance for Operators of stretch limousines](#) – March 2011
- [Coronavirus \(COVID-16\):taxis and PHVs](#) -12 January 2021
- [Licensing motorcycles and private hire vehicles](#) – July 2012

Appendix A - Assessment of Previous Convictions

- 1.1. Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is fit and proper. The following reflects this.
- 1.2. Each case will be considered on its own merits and applicants / licensees are entitled to a fair and impartial consideration of their application.
- 1.3. Where a period is given below it will be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This puts passenger safety first while enabling past offenders to sufficiently evidence that they have rehabilitated.

Offence	Elapsed period before licence should be issued
Any offence listed on the Barred lists	Never licensed.
Crimes resulting in death	Never licensed.
Exploitation and Criminal Harassment Convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children. Slavery, Child Sexual Abuse, Exploitation, Grooming, Psychological, Emotional or Financial Abuse. This is not an exhaustive list.	Never licensed.
Offences involving Sex, indecency or obscene materials Conviction for any offence involving or connected with illegal sexual activity. Any applicant currently on the Sex Offenders Register or any barred list.	Never licensed.
Offences involving violence against persons, property, animals or the State Conviction for an offence of violence against the person, or connected with any offence of violence.	At least 10 years since completion of sentence imposed.

Offences involving Public Order	At least 5 years since completion of sentence imposed.
Possession of weapon Conviction of possession of a weapon or any other weapon related offence.	At least 7 years since completion of sentence imposed.
Dishonesty Conviction for any offence where dishonesty is an element of the offence.	At least 7 years since completion of sentence imposed.
Drugs Conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply. Conviction for possession of drugs, or related to the possession of drugs.	At least 10 years since completion of sentence imposed. At least 5 years since completion of sentence imposed.
An applicant may also have to undergo drugs testing for a period at their own expense to demonstrate they are not using controlled drugs.	
Discrimination Conviction involving or connected with discrimination in any form.	At least 7 years since completion of sentence imposed.
Motoring Convictions Applicants and Licence holders cannot have been convicted of three or more motoring offences in the previous three years.	
Serious Traffic Offence: Dangerous driving (DD category endorsements). Careless or inconsiderate driving (CD category endorsements).	Any Serious traffic offence, or an offence which resulted in injury to any person or damage to any property (including vehicles), or any Insurance offence.

Drink driving / driving under the influence of drugs.

Conviction for drink driving.

Conviction for driving under the influence of drugs.

Using a hand held device whilst driving.

Conviction for using a hand held mobile phone or device whilst driving.

Minor Traffic Offences:

By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the authority should assess their suitability.

Multiple Motoring offences:

Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take.

A licence will not be granted until at least 7 years have elapsed since the completion of any sentence.

At least 7 years since completion of sentence imposed. An applicant may also have to undergo drugs testing for a period at their own expense to demonstrate they are not using controlled drugs.

At least 5 years since completion of sentence imposed.

Applicants and existing licence holders are to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the authority they are considering the suitability of the licence holder.

Failure to do so strongly suggests the driver is not fit and proper and not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.

Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.

Any driver who has been disqualified as a result of "totting-up", which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification.

Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.

Appendix B - Delegated Authority

1.1. The Licensing Committee have the following authority:

- a) Authority to approve in accordance with the Council's approved conditions and regulations the grant, renewal or transfer of licences relating to hackney carriages and private hire vehicles, under the following provisions:-
- b) Town Police Clauses Act 1847;
- c) Local Government (Miscellaneous Provisions) Acts 1976 and 1982;
- d) Transport Acts 1980, 1985 and 2000;
- e) Public Passenger Vehicles Act 1981;
- f) Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022;
- g) Taxis and Private Hire Vehicles (Disabled Persons) Act 2022; and Equality Act 2010.

1.2. The chart below outlines the level of delegated authority

Action	Officer	Manager	Chair	Committee
General				
Approve Hackney Carriage and Private Hire Policy				X
Approve amendments to Appendices within the approved Hackney Carriage and Private Hire Policy			X	
Approve Hackney Carriage Tariff fees				X
Ensure all statutory criteria are met under the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847.	X	X		
Processing and Grant of Licences				

Process and approve routine, uncontested applications for Driver, Vehicle and Private Hire Operator licences	X	X		
Processing and Renewal of Licences				
Approve renewal applications where: No new adverse information has arisen All renewal requirements are satisfied	X			
Exercise delegated power to act swiftly so drivers can continue operating during renewal periods.		X		
Suspension Powers				
Suspend driver, vehicle, or operator licences under: <ul style="list-style-type: none"> • Section 61(1) LG(MP)A 1976 – driver licences • Section 60 LG(MP)A 1976 – vehicle licences • Use Section 61(2B) for immediate suspension where public safety is at risk (e.g., serious criminal allegation). 			X	X
Revocation Powers				
Revoke licences where the licence holder is no longer “fit and proper” under: <ul style="list-style-type: none"> • Section 61 LG(MP)A 1976 – driver licences • Section 60 LG(MP)A 1976 – vehicle licences 			X	X

Authority to revoke with immediate effect in consultation with Chair/Vice-Chair of Licensing Committee for urgent public safety concerns.			X	X
Refusal of Applications				
Refuse new applications where: Applicant fails statutory requirements Criminal record or conduct raises public safety concerns		X		
Contested refusals				X
Points-Based Enforcement				
Apply penalty points for breaches of licence conditions or byelaws	X	X	X	X
Escalate to Sub-Committee if thresholds for suspension/revocation are reached.			X	
Appeal against penalty points			X	
Vehicle Inspections Compliance				
Authorise officers to: Inspect licensed vehicles for compliance with safety and condition standards	X	X		
Issue suspension notices for unroadworthy vehicles			X	X
Lift suspensions once defects are remedied.		X		
Urgent Action Protocol				
Take immediate action on police intelligence or safeguarding concerns			X	X

Document reasons and notify licence holder in writing		X		
Ensure statutory right of appeal to magistrates' court is communicated.		X		

Appendix C - The Penalty Points Scheme

- 1.1. The penalty points system for recording non-compliance with Hackney Carriage or Private Hire requirements will operate as follows: -
- 1.2. Castle Point Council's Enforcement Policy will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation or the requirements of this policy are dealt with.
- 1.3. Where it is decided that the use of penalty points is appropriate, they will be issued in accordance with the rate in the attached schedule.
- 1.4. Before penalty points are issued there must be sufficient evidence to prove the offence or breach of conditions. Each case will be considered on its merits.
- 1.5. When points are issued the proprietor or driver will be sent written confirmation within 10 working days.
- 1.6. There is a right of appeal in writing (or email) to the Chair of the Licensing Committee within 21 days of notification.
- 1.7. Points issued remain live for a period of 2 years from date of issue. Points will be deleted after this two-year period.
- 1.8. The Licensing Sub-committee may take into account previous penalty points if a trend is identified or considered relevant by the members.
- 1.9. Any driver, proprietor or operator accumulating 24 points in a two-year period may be required to appear before a panel of the Licensing Sub-Committee (subject to approval by the Chair of the Licensing Committee).
- 1.10. When a driver, proprietor or operator is brought before the Licensing Sub-Committee, the panel may exercise one of the following options:
 - a) Suspend the licence;
 - b) Revoke the licence;
 - c) Issue written warning;
 - d) Extend the two-year period in which points remain live;
 - e) Take no further action; or
 - f) Any other action the panel feels appropriate (including Penalty Points).
- 1.11. Any driver, operator or proprietor required to appear before the Licensing Sub-Committee having accumulated 24 points shall be entitled to make representations to the panel or be legally represented at the hearing.
- 1.12. Nothing in this penalty points system will stop the Council from taking action under any appropriate legislation or policy.
- 1.13. This penalty points system will be reviewed as necessary thereafter.

