



CHILTERN DISTRICT COUNCIL

www.chiltern.gov.uk/taxi

Hackney Carriage and Private Hire Policy

FINAL FOR APPROVAL

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DEFINITIONS:

The Application shall mean the application made by the Licensee for the grant or renewal of the licence

Authorised Officer shall mean any Officer within the Council authorised by the Council's scheme of delegations

The Council shall mean Chiltern District Council

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

Licensee shall mean the person(s) named in the Licence

Operator shall mean a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976. A private hire operator's licence is required to enable a person to accept or invite bookings for private hire vehicles

INTRODUCTION

This policy has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 which places the duty on Chiltern District Council to carry out licensing functions in respect of hackney carriage and private hire vehicles, drivers and operators.

In carrying out their said regulatory licensing functions, the council will have regard to this policy document. Where it is necessary for the council to depart from this policy, clear reasons will be given for doing so.

Following consultation and adoption by the Council, this policy shall be kept under review and revised as necessary. The Head of Health & Housing is authorised to make minor amendments and corrections to the policy. In addition, amendments to this policy may be authorised without consultation by the Council.

The policy refers to guidance that is available to applicants, drivers and operators to assist them with the application processes and the running of the service. This guidance, application forms and current fees are available on the Chiltern District Council Website.

BACKGROUND

Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

The Council (as of June 2013) licenses 142 hackney vehicles, 114 private hire vehicles, 193 hackney drivers, 183 private hire drivers and 32 operators.

CHILTERN LICENSING AUTHORITY BOUNDARY

Chiltern District Boundary



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PRACTICE, GUIDANCE & LEGISLATION

The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales. As a result of the Office of Fair Trading producing a report on the UK hackney carriage and private hire trade, the DfT was asked to produce best practice guidance for local licensing authorities. The latest guidance was issued in March 2010¹ and represents examples of good or best practice from within England and Wales. However, the document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances.

The council has therefore taken account of the DfT guidance to develop this policy. This policy also takes account of the legislative basis of the council's taxi licensing powers, including those contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended.

Equality Act 2010²

In addition, the Equality Act 2010 has new and emerging implications for both hackney carriage and private hire operators in respect of disabled access to vehicles.

Duties to Assist Passengers in Wheelchairs

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

- To convey the passenger while in the wheelchair
- Not to make any additional charge for doing so

If the passenger chooses to sit in a passenger seat;

- To take such steps as are necessary to ensure that the passenger is conveyed in safety and reasonable comfort; and
- To give the passenger such mobility assistance as is reasonably required to enable the passenger to get in or out of the vehicle and to secure/convey the wheelchair as appropriate.

Section 167 of the Equality Act allows licensing authorities to maintain a list of "designated vehicles", that is, a list of wheelchair accessible hackney carriages and private hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165. These provisions should be brought into force in the near future.

¹ <http://www.dft.gov.uk/publications/taxi-private-hire-licensing/>

² http://www.opsi.gov.uk/acts/acts2010/ukpga_20100015_en_1

The Council already has existing procedures to meet this requirement with only wheelchair accessible vehicles being accepted for a brand new hackney carriage vehicle licence.

Guide Dogs and Assistance Dogs (sections 168 to 171)

These sections have been lifted from the Disability Discrimination Act (DDA), which imposed duties on hackney carriage and private hire vehicle drivers (and private hire vehicle operators) to accept guide and assistance dogs. These sections came into force on the 1st October 2010 and the redundant sections in the DDA were repealed.

This change is a technical one rather than one with any practical implications. There is nothing new and nothing additional that drivers (and private hire vehicle operators) need to do in relation to guide and assistance dogs. The obligations carry on under the successor legislation.

Licensing authorities will continue to be able to issue certificates to drivers who are exempt by their doctors under strict medical grounds from the duty to carry guide and assistance dogs.

The comprehensive guidance issued by the DfT in 2010 about the duties to carry guide and assistance dogs and the procedure for granting medical exemptions etc still stands.

POLICY AIMS & OBJECTIVES

Objectives

- the protection of the public
- the maintenance of a professional and respected hackney carriage and private hire trade
- access to an efficient and effective local transport service
- the protection of our local environment.

Aims

The Council will aim to achieve these objectives in the following ways:

- by ensuring that licensed vehicles do not give rise to a risk to passenger safety
- by ensuring that licensed drivers are fit and proper persons and achieve as high a standard of good practice as is possible
- by ensuring that licensed vehicles meet emissions standards and encouraging the use of low polluting vehicles
- by encouraging the use of vehicles that are more accessible to persons who have disabilities
- by ensuring that licensed vehicles are comfortable and properly insured
- by liaising with the County Council highways department to encourage that taxis and private hire form part of the wider strategic transport and local transport plans
- by working in partnership with a variety of other agencies to support the Councils objective in relation to both the public and the trade
- by reducing the frequency with which licence holders are required to attend the Council Offices
- by improving online accessibility to allow remote application by new and existing licence holders
- by utilising electronic and mobile communication methods including the use of sms messaging and extranet sites

Methods

The methods to be employed will be

- work with the taxi and hackney carriage trade to deliver ongoing improvements and, via the taxi forum, innovate and deal with emerging issues
- setting the standards for the licensing of vehicles, drivers and operators
- annual licensing and routine inspection of vehicles, with appropriate follow-up action
- routine inspection of documents, with appropriate follow-up action
- routine checks of driver's medical fitness and criminal record history during the time the license is in force and knowledge of the district, highway code and licensing policy as well as driving ability (at the time of application)
- investigation of complaints with appropriate follow-up action
- liaison with Thames Valley Police, neighbouring local authorities and other agencies concerning issues of mutual concern

- prosecution, monitoring of contraventions, suspension or revocation of licences for breach of conditions or legislation
- proper training and development of council officers
- continue to meet ongoing performance and efficiency targets for the service
- provision of information to licensees about good practice and what to expect of any inspecting officer
- promote the use of training/courses for licensees
- promotional activities to inform and encourage and maintain high standards

In seeking to meet these aims the Council will actively cooperate, assist and seek advice from agencies including:

- Thames Valley Police
- Vehicle Inspectorate
- Vehicle and Operating Service Agency
- Bucks County Council
- Other Local Authorities
- Town and Parish Councils
- Chiltern Railways
- Criminal Records Bureau
- Department for Transport
- Driving and Vehicle Licensing Agency
- Home Office
- Department for Work and Pensions
- Other relevant agencies and departments

Delegations

The Head of Health and Housing has delegated authority to appoint authorised officers for all purposes. In the context of the enforcement of Hackney Carriage and Private Hire Vehicle licensing an authorised officers powers may include (but are not limited to);

- Requiring an applicant for a licence to provide such information as necessary to determine the application
- To request a medical certificate from a licensed driver
- To request information from the Police or Data Barring Service (DBS) as to the criminal record of an applicant for a Hackney Carriage or Private Hire Driver or Vehicle licence
- The granting, refusal or deferral of a new licence application
- Requiring the inspection and testing of a licensed vehicle or Taximeter
- Requiring a proprietor to take a licensed vehicle to a designated place for the purpose of inspection and testing the vehicle or the Taximeter
- To charge fees in association with the control and supervision of Hackney Carriage and Private Hire Vehicles
- To remove a plate or disc from a licensed vehicle
- To remove the licence and badge from a licensed driver
- To suspend or revoke a licence relating to Hackney Carriage or Private Hire Vehicle, driver, operator or proprietor

- To issue a formal caution or authorise a prosecution for breach of Private Hire and Hackney licensing legislation
- To issue yellow/red cards in line with the Monitoring of Contraventions scheme/form

Where appropriate the use of these powers will be in consultation with the Head of Legal Services

Uniformity

The Authority acknowledges the need to act in a consistent and uniform manner and advocates a common-sense approach to the selection of enforcement action and activities.

The following areas are all considered important in achieving uniformity:

- the awareness of and adherence to this policy document
- training, qualifications and supervision of staff and training for Members. Regular practical training and update sessions will be essential to ensure uniformity. Use of joint training initiatives with other authorities will also be undertaken
- the ongoing monitoring and auditing of licence holders, testing stations, and activities
- liaising with other enforcement agencies, adjoining authorities and trade bodies.
- compliance with relevant codes of practice/circulars (where not inconsistent with this policy)

Administration of Licences

Applications for licences will only be considered when all documents, including vehicle registration document, DVLA licence, and appropriate fee have been received.

Applications will be considered within 28 days and, depending on circumstances, an application can then be accepted, refused or deferred.

Service Standards

Subject to amendment from time to time by the Head of Health and Housing it is the intention of the Council to offer the following service levels:

You are able to contact the licensing team by email, through the website, by appointment in person or by phone. However, the preferred method of contact is via email to reduce the need for licence holders to travel to the Council offices.

The licensing section can be contacted by phone on 01494 732063 between the following times, 08:30 to 17:30 on Mondays to Thursdays and 08:30 to 17:00 on Fridays.

Although the Council has 28 days to issue a licence upon receipt of all approved documentation, **the licensing section will strive to:-**

- Issue a private hire driver / hackney carriage driver licence within ten working days of satisfactory completion of the application process
- Issue a private hire / hackney carriage vehicle licence within ten working days of the date of receipt of a complete and valid application
- We will endeavour to issue change of vehicle licenses within 2 working days

Monitoring

All documents will be assessed at application as to their authenticity. Routine random checks will also occur throughout the year. In addition, visits will be made both to the ranks and to regular trade pick up points to check compliance. Checks of proprietor and operator documents and records will also be made. Visits will be recorded on the Council's 'Uniform' database system.

The Council will also work in partnership with other agencies and neighbouring authorities to undertake monitoring and enforcement activities.

Records

An up to date record will be kept and maintained on computer of all application details, fees paid, deposits and licences issued, together with the public registers as required by law. DBS records shall only be seen by the nominated officers and will be processed using the latest DBS guidelines and confidentially destroyed when no longer required.

Data Protection

All information held on files and databases about an applicant is confidential, under the Data Protection Act 1998. However, this Council is under a duty to protect the public and to protect the public funds it administers, and to this end may use any information provided by an applicant within this Authority. We may also share this information with other bodies responsible for public functions, again with the purpose of protecting the public and/or protecting public funds, or where there is a legal basis or a legal obligation to do so. For the most recent Council policy please visit www.chiltern.gov.uk

Authorised Testing Stations:

The District is served by 4 compliance testing stations. These are subject to a service level agreement with the Council. The list of stations can be seen below, with the latest contact details available on the licensing web pages.

Brian Currie Limited

Transport Department
London Road Depot
London Road
Amersham
HP7 9DT

01494 765644

Central Garage

42 Townsend Road
Chesham
Bucks
HP5 2AA

01494 784336

Newtown Garage

Alma Road Industrial Estate
Chesham
Bucks
HP5 2AA

01494 776010 / 01494 772277

Oakleigh Garage Services

Unit G Chiltern Commerce Centre
43 Ashridge Road
Chesham
Bucks
HP5 2PY

01494 792828

In addition to the above, MOT's may be undertaken by any MOT approved centre.

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

Only drivers that comply with the requirements and conditions relating to Private Hire Driver's or Hackney Carriage Driver's may be licensed.

