



Hackney Carriage & Private Hire Licensing Policy

February 2022 – February 2027

Version 1.2

Key Information	
Original Author:	Melanie Harris, Head of Licensing
Accountable Director:	Ian Butt
Responsible Member:	Russ Savage
Approval Date:	February 2022
Review Date:	01/12/2026

Governance	
The Policy applies to:	(List who is covered by this Policy)
The Policy is available on which platforms?	<input checked="" type="checkbox"/> External Policy – Council Website and Intranet
	<input type="checkbox"/> Internal Policy - Intranet
The Policy was disseminated to:	(List all services and teams contacted)

Document Control				
Date	Officer Name, Title	Version	Action	Amendment(s)
February 2022	Melanie Harris, Head of Licensing	1.1	Approved Taxi Policy published	N/A
09/06/2025	Steven Greener, Licensing Manager	1.2	Officer decision report approved and published: Updated policy following new tender of approved MOT Centre	Removal of the following paragraph from the policy: On 1 st April 2021 the Council approved one testing centre to carry out MOT inspections on licensed vehicles for the period of three years ending on 31 st March 2024.

Contents

Contents

Introduction	4
Powers and Duties	5
Objectives	5
Definitions	6
Applying for a licence	7
Drivers.....	7
Vehicles	8
Operators	8
General	8
Private Hire Drivers Licence - Pre-licensing standards.....	10
Combined Hackney Carriage and Private Hire Drivers Licence - Pre-licensing standards	13
Hackney Carriage and/or Private Hire Drivers Licence - Conditions of licence	14
Hackney Carriage Vehicle Licence - Pre-licensing standards.....	19
Hackney Carriage Vehicle Licence - Conditions of licence	23
Introduction.....	23
Pre licensing standards	23
Private Hire Vehicle Licence - Pre-licensing standards	29
Private Hire Vehicle Licence - Conditions of the Licence	33
Introduction.....	33
Specification for minibuses and other special events vehicles licensed as private hire vehicles.....	39
Minibuses.....	39
Private Hire Operators Licence - Pre licensing standards	42
Private Hire Vehicle Operators Licence - Conditions of licence.....	43
 Appendix 1 - NR3 Policy on the use of the National Register of Taxi Licence Revocation and Refusals (NR3).....	47
Appendix 2 - Assessment of Previous Convictions	52
Appendix 3 - English Language Requirement	55
Appendix 4 - Byelaws in respect to Hackney Carriages	57
Appendix 5 - Dress code and conduct for licensed drivers	62
Appendix 6 - The Penalty Points Scheme	63
Appendix 7 - Exceptional condition for licensed vehicles.....	68
Appendix 8 - Guidance for CCTV systems.....	69
Appendix 9 - Taxi Meter Approved Persons and Policy	75
Appendix 10 - Guidance notes of the carriage of passengers using wheelchairs in taxis.....	78
Appendix 11 - The code of practice for the carriage of passengers in wheelchairs in taxis	79
Appendix 12 - Schedule 6 of the Road Vehicles (Construction and Use) Regulations 1986	81
Appendix 14 - Delegated Authority.....	89

Introduction

This policy was reviewed in 2021 to incorporate the Department for Transport, (DfT) 'Statutory Taxi and Private Hire Vehicle Standards' 2020 which the Government recommended all local authorities adopt.

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.

The document shall also apply in respect of disciplinary and enforcement measures and sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

It also contains the standard conditions for all four licences and an explanation of the Council's penalty point scheme.

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.

In formulating a Private Hire And Hackney Carriage Licensing Policy, the primary and overriding objective must be 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. 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 and performance annually.

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 guidance 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?"

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

Powers and Duties

The Council has adopted Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 as amended (Minute 2012, 20th December 1977). This legislation, together with the provisions of The Town Police Clauses Act 1847, places 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.

Objectives

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 and;

- Ensure that drivers, proprietors and private hire operators are fit and proper persons
- To encourage high standards of service and competence in the hackney carriage and private hire trade
- To provide clarity for licensees with respect to the Council's expectations and the decision making process

In formulating this policy consideration has been given to:

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>

The Local Government Miscellaneous Provisions Act 1976
<https://www.legislation.gov.uk/ukpga/1976/57/part/II> The Town & Police Clauses Act 1847 <https://www.legislation.gov.uk/ukpga/Vict/10-11/89>

Definitions

1	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
2	The Council	Castle Point Borough Council
3	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
4	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
5	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
6	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
7	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
8	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

Applying for a licence

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 and included as a separate sheet to this policy. Please read the form(s) thoroughly as incomplete forms or wrong information may cause a delay in the processing of the application.

You are also advised to consider all the relevant information before proceeding with the application as refunds of fees paid will not be given.

Please complete all sections of the form(s) even those which require a negative answer.

The forms and questions are designed to be self explanatory but anything you are unsure of can be verified by emailing or ringing the Licensing Team:

licensing@castlepoint.gov.uk

01268 882480

Drivers

The council issues two types of badges; joint badges which authorise the driver to drive both hackney carriage and private hire vehicles and private hire badges for those drivers wishing to drive licensed private hire vehicles for pre-booked work only.

The badges are valid for three years as follows:

Combined Hackney Carriage/Private Hire Driver - 1 October to 30 September
Private Hire Drivers Licence - 1 July to 30 June

The drivers badges have a colour coded strip at the bottom of the badge as follows:

Combined Hackney Carriage/Private Hire Drivers Licence – Blue
Private Hire Drivers Licence – Yellow

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

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 Carriage or Private Hire Drivers licence and when an application is made for the renewal of these licences. (APPENDIX 1 – Policy in respect of requests for information, disclosure of information and use of information as a result of an entry on NR3).

All applicants are subject to an enhanced criminal disclosure check with the Disclosure and Barring Service (DBS).

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 monitor the criminal record of drivers every 6 months.

In the interests of public safety the Council will not issue a licence to any individual that appears on either of the DBS barred lists.

A driver may be allowed to be licensed by more than one authority if he/she wishes.

Vehicles

All vehicle proprietors who do not hold a Combined or Private Hire Drivers' Licence must submit an annual Basic Disclosure Check from the DBS.

The council does not have any limit on the number of vehicles it licences.

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 on initial application.

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. Limousines are exempt from this condition. (Please see appendix 7).

Any licensed vehicle which is more than seven years old and up to ten years old will be mechanically examined half yearly at an approved mot testing centre.

Any licensed vehicle (wheelchair accessible only) which is more than ten years old will be mechanically examined every four months at an approved mot testing centre.

All vehicles over three months old must hold a valid mot test certificate.

Operators

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. Operators operating entirely a hackney carriage fleet will be exempt from requiring an operator's licence.

All operators who do not hold a Combined or Private Hire drivers' Licence must submit an annual Basic Disclosure check from the DBS.

General

All decisions about licences are delegated to the Head of Licensing and Safer Communities and if an applicant is not satisfied or any appeal is made upon refusal the application may be referred to the Licensing Sub-Committee.

If the Licensing Sub-Committee refuses to grant a licence the applicant can appeal within twenty-one days against the decision to the appropriate magistrates' court.

The Council may suspend or revoke an existing licence or refuse to renew a licence subject to any breaches of its conditions.

Private Hire Drivers Licence - Pre-licensing standards

A person being considered for a private hire drivers licence or combined hackney Carriage & private hire drivers licence shall:-

- 1 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.
- 2 Be over twenty-one years of age and have held a current full 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. Not to have been disqualified from driving for any period of time during the three years prior to making the application.
A DVLA check will be undertaken to confirm driving history on application and at renewal of the licence.
- 3 Be vetted by the DBS to an enhanced level upon application and on renewal. Produce current original identification documents for inspection for the DBS checks.
- 4 Not to have been convicted of any of the specified offences within the elapsed period listed on the Council's Conviction's Policy. (APPENDIX 2)

Please note – In assessing the applicant as a fit and proper person, all spent convictions, fixed penalty notices and cautions may be taken in consideration to promote public safety. Since 1 April 2003 taxi drivers 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 you must disclose all previous cautions and convictions whether they are “spent” or not. You 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 when determining the application.

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is fit and proper. CPBC 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 should be taken as a minimum.

In the interests of public safety the Council will not issue a licence to any individual that appears on either of the DBS barred lists.

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/her own embassy. 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.

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 will be referred to the Licensing Committee for determination.

- 5 Not have been convicted of three or more motoring offences in the previous three years.
- 6 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.
- 7 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.

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.

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. Should an overseas licensed driver return home or go abroad for a period of 3 months or more then 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.