Code	Imposition of points by LO or Cttee	Section and Offence	Penalty Points or Action	Operator	Proprietor	Drivers
------	-------------------------------------	---------------------	--------------------------	----------	------------	---------

LEGAL / ADMINISTRATIVE

LEG1	LO / CTTE	GIVING FALSE INFORMATION ON A LICENCE APPLICATION.	6 – 12		X	X
LEG2	LO	FAILURE TO NOTIFY CHANGE OF ADDRESS IN ACCORDANCE WITH POLICY.	2		X	X
LEG3	LO	FAILURE OF A PROPRIETOR TO RETAIN IN HIS/HER POSSESSION COPIES OF ANY DRIVER'S LICENCE THAT PERMITS THEM TO DRIVE THEIR VEHICLE.	3		X	
LEG4	LO	FAILURE OF A PROPRIETOR TO PRODUCE ON REQUEST BY AN AUTHORISED OFFICER ANY HACKNEY CARRIAGE DRIVER'S LICENCE FOR WHOM HE HAS PERMITTED TO DRIVE HIS/HER VEHICLE.	3		X	
LEG5	LO / CTTE	REFUSAL TO TAKE A FARE WITHOUT A REASONABLE EXCUSE.	8 – 12			X
LEG6	LO	CARRYING PERSONS OTHER THAN WITH THE CONSENT OF THE HIRER.	6			X
LEG7	LO / CTTE	BREACH OF BYELAWS	3 - 6		X	X
LEG8	LO / CTTE	OPERATING A PRIVATE HIRE VEHICLE WITHOUT A PRIVATE HIRE OPERATORS' LICENCE.	6-12	X		
LEG9	LO	FAILURE TO NOTIFY THE TRANSFER OF A VEHICLE LICENCE.	6		X	X
LEG10	LO	FAILURE TO PRODUCE THE VEHICLE AND/OR INSURANCE UPON REQUEST.	3-6		X	X
LEG11	LO	FAILURE TO DISPLAY A LICENSED DRIVER'S BADGE.	3-6			X

LEG12	LO / CTTE	FAILURE OF A PRIVATE HIRE OPERATOR TO KEEP PROPER RECORDS, OR FAILURE TO PRODUCE THEM UPON REQUEST OF AN AUTHORISED OFFICER OF THE LICENSING AUTHORITY OR A POLICE OFFICER WITHIN REASONABLE TIME / OR TIME SPECIFIED.	3-8	X		
LEG13	LO / CTTE	CHARGING MORE THAN THE METER FARE (HC)	6			X
LEG14	LO / CTTE	CHARGING MORE THAN THE METER FARE FOR A JOURNEY ENDING OUTSIDE THE DISTRICT, WITHOUT PRIOR AGREEMENT.	6			X
LEG15	LO / CTTE	UNNECESSARILY PROLONGING A JOURNEY.	3-6			X
LEG16	LO / CTTE	FAILURE TO COMPLY WITH A REQUIREMENT OF AN AUTHORISED OFFICER OF THE LICENSING AUTHORITY OR A POLICE OFFICER.	3-12	X	X	X
LEG17	LO / CTTE	FAILURE TO COMPLY WITH REQUIREMENTS FOR THE SAFE CARRYING OF A WHEELCHAIR (DISABILITY DISCRIMINATION ACT)	6-12		X	X

Code	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Operator	Proprietor	Drivers
------	------------------------------------	---------------------	--------------------------	----------	------------	---------

LOCAL POLICY

LOC 1	LO / CTTE	FAILURE TO ENSURE THE SAFETY OF PASSENGERS.	3-12	X	X	X
LOC2	LO / CTTE	CONCEALING OR DEFACING A VEHICLE LICENCE PLATE.	6	X	X	X
LOC3	LO	FAILURE TO ATTEND ON TIME FOR A PREARRANGED APPOINTMENT AT THE REQUEST OF THE LICENSING AUTHORITY FOR INTERVIEW WITHOUT REASONABLE CAUSE.	2-4	X	X	X
LOC4	LO	FAILURE TO GIVE REASONABLE ASSISTANCE WITH PASSENGER'S.	2-4			X
LOC5	LO / CTTE	PRIVATE HIRE SOLICITING FOR HIRE OR ACCEPTING A FARE THAT IS NOT PRE-BOOKED.	6			X
LOC6	LO	OPERATING/USING A VEHICLE THAT IS NOT CLEAN AND TIDY INTERNALLY OR EXTERNALLY.	2-4		X	X
LOC7	LO / CTTE	OPERATING/USING A VEHICLE THAT IS NOT IN A SAFE CONDITION INTERNALLY OR EXTERNALLY.	6-12		X	X
LOC8	LO	DRINKING OR EATING IN THE VEHICLE WHILST CARRYING PASSENGERS.	2-4			X
LOC9	LO	VAPING IN THE VEHICLE.	2-6			X
LOC10	LO	CAUSING EXCESSIVE NOISE FROM ANY RADIO OR SOUND-REPRODUCING EQUIPMENT.	2-4			X

LOC11	LO	SOUNDING THE HORN TO SIGNAL THAT THE VEHICLE HAS ARRIVED. DISTURBING RESIDENTS	2			X
LOC12	LO	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 / RANK.	2-6			X
LOC13	LO	PARKING A HACKNEY CARRIAGE VEHICLE OR PRIVATE HIRE VEHICLE ILLEGALLY OR IRRESPONSIBLY SO AS TO CAUSE AN OBSTRUCTION TO OTHER ROAD USERS.	2-4			X
LOC14	LO / CTTE	USING A NON-HANDS FREE MOBILE TELEPHONE WHILST DRIVING.	6-12			X
LOC15	CTTE	FAILURE TO ADVISE OF A RELEVANT DVLA NOTIFIABLE MEDICAL CONDITION.	12			X
LOC16	LO	FAILURE TO PROVIDE A RECEIPT FOR A FARE WHEN REQUESTED.	2-4			X
LOC17	LO	FAILURE TO NOTIFY THE LICENSING AUTHORITY OF RELEVANT CHANGE TO LICENCE DETAILS WITHIN THE TIME SPECIFIED IN THE ASSOCIATED LICENCE CONDITIONS.	2	X	X	X
LOC18	LO	FAILURE TO PRODUCE A HACKNEY CARRIAGE OR PRIVATE HIRE LICENCE UPON REQUEST.	3	X	X	X
LOC19	LO	FAILURE OF A PRIVATE HIRE OPERATOR TO REQUEST AND KEEP A COPY ALL DRIVER'S LICENCE IN HIS EMPLOY AT THE BEGINNING OF EMPLOYMENT.	2	X		
LOC20	LO / CTTE	FAILURE OF A LICENCE HOLDER TO DISCLOSE CONVICTIONS IN ACCORDANCE WITH THE POLICY.	3-12	X	X	X
LOC21	LO	FAILURE TO SEARCH A VEHICLE AFTER A JOURNEY OR FAILURE TO TAKE FOUND PROPERTY IN ACCORDANCE WITH COUNCIL'S POLICY.	3			X

LOC22	LO	FAILURE TO REPORT A MOTOR INCIDENT WITHIN SEVENTY TWO HOURS WHERE DAMAGE OR INJURY IS CAUSED.	3-6			X
LOC23	LO / CTTE	OPERATING A VEHICLE THAT DOES NOT COMPLY WITH THE LICENSING AUTHORITY'S LICENSING POLICY OR RELEVANT LEGISLATION WHERE SUCH A BREACH OF POLICY/LEGISLATION IS NOT OTHERWISE SPECIFIED HEREIN.	3-12		X	X
LOC24	LO	FAILURE TO CARRY THE APPROVED SAFETY EQUIPMENT.	2-4		X	X
LOC25	LO / CTTE	MODIFYING A LICENSED VEHICLE WITHOUT THE CONSENT OF THE LICENSING AUTHORITY.	6-12		X	X
LOC26	LO	FAILURE TO DISPLAY OR MAINTAIN PLATES AND SIGNAGE AS ISSUED BY THE LICENSING AUTHORITY OR DISPLAYING THEM INCORRECTLY E.G. IN THE WINDOW OF A VEHICLE.	4		X	X
LOC27	LO	AFFIXING OR DISPLAYING A ROOF SIGN ON A PRIVATE HIRE VEHICLE OR FAILURE TO AFFIX A ROOF SIGN TO A HACKNEY CARRIAGE VEHICLE WHILST WORKING WITHIN THE BOROUGH.	4-6		X	X
LOC28	LO	DISPLAYING A SIGN OR ADVERTISEMENT ON A LICENSED VEHICLE THAT DOES NOT SATISFY THE POLICY REQUIREMENTS OR HAS NOT BEEN APPROVED BY THE LICENSING AUTHORITY.	2-4		X	X
LOC29	LO / CTTE	USING A TAXIMETER THAT DOES NOT CONFORM TO LICENSING AUTHORITY REQUIREMENTS.	6-12	X	X	X
LOC30	LO / CTTE	FAILURE TO DISPLAY OR PROVIDE UPON REQUEST A VALID TARRIF CHART (HC)	6-12	X	X	X
LOC31	LO	FAILURE OF A PRIVATE HIRE OPERATOR TO ENSURE THAT STAFF ACT IN A CIVIL AND COURTEOUS MANNER AT ALL TIMES.	2	X		