Existing drivers must comply with the conditions of their licence, this policy and any relevant legislation during the period of their licence. Failure to do so will result in the consideration of the various sanctions outlined in this policy.

Further, sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that "a district council shall not grant a drivers licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person".

Fit and Proper Person – Documents required for an assessment to be made

To prove they are a fit and proper person an applicant for either Hackney Carriage or Private Hire drivers licence must provide evidence of:

- Driving standard
- Medical fitness
- Criminal history and behaviour
- Knowledge of the local area, highway code and legislation/policy in the form of a 'Knowledge Test'

Details of the above will be obtained and considered, together with any other relevant information, during the application process and during the course of the licence if the Licensing Authority suspects that a driver may have fallen short of the standards required.

The Council may need to conduct further enquiries to verify any information provided and the applicant will be expected to give their consent to the release of data if the information required by the Council will or may not be released without the consent of the applicant/driver.

Any applicant found to subsequently be providing false information will be dealt with in accordance with the provisions of this policy.

Driving Standard and Knowledge

The following requirement must be demonstrated to establish a person's driving standards are acceptable

- That a valid full EC driver's licence has been held for three years prior to application
- That a person passes a Driving Standards Agency (DSA) taxi/private hire assessment course prior to application to ensure they are aware of the hazards of driving. The requirement to take a driving course helps raise the standard of driving and ensure persons are aware of other road users. The driving assessment will be conducted by an examiner from the DSA. The applicant must

provide a signed copy of the assessment Pass Certificate before their application can be approved.

Drivers who fail the driving assessment will not be considered for a licence until they have undertaken and passed a re-test.

A knowledge test assessment will also be required to establish the ability of the licensed driver to undertake the request of a passenger to travel to destinations within the district by the shortest route. In addition, drivers will be tested on policy, related law, customer awareness, and elements of the Highway Code. The test is computerised and is conducted in the Council offices. An application cannot be approved unless the applicant has passed the appropriate Knowledge Test.

From Sept 2013, all new drivers will complete disability awareness training (PATS) as part of the initial application process. Existing drivers must also have completed the training before they renew their PH or HC drivers licence in 2014.

The Council will accept a certificate of completion (by an accredited or recognised body) if PATS training has already been completed within the last 3 years. Refresher training will then be required every 4 years upon renewal of the licence.

New drivers may be granted a probationary licence for a period of 6 months, after satisfactory progress the licence will be extended for the remainder of the licence year (without charge). Should complaints be received about a driver's ability or performance during the periods, the licence can again be granted for a period of less than one year. Normally the licence would be extended for a full year on the second renewal of application.

Drivers who are shown to be the source of justified complaint may on renewal have their licence renewed for a period of less than one year.

Drivers shall not initiate any dialogue of a "sexual" nature with a passenger. Licensed drivers are not permitted to become involved "sexually", or have sexual contact with a passenger, whether consent is given or not and whether or not the vehicle is carrying a fare paying passenger at the time.

Medical fitness

Drivers are not required to hold a group II, EC full driving licence, but they will have to demonstrate compliance with the medical standards for a group II licence and will have to provide a medical certificate to this effect.

The applicant is responsible for the payment of all fees required for any medical examination.

All drivers are required to provide a certificate signed by their registered medical practitioner to declare whether or not they are physically fit to be the driver of a taxi or private hire vehicle. This is required at first application, every 5 years until the driver is 45 years of age, every 3 years until the driver is 65 years of age and annually thereafter.

Where an existing licensed hackney carriage driver applies to obtain a private hire license, or vice versa, an additional medical will not be required.

The licensing authority will have regard to the published Department of Transport “best practice” guidance (as updated from time to time) when considering the medical fitness of new applicants with insulin dependent diabetes or existing licence holders diagnosed with insulin dependent diabetes during the currency of their licence.

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

Criminal History and Behaviour

When submitting an application for a Licence to drive a hackney carriage and/or private hire vehicle, applicants must declare any cautions or convictions they may have, whether they are foreign or domestic. Even those regarded as ‘spent’ under the Rehabilitation of Offenders Act 1974, must be declared. In addition to this applicants must notify us if they have been charged with an offence or have any pending prosecutions and if they have ever had a licence suspended, revoked or refused by another authority. Failure to declare convictions and/or cautions or giving false information to obtain a licence is an offence and will be treated very seriously. Likewise, giving false information or withholding information to keep a licence will be treated very seriously. The information given will be treated in the strictest confidence and will only be taken into consideration in relation to the application. If an applicant has not been a resident in the UK for a period of five years, they will need to obtain a “certificate of good conduct” or similar document from the relevant embassy.

You will also need to consent to the Council carrying out a check with the Disclosure and Barring Service, which will disclose any cautions or convictions that you may have. Information received from the DBS will be treated in the strictest confidence, and will be retained on manual and computer records for no longer than is deemed necessary.

Proof of identity is required in order to obtain the Data Barring Service Enhanced Disclosure. Applicants will be required to provide, amongst other documents, a Birth Certificate or valid Passport, a copy of their EC full driving licence, two utility bills identifying their address and one signed passport photograph. The full requirements are based on the DBS requirements in operation at the time of application and may therefore be varied by the service from time to time.

Applicants must provide a valid DBS Enhanced Disclosure form (that was issued within the last 3 months) and provide details of all criminal convictions/cautions as part of the application.

Section 111 of the Local Government Act 1972 allows district councils to send the drivers application form to the Police, (or other authorised body) and request the chief officer’s observations as to the applicant.

Information can only be given to a nominated person of the District Council. A list of the nominated persons is available on request.

Where an existing driver has been charged or convicted of an offence, or if other relevant information comes to the attention of the Licensing Authority which brings into question whether the driver is still a fit and proper person to hold a drivers licence, action may be taken, as outlined in this policy.

The existence of a criminal record or disclosure of other information will not necessarily stop you from gaining or keeping a licence. The decision will be based on the policy on criminal convictions and behaviour at section [] of this Policy

OPERATOR LICENCES

Fit and Proper Person

With regard to criminal convictions/cautions, an operator is not an excepted profession under the Rehabilitation of Offenders Act 1974; therefore only unspent convictions will be taken into consideration when determining whether an applicant is a fit and proper person. In assessing an application for an operator's licence, the policy on criminal convictions and behaviour at section [] of this Policy will be referred to.

The decision whether to grant or refuse a licence will be based on whether the convictions/cautions were declared, the number of convictions/cautions, the type of offences and the total number of convictions/cautions recorded against each individual applicant.

However ultimately, the overriding consideration in reaching a decision will be based on whether the operator (the individuals which make up the organisation) can fulfil their roles and run the company without posing any likely threat to the general safety of the public.

If a situation arises where an operator licence application from a registered company is likely to be refused solely on the declared convictions of one individual within the organisation, the application may still proceed if the applicant decides to withdraw the name of that individual from the registered company. It would not be possible for applications from individuals or partnerships to be handled in this way.

Accordingly when submitting an application to be a registered private hire operator you must declare any unspent cautions or convictions you may have, whether they are foreign or domestic. Failure to declare convictions and/or cautions or giving false information to obtain a licence is an offence and will be treated very seriously. Likewise giving false information or withholding information to keep a licence will be treated very seriously. The information you give will be treated in the strictest confidence and will only be taken into consideration in relation to your application. If you have not been a resident in the UK for a period of five years, you will need to obtain a "certificate of good conduct" or similar document from your relevant embassy.

You will need to obtain a Basic Disclosure Certificate (application made online via Disclosure Scotland). This check will reveal any unspent convictions or cautions. The Disclosure certificate, issued within the last 3 months, must be made available to the Licensing Office before a decision on whether to grant a licence can be made.

Where an existing operator has been charged or convicted of an offence, or if other relevant information comes to the attention of the Licensing Authority which brings into question whether the driver is still a fit and proper person to hold an operators licence, action may be taken, as outlined in this policy

The existence of a criminal record or disclosure of other information will not necessarily stop you from gaining or keeping a licence. The decision will be based on the policy on criminal convictions and behaviour at section [] of this Policy, and in accordance with this section.

Previous applications

If anyone named on an application has previously been refused an operator's licence or held an operator's licence which was suspended or revoked elsewhere, they will be expected to provide details of the refusal, suspension or revocation upon application.

Planning Permission

All premises to be used as a private hire operator base or operations running from a residential address will require the appropriate planning consent or permitted development rights for that use class. All applicants should check with the planning department to see if planning permission is required.

Hackney Carriage and Private Hire Vehicle Licences

Vehicle Standards

All vehicles must have full vehicle type approval. The authorised testing stations listed are all permitted to undertake vehicle checks on behalf of the Council. In addition, an Officer of the Council may require an additional test to be undertaken or the applicant to be directed to a specific testing garage in all cases at the expense of the applicant/licence holder. The Officer also retains the option to check any vehicle for standard of condition of appearance.

Only vehicles that comply with the requirements and conditions relating to Private Hire Vehicles / Hackney Carriage Vehicles or non-standard Private Hire Vehicles, may be licensed. The vehicle must remain in the condition as determined by those conditions throughout the licensed period. The licensing authority shall refer to its Enforcement Policy when dealing with licensees who fail to comply with these conditions or relevant legislation.

Vehicle age policy

All new vehicles, to be licensed for the first time, must be less than 7 years of age. All vehicles will then be licensed until they are 12 years of age. The age will be taken from the date of manufacture on the V5 document.

Once a vehicle reaches 12 years of age it will normally cease to be licensed. A licensee can apply for an additional annual licence if the car is in good mechanical condition and the bodywork and interior is also in good condition. An online application will need to be submitted two months before the date of expiry of the current vehicle licence. The vehicle will need to have a Certificate of Compliance issued within the last three months and will have a visual inspection undertaken at one of the approved garages (for which there will be a £25 charge).

Insurance and vehicle excise (road tax)

All Hackney Carriages and Private Hire Vehicles must be licensed and insured for use for that specific purpose, such insurance must be comprehensive and include legal liability for passengers. Proof of insurance must be submitted with each application for a licence unless documentary evidence has already been provided to the Council. Proof of change or renewal of insurance during the course of the licence must also be provided to the Council. The insurance and road fund licence must be continuous for the period of the vehicle Licence. If cover notes are provided they must run consecutively

When a vehicle is temporarily removed from use as a Hackney Carriage or Private Hire Vehicle and removed from the public highway, the licensee can notify the Licensing Officer in writing and temporarily return the vehicle plate and internal plate, removing the need to provide documentation for this period.

Reducing Air Pollution

CDC is committed to encouraging applications for more fuel efficient vehicles. Vehicle pollution has a significant impact to air quality in the District, and there is widespread agreement that more must be done to reduce the number of higher polluting vehicles. The Council will therefore offer a reduction of 25% on vehicle licence fees for any vehicle that falls within Band A, B or C for road tax purposes as at the date of the application/renewal. Evidence from the vehicles V5 document will need to be provided prior to any discounted rates being given.

The use of LPG vehicles is already an existing policy and will continue. Discounts on the licence fee will remain in excess of 50% (as prescribed on the current fees and charges) for both private hire and hackney carriage vehicles. In cases of LPG converted vehicles, applicants are required to produce, prior to the licence being granted, certification issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association code of practice. If an LPG conversion involves installation of a fuel tank in the boot space, adequate space must remain free for stowage of luggage and any spare wheel in a location that does not impinge on the passenger carrying area of the vehicle.