- 8 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 medical report and certificate in the form provided by the Council. This will be at the applicants own expense. 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.

- 9 Be the holder of a drivers assessment pass certificate for hackney carriage and private hire vehicles, a current PSV (Public Service Vehicle) licence or a holder of a current advanced driving certificate from an officially recognised body. This will be at the applicants own expense.
- 10 Demonstrate that they meet the English language requirement. 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. (See Appendix 3 for further details).
- 11 Complete Disability Discrimination Awareness training provided by an organisation whose course content is approved by the Council and produce an accredited certificate.
- 12 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.
- 13 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.
- 14 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 Southend Magistrates court within 21 days of that decision.

Combined Hackney Carriage and Private Hire Drivers Licence - Pre-licensing standards

A person being considered for a combined hackney carriage & private hire badge shall meet all pre licensing standards for a private hire drivers licence and in addition:

- 1 Pass knowledge and byelaws tests designed to ensure that they have sufficient knowledge to provide a safe and reliable service to the travelling public. 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 Head of Licensing and Safer Communities. (See Appendix 4 – Byelaws in respect of Hackney Carriages)
- 2 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.

Hackney Carriage and/or Private Hire Drivers Licence - Conditions of licence

Please note – As an existing driver, if you allow your licence to lapse you will be treated as a new driver and will be required to undertake all the tests and other requirements applicable to a new driver. It is your responsibility to ensure that you have booked the necessary appointments and have the necessary paperwork to enable you to complete the renewal process before the expiry date of your existing licence.

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.

1. Conduct of driver

The driver of a hackney carriage or private hire vehicle shall when requested by the person who has hired the vehicles:

Carry securely a reasonable quantity of luggage;

Give reasonable assistance in loading and unloading/securing luggage.

The driver shall when hired to drive to any particular destination, subject to any direction given by the hirer, proceed to such destination by the shortest possible route.

The driver shall conform to a dress code as specified in Appendix 5.

The driver will take all reasonable precautions to ensure the safety of persons when travelling in or getting out of their vehicle.

The driver shall not at any time smoke tobacco or any other like substance or electronic cigarettes in a licensed vehicle.

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.

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.

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 unit and the vehicle meter must be resealed as soon as possible.

The driver shall comply with the Council's conditions of licence and byelaws (where appropriate). Please see Appendix 4 for the full byelaws

2. Passengers

The driver shall not carry in the vehicle a greater number of persons than that displayed on the licence plate of the vehicle.

No other person shall be carried in the vehicle when hired without the express consent of the person hiring the vehicle.

3. Lost property

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 make a report by calling 101 if any is found.

4. Written receipts

The driver shall, if requested by the hirer of a vehicle provide him/her with a written receipt for the fare or payment paid.

5. Animals

A driver of a licensed vehicle is required to carry the following assistant dogs free of charge unless the driver has a proven medical condition that would preclude this:

- guide dogs for the blind
- hearing dogs
- dogs for people with disabilities
- support dogs (e.g. Epilepsy)

All assistant dogs can be identified usually by their harness or their identification coat.

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. A driver is responsible for informing the operator of such a condition when first employed or if such condition occurs subsequently at any time.

6. Prompt attendance

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

7. Badge

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

8. Use of unlicensed drivers

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.

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.

9. Change of address

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

10. Accidents

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

11. Return of badge

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

12. Display of vehicle plate

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

13. Fare to be demanded

The driver of a licensed vehicle shall:

At the commencement of a hired journey where a meter is fitted the meter must indicate that the vehicle is hired until the termination of the hiring;

The driver shall keep the meter to be 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.

The driver shall not let the fare recorded be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.

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.

14. Physical, mental fitness and medical evidence

The driver shall during the period of the licence report to licensing as soon as practicable any disability, physical or mental condition which develops or worsens and may affect their ability to drive safely.

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.

A driver shall be the holder of a drivers assessment pass certificate for hackney carriage and private hire, a current holder of a PSV (public service vehicle) licence or a holder of a current advanced driving certificate from an officially recognised body on first application and thereafter every three years after the age of 65 years. This will be at the applicants own expense.

15. Certificate of motor insurance

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.

16. Penalty point scheme

Without prejudice to any other course of action available to the Council penalty points may be issued in accordance with the Council's Policy. However the Council reserves the statutory right to suspend or revoke a licence at any time if the particular circumstances of the case warrant such action. (Please see appendix 6).

17. Criminal Offences

Licence holders are required to notify Licensing in writing or by electronic means within 48 hours of 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.

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.

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.

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.

18. Appeals

An appeal may be brought to the Head of Licensing against the licensing conditions within twenty one days from the date on which notice of the condition is served on the applicant to the Licensing Sub Committee.

An applicant disagreeing with the decision of the Licensing Sub Committee in respect of an application also has the right of appeal to the Magistrates Court.

Hackney Carriage Vehicle Licence - Pre-licensing standards

A person being considered for a hackney carriage vehicle licence shall:

1. Be over twenty one years of age.
2. Provide a basic disclosure certificate from the DBS on application and be part of the update service.
3. Have a vehicle that is wheelchair accessible. Hackney carriage proprietors licensed before 9 September 2010 will be exempt from this condition although any new applications for additional vehicles will have to be wheelchair accessible and no vehicle will be more than seven years old when first licensed. The current proprietors of wheelchair accessible vehicles will have grandfather rights in order to be able to revert their vehicle to a saloon type vehicle.

Non wheelchair accessible vehicles will not be licenced once they have reached ten years of age and any applicable licence will expire at this time.

Wheelchair accessible vehicles will not be renewable once they have reached fifteen years of age and any applicable licence will expire at this time.

4. Have a vehicle that is right-hand drive in good mechanical order and body condition and is in full and proper operational order in every respect.

Have a vehicle which is suitable in type, size and design for use as a hackney carriage and according to the manufacturer's specification has:

(a) Rear seat (length): The length of rear seats measured in a straight line lengthways on the front edge of the seat must be such as will allow adequate seating accommodation to the extent of at least 42cm (16.5") per person.

(b) Seats (width): The width of the back seat from the rear to the front edge must not be less than 46cm (18").

In addition to the driver's seat;

- Up to two passenger seats in the front of the vehicle are acceptable where each seat has separate lap/diagonal seat belts, with a minimum of 42cm (16.5") per person., and or;
- two additional rear seats with permanent diagonal seat belts.

There must be no less than three doors in addition to the driver's door, each adjacent to and allowing direct access to and from passenger seat. (Except with minibuses and similar vehicles).

Please see page for specific conditions relating to minibuses and special event vehicles.

An overall length of not less than 432cm (170")

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 to match the previous licensing standards of 1550cc.

Adequate luggage accommodation with suitable restraints to prevent items in non-saloon vehicles becoming unsecured.

5. 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.

Have proper signs on how to lift the second rows of seats.

Have exit windows on the near and offside in respect of the rear row of seats and that they be free from obstruction at all times to allow access in the event of an emergency.

Have well positioned exit window signs.

Have an internal device for the rear hatch door to be opened from the inside.

6. Submit the vehicle 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 garage) and at least:

Upon initial application and annually in respect of vehicles up to seven years old.

Six monthly in respect of vehicles over seven years old and up to ten years old at an approved MOT testing centre of your choice and expense.

Four monthly in respect of vehicles over ten years old defined under condition at an approved MOT testing centre of your choice and expense

Approved MOT testing centre

The approved centre is:

Castle Point Motors
31 Armstrong Road
Benfleet
Essex
SS7 4PW

Tel: 01268 794545

7. Produce the current MOT test certificate immediately following each mechanical inspection and upon request.

Produce an insurance document as may be required specifying that the vehicle is insured for public hire and reward.

Produce a full vehicle registration document.

8. Not be a person who would be refused a drivers licence by reason of convictions recorded against them.
9. 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.
10. After the issue of a hackney carriage vehicle licence, the vehicle may only be driven by a driver holding a combined hackney carriage/private hire drivers licence.
11. **Wheelchair accessible vehicles**

This licence will be issued to a wheelchair accessible vehicle and will not be permitted to be replaced at any time by another vehicle other than a wheelchair accessible type.

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. A safety audit by the inspecting officer will be followed by a written report with any recommendation that may require addressing to meet the standards required by the regulating bodies. 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 requirements to comply with best practice and the Disability Discrimination Act.

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. Each of the doors must have an aperture of at least 1250mm in height and an aperture width of at least 735mm.

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 is 1:20; however, the maximum gradient should be no more than 8% (1.12) (LOLOR 1998). 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. All electric wheelchairs must be secured with four point tie downs.