LOC32	LO / CTTE	FAILURE OF A PRIVATE HIRE OPERATOR TO KEEP THE OPERATING PREMISES IN ACCORDANCE WITH LICENSING AUTHORITY REQUIREMENTS.	3-12	X		
LOC33	LO / CTTE	FAILURE OF A PRIVATE HIRE OPERATOR TO OBTAIN PUBLIC LIABILITY INSURANCE FOR THE OPERATING PREMISES IF THE PUBLIC ARE ALLOWED ACCESS.	6	X		
LOC34	LO / CTTE	DRIVING OR ALLOWING A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE TO BE DRIVEN WITHOUT DISPLAYING THE DOOR SIGNS OR ATTACHING THE SIGNS OTHER THAN IN ACCORDANCE WITH THE COUNCIL'S POLICY.	2		X	X
LOC35	LO	ALLOWING A HACKNEY CARRIAGE VEHICLE TO BE DRIVEN WITH A TOP SIGN THAT IS IN BREACH OF THE LICENCE CONDITIONS.	2		X	
LOC36	LO / CTTE	NOT ACTING IN ACCORDANCE WITH POLICY CONDITIONS	2-12	X	X	X
LOC37	LO / CTTE	INAPPROPRIATE CONDUCT BY A LICENSED DRIVER	2-6			X
LOC38	LO / CTTE	USING A LICENSED VEHICLE WITHOUT AN ACTIVE MOT	2-12		X	X
LOC39	LO / CTTE	FAILURE TO MAINTAIN AN MOT IN ACCORDANCE WITH POLICY	2-6		X	X
LOC40	LO	FAILUIRE TO COMPLY WITH THE CONDITIONS OR DISPLAYING THE APPROVED SIGNAGE IN RELATION TO ELECTRONIC PAYMENT.	2-6		X	X

Appendix D - English Language Requirement

- 1.1. We expect all licensed hackney carriage and private hire drivers to have a sufficient command of the English language, so that they can communicate freely and clearly with passengers and officials, including in stressful and emergency situations. Drivers are also expected to be able to identify situations where there may be passenger safeguarding concerns and to possess sufficient communication skills to report those concerns.
- 1.2. Applicants for private hire vehicle or hackney carriage drivers' licences, for whom English is not their first language and do not demonstrate that command of the English language, may need to demonstrate that they meet this language level requirement.
- 1.3. Applicants who cannot demonstrate this will be required to undertake an assessment of their communication skills, for which an additional fee will be payable.
- 1.4. Candidates who can demonstrate that they have previously completed senior school education in an English speaking school or completed qualification at a suitable level will be exempt from the additional assessment - see below for further details on previous qualifications.
- 1.5. In addition to new applicants, any current licensed driver may be required to undertake the assessment where the Licensing Service believe there are reasonable grounds to require assessment. Reasonable grounds would include instances where authorised officers have identified through enforcement activity or substantiated complaint that a driver may have insufficient command of the English language.
- 1.6. Candidates failing the assessment are permitted to retake the assessment at their own expense, however the Council would encourage the candidate to take steps to improve their English language skills in the first instance. Existing licensed drivers who fail the assessment may have their licence suspended or revoked.
- 1.7. The assessment consists of a 20-minute exercise, taken by telephone from our offices, during which candidates will be tested on various aspects of their speaking and listening ability.
- 1.8. The assessment is provided by a specialist education and testing company, and consists of five sections:
 - a) Reading several sentences from a printed list in the order instructed;
 - b) Repeating back sentences that are read to you over the phone ;
 - c) Answering simple questions asked over the phone;
 - d) Constructing sentences from fragments read to you over the phone (sentences divided into three or four parts); and
 - e) Answering open questions asked over the phone (speaking for up to 30

seconds per question).

- 1.9. The test is entirely automated, and questions will be asked by a variety of voices. All of the questions will relate to normal life and your day-to-day activities, and there are no trick questions, although some will require you to think and compose an answer in a short space of time.
- 1.10. At the end of the test, a report will be produced (a copy of which will be provided to you), with a score indicating your overall ability. You will also be graded separately on sentence usage, vocabulary, fluency and pronunciation, all of which will contribute to the overall score.
- 1.11. For licensing purposes, we will require candidates to score at least 59 out of 80. This indicates a good overall ability in use of the English language (equivalent to level B2 on the Common European Framework of Reference for Languages (CEFR) scale, where candidates will be able to speak fluently on a range of everyday topics, and be able to give and understand most instructions.

Previous qualifications

- 1.12. Candidates who can demonstrate (by producing the original certificate and/or examination transcript) that they have previously passed a relevant English-language qualification at a suitable level, which was assessed by a recognised and accredited qualification awarding body, will not be required to take the additional speaking and listening assessment. It is not possible to provide an exhaustive list of all the qualifications that will be accepted - however, typical examples may include:
 - a) CSE, GCSE or GCE O-level or Scottish Intermediate 2;
 - b) GCE A-level or Scottish Higher;
 - c) NVQ, BTEC, City and Guilds or similar vocational qualification;
 - d) Higher education award (for example a degree, HND or HNC);
 - e) qualification equivalent to any of the above, issued by a recognised examining body in an English-speaking country other than the UK; and
 - f) a TOEFL, IELTS or ESOL qualification at CEFR level B2 or higher (or equivalent).

The diagram below outlines the Grading Framework Comparison

ESOL Framework (inc. Edexcel Functional Skills)	NQF Framework (inc. BTEC)	EFL Framework	CEFR Framework	IELTS Framework	Grading
--	---------------------------------	------------------	-------------------	--------------------	---------

Entry 1	Entry level	Elementary	A1	Not applicable	Lowest
Entry 2	Level 1	Pre-intermediate	A2	Not applicable	Low
Entry 3	Level 2 (City & Guilds)	Intermediate	B1	4.0 – 5.0	Medium
Level 1	Level 3	Upper-intermediate	B2	5.5 – 6.5	High
Level 2	Level 4, 5 & 6	Advanced	C1	7.0 – 8.0	Highest

- 1.13. In all cases, the licensing service's decision as to whether to accept a qualification not listed above will be final. If a candidate does not hold one of these qualifications, or cannot produce acceptable evidence of the qualification, they will be required to undertake the speaking and listening assessment.

Number of Attempts

- 1.14. If the applicant fails their English Language test they will be able to re-take it a further 2 times provided a period of 14 days elapses between tests. This is to ensure that the applicant has sufficient time to revise.
- 1.15. If the applicant is unsuccessful on their third attempt their application will be refused as the applicant has not been able to evidence that they have the appropriate skills and attributes to satisfy the Council that they are fit and proper to be a licensed driver.
- 1.16. A new application can be made but a period of 12 months is required to elapse before another attempt can be made to enable the applicant to develop the necessary skills. The Council believes that this condition is necessary to ensure that applicants do not continue to take the English Language test to their own financial detriment when they do not have the necessary knowledge to pass. If the applicant has completed additional training a shorter period would be considered on a case by case basis.

Appendix E – Approved Providers

Agreed Medical Examination Providers

1.1. The following medical providers are approved by the Council to undertake a medical examination to the group 2 standards for licence holders and applicants:

- a) The GP surgery at which the applicant /licence holder is registered;
- b) Cotswold Medicals Ltd; and
- c) Where any of the above options are not available, any medical provider with the written consent of the Council's Licensing Manager.