Advertising

Other than the Chiltern door stickers, no signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from any licensed vehicle except as required by any statutory provision or with prior approval of Chiltern District Council. In relation to other advertising materials; any false, misleading or inaccurate material contrary to this policy and/ or its conditions will result in the taking of enforcement action.

All advertising material must be approved by the licensing team prior to use or display, a £10 administration fee will be payable per batch of advertising.

With the exception of Chiltern DC issued Private Hire Stickers, any advertising material must not use the Council's logo.

Taximeter Calibration

The taximeter shall be calibrated and sealed on an annual basis, or following a change to the Table of Fares. A certificate of calibration provided by the taximeter installer must be produced on first issue, transfer or renewal of a licence or when the seal is damaged or missing.

POLICY ON CRIMINAL CONVICTIONS AND BEHAVIOUR NEW APPLICANTS

Definitions

“**free of conviction**” shall mean from the date the applicant was convicted. If the incident did not amount to a criminal offence or is not to be prosecuted, then the relevant date will be the date of the incident.

“**offence**” or “**offences**” shall mean any criminal offence and/or any other behaviour which brings into question whether the applicant is a fit and proper person.

In this policy, conviction shall mean a criminal conviction. However if the applicant is on trial, is not to be convicted or the incident did not amount to a criminal offence, the suggested periods free from convictions shall be considered by the Licensing Authority when making their decision, taking all the evidence before them into account.

Each case is to be taken on its own merit.

Some discretion may be appropriate if the offence and/or behaviour is isolated and there are mitigating circumstances. Equally the history of offending (including multiple offences/combinations of offences /types of offences) and/or behaviour may warrant a longer period free from convictions.

Accordingly whilst it is possible that an applicant may have a number of convictions that, individually, meet the guidelines below, the overall offending history must be considered when assessing the applicant’s suitability to be licensed.

A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence is isolated and there are mitigating circumstances, but **the overriding consideration is the protection of the public.**

Simply remaining free of convictions will not necessarily be sufficient to show that a person is fit and proper where other circumstances/evidence bring this into question. Further it should always be remembered that the periods free of conviction in this section are suggested minimums.

Notwithstanding and without prejudice to any other provision within this document, ordinarily the Licensing Authority would as a minimum expect the standard rehabilitation periods identified in the Rehabilitation of Offenders Act 1974 to have expired (ignoring for this paragraph only the provisions of Rehabilitation of Offenders Act 1974 (exception order) 1975) prior to granting any licence.

Criminal convictions will be considered by officers or in cases of doubt by the licensing sub committee.

An application from any person awaiting trial for an offence which brings into question whether they are a fit and proper person (including but not limited to death by dangerous driving, drugs, violence, sexual offences, dishonesty, driving under the influence of alcohol or drugs, or offences of a habitual nature) will not normally be

considered until the outcome of the trial.

In order for the Licensing Authority to fully consider the case on its merits, the applicant should provide a written statement of the offences, with evidence, covering the nine points in the paragraph below, which would be available for examination by the Licensing Authority.

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

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

These guidelines do not deal with every type of offence, and do not prevent the Licensing Authority from taking into account offences not specifically addressed in the guidelines, or other conduct which may be relevant as to whether an individual is a fit and proper person to hold a hackney carriage or a private hire driver's licence.

Minor Motoring Offences

Convictions for minor traffic offences such as speed limit offences, or non-endorsable traffic offences such as obstruction or waiting in a restricted street should not prevent a person from applying to be a hackney carriage or private hire driver. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire licence may be granted after its restoration but a warning should be issued as to future conduct.

Traffic Offences involving the loss of life

A very serious view should be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

Before an application is entertained, an applicant should be free of conviction for 7 years (or at least 5 years should have passed since the completion of the sentence, whichever is longer) for offences such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Before an application is entertained, an applicant should be free of conviction for 5 years (or 5 years should have passed since the completion of the sentence, whichever is longer), for offences such as:

- Causing death by careless driving
- Causing death by driving for any other reason
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Major Traffic Offences not involving the loss of life

A very serious view should also be taken of any applicant who has been convicted of a major traffic offence even if it has not involved the loss of life, as it raises questions as to the applicant's ability to protect the public.

Before an application is entertained, an applicant should be free of conviction for 5 years (or 5 years should have passed since the completion of the sentence, whichever is longer), for offences such as:

- Dangerous driving
- Reckless Driving
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Other Serious Traffic Offences

Other serious traffic offences include:

- Accident offences
- Driving without due care and attention
- Careless driving
- Construction and use offences
- Licence offences
- Traffic direction and sign offences
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Insurance offences and alcohol/drug offences are dealt with under their own separate subsections below.

Driving whilst disqualified and theft/unauthorised taking of a vehicle are dealt with under the 'Dishonesty' subsection below.

An isolated conviction for a serious traffic offence should normally merit refusal to issue a licence and no further application should be considered until a period of 1 to 3 years either free of conviction or since completion of the sentence, whichever is longer, has elapsed.

More than one conviction for a traffic offence within two years should merit refusal to issue a licence and no further application should be considered until a period of 5 years either free of convictions or since completion of the sentence, whichever is longer, has elapsed.

Drink driving/Driving under the influence of drugs (including medication)

A serious view is taken of driving or being in charge of a vehicle whilst under the influence of drink or drugs, as licensees are professional vocational drivers and drink/drug driving convictions raise serious concerns for the safety of the public. An isolated incident of drink driving or driving under the influence of legal drugs should not necessarily debar an application (provided there was no conviction for a traffic offence involving loss of life whilst under the influence of drink or drugs - see separate subsection above) but strict warnings should be given as to future behaviour.

At least 5 years should elapse, after the restoration of the EU full driving licence, before an applicant be considered for a private hire or hackney carriage drivers licence.

More than one conviction for these offences or any conviction for driving under the influence of illegal drugs should raise grave doubts as to the applicant's fitness to drive the public and therefore hold a licence.

If there is reason to suspect persistent alcohol and/or drugs use, misuse or dependency (e.g. two or more offences relating to alcohol or drugs, with or without a vehicle) a specialist medical examination and report should be required before an application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol/drug misuse and dependency. If the applicant is found to be (or to previously have been) alcohol or drug dependent, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Drunkenness without a motor vehicle

An isolated conviction for drunkenness need not debar a driver from obtaining a licence. However a number of convictions could indicate a medical problem necessitating a medical examination. In some cases a warning would be sufficient. If there is reason to suspect persistent alcohol use, misuse or dependency (e.g. two or more offences for drunkenness with or without a motor vehicle) a specialist medical examination and report may be required to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol misuse and dependency.

Illegal Drugs without a motor vehicle

A serious view is taken of any illegal drugs related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

An applicant would normally be expected to be free of convictions relating to the possession of illegal drugs for 5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer).

An application will normally be refused where the applicant has more than one conviction for offences related to the possession of illegal drugs and has not been free of conviction for 7 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer).

An application will normally be refused where the applicant has a conviction for an offence related to the supply, importing or production of illegal drugs and has not been free of conviction for 9 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer).

If there is reason to suspect persistent drugs use, misuse or dependency (e.g. two or more convictions relating to any drugs, with or without a vehicle) a specialist medical examination and report will normally be required before an application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to drug misuse and dependency. If the applicant is found to be (or to previously have been) drug dependent, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Sex and Indecency Offences

As hackney carriage and private hire drivers often carry unaccompanied and vulnerable passengers, applicants who have been convicted of sexual or indecency offences (or where there is other behaviour and/or evidence to suggest a disposition to commit such offences) must be closely scrutinised. Applicants with convictions for the more serious sexual offences will usually be refused. For other offences, applicants will be expected to show a substantial period free of conviction for such offences before an application will be granted.

In particular:

- (i) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
 - Rape
 - Assault by penetration
 - Offences involving children or vulnerable adults
 - Sexual assault
 - Indecent assault
 - Possession of indecent photographs, child pornography etc.
 - Exploitation of prostitution
 - Trafficking for sexual exploitation
 - Indecent exposure
 - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)
 - Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver

- (ii) Before an application is granted, an applicant should be free of conviction for at least 7 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
 - Soliciting (e.g. kerb crawling)
 - Importuning
 - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

If a licence is granted a strict warning as to future conduct should be issued.

An application will normally be refused if an applicant has more than one conviction for such offences

A person on the sex offenders register would not be considered a fit and proper person to hold a licence.

Violence

As taxi and PHV drivers maintain close contact with the public, a firm line should be taken with drivers with offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved loss of life or serious injury.

At least 5 years free of conviction should be shown before an application is entertained from anyone whose offending history and/or other behaviour/evidence suggests an aggressive or violent disposition, and even then a strict warning should be administered as to future conduct.

However given the range of offences that involve violence, consideration must be given to the nature of the offences. In particular:

- (i) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

- (ii) Before an application is granted, an applicant should be free of conviction for at least 7 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer) for offences including:
 - Arson
 - Kidnapping
 - Threats to kill
 - Wounding with intent to cause grievous bodily harm
 - Grievous bodily harm
 - Robbery
 - Burglary
 - Possession of a weapon
 - Any 'hate' crime or offence ordinarily falling within paragraph (iii) below aggravated by a 'hate' crime
 - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

(iii) Before an application is granted, an applicant should be free of conviction for at least 5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer) for offences including:

- Common assault
- Assault occasioning Actual Bodily Harm
- Assault with intent to resist arrest
- Assault on Police
- Public Order offences
- Criminal Damage
- Harassment
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

An application will normally be refused if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

Dishonesty

Taxi and PHV drivers are expected to be persons of trust. They deal with cash transactions and valuable property may be left in their vehicle in error. Drivers are required to deposit such property with the police within 48 hours. The widespread practise of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than their legal fare etc. This for example would include misuse of MPV additional occupancy rates. Licence holders also have access to the names and addresses of their customers and their daily movements. Overseas visitors may not be familiar with the currency or costs of journeys and may be vulnerable to an unscrupulous driver. Accordingly a serious view should be taken of any conviction involving dishonesty.

In general, a minimum period of 5 years free of conviction or at least 5 years from completion of the sentence (whichever is longer) should be required before entertaining an application.

Offences involving dishonesty for the purposes of this policy include theft, burglary, fraud, benefit fraud, handling or receiving stolen goods, forgery, conspiracy to defraud, obtaining money or property by deception, other deception, taking a vehicle without consent, driving whilst disqualified and any similar offences (including attempted or conspiracy to commit).

An application will normally be refused if an applicant has more than one conviction in the last 10 years for an offence of dishonesty.

Insurance Offences

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident would normally prevent a licence being granted until a period of three years from the date of the offence has expired. More than one conviction for these offences within the past ten years would normally prevent a licence from being granted.

Licensing Offences

This subsection applies to licensing offences not covered elsewhere within this criminal convictions and behaviour section of the Policy such as plying for hire, using an unlicensed vehicle/driver.

At least 12 months free of conviction should elapse before an application will be considered. Unless there is significant mitigation, an applicant will normally be refused until a period of at least three years free of conviction has expired where the applicant has committed more than one licensing offence within the last five years.