Vehicles with mechanical passenger lifts, also fall within the lifting operations and lifting equipment regulations 1998 (LOLOR) and requires 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. One of

these inspections must be a full weight test certificated and a copy of that certificate given to the licensing department.

The vehicle may be side or rear loading although rear loading.

It is recommended that drivers use every effort to carry passengers in the conventional manner whenever possible in such an area of the vehicle that the occupant has an unrestricted view of the taximeter. This area must be at least 1400mm in height measured from the floor to the roof lining and have a length of at least 1200mm and a width of at least 750mm available for the exclusive accommodation of a wheelchair and its occupant at all times while the vehicle is standing or plying for hire.

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.

All proprietors of wheelchair accessible vehicles must have available in the vehicle a copy of the guidance notes on the carriage of passengers using the wheelchairs in taxis together with the code of practice for the carriage of passengers in wheelchair taxis. Please see appendix 10 and 11.

All proprietors of wheelchair accessible vehicles must conduct a risk assessment of their vehicle and submit a copy of it to the licensing unit on the initial application and on renewal of the vehicle.

Circuit operators and licence holders 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.

All circuit owners and licence holders will submit a detailed risk assessment on a regular basis i.e. twice yearly to the licensing department; if they operate a school, social care and government contract or wheelchair accessible vehicle.

Hackney Carriage Vehicle Licence - Conditions of licence

Introduction

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

Pre licensing standards

Satisfy the pre licensing standards for hackney carriages.

1. Safety equipment

An efficient fire extinguisher shall be carried of a type conforming to BS5423 1997, 98, 99 with a minimum rating of 8A – 21B (type AFFF 2 litre minimum capacity recommended). It must be readily available for use in case of emergency.

Vehicles specifically adapted to carry wheelchairs should carry two efficient fire extinguishers conforming to BS5423 1997, 98, 99 with a minimum rating of 8A – 21B (type AFFF 2 litre minimum capacity recommended). They must be readily available for use in case of emergency.

The proprietor shall have available in the vehicle “High Visibility Jerkins/Jackets” and an “Emergency Triangle” in the event of breakdown or accident.

The proprietor shall carry in the vehicle a spare set of light bulbs relating to the vehicle at all times.

All road wheels fitted with manufacturer's recommended size tyres (remould tyres are not acceptable).

2. Exceptional Condition Policy

Where a vehicle is in exceptional condition the Council's' “Exceptional Condition Policy” will apply. (Please see appendix 7).

3. Interior markings

The proprietor shall ensure that the following are clearly displayed inside the vehicle:

The number of the licence. Window badges will be displayed to the near side of the front windscreen and on both rear passenger door windows/quarter lights.

“No smoking signs” shall be displayed to the front near side of the front windscreen and on both rear passenger door windows.

The table of fares currently in operation.

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.

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.

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.

4 Exterior signs

The proprietor shall ensure that:

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.

The Council's official emblem must be permanently fixed in the centre of the upper panels of both front doors.

No smoking signs shall be displayed to the front near side of the front windscreen and on both rear passenger door windows.

Window badges will be displayed to the near side of the front windscreen and on both rear passenger door windows/quarter lights.

The vehicle shall be fitted with a sign on the roof, this sign must only be illuminated when the vehicle is for hire.

The 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.

Vehicles may display national flags, at the discretion and written approval of the Head of Licensing. If approved, it shall not exceed in size 18” x 12” and not obscure the driver's vision.

No Christmas decorations to be displayed in the front window.

5 Advertisements

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 boot lid or hatch back door or any of these combinations

Advertisements may be placed in the rear screen of the vehicle and must not obstruct the view to the rear, on the outside of the rear doors or on the boot lid or hatchback door or moulded rear bumper.

Display advertising on the rear door panels of such content that has been approved by the Head of Licensing.

The written approval of the Council shall be obtained as to the content and layout of any advertisement before it is fitted or displayed.

6 Inspection

The proprietor will submit the vehicle for mechanical inspection when requested to the licensing unit and at least:

On first application for a licence (unless vehicle is less than three months old) at the Council's approved MOT testing centre

Annually in respect of vehicles up to seven years old at the Council's approved MOT testing centre

Six monthly in respect of vehicles over seven years old and up to ten years old at an approved mot testing centre of your choice and expense

Four monthly in respect of vehicles over ten years old defined under the pre licensing standards at an approved mot testing centre of your choice and expense

Produce the current Vehicle Inspectorate MOT Test Certificate immediately following each mechanical inspection and upon request.

Produce an insurance document as may be required specifying that the vehicle is insured for public hire and reward

Produce a full vehicle registration document

After any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.

7 General condition and appearance of vehicle

At all times vehicles will be kept clean and tidy both internally and externally.

Vehicles without alloy wheels will be fitted with all four hubcaps

8. CCTV

The Council permits the installation of CCTV within licenced 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 8 for guidance on CCTV systems.

9 Taximeter

The vehicle shall be fitted with a taximeter visibly recording the approved passenger fare payable. See Appendix 9 for a list of approved meter agents and conditions.

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.

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.

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

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

10 Usage

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.

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. 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.

11 Carriage of assistance dogs

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.

A driver of a licensed vehicle is required to carry all assistance dogs free of charge.

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.

Guide and assistance dogs can be identified by the colour of their coat and harness label:

Guide dogs for the blind have a yellow jacket with the words guide dog printed on it.

Blind/Hearing dogs have a yellow jacket with red piping around the outside of the jacket.

A hearing dog will have a burgundy jacket.

Support dogs have blue jackets.

An assistant dog for physically disabled adults and children with autism will have a light yellow jacket.

A canine partner's dog will have a purple jacket.

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.

12 Change of address

Change of address must be notified within seven days in writing or by electronic means to the licensing unit. Official documents such as vehicle registration document, insurance certificate, and driving licence must be presented to the licensing unit, as soon as reasonable practicable, showing proof of change of address.

13 Production of documentation

A proprietor shall:

At all times hold a current certificate or cover note of Motor Insurance and Vehicle Inspectorate MOT test certificate and ensure original documents are supplied to the licensing unit. 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 unit prior to the date and time of the expiring copies already held by them.

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 unit of the Council. At which time the suspension will be immediately lifted.

Produce vehicle registration documents or any other evidence of proprietorship of the vehicle to the Council at the request of the licensing unit, within a reasonable period of time or a maximum of seven days from such request.

14 Accidents

The driver shall report to the licensing unit any accident in which the driver is involved whilst driving a licensed vehicle. Notification must be reported within seventy-two hours of such an accident.

15 Byelaws and regulations

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

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.

16 Penalty points scheme

Without prejudice to any other course of action to the Council, Penalty Points may be issued in accordance with the Council's policy (See appendix 6). Failure to comply with the conditions set out in this document may result in penalty points being awarded against you or your licence being suspended or revoked.

17 Surrender of licence

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.

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.

18 Appeals

An appeal may be brought to the Head of Licensing against the Licensing Conditions within twenty-one days from the date on which notice of the condition is served on the application to the Licensing Sub-Committee.

An applicant disagreeing with a decision of the Licensing Sub-Committee in respect of an application also has a right of appeal to the Southend Magistrates' court.

Private Hire Vehicle Licence - Pre-licensing standards

1. A person being considered for a private hire vehicle licence shall be over twenty-one years of age.
2. Provide a basic disclosure certificate from the Disclosure and Barring Service on application and annually. Existing holders of a Private Hire Driver's licence with the authority will already meet this criteria.
3. Have a vehicle, which is not more than seven years old when first licensed, and is not more than ten years old with the exception of purpose built wheelchair accessible vehicles, which can be allowed up to fifteen years old.

Non wheelchair accessible vehicles will not be licenced once they have reached ten years of age and any applicable licence will expire at this time

Wheelchair accessible vehicles will not be licenced once they have reached fifteen years of age and any applicable licence will expire at this time.

Have a vehicle that is right hand drive in good mechanical order and body condition, and is in full proper operational order in every respect.

Have a vehicle, which is suitable in type size and design for use as a private hire and according to the manufacturer's specification has:

Private Hire Vehicle Licence - Rear seat accommodation for at least three persons, with a minimum of 42cm (16.5") per person.

Restricted Private Hire Vehicle Licence vehicles exclusively used for chauffeur work - Rear seat accommodation with a minimum of 42cm (16.5") for number of licenced passengers.

In addition to the driver up to two passenger seats in the front of the vehicle, provided each seat has separate lap/diagonal seat belts, with a minimum of 42 cm (16.5") per person. For a limousine, a bench seat with an armrest to accommodate one person in addition to the driver.