Approved Safeguarding and Child Sexual Exploitation Awareness Training

1.2. The following courses and providers are approved by the Council to satisfy the licensing requirements for the Safeguarding and Child Sexual Exploitation Awareness Training licence holders and applicants:

- a) Blue Lamp Trust Virtual Classroom based course
<https://www.bluelamptrust.org.uk/courses/safeguarding-virtual-classroom-course/>

Approved Disability Awareness Training courses and providers

1.3. The following courses and providers are approved by the Council to satisfy the licensing requirements for the Disability Awareness Training:

- a) Andrews Taxi's (Southend) – 01702 200200;
- b) Dick Robinson - 07850 453117;
- c) Kinect Services – 01702 597995;
- d) Cabbietraining.co.uk – Wendy Clarke – 07739 320050; and
- e) Blue Lamp Trust Classroom based course
<https://www.bluelamptrust.org.uk/courses/disability-awareness-virtual-classroom-course/>

Approved Driving Assessors

1.4. The following providers are approved by the Council to satisfy the licensing requirements for conducting a driving assessment on existing licence holders and new applicants:

- a) Blue Lamp Trust – www.bluelamptrust.org.uk;
- b) Diamond Advanced Motoring – www.advancedmotoring.co.uk; and

- c) Fleet C Corporate Training – 07956 321678 (based in Southend).

Approved Driver Proficiency Course (HC s PH Circuit Drivers Renewals only)

1.5. The syllabus covers key areas such as identification of speed limits and explaining how hazards and distractions affect driving. The trainers will look at the human cost of collisions and explore coping strategies to reduce driving risk. The course also explores some non- driving issues such as carrying assistance dogs and passengers with disabilities and how to provide good customer service.

- a) Blue Lamp Trust Classroom based course (virtually using video conferencing facilities).

[https://www.bluelamptrust.org.uk/courses/taxi-driver-proficiency-virtual-classroom- course/](https://www.bluelamptrust.org.uk/courses/taxi-driver-proficiency-virtual-classroom-course/)

Approved MOT centre

1.6. The following providers are approved by the Council to satisfy the licensing requirements for conducting a MOT assessment on existing vehicle licence holders and new vehicle licence applicants:

- a) Castle Point Motors, 31 Armstrong Road, Benfleet, Essex. SS7 4PW Tel: 01268 794545.

Appendix F - Byelaws in respect to Hackney Carriages

The byelaws have been made using Section 68 of the Town Police Clauses Act, 1847, and Section 171 of the Public Health Act 1875, by the Borough of Castle Point.

Interpretation

- 1.1. Throughout these byelaws “the Council” means the Borough Council of Castle Point and “the Borough” means the Borough of Castle Point.
- 1.2. Provisions regulating the manner in which the number of each hackney carriage, corresponding with the number of its licence shall be displayed
- 1.3. 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 of the carriage on plates affixed thereto, such plates to be of the colour, size and shape as determined by the Council.
- 1.4. The proprietor or driver of a hackney carriage shall not:-
 - a) wilfully or negligently cause or suffer any such number to be concealed from public view whilst the carriage is standing or plying for hire; or
 - b) cause or permit the vehicle to stand or 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

- 1.5. 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) cause the seats to be properly cushioned or covered;
 - d) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - e) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - f) provide means for securing luggage;
 - g) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - h) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
 - i) have fitted in the carriage in a position approved by the Council, an electric light sufficient to illuminate the interior thereof.
- 1.6. The proprietor of a hackney carriage shall cause the carriage to be provided

with a taximeter which shall be so constructed, attached and maintained as to comply with the following requirements:

- a) the taximeter shall be so constructed that it is not possible for any person to manually alter the tariff rate without breaking the seals affixed thereto;
- b) the taximeter shall be fitted with a key, flag or other device the operation of which brings the machinery of the taximeter into action and causes the word "HIRED" to appear on the face of the taximeter;
- c) 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;
- d) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity the fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaws in that behalf;
- e) 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;
- f) the taximeter shall be so placed that all letters and figures on the face thereof shall be at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be suitably illuminated during any period of hiring, and the switch for operating the light providing the said illumination shall be incorporated in and operated in conjunction with the key, flag or other device which brings the machinery of the taximeter into action and no other method of operating the said light shall be employed;
- g) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

1.7. The proprietor or driver of a hackney carriage shall not place any advertisement, sign or light, either inside or outside the carriage, which is not required by law to be displayed or fitted, except:-

- a) a "TAXI" sign on the roof or such carriage provided the sign does not exceed fourteen inches (36cm) in width and four inches (10cm) in height and is not illuminated when the carriage is not available for hire;
- b) an inscription not exceeding thirty-six square inches (91cm) in size identifying the proprietor of such carriage or the association of proprietors to which he belongs on the panel of the front doors;
- c) a panel not exceeding ten inches (25cm) by six inches (15cm) inside such carriage for advertisement purposes provided that such panel is not illuminated and is not readily visible from outside the carriage; and

- d) provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the Borough in their several employments.

1.8. The driver of a hackney carriage shall:-

- a) when standing or plying for hire, keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter;
- b) before commencing the journey, bring the machinery of the taximeter into action by operating the key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- c) ensure, during the continuance of any hiring, that the dial of the taximeter is not concealed in any manner or by any means and that such dial shall be distinctly and plainly visible and legible to any person hiring or being conveyed in the said carriage;
- d) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring; and
- e) report immediately to the Council the failure of the taximeter.

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

1.10. A driver or proprietor of a hackney carriage shall at all times when such carriage is standing, plying or being driven for hire:-

- a) be clean and respectable in his dress and person and conduct himself in orderly manner and with civility and propriety towards every person seeking to hire, or hiring or being conveyed in such carriage; and
- b) take all reasonable precautions to ensure the safety of persons conveyed in or alighting from such carriage.

1.11. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-

- a) 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;
- b) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward; and
- c) remain within the carriage and be ready to be hired at once by any person when his carriage is the first carriage on the stand.

1.12. A 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.

1.13. A proprietor or driver of a hackney carriage who shall have agreed or

shall have 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 and place.

- 1.14. 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 of persons specified on the plate affixed to the outside of the carriage.
- 1.15. If a badge has been provided by the Council and delivered to the driver of a hackney carriage either with the licence granted to him by the Council or afterward he shall when standing or plying for hire, and when hired, wear the badge in such position and manner as to be plainly visible.
- 1.16. The driver of a hackney carriage shall when requested by any person hiring or seeking to hire the carriage:-
 - a) convey a reasonable quantity of luggage; and
 - b) afford reasonable assistance in loading and unloading and removing such luggage to or from the entrance of any building, station or place at which he may take up or set down such persons.
- 1.17. After contacting Emergency Services, a proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person shall immediately thereafter notify the fact to the Licensing Manager of the Council.
- 1.18. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any direction given by the hirer, proceed to such destination by the shortest available route.
- 1.19. The driver of a hackney carriage shall at all times whilst standing, driving or plying for hire, have access to these byelaws either electronically or hard copy . for production for perusal and inspection on request by any person hiring or seeking to hire such carriage, or being conveyed in such carriage.

Provisions Requiring the Publication of Fares Fixed by the Council

- 1.20. The proprietor of a hackney carriage shall not charge a higher fare than the rate fixed by the Council for a journey.
- 1.21. The proprietor of a hackney carriage plying or being used for hire for which any fares are fixed by the Council from time to time, shall:-
 - a) cause the fare table provided by the Council to be fixed upon such carriage in such a position and manner that the letters and figures of such table shall be distinctly and plainly visible to any person being conveyed in such carriage; and
 - b) not wilfully or negligently cause or suffer such table to be inverted or

detached or altered or the letters or figures on such table to be in any manner or by any means concealed at any time.

- c) Provisions securing the safe custody and redelivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof

1.22. 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.

1.23. 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 72 hours, if not sooner claimed by or on behalf of its owner, to the office of the Castle Point Borough Council Chief Executive and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

1.24. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine and in the case of a continuing offence to a fine for each day during which the offence continues after conviction therefore.