An applicant with an isolated conviction that is more than one year old, may be licensed subject to a written warning.

Cautions

An admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction by the court.

Non-conviction information

If an applicant has, on more than one occasion, been arrested or charged, but not convicted for an offence or is subject to an ASBO or similar order, which suggests he/she may not be a fit and proper person, or if there is other evidence to suggest the applicant may not be a fit and proper person, consideration should be given to refusing the application.

Failing to declare convictions on the application form should normally result in at least twelve months elapsing from the date of receipt of the application form before an application will be considered.

As with the rest of this part of the policy, in assessing the action to take, the safety and security of the travelling public must be the paramount concern.

Suspension/Refusal/Revocation by another Licensing Authority

An applicant who has been suspended/refused/revoked by another licensing authority may not be considered "fit and proper" for a period of at least 3 years from the date of the suspension/refusal/revocation. This period may be extended depending on the circumstances of the revocation.

The Licensing Authority shall also have a right to make enquiries of that other authority.

POLICY ON CRIMINAL CONVICTIONS AND BEHAVIOUR EXISTING LICENSEES

Definitions

“free of conviction” shall mean from the date the applicant was convicted. If the incident did not amount to a criminal offence or is not to be prosecuted, then the relevant date will be the date of the incident.

“offence” or “offences” shall mean any criminal offence and/or any other behaviour which brings into question whether the applicant is a fit and proper person.

In this policy, conviction shall mean a criminal conviction. However if the applicant is on trial, is not to be convicted or the incident did not amount to a criminal offence, the suggested periods free from convictions shall be considered by the Licensing Authority when making their decision, taking all the evidence before them into account.

Each case is to be taken on its own merit.

Any person awaiting trial for or suspected of committing an offence which brings into question whether they are a fit and proper person (including but not limited to death by dangerous driving, drugs, violence, sexual offences, dishonesty, driving under the influence of alcohol or drugs, or offences of a habitual nature) will normally be suspended pending the outcome of an investigation or trial.

Although each case will be assessed on its own merits in line with this policy, licence holders should expect the suspension for these types of offences to be immediate in nature. The initial consideration regarding suspension/revocation will be undertaken by officers. However, in cases of doubt these will be referred to the licensing sub committee.

When considering whether a licence should be suspended or revoked, some discretion may be appropriate if the offence and/or behaviour is isolated and there are mitigating circumstances. Equally the history of offending (including multiple offences/combinations of offences/types of offences) and/or behaviour may warrant a longer period free from convictions. Accordingly the overall offending history must be considered when assessing the applicant's suitability to be licensed.

Therefore any licence holder awaiting trial for or suspected of committing an offence or demonstrating behaviour which, taken together with the licence holder's history of offending (including multiple offences /combinations of offences /types of offences) and behaviour (before the licence was granted and during the course of the licence), leads the Licensing Authority to believe that the licence holder is not a fit and proper person to hold a licence may have their licence suspended or revoked. Whilst it is possible that a licence holder may have a number of previous convictions that, individually, meet the guidelines below, the overall offending history must be considered when assessing the licence holder's suitability to continue to be licensed. A series of offences/behaviour over a period of time is more likely to give cause for concern than an isolated minor conviction/demonstration of unacceptable behaviour. Obviously some discretion can be afforded if an offence is isolated and there are

mitigating circumstances, but **the overriding consideration is the protection of the public.**

Simply being free of convictions will not necessarily be sufficient to show that a person is fit and proper where other circumstances/evidence bring this into question. Further it should always be remembered that the periods free of conviction in this section are suggested minimums.

Notwithstanding and without prejudice to any other provision within this document, ordinarily the Licensing Authority would as a minimum expect the standard rehabilitation periods identified in the Rehabilitation of Offenders Act 1974 to have expired (ignoring for this paragraph only the provisions of Rehabilitation of Offenders Act 1974 (exception order) 1975) when considering whether a licence should be revoked.

If any licence holder's licence is revoked, their offending history and previous behaviour may warrant a longer period free of conviction prior to a fresh application being made.

In order for the Licensing Authority to fully consider the case on its merits, the licence holder should provide a written statement of the offences, with evidence, covering the nine points in the paragraph below, which would be available for examination by the Licensing Authority.

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

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

These guidelines do not deal with every type of offence, and do not prevent the Licensing Authority from taking into account offences not specifically addressed in the guidelines, or other conduct which may be relevant as to whether an individual is a fit and proper person to continue to hold a hackney carriage or a private hire driver's licence.

Any written warning as to future conduct could result in the licensed driver being required to pay an administration fee.

Minor Motoring Offences

Convictions for minor traffic offences, such as speed limit offences, or non-endorsable traffic offences such as obstruction or waiting in a restricted street should not prevent a person from continuing with his/her licence. If sufficient points have been accrued to require a period of disqualification of the licence holder's EU full driving licence then a hackney carriage or private hire licence may be granted after its restoration but a warning should be issued as to future conduct.

Traffic Offences involving the loss of life

A very serious view should be taken of any licence holder who has been charged or convicted of a driving offence that resulted in the loss of life.

Accordingly the licence would ordinarily be suspended with immediate effect and revoked on conviction of offences such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving for any other reason
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

And it is suggested that no further application should be considered until a period of 7 years free of conviction or 5 years since completion of the sentence, whichever is longer, has elapsed.

Major Traffic Offences not involving the loss of life

A very serious view should also be taken of any licensee who has been convicted of a major traffic offence even if it has not involved the loss of life, as it raises questions as to the licence holder's ability to protect the public.

Accordingly where a driver is charged/convicted with a major traffic offence not involving the loss of life such as:

- Dangerous driving
- Reckless Driving
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

the Licensing Authority should consider the circumstances surrounding the incident and decide whether the licence should be suspended or revoked and if the licence is revoked it is suggested that no further application should be considered until a period of 5 years free of conviction or since completion of the sentence, whichever is longer, has elapsed.

Other Serious Traffic Offences

Other serious traffic offences include:

- Accident offences
- Driving without due care and attention

- Careless driving
- Construction and use offences
- Licence offences
- Traffic direction and sign offences
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

Insurance offences and alcohol/drug offences are dealt with under their own separate subsections below.

Driving whilst disqualified and theft/unauthorised taking of a vehicle are dealt with under the 'Dishonesty' subsection below.

An isolated conviction for a serious traffic offence should normally merit revocation of the taxi or PHV drivers licence and no further application should be considered until a period of 1 to 3 years free of conviction or since completion of the sentence, whichever is longer, has elapsed.

A warning as to future driving and advice on the standard expected of Hackney Carriage and Private Hire drivers would also normally be given. The written warning as to future conduct could require the licensed driver to pay an administration fee and require that the driver attends a defensive driving course

More than one conviction for a traffic offence within two years should merit revocation of the taxi or PHV drivers licence and no further application should be considered until a period of 5 years free of conviction or since completion of the sentence, whichever is longer, has elapsed.

Drink driving/Driving under the influence of drugs (including medication)

A licensed driver awaiting trial for driving or being in charge of a vehicle whilst under the influence of drink or drugs should be suspended with immediate effect pending the outcome of the trial and a decision by the licensing sub committee. If the licence holder is convicted, the licence should be revoked.

A serious view is taken of driving or being in charge of a vehicle whilst under the influence of drink or drugs, as licence holders are professional vocational drivers and drink/drug driving convictions raise serious concerns for the safety of the public.

If a licence is revoked the licence holder should be advised that no further application should be considered until at least 5 years have elapsed, after the restoration of the EU full driving licence.

More than one conviction for these offences or any conviction for driving under the influence of illegal drugs (including convictions prior to the grant of the licence) should raise grave doubts as to the licence holder's fitness to drive the public and therefore hold a licence.

If there is reason to suspect persistent alcohol and/or drugs use, misuse or dependency (e.g. two or more offences relating to alcohol or drugs, with or without a vehicle) a specialist medical examination and report should be required before a further application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to alcohol/drug misuse and dependency. If the applicant is found to be (or to previously have been) alcohol or drug dependent, a

period of 5 years should elapse after treatment is complete before a further licence application is considered.

Drunkenness without a motor vehicle

An isolated conviction for drunkenness need not debar a driver from retaining his/her licence. However a number of convictions could indicate a medical problem necessitating a medical examination. In some cases a warning would be sufficient. If there is reason to suspect persistent alcohol use, misuse or dependency (e.g. two or more offences for drunkenness with or without a motor vehicle) a specialist medical examination and report may be required to ensure that the licence holder meets the DVLA Group 2 medical standards in relation to alcohol misuse and dependency.

Illegal Drugs without a motor vehicle

A licensed driver awaiting trial for an illegal drug related offence should be suspended pending the outcome of that trial or a decision by the licensing sub committee. If convicted the licence should ordinarily be revoked.

A serious view is taken of any illegal drugs related offence. Licence holders are professional vocational drivers and any association with illegal drugs raises serious concerns as to whether they are a fit and proper person to be a licensed driver.

The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered, as well as the sentence imposed by the court. A more severe court penalty should indicate that a sterner stance should be taken when advising the period of time (which would normally be up to 5 years for possession) that should elapse before a further licence application is considered.

Where the licence holder has one conviction relating to the possession of illegal drugs, he should be free of conviction for 5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer) before reapplying for a licence. Where the licence holder has more than one conviction for offences related to the possession of illegal drugs (including offences prior to obtaining a licence) then he/she should be free of conviction for 7 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer) before reapplying for a licence.

Where the applicant has a conviction for an offence related to the supply, importing or production of illegal drugs, he/she should be free of conviction for 9 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer).

If there is reason to suspect persistent drugs use, misuse or dependency (e.g. two or more convictions relating to any drugs, with or without a vehicle) a specialist medical examination and report will normally be required before an application is entertained to ensure that the applicant meets the DVLA Group 2 medical standards in relation to drug misuse and dependency. If the applicant is found to be (or to previously have been) drug dependent, a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Sex and Indecency Offences

Hackney Carriage or PHV drivers often carry unaccompanied and vulnerable passengers; a licensed driver awaiting trial for a sexual or indecency offence (or where there is other behaviour and/or evidence to suggest a disposition to commit such offences) should be suspended with immediate effect pending the outcome of that trial or a decision by the licensing sub committee. If the licence holder is convicted he/she would ordinarily have their licence revoked.

A person on the sex offenders register would not be considered a fit and proper person to hold a licence.

Licence holders with more than one conviction for sexual and/or indecency offences or a conviction for the more serious sexual offences will ordinarily be refused on reapplication. For other offences, applicants will be expected to show a substantial period free of conviction before an application will be allowed.

In particular:

- (i) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
 - Rape
 - Assault by penetration
 - Offences involving children or vulnerable adults
 - Sexual assault
 - Indecent assault
 - Possession of indecent photographs, child pornography etc.
 - Exploitation of prostitution
 - Trafficking for sexual exploitation
 - Indecent exposure
 - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)
 - Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver

- (ii) Before an application is granted, an applicant should be free of conviction for at least 7 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
 - Soliciting (e.g. kerb crawling)
 - Importuning
 - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

If a licence is granted a strict warning as to future conduct should be issued.