Except with minibuses and similar vehicles, no less than three doors in addition to any door provided for the driver, each adjacent to and allowing direct access to and from the passenger seats. Bench seats to accommodate one person in addition to the driver, must use lap/diagonal belt. Please see pages 47-49 for specific conditions in relation to minibuses and special event vehicles licensed as private hire vehicles.

An engine performance with a suitable power output. This will mean that the vehicle is capable of cruising at 70 mph on a motorway with four large adult males and a fully loaded boot and have sufficient acceleration to match the previous licensing standards of 1550cc.

Adequate luggage accommodation with suitable restraints to prevent items in non-saloon vehicles becoming unsecured.

4. 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 doorways, a clear passageway must be provided as a means of access and egress.

Have proper signs on how to lift the second rows of seats

Have exit windows on the near and offside in respect of the rear row of seats and that they be free from obstruction at all times to allow access in the event of an emergency.

Have well positioned exit window signs.

Have an internal device for the rear hatch door to be opened from the inside

5. A taximeter may be fitted to a standard specification vehicle and show the authorised fare tariff.

6. Submit the vehicle for mechanical inspection when requested (payment for an MOT at an approved garage must be made to the licensing unit and a receipt obtained for production at the garage) and at least:

Upon initial application (unless the vehicle is less than 3 months old) at the Council's approved MOT testing station.

Annually in respect of vehicles up to seven years old at the Council's approved MOT testing station.

Six monthly in respect of vehicles over seven years old and up to ten years old at an approved MOT testing centre of your choice and expense.

Four monthly in respect of vehicles over ten years old defined under condition 1.1 at an approved MOT testing centre of your choice and expense.

Produce the current Vehicle Inspectorate MOT Test Certificate immediately following each mechanical inspection and upon request.

7. Produce an insurance document as may be required, specifying that the vehicle is insured for hire and reward

8. Produce a full vehicle registration document.

9. Not be a person who would be refused a drivers licence by reason of convictions recorded against them.

10. All relevant facts will be taken into account when consideration is given to

an application for a private hire vehicle licence and it may be that additional or higher standards will be imposed.

11. After the issue of a private hire vehicle licence, the vehicle may only be driven by a driver holding a combined hackney carriage/private hire drivers licence or a private hire driver's licence.
12. All passengers must be pre-booked via your operator before they can enter the vehicle.

13. Wheelchair accessible vehicles

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. A safety audit by the inspecting officer will be followed by a written report, with any recommendation that may require addressing, to meet the standards required by the regulating bodies. 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 requirements to comply with best practice and Disability Discrimination Act.

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. Each of the doors must have an aperture of at least 1250mm in height and an aperture width of at least 735mm.

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 is 1:20, however, the maximum gradient should be no more than 8% (1.12) (LOLOR 1998). 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. All electric wheelchairs must be secured with four point tie downs.

Vehicles with mechanical passenger lifts, also fall within the lifting operations and lifting equipment regulations 1998 (LOLOR) and requires 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. One of these inspections must be a full weight test certificated and a copy of that certificate given to the licensing department.

The vehicle may be side or rear loading.

It is recommended that drivers use every effort to carry passengers in the conventional manner whenever possible in such an area of the vehicle that the occupant has an unrestricted view of the taximeter. This area must be at least 1400mm in height measured from the floor to the roof lining and have a length of at least 1200mm and a width of at least 750mm available for the exclusive accommodation of a wheelchair and its occupant at all times while the vehicle is standing or plying for hire.

Any vehicle capable of carrying a wheelchair must do so in a reasonable manner. In the interest 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.

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 wheelchair taxis. Please see appendix 10 and 11.

All proprietors of wheelchair accessible vehicles must conduct a risk assessment of their vehicle and submit a copy of it to the licensing unit on the initial application and on renewal of the vehicle.

Circuit operators and licence holders 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.

All circuit owners and licence holders will submit a detailed risk assessment on a regular basis i.e. twice yearly to the licensing department; if they operate a school, social care and government contract or wheelchair accessible vehicle.

Private Hire Vehicle Licence - Conditions of the Licence

Introduction

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 must submit an annual Basic Disclosure check from the Disclosure and Barring Service

1. Pre-Licensing standards

Satisfy the pre licensing standards for private hire vehicles

2. Safety equipment

An efficient fire extinguisher shall be carried of a type conforming to BS5423 1997, 98, 99 with a minimum rating of 8A – 21B (type AFFF 2 litre minimum capacity recommended). It must be readily available for use in case of emergency. School contract users must comply with Schedule 6. (Please see appendix 12)

Vehicles specifically adapted to carry wheelchairs should carry two efficient fire extinguishers conforming to BS5423 1997, 98, 99 with a minimum rating of 8A – 21B (type AFFF 2 litre minimum capacity recommended). They must be readily available for use in case of emergency.

The proprietor shall have available in the vehicle “High Visibility Jerkins/Jackets” and an “Emergency Triangle” in the event of breakdown or accident.

The proprietor shall carry in the vehicle a spare set of light bulbs relating to the vehicle at all times.

All road wheels fitted with manufacturer's recommended size tyres (remould tyres are not acceptable).

3 Exceptional condition policy

Where a vehicle is in exceptional condition then the Council's “Exceptional Condition Policy” will apply. Please see appendix 7

4 Interior markings

The proprietor shall ensure that the following are clearly displayed inside the vehicle:

The number of the licence. Window badges will be displayed to the near side of the front windscreen and on both rear passenger door windows/quarter lights.

No smoking signs shall be displayed to the front near side of the front windscreen and on both rear passenger door windows.

The table of fares currently in operation.

Where in-car video surveillance is installed a notice to this effect must be clearly displayed inside and outside of the vehicle the wording of which shall be approved by the Council.

A panel not exceeding ten inches by six inches inside the vehicle for advertisement purposes provided that the panel is not illuminated and is not readily visible from the outside of the vehicle.

5 Exterior signs

The proprietor shall ensure that:

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.

The Council's official emblem must be permanently fixed in the centre of the upper panels of both front doors.

No smoking signs shall be displayed to the front near side of the front windscreen and on both rear passenger door windows.

Window badges will be displayed to the near side of the front windscreen and on both rear passenger door windows/quarter lights.

Vehicles may display national flags at the discretion and written approval of the Head of Licensing. If approved, it shall not exceed in size 18" x 12" and not obscure the driver's vision.

No Christmas decorations to be displayed in the front window.

6 Advertisements

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 boot lid or hatch back door or any of these combinations

Advertisements may be placed in the rear screen of the vehicle and must not obstruct the view to the rear, on the outside of the rear doors or on the boot lid or hatchback door or moulded rear bumper.

Display advertising on the rear door panels of such content that has been approved by the Head of Licensing.

Written approval of the Council shall be obtained as to the content and layout of any advertisement before it is fitted or displayed.

7 Inspection

The proprietor will submit the vehicle for mechanical inspection when requested to the licensing unit and at least:

On first application for a licence (unless the vehicle is less than three months old) at the Council's approved MOT testing centre

Annually in respect of vehicles up to seven years old at the Council's approved MOT testing centre

Six monthly in respect of vehicles over seven years old and up to ten years old at an approved MOT testing centre of your choice and expense

Four monthly in respect of vehicles over ten years old defined under the pre licensing standards at an approved MOT testing centre of your choice and expense

Produce the current Vehicle Inspectorate MOT Test Certificate immediately following each mechanical inspection and upon request

Produce an insurance document as may be required, specifying that the vehicle is insured for hire and reward

Produce full vehicle registration document

After any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.

8 General condition and appearance of vehicle

At all times vehicles will be kept clean and tidy both internally and externally.

Vehicles without alloy wheels will be fitted with all four hubcaps.

9. CCTV

The Council permits the installation of CCTV within licenced 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 8 for guidance on CCTV systems.

10 Taximeter

If a taximeter is fitted then:

The vehicle shall be fitted with a taximeter visibly recording the approved passenger fare payable. See Appendix 9 for list of approved meter agents and conditions.

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.

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.

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

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

A table of approved charges must be displayed in a prominent position.

9 Usage

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

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 drivers licence or single 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. 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.

10 Carriage of assistance dogs

The proprietor shall ensure the driver of the vehicle complies with the requirement to carry a Guide, Hearing dogs and other assistant dogs, dogs for the disabled, support dogs and canine partners for independence.