Appendix G - Carriage of passengers using wheelchairs in licensed vehicles

Guidance Notes

- 1.1. This guidance note is designed to ensure that passengers travelling in wheelchairs receive the safe journey they are entitled to, and also to protect the best interest of the driver and operator.
- 1.2. Although accessible taxis have been designed to carry passengers using wheelchairs, it must be acknowledged that they are not necessarily accessible to all wheelchair users. There are designs of wheelchairs that are too large, to use the ramps, fit through the doorway, or are unable to be manoeuvred inside the vehicle.
- 1.3. There also some passengers whose size, or mobility aids (e.g. passengers requiring extended leg rests), precludes them from safely using taxis.
- 1.4. The “Code of Practice of the Carriage of Passengers in Wheelchairs in Taxis” is included. Where drivers are unable to convey a passenger in accordance with this Code, they must politely, but firmly, decline the fare.

Safety

- 1.5. Passenger safety is of paramount importance, which is why your taxi has been fitted with purpose built ramps, restraining mechanisms for the wheelchair, and a seat belt for the passenger.
- 1.6. It is important that this equipment is always used when carrying a passenger in a wheelchair. Even under light braking and low speed cornering, an unrestrained wheelchair creates a serious hazard to passengers. Although the brakes on a wheelchair should always be used, they do not by themselves, create sufficient restraint system. Similarly, securing the wheelchair is insufficient if the passenger remains unrestrained. The seat belt provided must always be used.
- 1.7. Wherever possible, passengers must be carried in the conventional way, but it must be noted that it is not always possible to restrain the wheelchair, or adequately protect the passenger if the wheelchair and its passenger is carried in the sideways position.
- 1.8. It is also vital that the seat belt is used and fitted correctly. In order to achieve the correct adjustment of the lap belt on most wheelchairs (i.e. close to the pelvis), it is necessary to pass the belt through the space at the back of the armrest, or underneath the arms of the armrest.
- 1.9. If there is insufficient belt to comfortably buckle into the stalk, use the seat belt extender.
- 1.10. It is also important that you avoid hard braking, fierce acceleration and sharp cornering. Rough driving can cause some passengers to slide in their wheelchair and often they are unable to move back into place.

The code of practice for the carriage of passengers in wheelchairs in taxis

- 1.11. Both the restraint system for the wheelchair and the safety belt for the passenger must be used on every occasion. (This is a licensing condition and failure to do so would probably render you liable in the event of an accident, and could adversely affect your insurance).
- 1.12. In the interest of the comfort and safety of both the passenger and yourself, it is advisable to always use the ramps when boarding a passenger using a wheelchair – this is imperative where there is not kerb. Boarding from a kerb without the ramps should only happen at the passenger's request, and when you are happy to accede to that request.
- 1.13. In Fairway, Metrocab and TX taxis, passengers using wheelchairs must never travel sideways. It is not possible to secure the wheelchair or protect the passenger in this position.
- 1.14. It is vital that you follow manufacturers' instructions for using the access and safety equipment on your particular taxi at all times.
- 1.15. Wheelchair restraint mechanisms must always be attached to the strongest part of the wheelchair frame in a position that does not allow them to fall off, or slide down. Restraints must never be attached to wheel, spoke, footplates etc.
- 1.16. The brakes on the wheelchair must always be applied during journey. Although they alone are not sufficient for wheelchair restraint, they do give a little lateral stability during the journey, which provides reassurance for passengers.
- 1.17. It is important to remember that the wheelchair restraint mechanism offers no securing to the passenger. It is a legal requirement that passengers wear the seatbelt provided (unless they hold a medical exemption certificate).
- 1.18. If a passenger wishes to transfer from their wheelchair into a seat it is vital that you treat their wheelchair with care when stowing it, as damaging the wheelchair can cause major inconvenience to many wheelchair users.
- 1.19. When someone is transferring, you should ensure that their wheelchair is in the "parked" position, with the front castors swept forward and the brakes applied.
- 1.20. You should avoid hard braking, fierce acceleration and sharp cornering, as rough driving can be very unnerving and uncomfortable for many wheelchair users.
- 1.21. Wheelchairs must always be taken out of the vehicle backwards – never attempt to push anyone down a ramp facing forwards.
- 1.22. Where you are unable to convey a passenger in accordance with this guidance note, you must politely, but firmly, decline the fare.

Appendix H - Guidance for CCTV systems

- 1.1. CCTV systems in Hackney Carriage Vehicles (HCVs) and Private Hire Vehicles (PHVs) are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of HCV, PHV drivers and passengers.
- 1.2. Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with the requirements set out in these guidelines.
- 1.3. For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of a vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.
- 1.4. It must be noted that the installation of a CCTV system is optional.

The purpose of CCTV

- 1.5. CCTV systems provide a safer environment for the benefit of the HCV or PHV driver and passengers by:
 - a) deterring and preventing the occurrence of crime;
 - b) reducing the fear of crime;
 - c) assisting the Police in investigating incidents of crime; and
 - d) assisting insurance companies in investigating motor vehicle accidents.

General requirements

- 1.6. Only CCTV systems meeting the requirements set out in these guidelines can be installed into licensed taxi and private hire vehicles.
- 1.7. CCTV systems will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.
- 1.8. The installation and operation of CCTV shall comply with the requirements of the [Information Commissioner's CCTV Code of Practice](#).
- 1.9. All equipment must comply with any legislative requirements in respect of motor vehicle construction and use regulations.
- 1.10. All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.
- 1.11. All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver,

including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

Automotive Electromagnetic Compatibility requirements (EMC)

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

Camera design requirements

- 1.15. The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

Installation

- 1.16. All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.
- 1.17. Each CCTV installation will be subject to the conditions of vehicle licensing as set out in the Taxi Licensing policy.
- 1.18. The installed CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
- 1.19. All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
- 1.20. All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

- 1.21. It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.
- 1.22. Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.
- 1.23. Viewing screens within the vehicle for the purposes of viewing captured images will not be permitted. All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.
- 1.24. If more than one camera is being installed their location within the vehicle must be specific for purpose e.g. to provide a safer environment for the benefit of the HCV or PHV driver and passengers.
- 1.25. All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.
- 1.26. All system components requiring calibration in situ should be easily accessible.

Camera activation methods

- 1.27. Activation of the equipment may be via a number and combination of options, such as door switches, time delay, drivers' panic button or in the case of incident/event recorder, predetermined G-force parameters set on one or more axis (e.g. braking, acceleration, lateral forces) and configured to record for a short period of time before the event, during the event and a short period following the event a direct wired link to the vehicle's taximeter, in the case of a HCV, will not be acceptable.

Audio recording

- 1.28. CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible. However, if the system comes equipped with sound recording facility then this functionality should be disabled.
- 1.29. There is a limited circumstance in which audio recording may be justified, subject to the sufficient safeguard below:
 - a) Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised.
 - b) Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has

elapsed.

- c) The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

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

Image security

1.31. Images captured must remain secure at all times. The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

Retention of CCTV images

1.32. The CCTV equipment selected for installation must have the capability of retaining images either:

- a) within its own hard drive;
- b) using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
- c) or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.

1.33. Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

1.34. CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 31 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

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

Notification to the Information Commissioner's Office

- 1.36. The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.
- 1.37. The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed. The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.
- 1.38. Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.
- 1.39. This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a vehicle licensed by us must register with the ICO (Notification) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to one of our Licensing Officers at any time during the term of the vehicle licence.

Use of information recorded using CCTV

- 1.40. The data controller is responsible for complying with all relevant data protection legislation. The data controller is legally responsible for the use of all images including breaches of legislation.
- 1.41. Any images and audio recording should only be used for the purposes described earlier in these guidelines.
- 1.42. Requests may be made by the police or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or exceptionally other appropriate bodies, to the "data controller" to view captured images. The data controller is responsible for responding to these requests. Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively a signed statement may be accepted.
- 1.43. All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.
- 1.44. Under the DPA, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the

person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice.