Violence

Taxi and PHV drivers maintain close contact with the public, a firm line should be taken with drivers accused of offences involving violence. A licensed driver awaiting trial for an offence related to violence should be suspended with immediate effect pending the outcome of that trial or a decision by the licensing sub committee. If the licence holder is convicted the Committee will need to consider whether the licence should be revoked.

A licence may also be suspended and/or revoked if the licensed driver has exhibited behaviour or evidence suggests that they are of an aggressive or violent disposition.

At least 5 years free of conviction should be shown before a future application is entertained from anyone whose offending history and/or other behaviour suggests an aggressive or violent disposition, and even then a strict warning should be administered as to future conduct.

However given the range of offences that involve violence, consideration must be given to the nature of the offence. In particular:

- (i) Unless there are exceptional circumstances, a licence will normally be revoked with little chance of a future licence being granted where the applicant has a conviction for an offence such as:
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)
- (ii) A licence will normally be revoked and at least 7 years (or at least 5 years since the completion of the sentence, whichever is longer) should elapse prior to a further application being considered for offences including:
 - Arson
 - Kidnapping
 - Threats to kill
 - Wounding with intent to cause grievous bodily harm
 - Grievous bodily harm
 - Robbery
 - Burglary
 - Possession of a weapon
 - Any 'hate' crime or offence ordinarily falling within paragraph (iii) below aggravated by a 'hate' crime
 - Similar or replacement offences to those listed above (including attempted or conspiracy to commit)
- (iii) The Committee should consider whether revocation is appropriate for the following offences, in any event, at least 5 years (or at least 5 years since the completion of the sentence, whichever is longer) should have elapsed prior to a fresh application being considered for offences including:
 - Common assault

- Assault occasioning Actual Bodily Harm
- Assault with intent to resist arrest
- Assault on Police
- Public Order offences
- Criminal Damage
- Harassment
- Similar or replacement offences to those listed above (including attempted or conspiracy to commit)

A licence will normally be revoked and a further application refused if a licence holder has more than one conviction in the last 10 years (including prior to the licence being granted) for an offence of a violent nature.

Dishonesty

Taxi and PHV drivers are expected to be persons of trust. They deal with cash transactions and valuable property may be left in their vehicle in error. Drivers are required to deposit such property with the police within 48 hours. The widespread practise of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than their legal fare etc. This for example would include misuse of MPV additional occupancy rates. Licence holders also have access to the names and addresses of their customers and their daily movements. Overseas visitors may not be familiar with the currency or costs of journeys and may be vulnerable to an unscrupulous driver.

Accordingly a licensed driver awaiting trial for a dishonesty offence should be suspended pending the outcome of that trial or a decision by the licensing sub committee. If a licence holder is convicted of a dishonesty offence they should expect their licence to be revoked.

In general a minimum period of 5 years free of conviction or at least 5 years from completion of the sentence (whichever is longer) should be required before entertaining a further application.

Offences involving dishonesty for the purposes of this policy include theft, burglary, fraud, benefit fraud, handling or receiving stolen goods, forgery, conspiracy to defraud, obtaining money or property by deception, other deception, taking a vehicle without consent, driving whilst disqualified and any similar offences (including attempted or conspiracy to commit).

A licence should normally be revoked and a further application will not normally be entertained if a licence holder has more than one conviction in the last 10 years for an offence of dishonesty (including prior to obtaining their licence).

Insurance Offences

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident would normally result in a licence being revoked with a further application not being entertained until a period of three years from the date of the offence has expired. A further application will not normally be entertained if a licence holder has more than one conviction in the last 10 years for an offence of dishonesty (including prior to obtaining their licence).

Licensing Offences

This subsection applies to licensing offences not covered elsewhere within this criminal convictions and behaviour section of the Policy such as plying for hire, using an unlicensed vehicle/driver, refusing to carry disabled persons. It also applies to non-compliance with this Policy, including not complying with the conditions of the licence.

Consideration will be given as to whether the licensing offence/non-compliance should result in the suspension or revocation of the licence. Consideration will be given to the seriousness of the offences/non-compliance as well as to the previous history of compliance.

If the licence is revoked, at least 12 months from the date of the incident in question should elapse before a further application will be considered. Unless there is significant mitigation, where there has been more than one licensing offence/contravention within a five year period, and the licence is revoked, a further application will not normally be entertained until a period of at least three years free of conviction has expired.

Cautions

An admission of guilt is required before a caution can be issued. Accordingly cautions will be assessed in the same way as a conviction by the court.

Non-conviction information

If an licence holder has, on more than one occasion (including prior to the application being granted), been arrested or charged, but not convicted for an offence or is subject to an ASBO or similar order which suggests he/she may not be a fit and proper person, or if there is other evidence to suggest the applicant may not be a fit and proper person, consideration should be given to revoking or suspending the licence or issuing a warning as to future conduct.

Failing to declare convictions on the application form should normally result in at least twelve months elapsing from the date of receipt of the application form before an application will be considered.

As with the rest of this part of the policy, in assessing the action to take, the safety and security of the travelling public must be the paramount concern.

Suspension, Refusal, Revocation by another Licensing Authority

If an existing driver is suspended, refused, revoked by another licensing authority, enforcement action may be taken against them, depending on the reason for the revocation.

The Licensing Authority shall also have a right to make enquiries of that other authority.

CCTV POLICY

Conditions for Hackney Carriage and Private Hire Vehicles

Proprietors of a digital recording system will need to comply with the following conditions. Only digital systems will be permitted.

- In any licensed vehicle where a CCTV security system is used, the written consent of the Council must be obtained before the use of the equipment, and the Head of Health and Housing must be notified in writing of the details of the system prior to use. A copy of the installation certificate must be provided to the Council within seven days of installation
- The Proprietor shall ensure that the system is properly maintained and serviced to the manufacturer's standard to ensure that clear images are recorded, and shall keep records of all maintenance and servicing undertaken
- A minimum of two warning signs shall be displayed inside the vehicle in prominent positions so as to be easily seen both internally and externally by passengers, and must not be covered or defaced. The said warning signs shall display the following message(s):

Where an image of a camera is not used on a sign

"Images are being monitored for the purposes of crime prevention and driver safety. The scheme is controlled by [insert name of Proprietor]."

Where an image of a camera is used on a sign

"This scheme is controlled by [insert name of Proprietor]."

- The signs shall be a minimum of 90 mm long and 50 mm deep (3½" x 2"), the text size being no less than 6 mm (¼"). The text shall be black lettering on a light coloured background i.e. black text on bright yellow or white background.
- The camera location and camera will be sited within the vehicle so that all the passengers are within view at all times. The camera shall be installed above the dashboard level in a visible position.
- The area recorded by the camera shall not extend outside of the vehicle.
- Concealed cameras are not permitted.
- Recordings may only be used as evidence for proceedings taken either by the Police, the Council or in any civil proceedings. As such, recordings must as a minimum record the correct date and time in hours, minutes and seconds.
- The location of the system installation and warning signs within the vehicle must not breach any requirements of any general legislation.
- The siting of more than one camera will be at the discretion of the Council and prior written consent must be obtained.

- Any Proprietor wishing to make alterations to a fitted system must inform the Council in writing of the proposed changes and obtain the written permission to make those alterations before making such alterations.
- Only the Proprietor of the vehicle is permitted to install any CCTV system. The Proprietor must always be the owner/hirer of the CCTV system. A driver who is not the Proprietor of the vehicle is not permitted to install, remove or tamper with any installed equipment. Any system fitted must be permanent to that vehicle and not easily portable from one vehicle to another.
- All recorded images, including digitally recorded, are to remain the property of the vehicle Proprietor and must not be disposed of or supplied to anyone else except in the course of legal proceedings or investigations prior to commencement of legal proceedings. Any such recordings must always be stored in a secure place to which access is controlled.
- All digital images whether by a unit within the vehicle or sent by electronic or other means or placed onto removable digital cards, must be kept secured at all times.
- All digitally recorded images and audio will be encrypted and the recovery of any and all encrypted images and audio shall be undertaken only with the authority of the Police or the Council.
- Any CCTV recordings must not be kept for more than twenty-eight days unless being used in the course of legal proceedings or investigations prior to commencement of legal proceedings.
- Seven days CCTV recordings shall be retained at all times and shall immediately be made available to the Police or authorised officers of the Council on request.
- In the event of an incident the driver of the vehicle must inform the Police immediately and follow their instructions in order to ensure continuity of evidence.
- The camera and recording equipment must be fitted in accordance with the manufacturer's instructions and in compliance with all of the requirements.
- The Proprietor shall ensure that a notification is lodged with the Office of the Information Commissioner³ to cover the purposes for which the CCTV system is used.
- The Proprietor shall take all reasonable steps to ensure that all other drivers of the vehicle are made aware of the above requirements and that they are only able to use the system in order to achieve the purpose for which it has been installed.
- The Council reserves the right to amend the above requirements as and when deemed necessary or as the law requires and, subject to being notified by the Council, the Proprietor shall comply with the requirements current at the time.

³ www.informationcommissioner.gov.uk

- The CCTV system will be subject to spot checks, by an authorised officer of the Council, to ensure compliance with the requirements mentioned above. This may be by way of a qualified CCTV engineer inspecting the system, the cost of which will be borne by the Proprietor of the vehicle.
- If any of the above conditions are not complied with, the Proprietor will be required to remove the CCTV from the vehicle. Failure to comply with this request may result in the vehicle licence being suspended.
- Any unauthorised use of a CCTV system will be considered a major breach of licence conditions, which may result in the revocation of the vehicle licence.

If you are unsure of any part of this section, we will provide assistance.

Further advice in meeting these requirements is available from the licensing section.

POLICY ON LICENSING ENFORCEMENT

The council issues Hackney Carriage and Private Hire Driver and Vehicle licences to ensure passenger safety.

The DfT guidance is clear on the necessity of enforcement to maintain high standards of public safety. All enforcement schemes need to be proportionate and transparent.

Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There needs to be a grade of sanctions from informal warnings through to suspension and revocation of licence. It is clear that the majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing enforcement officer.

Enforcement Options

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

- Verbal advice
- Inspection
- Issue of amber/red card via monitoring of contraventions system
- Suspension/Revocation/ Refusal of future licence application or restriction of such licence by imposition of conditions
- Formal Caution
- Full Prosecution

There is a long standing relationship between the licensing team and the trade. This is based on the application of consistent standards for all parties.

Enforcement Policy

The authority will have regard to the Police and Criminal Evidence Act Codes of Practice

Verbal advice

To be followed where the vehicle or driver standards are found to be reasonably satisfactory but wanting in some minor respect.

Inspection

Inspections will normally be of vehicles or documents/records. In most cases appointments will be made with adequate notice and at reasonable hours unless this would defeat the object of the inspection. Licensees will comply with Officer requests to view documents or records and must attend appointments for inspections.

Monitoring of contraventions

This will replace the existing practice of issuing written warnings, and caution notices, in favour of a system whereby infringements of the law or licence conditions by a licence holder can be recorded and given a value dependent upon the nature of the infringement. The introduction of the scheme will reduce possible subjectivity from the enforcement process. Any licensee who, in the opinion of an authorised officer, has committed an infringement will be issued with a contraventions notice form.