A driver of a licensed vehicle is required to carry the following assistant dogs free of charge, unless the driver has a proven medical condition that would preclude such actions:

- guide dogs for the blind
- hearing dogs
- dogs for the disabled
- support dogs (e.g. Epilepsy)

All assistant dogs can be identified usually by their harness or their identification coat.

11 Change of address

Change of address must be notified within seven days in writing or by electronic means to the licensing unit at the Council. Official documents such as vehicle registration document, insurance certificate, and driving licence must be presented by the applicant to the licensing unit, as soon as reasonable practicable, showing proof of change of address.

12 Production of documentation

A proprietor shall:

At all times hold a current certificate or cover note of Motor Insurance and Vehicle Inspectorate MOT test certificate and ensure original documents are supplied to the licensing unit. These copies must run concurrent, without any breaks in date or time and new or replacement copy documentation must be in the possession of licensing unit prior to the date and time of the expiring copies already held by them.

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 unit. At which time the suspension will be immediately lifted.

Produce vehicle registration documents or any other evidence of proprietorship of the vehicle to the licensing unit within a reasonable period of time or a maximum of seven days from such request. At which time the suspension will be immediately lifted.

13 Accidents

The driver shall report to the licensing unit at the Council in writing, by telephone or by electronic means any accident in which the driver is involved whilst driving a licensed vehicle. Notification must be reported within seventy-two hours of such an accident.

14 Byelaws and regulations

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

The proprietor should make themselves familiar with statutory requirements in relation to private hire vehicle licensing.

15 Penalty Points Scheme

Without prejudice to any other course of action to the Council, Penalty Points may be issued in accordance with the Council's policy. (Please see appendix 6)

Failure to comply with the conditions set out in this document may result in penalty points being awarded against you or your licence being suspended or revoked.

16 Surrender of Licence

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.

The licence may be revoked upon the breach, by the licence holder, of any terms and conditions of the licence.

17 Appeals

An appeal may be brought to the Head of Licensing against the Licensing Conditions within twenty-one days from the date on which notice of the condition is served on the application to the Licensing Sub-Committee.

An applicant disagreeing with a decision of the Licensing Sub-Committee in respect of an application also has a right of appeal to the Southend Magistrates' court.

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

Minibuses

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.

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.

The vehicle must have:

1. Appropriate emergency exit facilities i.e. two emergency doors which should be clearly marked with adequate lighting and means of opening from inside.
2. Right hand drive
3. All road wheels fitted with manufacturer's recommended size tyres with a minimum rating of 8 ply (remould tyres are not acceptable).
4. A spare tyre or run flat type tyre (remould tyre not acceptable)
5. A permanent roof which is watertight – standard sunroof is allowed (i.e. if the sunroof was fitted when new by manufacturer)
6. The internal floor must be free from protruding objects, rips in the floor covering and must not be a slippery surface.
7. 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. Sufficient means by which passengers can communicate with the driver.
9. Minibuses and those vehicles specifically adapted to carry wheelchairs should carry two fire extinguishers conforming to BS5423 1997, 98, 99 with a minimum rating of 8A – 21B (type AFFF 2 litre minimum capacity recommended); 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. School contract buses must comply with Schedule 6. (please see appendix 12)
10. A clean and smart appearance externally and internally.
11. Produce a current Vehicle Inspectorate MOT Test Certificate immediately following each mechanical inspection and upon request.

12. At all times hold a current certificate of motor insurance and vehicle inspectorate MOT test certificate and ensure copies are provided to the licensing unit. 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.
13. 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

Any stretched limousine submitted for licensing, which does not comply with the requirements of the standard vehicle specification shall have:

1. The vehicle to have a valid Single Vehicle Approval (SVA) or Certificate of Initial Fitness (COIF)
2. 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).
3. All seat positions fitted with approved seat belts.
4. 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.
5. An overall vehicle height of not less than 135cm (53”)
6. An engine rating providing adequate power relative to the size of the vehicle.
7. Produce a current Vehicle Inspectorate MOT Test Certificate immediately following each mechanical inspection and upon request.
8. At all times hold a current certificate or cover note of motor Insurance and Vehicle Inspectorate test certificate and ensure copies are supplied to the licensing unit. These copies must run concurrent, without any breaks in date or time and new or replacement copy documentation must be in the possession of CPBC licensing unit prior to the date and time of the expiring copies already held by them.

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 unit. At which time the suspension will be immediately lifted. At which time the suspension will be immediately lifted.

9. Produce vehicle registration documents or any other evidence of proprietorship of the vehicle to the Council at the request of the licensing unit, within a reasonable period of time or a maximum of seven days from such request.

Private Hire Operators Licence - Pre licensing standards

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. 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. 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.

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:

1. Produce a current Passport or Birth Certificate.
2. Produce a list of vehicles used under the operators licence.
3. 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.

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 provided at Appendix 2 other than those related to driving, meets the "Fit and Proper" threshold.

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 Unit in writing or by electronic means within 48hrs of the event.

4. 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.
5. 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.

Private Hire Vehicle Operators Licence - Conditions of licence

1. Introduction

The operator of the private hire vehicle must ensure that he or she complies with these conditions at all times.

2. Pre licensing standards

Satisfy the pre licensing standards for private hire vehicle operators.

3. Booking and Dispatch Staff

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.

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.

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

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.

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 2 (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.

4. Records

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

- e) The time of pick up – full address
- f) The destination
- 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
- k) The name of any individual that dispatched the vehicle

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.

The operator shall keep at his operating base premises records of the following information in relation to all private hire vehicles operated by him:

- 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.
- f) Copies of the licences of drivers and vehicles will be retained by the operator whenever they are working for them.
- g) The above records to be produced on request to any police officer or authorised officer of the Council for inspection.

5. Use of passenger carrying vehicles (PCV) licensed drivers

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. 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.

6 Standard of service

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:

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.

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. Public Liability insurance up to £10 Million.

Any telephone facilities and radio equipment are maintained in a sound condition.

Any complaints received by the operators shall be referred in writing to the Council, together with any action taken.

All vehicles operated by them shall be maintained in a satisfactory and road worthy condition.

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.

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.

7. Call signs record

A record will be kept of all call signs/numbers and the vehicle and drivers to which 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.

8. Door signs/advertisement

When an operator wishes to provide drivers/proprietors with door advertising panels the procedures below must be followed:

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 boot lid or hatch back door or any of these combinations

It shall contain only the name of the company and the telephone number.

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

9. Planning consent for operating base

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.

10. Appeals

An Appeal may be brought to the Head of Licensing against the licensing conditions within 21 days from the date on which notice of the conditions is served on the applicant to the Licensing Sub-Committee.

An applicant disagreeing with the decision of the Licensing Sub-Committee in respect of an application also has the right of appeal to the magistrates' court.

Appendix 1 - NR3 Policy on the use of the National Register of Taxi Licence Revocation and Refusals (NR3)

May 2021

1.0 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.

2.0 Scope

2.1 This policy covers how Castle Point Borough Council will use NR3 and how the Council will comply with data protection requirements.

2.2 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

3.0 Overarching Principles

3.1 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.

3.2 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.

3.3 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.

3.4 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.

4.0 Adding details of a refusal or revocation

4.1 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.

4.2 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:

- name
- date of birth
- address and contact details
- national insurance details
- driving licence number
- decision taken
- date of decision
- date decision effective

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

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

5.1 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.

5.2 Castle Point Borough Council will then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search
- the name or names searched
- the reason for the search (new application or renewal)
- the results of the search
- the use made of the results of the search (this information will be entered to the register at a later date)

5.3 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.

5.4 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.

5.5 This request will be made in writing in accordance with the form at Appendix 1 of this policy. 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

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

6.1 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.

6.2 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.

6.3 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.

6.4 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.

6.5 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.

6.6 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.

1. This condition is met if the processing—
 - is necessary for the exercise of a protective function,
 - must be carried out without the consent of the data subject so as not to prejudice the exercise of that function, and
 - is necessary for reasons of substantial public interest.
2. In this paragraph, "protective function" means a function which is intended to protect members of the public against—
 - dishonesty, malpractice or other seriously improper conduct,
 - unfitness or incompetence,
 - mismanagement in the administration of a body or association, or
 - failures in services provided by a body or association.

Regulatory requirements relating to unlawful acts and dishonesty etc.

1. This condition is met if—
 - 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,
 - 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.

2. In this paragraph “act” includes a failure to act; “regulatory requirement” means—
- a requirement imposed by legislation or by a person in exercise of a function conferred by legislation, or
 - a requirement forming part of generally accepted principles of good practice relating to a type of body or an activity.

6.7 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:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made)
- how and when the decision (and any information) was communicated to the requesting authority

This record will not be combined with any other records and will be retained for the retention period of 25 years.