Signage

- 1.45. All HCVs and PHVs with CCTV must display clear signage demonstrating this. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt appropriate.
- 1.46. Signage must be displayed as to be able to be observed from every passenger entrance to a vehicle and also whilst being seated within the vehicle. Signage must not compromise view through any side window and must not be impinging on the area of the vehicles front window screen, which is required to be kept clear as per MOT regulations.
- 1.47. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.
- 1.48. The following signs must be displayed on the entrance of the vehicle:
 - a) Contact details;
 - b) The name and the contact telephone number of the Data Controller must be included on the sign; and
 - c) Signage for external facing CCTV systems.
- 1.49. Where a CCTV system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.
- 1.50. To assist individual drivers, owners, and companies who are considering installing a CCTV system please use the summary checklist below to ensure all of the approval requirements/standards have been complied with:
 - a) notification submitted to the Information Commissioner's Office (ICO) telephone 08456 306 060 or 01625 545 745;
 - b) have the ICO provided you with documentation to evidence notification of the "data controller" associated with your system?
 - c) do you have documentary evidence regarding contractual arrangements with any data processor or service provider associated with the CCTV system? (where applicable);
 - d) do you have the recommended signage and appropriate contact details

displayed?

- e) does the installed CCTV system meet the installation standards as set out in our Hackney Carriage and Private Hire Licensing policy?
- f) Reference to 'Data Controller', 'Data Processor', 'Sound Recording' and 'Encryption Software' information made in this guideline comply with the current Information Commissioner's Office (ICO) CCTV Code of Practice 2008.

Appendix I - Road Vehicles (Construction and Use) Regulations 1986

Exhaust pipes

- 1.1. The outlet of every exhaust pipe fitted to a minibus shall be either at the rear or on the off side of the vehicle.

Doors - number and position

- 1.2. Every minibus shall be fitted with at least:
- a) one service door on the near side of the vehicle; and
 - b) one emergency door either at the rear or on the off side of the vehicle, however, any emergency door fitted on the off side of the vehicle shall be in addition to the driver's door and there shall be no requirement for an emergency door on a minibus if it has a service door at the rear in addition to the service door on the near side.
- 1.3. No minibus shall be fitted with any door on its off side other than a driver's door and an emergency door.

Emergency Doors

- 1.4. Every emergency door fitted to a minibus, whether or not required pursuant to these Regulations, shall:
- a) be clearly marked, in letters not less than 25 mm high, on both the inside and the outside, "EMERGENCY DOOR" or "FOR EMERGENCY USE ONLY", and the means of its operation shall be clearly indicated on or near the door;
 - b) if hinged, open outwards;
 - c) be capable of being operated manually; and
 - d) when fully opened, give an aperture in the body of the vehicle not less than 1210 mm high nor less than 530 mm wide.

Power-operated doors

- 1.5. Every power-operated door fitted to a minibus shall:
- a) incorporate transparent panels to enable a person immediately inside the door to see any person immediately outside the door;
 - b) be capable of being operated by a mechanism controlled by the driver of the vehicle when in the driving seat;
 - c) be capable, in the event of an emergency or a failure of the supply of power for the operation of the door, of being opened from both inside and outside the vehicle by controls which:
 - over-ride all other controls,

- are placed on, or adjacent to, the door, and
 - d) are accompanied by markings which clearly indicate their position and method of operation and state that they may not be used by passengers except in an emergency;
 - e) have a soft edge so that a trapped finger is unlikely to be injured; and
 - f) be controlled by a mechanism by virtue of which if the door, when closing, meets resistance exceeding 150 Newton's, either
 - the door will cease to close and begin to open, or
 - the closing force will cease and the door will become capable of being opened manually.
- 1.6. No minibus shall be equipped with a system for the storage or transmission of energy in respect of the opening or closing of any door which, either in normal operation or if the system fails, is capable of adversely affecting the operation of the vehicles braking system.

Locks, handles and hinges of doors

1.7. No minibus shall be fitted with:

- a) a door which can be locked from the outside unless, when so locked, it is capable of being opened from inside the vehicle when stationary.
- b) a handle or other device for opening any door, other than the driver's door, from inside the vehicle unless the handle or other device is designed so as to prevent, so far as is reasonably practicable, the accidental opening of the door, and is fitted with a guard or transparent cover or so designed that it must be raised to open the door.
- c) a door which is not capable of being opened, when not locked, from inside and outside the vehicle by a single movement of the handle or other device for opening the door;
- d) a door in respect of which there is not a device capable of holding the door closed so as to prevent any passenger falling through the doorway;
- e) a side door which opens outwards and is hinged at the edge nearest the rear of the vehicle except in the case of a door having more than one rigid panel;
- f) a door, other than a power-operated door, in respect of which there is not either:
- g) a slam lock of the two-stage type; or
- h) a device by means of which the driver, when occupying the driver's seat, is informed if the door is not securely closed, such device being operated by movement of the handle or other device for opening the door or, in the case of a handle or other device with a spring-return mechanism, by movement of the door as well as of the handle or other device.

View of doors

- 1.8. Every minibus shall be fitted with mirrors or other means so that the driver, when occupying the driver's seat, can clearly see the area immediately inside and outside every service door of the vehicle.
- 1.9. There shall be a rear service door of a person 1.3 metres tall standing 1 metre behind the vehicle is visible to the driver when occupying the driver's seat.

Access to doors

- 1.10. There shall be unobstructed access from every passenger seat in a minibus to at least two doors one of which must be on the near side of the vehicle and one of which must be either at the rear or on the off side of the vehicle.
- 1.11. Access to only one of the doors referred to in sub-paragraph (1), may be obstructed by either or both of:
 - a) a seat which when tilted or folded does not obstruct access to that door; and
 - b) a lifting platform or ramp which:
 - c) does not obstruct the handle or other device on the inside for opening the door with which the platform or ramp is associated, and
 - d) when the door is open, can be pushed or pulled out of the way from the inside so as to leave the doorway clear for use in an emergency.

Grab handles and hand rails

- 1.12. Every minibus shall be fitted as respects every side service door with a grab handle or a hand rail to assist passengers to get on or off the vehicle.

Seats

- 1.13. No seat shall be fitted to any door of a minibus.
- 1.14. Every seat and every wheelchair anchorage fitted to a minibus shall be fixed to the vehicle.
- 1.15. No seat, other than a wheelchair, fitted to a minibus shall be less than 400 mm wide, and in ascertaining the width of a seat no account shall be taken of any arm rests, whether or not they are folded back or otherwise put out of use.
- 1.16. No vehicle shall be fitted with an anchorage for a wheelchair in such a manner that a wheelchair secured to the anchorage would face either side of

the vehicle.

1.17. No minibus shall be fitted with any seat:

- a) facing either side of the vehicle and immediately forward of a rear door unless the seat is fitted with an arm-rest or similar device to guard against a passenger on that seat falling through the doorway: or
- b) so placed that a passenger on it would, without protection, be liable to be thrown through any doorway which is provided with a power-operated door or down any steps, unless the vehicle is fitted with a screen or guard which affords adequate protection against that occurrence.

Electrical equipment and wiring

1.18. No minibus shall be fitted with any:

- a) electrical circuit which is liable to carry a current which is larger than that for which it was designed;
- b) cable for the conduct of electricity unless it is suitably insulated and protected from damage:
- c) electrical circuit, other than a charging circuit, which includes any equipment other than:
 - a starting motor
 - a glow plug
 - an ignition circuit, and
 - a device to stop the vehicles engine,
 - unless it includes a fuse or circuit breaker, however, one fuse or circuit breaker may serve more than one circuit; or
- d) electrical circuit with a voltage exceeding 100 volts unless there is connected in each pole of the main supply of electricity which is not connected to earth a manually-operated switch which is:
- e) capable of disconnecting the circuit, or, if there is more than one, every circuit, from the main supply,
- f) not capable of disconnecting any circuit supplying any lamp with which the vehicle is required to be fitted, and
- g) located inside the vehicle in a position readily accessible to the driver.

Fuel tanks

1.19. No minibus shall be fitted with a fuel tank or any apparatus for the supply of fuel which is in the compartments or other spaces provided for the accommodation of the driver or passengers.

Lighting of steps

- 1.20. Every minibus shall be provided with lamps to illuminate every step at a passenger exit or in a gangway.