It is proposed to issue a card type monitoring system where-by licensees receive a certain number of amber/red cards for specific offences. Once a driver reaches 4 amber cards, or a straight red card (for more serious contraventions) within a 12 month period, the case will be referred to Head of Health & Housing or the Licensing Sub-Committee for consideration. The decision maker will receive a report from officers and invite representations from the licence holder. This system allows the Licensing department to become aware of patterns or problems. The way in which enforcement will be carried out will not change and common sense will be used. This enables Members to give weight to patterns or problems when issues come before a sub-committee.

Following consultation/discussion with the Trade and Members, the monitoring of contraventions system is only in place for breaches of conditions that the Council witnesses and/or investigates. If for example the Police deal with an issue by way of issuing a penalty notice or awarding penalty points/ fine, CDC would not then issue a card as well.

If the licence holder believes that a card has been issued in error, or that there are mitigating circumstances not taken into account by the officer, there is a right of appeal to the Head of Health of Housing, King George V House, King George V Road, Amersham, HP6 5AW within 14 days of receiving the notice. The licence holder will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.

The issue of a card does not prevent the licensing section from taking any other or additional action, including prosecution where this is felt to be appropriate. For the avoidance of doubt, any breach of legislation, conditions, or offences not contained within the table will be dealt with in line with the Hackney Carriage and Private Hire Policy.

Contravention Monitoring Notice

Chiltern District Council

King George V House, King George V Road, Amersham, Buckinghamshire, HP6 5AW
 Tel: 01494 732063
 Email: licensing@chiltern.gov.uk



Contraventions	Card	✓	Contraventions	Card	✓
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Unlicensed vehicle	Red		Overcharging	2 Amber	
Unlicensed driver	Red		Private hire vehicle parked on rank	2 Amber	
Driving with no valid insurance	Red		Hackney carriage left unattended on rank	1 Amber	
Driving with no valid C of C/MOT	Red		Failure to notify Licensing Office of conviction, caution or fixed penalty notice	1 Amber	
Contravention of suspension notice	Red		Failure to notify Licensing Office of an accident	1 Amber	
Private hire plying for hire	Red		Vehicle in an unclean condition	1 Amber	
Failure to wear or clearly display driver badge	1 Amber		No smokefree signage	1 Amber	
Failure to display plate, executive plate or door stickers	1 Amber		Failure to provide documentation within 7 days of request	1 Amber	
Refusing to carry guide dogs, hearing dogs or service dogs (unless exempt)	2 Amber		Failure to notify Licensing Office of a motoring or criminal conviction within 5 working days	1 Amber	
Defective tyres (per tyre)	2 Amber		Failure to carry valid fire extinguisher (meeting BS EN3)	1 Amber	
Carrying too many passengers	2 Amber		Use of hand held phone or radio whilst driving	2 Amber	
Smoking in vehicle	2 Amber		Any other reasonable cause	Various	
Using unapproved advertising on/in vehicle Details:	1 Amber				

Plate no: Vehicle reg no:..... Badge no.
Licensees name and signature:

The contravention(s) above mean(s) that you have acquired [] amber or [] red card/s.

If you receive 4 amber cards or a red card in any 12 month period the Licensing Officer or Licensing Sub-Committee will consider if you are a fit and proper person to hold a licence. The Licensing Officer or Licensing Sub-Committee may decide to issue a warning notice, suspend or revoke the license, attach conditions or take no action.

If you believe that this notice has been issued in error, or that there are mitigating circumstances that have not been taken into account by the officer, you have a right of appeal, please send this in writing to the Head of Health and Housing within 14 days of receiving this notice. You will receive notification of the decision of the appeal within 30 days of receipt of the notice of appeal.

Date: Officer:

Suspension Notice

A suspension notice can be issued giving notice of the length of time before the suspension takes effect or can be with immediate effect.

Whilst each case will be taken on its own merit, generally; -

A Suspension Notice will normally be served in the following cases

- If there is a history of non-compliance with the licence conditions or legislation. Where 4 amber cards or a red card has been issued as detailed above in a twelve month period.
- If there is a significant contravention in terms of risk to members of the public due to non-compliance.
- If the licence holder is charged with or bailed for a crime which brings into question (with or without other relevant factors) whether the licensee is a fit and proper person.
- If the person is not otherwise considered to be a fit and proper person to be a licensed driver.
- Any other serious matter
- The policy on criminal records and behaviour will be used to assess whether a suspension should be given and if so whether it should be with immediate effect.

Other factors which may affect whether the suspension is immediate or not could include the following:

- Was the offence committed whilst at work, or whilst the individual was in or about the licensed vehicle?
- Is the offence considered to be a hate crime?
- Does the offence involve a person who could be considered to be from a vulnerable section of society?
- Has the Crown Prosecution Service given any directions?
- Have the Police provided any background information?
- In all cases the overriding consideration will be the protection of the public.

Should the Licensing Authority decide not to suspend with immediate effect, the Licensing Authority reserves the right to take action at a later date.

Also, the Crown Prosecution Service or Police may be asked to apply for bail conditions, which require the hackney carriage proprietor's, and/or private hire vehicle, and/or private hire operator's licences to be suspended by the court.

Where a licence is refused revoked, suspended or not renewed the licence holder must be provided within 14 days of the decision being made, notice of the grounds on which the action was taken.

Revocation of licences

In the case of a driver or operator licence, the test will be whether the driver/operator is a fit and proper person (assessed in accordance with this policy). If they are not, on the balance of probabilities, then the licence will be revoked.

The decision to revoke a licence will not be taken lightly.

Voluntary offers to surrender a licence will be accepted if made in writing and the licence plate/disc/badge returned.

Procedure on whether to revoke, or refuse a licence, or in cases of doubt when a decision by committee is required:

Should the licensing-subcommittee be required to decide on a licence the following procedure should be followed:

- Twenty-eight days notice of the hearing will be given to the licence holder
- The licence holder will be entitled to bring legal or other representation
- Evidence will be given before the licence holder, including evidence provided by officers or witnesses etc.
- The formal procedures of committee will be followed
- The applicant will be given the opportunity to present his case, and call witnesses. The applicant and witnesses may be questioned by Committee
- The Committee and the applicant/his representative can also question officers and other persons giving evidence, including the police
- The applicant can make a final statement

Members will make a decision in private session, accompanied only by the clerk, and legal advisor. The applicant may be advised of the decision orally on the day or the following day, to be confirmed in writing within 14 days and be informed of the statutory rights of appeal.

Appeal against refusal, suspension or revocation of a licence

Appeal procedures to the Magistrate's Court will be detailed with notices sent out. On appeal to the Magistrates court a suspended or revoked licence is reinstated until the appeal is heard with the exception of those licence holders suspended with immediate effect under section 61(2B)) of the Local Government (Miscellaneous Provisions) Act 1976

Formal Caution

This is an alternative to prosecution.

In considering the issue of a formal caution the following will be taken into account: -

- The seriousness of the offence.
- The benefits of its use rather than prosecution, e.g. cost, speed, deterrent effect in respect of re-offending
- The offender must admit the offence
- The intention to rectify the contravention
- The sufficiency of the evidence regarding the contravention. This must be such as to give a realistic prospect of conviction. A caution will not be issued in the absence of this evidence
- Previous history of the offender

Written information will be given or sent to the offender regarding the significance of the caution immediately prior to offer of the formal caution.

Formal cautions will always require first the signature of the offender and then the authorised local authority representative.

Copies of the caution will be sent to the offender and sent to the Central Registrar of Convictions. The Legal Department will hold the original Caution.

Prosecution

Prosecution will normally only be contemplated when the offences are serious, for example where there is a potential for risk to passenger safety, or as a result of refusal to accept other courses of action. Unlicensed persons or businesses will be considered for prosecution.

The following will be taken into account;

- the previous history
- the explanations or attitudes
- the probable public benefit
- would the use of a formal caution be more appropriate

Prosecution will be authorised by the Head of Health and Housing after consultation with the Councils Legal team.

Should the Crown Prosecution Service be initiating action against a person or business for offences which also involve breaches of the; Police Town Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 or Byelaws made in respect of Hackney Carriages, they may be authorised to initiate proceedings under these Acts.

LICENCE REQUIREMENTS AND CONDITIONS



CHILTERN DISTRICT COUNCIL LICENCE REQUIREMENTS RELATING TO PRIVATE HIRE DRIVERS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (“the 1976 act”)

These requirements apply to Private Hire drivers. Any legislative requirement shall be regarded as if they are conditions of the Private Hire Drivers Licence. In determining what matters should be considered for a person to be a Fit and Proper Person to be a driver the following applies:

FIT AND PROPER PERSON

Applications for a Private Hire Drivers Licence can only be made by Fit and Proper Persons. A Fit and Proper Person must:

- be medically fit
- comply with the Council’s guidelines for the issue of Hackney Carriage and Private Hire driver and operator licences policy and the Home Office circular with regard to cautions, convictions or pending court appearances as detailed in the Home Office circular
- not be entered on Sex Offenders Register
- be an experienced driver
- have the required knowledge of the district, highway code, policy and customer care

APPLICATION

Applications will only be accepted if they are made on the form provided for the purpose by the Council. The form must be completed online and electronically signed by the applicant.

An application will also be only considered after the receipt of two references, one passport-sized photograph, a full DVLA/ EU driving licence including photo card and counterpart, a current medical certificate (not older than 3 months)*, proof of identity (Passport/ Birth Certificate), a relevant knowledge test pass certificate, an enhanced Data and Barring Service criminal record check (not older than 3 months), a DSA driving test certificate and a Certificate of Good Conduct from the relevant Embassy for all applicants who have lived in the UK for less than 5 years (new applicants only) or who have been absent for a period of 9 months or more within the last three years for current licensees. If the Certificate is not issued in English, the applicant will be required to pay for the relevant translation. All fees must be paid when submitting the application. The driver’s badge deposit is payable prior to any badge being issued.

A medical certificate completed by the applicants registered Medical Practitioner is required to prove the applicant is fit to drive a licensed vehicle.

Where an existing licensed hackney carriage driver applies to obtain a private hire license, or vice versa, no additional medical will be required.

RENEWAL

Applications will only be acceptable if they are made on the form provided for the purpose by the Council.

An application will only be considered upon receipt of the correct fee, one passport-sized photograph and a full DVLA/EU driving licence including photo card and counterpart. Any additional documents that are due to expire within the renewal period MUST ALSO be presented at renewal. In addition, the expired drivers badge must be returned to the Council in order to collect your replacement badge.

All fees must be paid at the time of renewal. ONLY FULL APPLICATIONS WILL BE ACCEPTED, any missing documents or elements will mean your application will be returned to you, without processing. Licences will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may be subject to an additional fee to cover administration costs.

FEES

The appropriate fee as prescribed from time to time by the Council must accompany all applications.

PHOTOGRAPHS

An application must be accompanied by one recent passport sized photograph of the applicant. It must be signed by the applicant. It must be taken against a light coloured background, and clearly show your full face. You must not wear sunglasses, or any head covering unless head covering is worn for religious or medical reasons. The photo will be used for the driver's badge that will be issued by the Council.