7.0 Using any information obtained as a result of a request to another authority

7.1 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.

7.2 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 2 - Assessment of Previous Convictions

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.

Each case will be considered on its own merits and applicants / licensees are entitled to a fair and impartial consideration of their application.

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
Crimes resulting in death	Never licensed
Exploitation 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
Sexual offences 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 Never licensed
Offences involving violence against the person 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
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 It is accepted that offences can be committed unintentionally, a single minor traffic offence would not prohibit granting a licence or revocation of an existing licence providing the authority considers that the licensee remains a fit and proper person Applicants with multiple motoring convictions	May indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally
Drink driving / driving under the influence of drugs Conviction for drink driving Conviction for driving under the influence of drugs	At least 7 years since completion of sentence imposed 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
Using a hand held device whilst driving Conviction for using a hand held mobile phone or device whilst driving	At least 5 years since completion of sentence imposed

Appendix 3 - English Language Requirement

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.

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.

Applicants who cannot demonstrate this will be required to undertake an assessment of their communication skills, for which an additional fee will be payable.

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.

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.

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.

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. The assessment is provided by a specialist education and testing company, and consists of five sections: 1. Reading several sentences from a printed list in the order instructed 2. Repeating back sentences that are read to you over the phone 3. Answering simple questions asked over the phone 4. Constructing sentences from fragments read to you over the phone (sentences divided into three or four parts) 5. Answering open questions asked over the phone (speaking for up to 30 seconds per question) 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. 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. 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

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:

- CSE, GCSE or GCE O-level or Scottish Intermediate 2
- GCE A-level or Scottish Higher • NVQ, BTEC, City and Guilds or similar vocational qualification
- Higher education award (for example a degree, HND or HNC)
- qualification equivalent to any of the above, issued by a recognised examining body in an English-speaking country other than the UK
- a TOEFL, IELTS or ESOL qualification at CEFR level B2 or higher (or equivalent)

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

Appendix 4 - Byelaws in respect to Hackney Carriages

Made under 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. Throughout these byelaws “the Council” means the Borough Council of Castle Point and “the Borough” means the Borough of Castle Point.

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

2. (a) 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;
- (b) the proprietor or driver of a hackney carriage shall not:-
 - (i) wilfully or negligently cause or suffer any such number to be concealed from public view whilst the carriage is standing or plying for hire;
 - (ii) cause or permit the vehicle to stand or ply for hire within any such plate so defaced that any figure or material particular is illegible

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept watertight;
 - (c) 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.
4. 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 bring the machinery of the taximeter into action and cause 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 not 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.
5. 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 in width and four inches in height and is not illuminated when the carriage is not available for hire;
 - (b) an inscription not exceeding thirty-six square inches 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 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;
 - (d) provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the Borough in their several employments.
6. 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;
 - (e) report immediately to the Council the failure of the taximeter.
7. 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.
8. 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;
 - (b) take all reasonable precautions to ensure the safety of persons conveyed in or alighting from such carriage.

9. 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;
 - (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.
10. 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.
11. 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.
12. 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.
13. If a badge has been provided 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.
14. 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;
 - (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.
15. 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 Head of Licensing of the Council.
16. 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.

17. 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

18. The proprietor of a hackney carriage shall not charge a higher fare than the rate fixed by the Council for a journey.
19. 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;
 - (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.

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

20. 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.
21. 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 Chief Executive and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
 - (b) be entitled to receive from any person to whom the property shall be 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

22. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine maximum of level 2 on the standard scale and in the case of a continuing offence to a maximum fine of two pounds for each day during which the offence continues after conviction therefore.

Appendix 5 - Dress code and conduct for licensed drivers

Conduct of licensed drivers

Licensed drivers shall, at all times when driving a licensed vehicle:

1. Be clean and respectable,
2. 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.

Dress code for licensed drivers

Licensed drivers shall, at all times when driving a licensed vehicle ensure that they are dressed in accordance with the requirements set out below

1. Sensible leg covering (tailored shorts may be worn in the summer months, football shorts are not an acceptable form of leg covering).
2. Sensible chest covering (string vests and low cut tops are not an acceptable form of chest covering).
3. Sensible foot wear must be worn (flip-flops are not permitted).

Drivers are not permitted to wear any article that covers the face and can not be readily identifiable from their driver's badge .

Appendix 6 - The Penalty Points Scheme

The above scheme was introduced to raise the awareness of operators, owners and drivers and also to assist in the enforcement of the conditions attached to licences and some aspects of the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

Non-compliance with a Taxi Policy Licensing Condition may attract penalty points on a licence. (Combined for multiple breaches). Failure to rectify within 72 hours may result in an additional two points being issued. Two further points may be issued after each further 48 hours until the matter is resolved or the licence suspended. Suspension will occur when a total of twelve points have been accumulated or if otherwise informed. Any points issued will remain on the licence for twelve months from the date issued. If the same issues arise during the following twelve months the same approach will be taken but with an increase of two points from the outset.

The licence holder will be informed verbally when points are to be awarded and why. This will then be confirmed in writing.

The Council reserves the statutory right to suspend or revoke the licence at any time if the particular circumstances of the case warrant such action, notwithstanding that less than 12 penalty points may have been incurred.

Should a licence holder require any clarification or advice to prevent non-compliance and receiving points, please contact the licensing office.

The Hackney Carriage and Private Hire Policy was adopted to maintain the safety of public transport vehicles, drivers and paying customers. All drivers, vehicle owners and operators are expected to comply fully with their licensing conditions and ensure they continually meet the standard required to hold a licence issued by Castle Point Borough Council. Failure to comply with the requirements of the policy puts the safety of drivers and passengers at risk.

Appeal

Any licence holder aggrieved by a decision has the right of appeal to the Head of Licensing.

An Appeal against the licensing conditions may be brought to the Licensing Sub-Committee within 21 days from the date on which notice of the conditions is served on the applicant to the Licensing Sub-Committee.

	<u>Non Compliance with Conditions of Licence</u>	<u>Penalty Points</u>
1	Licence Plates (Front/Rear) – Failure to display as prescribed by CPBC and maintain	4 points
2	Front Door Licence Stickers – Failure to maintain/affix as required	4 points
3	Internal Licences (x3) – Failure to clearly display as prescribed by CPBC for ALL passengers to see	4 points
4	Drivers Badge – Failure to clearly display within vehicle for ALL passengers to see	4 points
5	Table of Fares – Failure to correctly display within vehicle for ALL passengers to see	4 points
6	Taxi Meter – Charge/Tariff other than those approved by CPBC	6 points Possible suspension
7	Taxi Meter – not fitted/sealed/operational	4 points
8	Taxi Meter – Not engaged when hired/Inappropriate use of	4 points
9	Route – Failing to take shortest possible route	4 points
10	Fare abuse – Overcharging passengers / misuse of card reader / fail to accept fare	4 points Possible suspension
11	Written Receipts – Failing to provide when requested by passenger	4 points
12	‘Taxi’ Roof Sign – Not fitted/attached or Defective or illuminated as required	4 points Possible suspension
13	Vehicle Condition/Appearance (Interior/Exterior) – Unsatisfactory (Damaged/unclean/smell)	4 points
14	Safety Items (Fire Extinguisher/Triangle/High Viz Jacket) – Failure to possess items as specified	4 points
15	Safety items (Spare Light Bulbs) – Failure to possess item as specified (If applicable)	4 points
16	Vehicle Inspection – Fail to submit vehicle for inspection when required	4 points
17	Vehicle Licence – Permitting vehicle use by non CPBC driver	6 points Possible suspension
18	Unlicensed Vehicle – Driving without the correct category of vehicle licence (ie. PHV not RPHV or expired)	6 points Possible suspension
19	Unlicensed Driver – Driving without the correct category of drivers badge/Licence (ie. PHD in HC)	6 points Possible Suspension
20	Drivers Badge – Driving whilst unlicensed (Expired or suspended)	6 points Possible Suspension
21	MOT – Driving without required MOT for age of vehicle or after MOT failure	4 points