General construction and maintenance

- 1.21. Every minibus, including all bodywork and fittings, shall be soundly and properly constructed of suitable materials and maintained in good and serviceable condition, and shall be of such design as to be capable of withstanding the loads and stresses likely to be met in the normal operation of the vehicle.

Definitions

- 1.22. In this Schedule:
- a) “driver’s door” means a door fitted to a minibus for use by the driver;
 - b) “emergency door” means a door fitted to a minibus for use by passengers in an emergency; and
 - c) “service door” means a door fitted to a minibus for use by passengers in normal circumstances.

Appendix J - Accessible vehicles – meeting the needs of customers

- 1.1. The attitude and understanding of drivers plays a vital part in assisting many elderly people and people with disabilities providing an invaluable source of independent mobility.
- 1.2. Disability can take many forms some recognisable and some not. It is important not to make assumptions. Always ask the customer what help you can provide and listen carefully acting only as requested.
- 1.3. It is your responsibility to be familiar with access and safety equipment in your vehicle and to be able to use this safely and correctly and in accordance with the manufacturer's instructions.
- 1.4. All drivers will be required to be trained in Disability Discrimination Awareness and produce an accredited certificate to confirm this.

Guidelines for wheelchair accessible vehicles

- 1.5. Drivers should:
 - a) Pull up as close to the kerb as possible and offer use of the ramps;
 - b) If required tip up the back seat to allow room to manoeuvre;
 - c) Insist the passenger travels in the correct position and secured as recommended by the manufacturer or conversion team;
 - d) Always make sure that the brake is applied to the wheelchair;
 - e) Be polite and ask before moving or touching the customer;
 - f) Suggest the customer also uses the seat belt provided for the wheelchair. They may need your help;
 - g) If it has been raised, lower the back seat, if the customer would prefer it;
 - h) Avoid sudden braking or acceleration;
 - i) Bringing the wheelchair out of the vehicle backwards and ask if the customer would like the brake applied once unloaded; and
 - j) Ensure you leave the passenger in a safe and convenient place to move away independently.

Changes to the Law

- 1.6. On 7th February 2017 the Department of Transport announced that it is illegal for taxi drivers to discriminate against wheelchair users.
- 1.7. From 6 April 2017 taxi and private hire vehicle drivers will be obliged by law to:
 - a) transport wheelchair users in their wheelchair;
 - b) provide passengers in wheelchairs with appropriate assistance; and

- c) charge wheelchair users the same as non-wheelchair users.
- 1.8. The new rules will apply in England, Wales and Scotland affecting vehicles that are designated as wheelchair accessible and will apply to both hackney carriage and private hire vehicles. All hackney carriage vehicles in London and a significant number in most major urban centers are wheelchair accessible.
- 1.9. The change in law means drivers found to be discriminating against wheelchair users face fines of up to £1,000 as part of provisions being enacted from the Equality Act. Drivers may also face having their hackney carriage or private hire vehicle (PHV) licence suspended or revoked by the Licensing Authority. Drivers unable to provide assistance for medical reasons will be able to apply to their licensing authority for an exemption from the new requirements.
- 1.10. The new requirements will complement those already in place to prevent discrimination against users of assistance dogs and underline the government's wide-ranging commitment to supporting transport networks which work for everyone.

Guidelines for saloon cars

- 1.11. You may still be able to take wheelchair users provided the customer can be transferred safely.
- 1.12. Take extra care when loading the wheelchair into the boot, they are expensive and the customer may be immobile without it.

Mobility difficulties

- 1.13. Remember many people with disabilities are unable to use a stick or crutch, for example, those with arthritis may have painful upper limbs. If the customer appears to have walking difficulties or is elderly or frail:
 - a) Always ask the customer what help they require, listen carefully and act only as requested;
 - b) Ask if pulling up as close to the kerb as possible would help because in saloon cars this may increase the height the customer has to drop down on to the seat;
 - c) Offer the use of a swivel seat, if fitted, and ensure it is locked back in position once inside the vehicle.

Advice for visually impaired, blind or partially sighted customers

- 1.14. We expect all drivers to:

- a) Introduce yourself;
 - b) Always ask the customer what help they require, listen carefully and act only as requested;
 - c) If you are collecting from a pre-booked location always knock at the door on arrival;
 - d) Let your passenger know whether they are entering a saloon or purpose built vehicle;
 - e) Demonstrate which way the door opens and which way the vehicle is facing;
 - f) If required, place the blind persons hand on the open door and indicate the position of the roof;
 - g) Ensure they are seated and have secured the seat belt before moving off;
 - h) Tell them if you are taking a different route or if there is a hold up or diversion;
 - i) Tell them the fare and count out the change; and
 - j) Set them down in a safe place and ensure they know where they are.
- 1.15. Guide dogs are trained to remain on the floor of a vehicle and will not abuse it in any way –
- a) refusal to carry a guide dog may contravene the conditions of your licence.

Advice for deaf or hard of hearing customers

- 1.16. Drivers should:
- a) Never chew gum;
 - b) Always look at the customer when you are speaking to them and speak clearly but don't shout;
 - c) Always carry paper and pen to ease communication when required; and
 - d) Ensure the customer knows you have understood their instructions and you know where you are going.

Maintenance of vehicles

- 1.17. Drivers and vehicle proprietors should:
- a) Keep door handles and locks well oiled to reduce the physical effort involved; and
 - b) When using a purpose built vehicle ensure you know how to use the equipment provided.

Appendix K - NR3 Policy on the use of the National Register of Taxi Licence Revocation and Refusals (NR3)

Introduction

- 1.1. The Local Government Association has commissioned the development of a national register of hackney carriage and private hire vehicle driver licence refusals and revocations, the 'National Register of Refusals and Revocations' or NR3. The NR3 contains information relating to any refusal to grant, or revocation of, a taxi or private hire driver's licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past. Castle Point Borough Council has signed up to use NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi or private hire driver's licence is revoked, that information will be placed upon the register.

Scope

- 1.2. This policy covers how Castle Point Borough Council will use NR3 and how the Council will comply with data protection requirements.
- 1.3. In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry

Overarching Principles

- 1.4. When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, Castle Point Borough Council will search the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.
- 1.5. Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of time processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes. Any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application.

- 1.6. Where an appeal to the magistrates' court is made by an individual who objects to their information being added to the NR3 register, the appeal needs to be made within 28 days of receiving notification of the Council's intention to add details to NR3 register. The data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the Magistrates' Court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the Magistrates' Court. If an appeal is made to the Crown Court, the data will be retained longer than 35 days until that appeal is determined or abandoned. Where the appeal is determined by the Magistrates' Court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the Magistrates' Court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.
- 1.7. The data will be held securely in accordance with Castle Point Borough Council's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with Castle Point Borough Council's Data Protection policy.

Adding details of a refusal or revocation

- 1.8. NR3 is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire vehicle driver's licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – Castle Point Borough Council – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire vehicle driver's licence.
- 1.9. Where an application for a licence is refused, or an existing licence is revoked, Castle Point Borough Council will record this decision on NR3. The information recorded on NR3 will be limited to an individual's:
- a) Name;
 - b) date of birth;
 - c) address and contact details;
 - d) national insurance details;
 - e) driving licence number;
 - f) decision taken;
 - g) date of decision; and
 - h) date decision effective.

- 1.10. Data is held on the NR3 register for a period of 25 years, in line with the national NR3 guidance.