PROOF OF IDENTITY

A Birth Certificate with National Insurance Number, Passport or new style photographic driver's licence must be produced on first application.

DURATION OF PRIVATE HIRE DRIVERS LICENCE

A driver's licence on renewal may be issued for a probationary period of less than one year, dependant on the applicant's ability to demonstrate being a fit and proper person. Items that could be considered would include driver's experience, criminal record, references, past allegations, record of compliance with the conditions, outstanding fees and any other reasonable cause.

The maximum period that a licence shall remain in force is for a period of one year only, commencing from the date the licence is granted, not the date of the application itself.

MEDICAL CERTIFICATE

The standard of medical examination as required by Chiltern District Council is that normally associated with a group II driver's licence. All drivers are required to provide a certificate signed by their registered medical practitioner to the effect that they are physically fit to be the driver of a taxi or private hire vehicle. A medical certificate is required at first application,

every 5 years up to 45 years of age, every 3 years up to 65 years of age and thereafter annually.

The applicant is responsible for the payment of all fees required for any medical examination.

The licensing authority will follow the published Department of Transport "Best Practice" guidance (as updated from time to time) when considering the medical fitness of new applicants with insulin dependent diabetes or existing licence holders diagnosed with insulin dependent diabetes during the currency of their licence.

Where there is reasonable doubt over a driver's fitness, the authority may direct the driver for a medical examination by a specified registered medical practitioner at any time. The applicant is responsible for the payment of all fees required for any medical examination.

REFERENCES

The first application for a Private Hire Drivers Licence must be accompanied by two independent references as to the character of the applicant. The names, addresses, and phone number of the referees must be stated on the online form.

DRIVING EXPERIENCE

A valid full DVLA/ EU drivers licence (Groups A and B) must have been held for a period of three years prior to application. Whilst each case will be taken on its merit, as a general principle a licence will not be granted where an applicant has been convicted of a serious driving offence in the past three years, or has more than six active points on their licence.

In addition to the above, all new applicants will have to demonstrate good driving ability and be aware of potential hazards. This will be assessed by the completion of a driving assessment by the DSA; a pass certificate will be required before the licence can be issued. Alternatively a driver can demonstrate his/her ability by being a member (by examination) of the Institute of Advanced Motorists, or holding a HGV/ PCV (PSV) licence.

Existing drivers wanting to increase the number of passengers they can carry are required to pass the DSA assessment, or show proof of holding a higher level PCV (PSV), HGV licence, or be a member of the Institute of Advanced Motorists.

DATA BARRING SERVICE CRIMINAL RECORD CHECK

A DBS Enhanced Disclosure is required on receipt of new applications and every 3 years for an existing driver. An authorised officer can make random checks whilst the licence is effective. This will require a DBS Enhanced Disclosure Application form to be completed and signed by the applicant. All applicants should refer to the Council's Guidelines for issue of Private Hire driver and operator and Home Office Circular with regards to any criminal convictions or cautions. A fee is required for this check.

CONVICTIONS

Convictions will be dealt with in accordance with the policy on criminal convictions and behaviour in section [] of the Hackney Carriage and Private Hire Policy.

DRIVERS IDENTITY BADGE

A £10 deposit will be required prior to the issue of a Drivers Badge and will be returnable upon the surrender of the Private Hire Drivers Licence. The badge shall be worn or clearly displayed at all times the vehicle is being used as a licensed vehicle and in such a position

and manner as to be plainly and distinctly visible. On the expiry, revocation or suspension of the licence the driver shall return the badge to the Council on demand.

COMPLIANCE WITH LEGISLATION

Drivers, where applicable, will comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Byelaws made in respect of Hackney Carriages and conditions relating to the Private Hire Drivers Licence. Also compliance with Section 37 of the Disability Discrimination Act 1995 and Equality Act (2010) in respect of assistance dogs.

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006. An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

INSURANCE

The driver of a licensed vehicle must ensure the vehicle is insured for use for that specific purpose. Such insurance must be comprehensive and continuous and include legal liability for passengers.

CCTV IN VEHICLES

The licensee shall ensure that they do not drive a licensed vehicle with unauthorised facilities for recording visual or audio sources. All vehicles with an authorised CCTV system shall contain a certificate of authorisation. Any proposed CCTV system must satisfy the requirements of the CCTV conditions within the Hackney Carriage and Private Hire Licensing Policy.

APPEALS PROCEDURE

Any person aggrieved by refusal to grant a licence may appeal to the Magistrate's Court within 21 days of a decision being made.

LICENCE REQUIREMENTS RELATING TO HACKNEY CARRIAGE DRIVERS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (“the 1976 act”)

These requirements apply to Hackney Carriage drivers. Any legislative requirement shall be regarded as if they are conditions of the Hackney Carriage Drivers Licence. The licence Holder must comply with the Taxi policy throughout the duration of the licence. In determining what should be considered for a person to be a Fit and Proper Person to be a driver the following applies:

FIT AND PROPER PERSON

- Applications for a Hackney Carriage Drivers Licence can only be made by Fit and Proper Persons, as defined in the Hackney Carriage and Private Hire Policy.

APPLICATION

Applications will only be acceptable if they are made on the online form provided for the purpose by the Council.

An application will only be considered after the receipt of two references, one passport-sized photograph, a full DVLA/ EU driving licence including photo card and counterpart, a current medical certificate (not older than 3 months)*, proof of identity (Passport/ Birth Certificate), a relevant knowledge test pass certificate, an enhanced Data and Barring Service criminal record check (not older than 3 months), a DSA driving test pass certificate and a Certificate of Good Conduct from the relevant Embassy for all applicants who have lived in the UK for less than 5 years (new applicants only) or who have been absent for a period of 9 months or more within the last three years for current licensees. If the Certificate is not issued in English, the applicant will be required to pay for the relevant translation. All fees must be paid when submitting the application. The driver's badge deposit is payable prior to any badge being issued.

A medical certificate completed by the applicants registered Medical Practitioner is required to prove the applicant is fit to drive a licensed vehicle.

Where an existing licensed hackney carriage driver applies to obtain a private hire license, or vice versa, no additional medical will be required.

RENEWAL

Applications will only be acceptable if they are made on the online form provided for the purpose by the Council.

An application will only be considered upon receipt of the correct fee, one passport-sized photograph and a full DVLA/EU driving licence including photo card and counterpart. Any additional documents that are due to expire within the renewal period MUST ALSO be presented at renewal. In addition, the expired drivers badge must be returned to the Council in order to collect your replacement badge.

All fees must be paid at the time of renewal. ONLY FULL APPLICATIONS WILL BE ACCEPTED, any missing documents or elements will mean your application will be returned to you, without processing. Licences will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made at least four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may be subject to an additional fee to cover administration costs.

FEES

The appropriate fee as prescribed from time to time by the Council must accompany all applications.

PHOTOGRAPHS

An application must be accompanied by one recent passport sized photograph of the applicant. It must be signed by the applicant. It must be taken against a light coloured background, and clearly show your full face. You must not wear sunglasses, or any head covering, unless head covering is worn for religious or medical reasons. The photos will be used for your driver's badge that will be issued by the Council.

PROOF OF IDENTITY

A Birth Certificate with National Insurance Number, Passport or new style photographic Drivers licence must be produced on first application.

DURATION OF HACKNEY CARRIAGE DRIVERS LICENCE

A driver's licence on renewal may be issued for a probationary period of less than one year, dependant on the applicant's ability to demonstrate being a fit and proper person. Items that could be considered would include driver's experience, criminal record, references, past allegations, record of compliance with the conditions, outstanding fees and any other reasonable cause.

The maximum period that a licence shall remain in force is for a period of one year only, commencing from the date the licence is granted, not the date of the application itself.

MEDICAL CERTIFICATE

The standard of medical examination as required by Chiltern District Council is that normally associated with a group II driver's licence. All drivers are required to provide a certificate signed by their registered medical practitioner to the effect that they are physically fit to be the driver of a taxi or private hire vehicle. A medical certificate is required at first application, then every 5 years up to 45 years of age, every 3 years up to 65 years of age and thereafter annually.

The applicant is responsible for the payment of all fees required for any medical examination.

The licensing authority will follow the published Department of Transport "Best Practice" guidance (as updated from time to time) when considering the medical fitness of new applicants with insulin dependent diabetes or existing licence holders diagnosed with insulin dependent diabetes during the currency of their licence.

Where there is reasonable doubt over a driver's fitness, the authority may direct the driver for a medical examination by a specified registered medical practitioner at any time. The applicant is responsible for the payment of all fees required for any medical examination.

REFERENCES

The first application for a Hackney Carriage Drivers Licence must be accompanied by two independent references as to the character of the applicant. The names, addresses, and contact numbers of the referees must be stated on the form.

DRIVING EXPERIENCE

A valid full DVLA/ EU drivers licence (Groups A and B) must have been held for a period of three years prior to application. Whilst each case will be taken on its merit as a general principle a licence will not be granted where an applicant has been convicted of a serious driving offence in the past three years, or has more than six active points on their licence.

In addition to the above, all new applicants will have to demonstrate good driving ability and be aware of potential hazards. This will be assessed by the completion of a driving assessment by the DSA; a pass certificate will be required before the licence can be issued. Alternatively a driver can demonstrate his/her ability by being a member (by examination) of the Institute of Advanced Motorists, or holding a HGV/ PCV (PSV) licence.

Existing drivers wanting to increase the number of passengers they can carry are required to pass the DSA assessment, or show proof of holding a higher level PCV (PSV), HGV licence, or be a member of the Institute of Advanced Motorists.

DATA BARRING SERVICE ENHANCED DISCLOSURE CHECK

A DBS Enhanced Disclosure is required on receipt of new applications and every 3 years for an existing driver. An authorised officer can make random checks whilst the licence is effective. This will require a DBS Enhanced Disclosure Application form to be completed and signed by the applicant. All applicants should refer to the Council's Guidelines for issue of Private Hire driver and operator and Home Office Circular with regards to any criminal convictions or cautions. A fee is required for this check.

CONVICTIONS

Convictions will be dealt with in accordance with the policy on criminal convictions and behaviour in section [] of the Hackney Carriage and Private Hire Policy.

In order to ensure protection of the public a driver must ensure immediate disclosure (within 72 hours) to the Licensing Officer in writing if they are arrested; cautioned, or convicted of any offence during the period of their licence. Should knowledge of any offences be withheld, this could reflect on a person fitness to be a Driver and will lead to a licence being suspended.

DRIVERS IDENTITY BADGE

A £10 deposit will be required prior to the issue of a Drivers Badge and will be returnable upon the surrender of the Drivers licence. The badge shall be worn or clearly displayed at all times the vehicle is being used as a licensed vehicle. The badge must be worn in such a position and manner as to be plainly and distinctly visible. On the expiry, revocation or suspension of the licence the driver shall return the badge to the Council on demand.

COMPLIANCE WITH LEGISLATION

Drivers, where applicable, will comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Byelaws made in respect of Hackney Carriages and conditions relating to the Private Hire Drivers Licence. Also compliance with Section 37 of the Disability Discrimination Act 1995 and Equality Act (2010) in respect of assistance dogs.