22	Insurance – Driving without correct insurance cover for licence (Hire & Reward)	6 points Possible suspension
23	Vehicle Tax – Vehicle on the road not currently taxed	6 points Possible suspension
24	Wheelchair Accessible Vehicles – Fail to carry either Guidance Notes or Codes of Practice	4 points
25	Wheelchair Accessible Vehicles – Fail to conduct/submit Risk assessment as required	4 points
26	Wheelchair Accessible Vehicles – Fail to maintain vehicle standards etc	4 points
27	Minibuses – Fail to maintain vehicle standards etc	4 points
28	Special Event Vehicles (Stretch Limousines) – Fail to maintain standards etc	4 points
29	Dress Code or Code of Conduct for Licensed Drivers – Failure to comply with Policy	4 points
30	Excessive Noise – Caused by Stereo equipment etc	4 points
31	Bye Laws – Fail to comply with	4 points
32	Construction and Use Offence(s) – Failing to maintain vehicle in full working order	4 points Possible suspension
33	Road Traffic Collision – Failure to notify CPBC within 72 hours	4 points
34	Vehicle Damage – Fail to notify CPBC	4 points
35	Change of Address – Failure by Licence Holder to notify CPBC within 7 days	4 points
36	Conviction/Caution/Penalty Points – Failure by Driver or Operator to report/ disclose within seven days during the Licensing period	6 points Possible suspension
37	Disclosure & Barring Service (DBS) – Driving without correct/current certification	4 points Possible suspension
38	Excess Passengers – Carrying in excess of passenger number stipulated on licence	4 points
39	Licence revoked – Failure to disclose revoked licence by another Licensing Authority	6 points Possible suspension
40	Unauthorised markings – Displaying markings on vehicle not approved by CPBC (ie. Advertising/National Flags etc)	4 points
41	Displaying taxi/cab/hire sign on vehicle – Private Hire Vehicle	4 points
42	Driving Standards Assessment – Driving without current/correct certification	4 points Possible Suspension

43	Driver Medical – Driving without current or correct certification	4 points Possible suspension
44	Physical/Mental Fitness – Failing to declare condition affecting ability to Drive	4 points Possible suspension
45	Taxi Rank – Private Hire Vehicle stopping in taxi rank or Failing to comply with correct etiquette	4 points
46	Cross Border Touting – CPBC Licenced Driver touting/plying/accepting fare in other authority area	4 points
47	Touting for hire – Driver/third person touting/soliciting for passengers	4 points
48	Obstruction – Licensed vehicle causing unnecessary obstruction	4 points
49	English Language Requirement – Failure to undertake assessment as required	4 points Possible suspension
50	Speeding/Erratic Driving – Failure to drive to proper standard	4 points
51	Smoking/Vaping – Driver smoking or vaping or allowing passenger to in Licensed Vehicle	4 points
52	No Smoking Signs – Fail display signs as required	4 points
53	Disabled Passenger(s) – Refusal to carry	4 points
54	Animals – Fail to carry assistance dogs where required	4 points
55	Pre-Booking – Private Hire Driver picking up passenger(s) not pre booked	4 points
56	Mobile phone – Driver using whilst driving	4 points
57	Luggage – Failing to carry a reasonable quantity of luggage	4 points
58	Assisting Passengers – Failing to give reasonable assistance in loading/unloading	4 points
59	Passenger Safety – Failing to maintain when conveying or getting in/out of vehicle	4 points
60	Prompt Attendance – Fail to arrive on time unless unavoidably delayed	4 points
61	Property – Fail to deliver found property to CPBC within 72 hours	4 points

Operator:

61	Unlicensed Driver / Vehicle – Permitting use of driver or vehicle not licenced with CPBC	Possible Suspension
62	Record Keeping – Failure to keep clear and accurate records as stipulated	6 points Possible suspension
63	Conviction/Caution – Failure to notify licensing Office	4 points
64	Change of Director/Partner/Address – Fail to notify Licensing office within 7 days	4 points
65	Staff Register – Failure to maintain register of all current Booking & Dispatch Staff	4 points
66	Disclosure & Barring Service (DBS) – Operating without current certification	4 Points
67	Disclosure & Barring Service (DBS) – Failure to ensure all staff on the Staff Register have Basic DBS certificates	4 points
68	Complaints – Failure to inform Licensing Office of any complaints received	4 points

Appendix 7 - Exceptional condition for licensed vehicles

The term “exceptional condition” is used to describe vehicles which are over the age limit set by the council, but that can continue to be licensed because of their condition.

Any Council which imposes an age limit on its vehicles must be prepared to consider applications from vehicles that are in “exceptional condition” and the following specification is a guide to suggest the type of vehicles that the Council will consider:

A vehicle of “exceptional condition” is one where the components i.e. mechanical, body panels, paint and trim are in an exceptional condition with regard to the age of the vehicle. It is essential that the state of an exceptional older vehicle upholds the standards normally set by a much younger vehicle.

Key items that will be considered when determining whether or not a vehicle meets the standard expected of vehicles in “exceptional condition” are set out below:

- 13.1.1.1 The underside condition of the vehicle does not show any signs of rusting, age, or deterioration.
- 13.1.1.2 Mechanical condition is such that there should be no item that may show age, deterioration or cause or contribute to a less than safe, comfortable passenger ride.
- 13.1.1.3 Bodywork should be in near perfect condition with no signs of panel age deterioration, dents or any other abrasion that may detract from the overall appearance of the vehicle.
- 13.1.1.4 General paint condition should not show signs of fading, discolouration or mismatching and retain a finish generally found on much younger vehicles.
- 13.1.1.5 Interior trims, panels, seating and carpets etc should be of a condition that is free from frayed, discoloured, faded or torn components.
- 13.1.1.6 The passenger compartment should be free from damp or any other odours that may cause passenger discomfort.

Ultimately, the decision on whether or not a vehicle can continue to be licensed under the proviso that it is in “exceptional condition” would have to be judged on the merits of each vehicle. Consideration would also have to be given to the type of vehicle, engine size, mileage and the fact that it is going to be used as a licensed vehicle rather than a family saloon.

This decision is made by the Head of Licensing and if you do not agree with the decision, then you may appeal to the Council’s Licensing Sub Committee within seven days. The Licensing Sub Committees decision is final. The Licensing staff will be available to advise you on the various options available to you in order that you may make an informed decision.

Appendix 8 - Guidance for CCTV systems

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.

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.

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.

It must be noted that the installation of a CCTV system is optional.

The purpose of CCTV

CCTV systems provide a safer environment for the benefit of the HCV or PHV driver and passengers by:

- deterring and preventing the occurrence of crime
- reducing the fear of crime
- assisting the Police in investigating incidents of crime
- assisting insurance companies in investigating motor vehicle accidents

General requirements

Only CCTV systems meeting the requirements set out in these guidelines can be installed into licensed taxi and private hire vehicles.

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.

The installation and operation of CCTV shall comply with the requirements of the [Information Commissioner's CCTV Code of Practice](#).

All equipment must comply with any legislative requirements in respect of motor vehicle construction and use regulations.

All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

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)

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

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.

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

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

All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.

Each CCTV installation will be subject to the conditions of vehicle licensing as set out in the Taxi Licensing policy.

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.

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.

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.

It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.

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.

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.

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.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

All system components requiring calibration in situ should be easily accessible.

Camera activation methods

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

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.

There is a limited circumstance in which audio recording may be justified, subject to the sufficient safeguard below:

Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. 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. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

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

Image security

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

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

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

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.

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.

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

Notification to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

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.

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.

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

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.

Any images and audio recording should only be used for the purposes described earlier in these guidelines.

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.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

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

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.

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.

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.

The following signs must be displayed on the entrance of the vehicle.

Contact details

The name and the contact telephone number of the Data Controller must be included on the sign.

Signage for external facing CCTV systems

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 that 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.

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:

- notification submitted to the Information Commissioner's Office (ICO) telephone 08456 306 060 or 01625 545 745
- have the ICO provided you with documentation to evidence notification of the "data controller" associated with your system?
- do you have documentary evidence regarding contractual arrangements with any data processor or service provider associated with the CCTV system? (where applicable)
- do you have the recommended signage and appropriate contact details displayed?
- does the installed CCTV system meet the installation standards as set out in our Hackney Carriage and Private Hire Licensing policy

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 9 - Taxi Meter Approved Persons and Policy

Approved person	Type of meters	Contact number
Graham Raynor	Viking/Digitax	07745 644110
Graham Hutchinson	Cygnus	01702 713368 07850 584115
Chris Marsh	Halda/Digitax	01708 808825 07958 373961
Philip Wong	Aquilla	07711 051268

Scheme of Approved Taximeter Agents

Conditions of Scheme

Castle Point Borough Council has resolved to appoint taximeter agents to act on its behalf in respect of meters 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 meters fitted to such hackney carriage and private hire vehicles.

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.

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.