Checking the NR3 register as part of the application and renewal process

- 1.11. When an application is made to Castle Point Borough Council for the grant of a new, or renewal of, a taxi driver's licence, Castle Point Borough Council will carry out a search on the NR3 register.
- 1.12. Castle Point Borough Council will then retain a clear written record of every search that is made of the register. This will detail:
- a) the date of the search;
 - b) the name or names searched;
 - c) the reason for the search (new application or renewal);
 - d) the results of the search; and
 - e) the use made of the results of the search (this information will be entered to the register at a later date).
- 1.13. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.
- 1.14. If Castle Point Borough Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of Castle Point Borough Council's data protection policy in relation to the use of any data that is obtained as a result of this process.
- 1.15. This request will be made in writing in accordance with the form. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

Responding to a request made for further information regarding an entry on NR3

- 1.16. When Castle Point Borough Council receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.
- 1.17. Castle Point Borough Council will then determine how to respond to the request. The Council will not simply provide information as an automatic response to every request.
- 1.18. Castle Point Borough Council will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised

disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

- 1.19. If Castle Point Borough Council is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function. Any disclosure must be considered and proportionate, taking into account the data subject's rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but Castle Point Borough Council (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.
- 1.20. Castle Point Borough Council will disclose information relating to a revocation or refusal to grant a driver's licence in accordance with the timescales contained within Castle Point Borough Council's Data Protection policy. Where the reason for refusal to grant or revocation relates to a conviction which is within the timescales determined in the Council's Convictions or Suitability policy, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction which is outside the timescales determined in the Convictions or Suitability policy, the information will not usually be disclosed. However, in every case, consideration will be given to the full circumstances of the decision, and there may be occasions where information is provided other than in accordance with this policy.
- 1.21. Any information about convictions will be shared in accordance with this policy under Schedule 1, Part 2, Paragraphs 11 and 12 of the Data Protection Act (DPA) 2018; that is:
 - Protecting the public against dishonesty etc.
 - This condition is met if the processing—
 - a) is necessary for the exercise of a protective function;
 - b) must be carried out without the consent of the data subject so as not to prejudice the exercise of that function; and
 - c) is necessary for reasons of substantial public interest.
- 1.22. In this paragraph, "protective function" means a function which is intended to protect members of the public against—
 - a) dishonesty, malpractice or other seriously improper conduct;
 - b) unfitness or incompetence;
 - c) mismanagement in the administration of a body or association; or
 - d) failures in services provided by a body or association.

Regulatory requirements relating to unlawful acts and dishonesty etc.

- 1.23. This condition is met if—

- a) the processing is necessary for the purposes of complying with, or assisting other persons to comply with, a regulatory requirement which involves a person taking steps to establish whether another person has—
 - committed an unlawful act; or
 - been involved in dishonesty, malpractice or other seriously improper conduct,
 - b) in the circumstances, the controller cannot reasonably be:
 - expected to obtain the consent of the data subject to the processing, and
 - the processing is necessary for reasons of substantial public interest.
- 1.24. In this paragraph “act” includes a failure to act; “regulatory requirement” means—
- a) a requirement imposed by legislation or by a person in exercise of a function conferred by legislation; or
 - b) a requirement forming part of generally accepted principles of good practice relating to a type of body or an activity.
- 1.25. The officer will record what action was taken and why Castle Point Borough Council will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:
- a) the date the request was received;
 - b) how the data protection impact assessment was conducted and its conclusions;
 - c) the name or names searched;
 - d) whether any information was provided;
 - e) if information was provided, why it was provided (and details of any further advice obtained before the decision was made);
 - f) if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made);
 - g) how and when the decision (and any information) was communicated to the requesting authority; and
 - h) This record will not be combined with any other records and will be retained for the retention period of 25 years.
 - i) Using any information obtained as a result of a request to another authority
- 1.26. When Castle Point Borough Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers’ licence. This will be in accordance with the usual process for determining applications.
- 1.27. Castle Point Borough Council will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above). Information that is received may

warrant significant weight being attached to it, but it will not be the sole basis for any decision that Castle Point Borough Council will make in relation to the application.

Appendix L - Taximeter Approved Persons and Policy

Approved person	Type of Taximeters	Contact number
Graham Raynor	Viking/Digitax	07745 644110
Chris Marsh	Halda/Digitax	01708 808825 07958 373961
Philip Wong	Aquilla	07711 051268

Scheme of Approved Taximeter Agents - Conditions of Scheme

- 1.1. Castle Point Borough Council has resolved to appoint taximeter agents to act on its behalf in respect of taximeters fitted to the hackney carriage and private hire vehicles which it licences. An approved taximeter agent is permitted by the Council to inspect, calibrate, test, seal and certify taximeters fitted to such hackney carriage and private hire vehicles.
- 1.2. Set out below are the relevant suitability criteria and licence conditions adopted by the Council pertaining to taximeters in licensed hackney carriage and private hire vehicles. The duty to comply with these requirements rests with licensed proprietors.
- 1.3. The Council will exercise its discretion in authorising agents to act on its behalf. Such authorisations shall be issued by licensing officers on an annual basis to the agent subject to the following standard conditions being satisfied. Failure, by an approved agent to comply with these standard conditions may result in the withdrawal of the authorisation.
- 1.4. The agent shall:
 - a) Produce evidence from the taximeter manufacturer/suppliers that they are an approved agent for the taximeters that they install and calibrate;
 - b) Produce when requested a copy of the written authorisation issued to them by the Council. Any authorised officer of the Council or Police shall have the right to inspect or remove the taximeter compliance certificate book(s) at all reasonable times;
 - c) On behalf of the Council, inspect, calibrate, test, seal and certify taximeters fitted to hackney carriage and private hire vehicles licensed by the Council at all reasonable times;
 - d) Not install tariffs set by other parties, including those of other local licensing authorities, to taximeters fitted to hackney carriages/private hire vehicles licensed by Castle Point Borough Council;
 - e) Not issue a taximeter certificate of compliance nor seal any taximeter unless that taximeter has been examined and tested by the agent and found to be satisfactory in all respects;

- f) Issue the taximeter certificate of compliance to the licensed proprietor in the serial numbered sequence immediately following the examination and test;
- g) Not cause or permit any alteration to be made upon the taximeter certificate of compliance. Any spoilt certificates must be clearly marked void and retained within the taximeter compliance certificate book;
- h) Not cause or permit any tariff greater than the Council's Approved Table of Fares to be installed to, or held upon, any taximeter fitted in a hackney carriage/private hire vehicle licensed by Castle Point Borough Council; and
- i) Ensure that a copy of each taximeter compliance certificate issued is submitted to the Licensing service at the Council within seven days of its issue.

Castle Point Borough Council

- 1.5. Will supply to the agent a book of taximeter compliance certificates which shall be kept secure and used by the agent to certify the compliance of the taximeter. No other method of certification shall be used.
- 1.6. May revoke an operative's Approved Taximeter Agent status in the event of non-compliance with any of the conditions herein or for any other reasonable cause.
- 1.7. Reserves the right to amend the conditions attached to the Approved Taximeter Agent Scheme at any time.

Other

- 1.8. Unissued taximeter compliance certificates remain the property of the Council at all times and must be returned to the Council upon termination of an Approved Taximeter Agent authorisation or at the Council's request.
- 1.9. The Council will not intervene in any transaction or dispute between a proprietor and an authorised agent for services rendered. Although an agent is signed up to the Council Authorised Taximeter Agent Scheme they are not obliged to provide a service to a proprietor.
- 1.10. Authorised taximeter agents cannot charge the Council for any services required by proprietors.
- 1.11. Relevant suitability criteria and licence conditions adopted by Castle Point Borough Council pertaining to hackney carriage and private hire vehicle licences.

Hackney Carriage/Private Hire

- 1.12. Any taximeter installed in the vehicle shall be of a type approved and inspected, tested, calibrated and sealed by an authorised officer of the

Council or taximeter agent as approved by Castle Point Borough Council under the Council's Authorised Taximeter Agent Scheme.

- 1.13. The taximeter fitted should be an efficient taximeter that is capable of visibly recording fares by measuring distance, time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by the Council being the current Table of Fares fixed under s65 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.14. In Hackney Carriage vehicles, the taximeter shall be calibrated to allow the use of the aforementioned tariff for the calculation of fares and all taximeters are to be calendar controlled on the next taximeter re-tariff.
- 1.15. The taximeter shall be maintained at all times so that the fare displayed can readily be seen by the passenger. There shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the scale of fares prescribed by the Council.
- 1.16. The operation of the taximeter shall accord with any bylaws made by the Council.
- 1.17. Within Hackney Carriage vehicles, the taximeter shall be tested for accuracy on initial application and following any changes to the table of fares or as required.
- 1.18. An officer of the Council's licensing service or an authorised taximeter agent will seal taximeters after each inspection and complete a compliance certificate confirming that the taximeter complies with the current table of fares set by the Council.