The agent shall:

1. Produce evidence from the taximeter manufacturer/suppliers that they are an approved agent for the meters that they install and calibrate.
2. 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 meter compliance certificate book(s) at all reasonable times.
3. On behalf of the Council, inspect, calibrate, test, seal and certify meters fitted to hackney carriage and private hire vehicles licensed by the Council at all reasonable times.
4. Not install tariffs set by other parties, including those of other local licensing authorities, to meters fitted to hackney carriages/private hire vehicles licensed by Castle Point Borough Council.

5. Not issue a meter certificate of compliance nor seal any meter unless that meter has been examined and tested by the agent and found to be satisfactory in all respects.
6. Issue the meter certificate of compliance to the licensed proprietor in the serial numbered sequence immediately following the examination and test.
7. Not cause or permit any alteration to be made upon the meter certificate of compliance. Any spoilt certificates must be clearly marked void and retained within the meter compliance certificate book.
8. Not cause or permit any tariff greater than the Council's Approved Table of Fares to be installed to, or held upon, any meter fitted in a hackney carriage/private hire vehicle licensed by Castle Point Borough Council.
9. Ensure that a copy of each meter compliance certificate issued is submitted to the licensing office at the Council within seven days of its issue.

Castle Point Borough Council

10. Will supply to the agent a book of meter 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.
11. 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.
12. Reserves the right to amend the conditions attached to the Approved Taximeter Agent Scheme at any time.

Other

13. Unissued meter 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.
14. 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.
15. Authorised taximeter agents cannot charge the Council for any services required by proprietors.

Relevant suitability criteria and licence conditions adopted by Castle Point Council pertaining to hackney carriage and private hire vehicle licences.

Hackney Carriage/Private Hire

- 1 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 meter agent as approved by Castle Point Borough Council under the Council's Authorised Taximeter Agent Scheme.
 - 2 The taximeter fitted should be an efficient meter 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.
 - 3 The meter shall be calibrated to allow the use of the aforementioned tariff for the calculation of fares and all meters are to be calendar controlled on the next meter re-tariff.
 - 4 The meter 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 meter in figures clearly legible and free from ambiguity a fare not exceeding the scale of fares prescribed by the Council.
 - 5 The operation of the meter shall accord with any bylaws made by the Council.
14. The meter shall be tested for accuracy on initial application and following any changes to the table of fares or as required. An officer of the Council's licensing team or an authorised taximeter agent will seal meters after each inspection and complete a compliance certificate confirming that the meter complies with the current table of fares set by the Council.

Appendix 10 - Guidance notes of the carriage of passengers using wheelchairs in taxis

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.

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.

There also some passengers whose size, or mobility aids (e.g. passengers requiring extended leg rests), precludes them from safely using taxis.

The “Code of Practice of the Carriage of Passengers in Wheelchairs in Taxis” is included under appendix 8. Where you are unable to convey a passenger in accordance with this Code, you must politely, but firmly, decline the fare.

Safety

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.

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.

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.

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.

If there is insufficient belt to comfortably buckle into the stalk, use the seat belt extender.

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.

Appendix 11 - The code of practice for the carriage of passengers in wheelchairs in taxis

1. 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).
2. 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 a 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.
3. 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.
4. It is vital that you follow manufacturers' instructions for using the access and safety equipment on your particular taxi at all times.
5. 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 wheels, spokes, footplates etc.
6. 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.
7. 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).
8. 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.
9. 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.
10. You should avoid hard braking, fierce acceleration and sharp cornering, as rough driving can be very unnerving and uncomfortable for many wheelchair users.
11. Wheelchairs must always be taken out of the vehicle backwards – never attempt to push anyone down a ramp facing forwards.

12. Where you are unable to convey a passenger in accordance with this guidance note, you must politely, but firmly, decline the fare.

Appendix 12 - Schedule 6 of the Road Vehicles (Construction and Use) Regulations 1986

Exhaust pipes

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

- 2.1 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.
- 2.2 No minibus shall be fitted with any door on its off side other than a driver's door and an emergency door.

Emergency Doors

3. Every emergency door fitted to a minibus, whether or not required pursuant to these Regulations, shall:
 - (b) 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

- 4.1 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:
 - (i) over-ride all other controls,

- (ii) are placed on, or adjacent to, the door, and
- (iii) 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;
- (d) have a soft edge so that a trapped finger is unlikely to be injured; and
- (e) 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.

4.2 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

5. 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:
 - (i) a slam lock of the two-stage type; or
 - (ii) 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.

Provided that the provisions of sub-paragraphs (a), (c), (d) and (f) of this paragraph shall not apply in respect of a near side rear door forming part of a

pair of doors fitted at the rear of the vehicle if that door is capable of being securely closed by the other door of that pair.

View of doors

- 6.1 Save as provided in sub-paragraph (2), 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.
- 6.2 The provisions of sub-paragraph (1) shall be deemed to be satisfied in respect of 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

- 7.1 Save as provided in sub-paragraph (2), 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.
- 7.2 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:
 - (i) does not obstruct the handle or other device on the inside for opening the door with which the platform or ramp is associated, and
 - (ii) 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

- 8. 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

- 9.1 No seat shall be fitted to any door of a minibus.
- 9.2 Every seat and every wheelchair anchorage fitted to a minibus shall be fixed to the vehicle.
- 9.3 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.

9.4 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.

9.5 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

10.1 Save as provided in sub-paragraph (2) 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:

- (i) a starting motor
- (ii) a glow plug
- (iii) an ignition circuit, and
- (iv) 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:
 - (i) capable of disconnecting the circuit, or, if there is more than one, every circuit, from the main supply,
 - (ii) not capable of disconnecting any circuit supplying any lamp with which the vehicle is required to be fitted, and
 - (iii) located inside the vehicle in a position readily accessible to the driver.

10.2 The provisions of sub-paragraph (2) do not apply in respect of a high tension ignition circuit or a circuit within a unit of equipment.

Fuel tanks

11. 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

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

General construction and maintenance

13. 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

14. In this Schedule:

“driver’s door” means a door fitted to a minibus for use by the driver;

“emergency door” means a door fitted to a minibus for use by passengers in an emergency; and “service door” means a door fitted to a minibus for use by passengers in normal circumstances.

Appendix 13 - Accessible vehicles – meeting the needs of customers

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.

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.

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.

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

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

Changes to the Law

On 7th February 2017 the Department of Transport announced that it is illegal for taxi drivers to discriminate against wheelchair users.

From 6 April 2017 taxi and private hire vehicle drivers will be obliged by law to:

- transport wheelchair users in their wheelchair
- provide passengers in wheelchairs with appropriate assistance
- charge wheelchair users the same as non-wheelchair users

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.

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.

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

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

Mobility difficulties

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:

- Always ask the customer what help they require, listen carefully and act only as requested
- 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
- 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

- Introduce yourself
- Always ask the customer what help they require, listen carefully and act only as requested
- If you are collecting from a pre-booked location always knock at the door on arrival
- Let your passenger know whether they are entering a saloon or purpose built vehicle
- Demonstrate which way the door opens and which way the vehicle is facing

- If required, place the blind persons hand on the open door and indicate the position of the roof
- Ensure they are seated and have secured the seat belt before moving off
- Tell them if you are taking a different route or if there is a hold up or diversion
- Tell them the fare and count out the change
- Set them down in a safe place and ensure they know where they are.
- Guide dogs are trained to remain on the floor of a vehicle and will not abuse it in any way – refusal to carry a guide dog may contravene the conditions of your licence.

Advice for deaf or hard of hearing customers

- Never chew gum
- Always look at the customer when you are speaking to them and speak clearly but don't shout
- Always carry paper and pen to ease communication when required
- Ensure the customer knows you have understood their instructions and you know where you are going.

Maintenance of vehicles

- Keep door handles and locks well oiled to reduce the physical effort involved
- When using a purpose built vehicle ensure you know how to use the equipment Provided

Appendix 14 - Delegated Authority

The Strategic Director for Corporate Services and the Head of Licensing and Safer Communities shall have the following authority:

1. 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:-
 - Town Police Clauses Act 1847
 - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 - Transport Acts 1980, 1985 and 2000
 - Public Passenger Vehicles Act 1981
 - Disability Discrimination Act 1985
2. Authority to suspend licenses for hackney carriage and private hire vehicles under the relevant statutory provision where vehicles are found to be used without valid insurance or are unroadworthy or fail other aspects of the test such as a taximeter check.
3. Authority to approve in respect of hackney carriage and private hire vehicle licensing new and revised conditions and pre-licensing standards which have universal application, but do not deprive any licence holder of their livelihood, but are introduced in the interests of public safety and the raising of standards