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006. A no-smoking sign must be displayed in each compartment of the vehicle in which people can be carried. The sign must show the international no-smoking symbol at least 70mm in diameter.

CHANGE OF PERSONAL DETAILS

The driver shall immediately (within 7 days) notify the Authorised Officer in writing of any change in his or her personal details. Changes shall include: changes of address, name, status, phone number and mobile number.

SUSPENSION, REVOCATION, and REFUSAL TO RENEW LICENCE

- Without prejudice to these Conditions, the Council may suspend, revoke or refuse to renew the Licence on any of the following grounds

The authority will have regard to the Taxi and Private Hire Enforcement Policy when making a decision to suspend, revoke or refuse to renew a licence.

OTHER OFFENCES

The Licensee shall be guilty of an offence if he or she:

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

OFFENCE NOTIFICATION NOTICE

The Council has the power to charge fees not exceeding £25.00 for administration of and the control and supervision of hackney carriage and private hire drivers. These charges are detailed in the enforcement policy and will be issued in accordance with the Policy.

All fees and charges for the previous year shall have been paid before application for a renewal of a drivers licence can be accepted.

CONDUCT OF DRIVER

The Licensee shall:

- at all times be clean and respectable in his or her dress, behave in a civil and orderly manner, and not use foul and abusive language
- take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- assist any passenger in gaining access to or exiting from the vehicle
- assist any passenger with the loading and unloading of luggage into and out of the

vehicle

- afford reasonable assistance in removing a passenger's luggage to or from the entrance of any house, station or place at which he or she may collect or set down a person
- unless otherwise directed by the Hirer, shall proceed to the destination requested by the Hirer by the shortest possible route
- not drive the vehicle without the written consent of the proprietor of the vehicle
- not drink, eat, or play audio equipment in the vehicle without the express permission of the hirer
- shall ensure that no annoyance or disturbance is caused to residents or other road users whilst driving the vehicle
- not use the horn or lights of the vehicle or shout in order to signify to the Hirer or passengers that the Licensee is waiting for the Hirer or passengers
- not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user
- take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle
- comply with all road traffic law
- ensure that he or she does not drive a vehicle with more passenger capacity than their badge authorises
- not smoke or permit a passenger to smoke in the vehicle
- ensure that regulation "No Smoking" signs are prominently displayed on the front passenger window or dashboard and on the rear passenger window of the vehicle you are assigned. The sign to be an international "No Smoking" signs 70mm in diameter
- not initiate any dialogue of a "sexual" nature with a passenger. Licensed drivers are not permitted to become involved "sexually", or have sexual contact, with a passenger whether consent is given or not and whether or not the vehicle is carrying fare paying passengers at the time

PASSENGERS

The Licensee shall not:-

- Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- Without the consent of the Hirer convey or permit to be conveyed any other person in the vehicle.
- Allow to be conveyed in the front of the vehicle:
 - Any child below the age of three years
 - More than one person above the age of three years
 - An infant in arms

The Licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

LOST PROPERTY

- The Licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein,
- The Licensee shall ensure that any property accidentally left, or found or handed to him in the vehicle will be, taken to a police station within 48 hours of it being found.

WRITTEN RECEIPTS

The driver shall, if requested by the hirer, provide them with a written receipt for the fare paid.

ANIMALS/ASSISTANCE/GUIDE DOGS

The driver shall not convey in a licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle. The driver shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle. The driver shall transport any person and his/her guide or assistance dog without additional charge. Holders of an exemption certificate from carrying animals (issued because of medical reasons) must display the certificate in a prominent position.

It is an offence to refuse to carry assistance/guide dogs.

PROMPT ATTENDANCE

The driver of a licensed vehicle shall promptly attend at the appointed time and place unless delayed or prevented by sufficient cause.

DEPOSIT OF LICENCE

The Licensee shall deposit his or her paper licence with the Vehicle Licensee before commencing to drive the vehicle. The licence shall be retained by the Vehicle Licensee until such time as the driver ceases to drive that vehicle.

The Licensee/Proprietor must also ensure the driver holds a current driving licence in respect of the number of passengers authorised on the vehicle licence/plate.

TAXIMETER

A licensed driver shall not drive the vehicle unless the taximeter is in working condition and has been sealed by a meter company, who have issued the licensee with a calibration certificate. The licensed driver shall not cause the fare recorded to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

The Licensee shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is fitted, with the fittings thereof, or with the seals affixed thereto. The Licensee shall ensure that when the vehicle is not in use the taximeter is switched off

FARE TO BE DEMANDED

- The driver shall not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed. If the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter must be charged. The driver shall not demand any fare higher than that shown on the face of the taximeter.
- The Licensee shall cause any statement of fares provided by the Operator to be exhibited inside the Vehicle, in clearly distinguishable letters and figures.

SEATBELTS

It is recommended that when driving the vehicle the licensee should wear a seat belt at all times.

INSURANCE

The driver of a licensed vehicle shall ensure that he or she is covered by a valid fully comprehensive insurance policy for public hire (and private hire if private hire bookings are accepted from licensed operators) which includes legal liability for passengers before commencing to drive the vehicle, and shall ensure that they do not act in any way which might invalidate the insurance.

The Licensee shall, on being requested to do so, produce the insurance certificate to a Police Officer or an Authorised Officer.

ACCIDENTS AND DAMAGE TO THE VEHICLE

The Licensee shall report to the Authorised Officer any accident (motoring or otherwise) involving the vehicle within 72 hours of the accident using the form issued by the Council. In the interests of public safety the Licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The Licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the Authorised Officer.

The Licensee shall report any damage materially affecting the safety, performance or appearance of the vehicle to the Authorised Officer within 72 hours of the vehicle being damaged. In the interests of public safety the Licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The Licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the Authorised Officer.

INSPECTIONS

The Licensee shall not obstruct the Authorised Officer or any Police Officer from carrying out any inspection or test of the vehicle.

COPY OF LICENCE AND REQUIREMENTS

The Licensee shall at all times when driving the vehicle carry with him or her a copy of their licence and these requirements, and shall make it available for inspection by the Hirer, any other passenger, the Authorised Officer or a Police Officer upon request

VARIATION OF REQUIREMENTS

The Council reserves the right to vary, delete or waive any of these requirements

DELIVERY OF NOTICES

Any notice required to be served by the Council under any licence granted or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of the holder of the licence.

CCTV IN VEHICLES

The licensee shall ensure that they do not drive a licensed vehicle with unauthorised facilities for recording visual or audio sources. All vehicles with an authorised CCTV system shall contain a certificate of authorisation. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained within the Hackney Carriage and Private Hire Licensing Policy.

APPEALS PROCEDURE

Any person aggrieved by refusal to grant a licence may appeal to the Magistrate's Court within 21 days of a decision being made.

REQUIREMENTS RELATING TO PRIVATE HIRE VEHICLES



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (“the 1976 act”)

APPLICATIONS

All applications will only be acceptable if they are made on the form provided for the purpose by the Council, the form must be completed online and electronically signed by the applicant. An application will only be considered after production of the vehicle registration document, MOT, Certificate of Compliance, (European whole vehicle type approved, if required), insurance certificate, and fee.

RENEWAL

Applications will only be acceptable if they are made on the online form provided for the purpose by the Council.

An application for renewal will only be considered upon receipt of the correct fee, the Vehicle Registration document, and any additional documents that are due to expire within the renewal period. This may include: Insurance, MOT, and compliance certificate. In addition, the expired vehicle plate must be returned to the Council in order to collect your replacement.

All fees must be paid at the time of renewal. ONLY FULL APPLICATIONS WILL BE ACCEPTED, any missing documents or elements will mean your application will be returned to you, without processing. Licenses will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made at least four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may be subject to an additional fee to cover administration costs.

FEE

The appropriate fee, paid in full, as prescribed from time to time by the Council, must accompany all applications.

DURATION OF VEHICLE LICENCE

All licences shall remain in force for a maximum of one year only, commencing from the date of the granting of the licence.

DUAL PLATING

No application shall be considered where the proposed vehicle is already licensed by another licensing authority.

TYPE OF VEHICLE

The Transport Act 1985 allows licensing authorities to regulate vehicle standards. Circular 8/86 accompanying the Transport Act, states that authorities will wish to ensure that vehicles are mechanically sound, roadworthy and safe. The following will be applied.

- Only vehicles holding or built to the standards required by the M1, M2 and M3 European whole vehicle type approval will be licensed.
- Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M classification or the enhanced single vehicle certificate together with the original M type approval.
- The vehicle must be maintained throughout the term of the Private Hire Vehicle license, to a high standard of appearance to the complete satisfaction of the Council, and kept in the condition stated in the Standards for conditions of appearance of a Private Hire vehicle.

All licensed vehicles must be less than 7 years old (taken from the date of manufacture on the V5 document) when first licensed. Current licensed vehicles will continue to be licensed until they reach 12 years of age.

Licensees of current licensed vehicles may apply for a 1 year extension annually. An application must be made in writing/by email no less than 30 days before the expiry of the license. The interior and exterior of vehicle must meet the Council's specification. The vehicle must have had a Certificate of Compliance within the last 3 months and will require inspection by one of the Council's approved garages, for which there will be a £25 administration charge.

- The vehicle must not be left hand drive, except in the case of purpose built stretch-limousines (see Limousine and Novelty Vehicle policy)
- The vehicle shall have at least four road wheels and a spare wheel or a canister of tyre inflator/repair kept in the vehicle
- The vehicle shall have three or four doors (a rear-opening hatch back will not be considered or counted as a door for the means of entry or egress, except that a multi-purpose vehicle may have a single sliding door to the left hand side of the vehicle)
- An exception can be made in the case of a vehicle licensed to carry only 1 passenger where a 2 door vehicle would suffice
- No vehicle shall be licensed which would require any passenger to climb over any luggage in the vehicle or climb into any boot space
- All seats, front and rear must be fitted with seat belts
- The vehicle must be submitted for a mechanical test at a garage authorised by the Council and may be inspected for suitability by the Council's Licensing Officer. A Certificate of Compliance with the standards required under the Road Traffic Act 1972, Sections 43 and 44 must be provided by the garage. In addition to those standards required by the MOT the items detailed in the attached form are required
- The Council's Licensing Officer may direct the vehicle to be inspected in accordance with the Certificate of Compliance at a specific testing station

- A Certificate of Compliance will be valid for 1 year from date of issue with the exception that where a vehicle reaches its 6th anniversary the certificate should only be valid for 6 months
- The vehicle should contain a portable dry powder 1Kg capacity fire extinguisher. The extinguisher must conform to BS EN3 1996 Standard, and should be mounted in a convenient position in the vehicle. The extinguisher shall be marked with the Private Hire vehicle license number
- A First Aid Kit complying with the Health and Safety (First Aid) Regulations 1981 should be carried in the vehicle. The kit to be marked with the Private Hire licence number
- Private Hire vehicles that have been converted to use Liquid Petroleum Gas and/or Compressed Natural Gas, require compliance with the Liquid Petroleum Gas Association's Code of Practice No.11
- That a valid Certificate certifying compliance with the standards of the Code of Practice No. 11 be submitted with all new applications in respect of converted Private Hire and Hackney Carriage vehicles unless such vehicles were factory converted from new

SEATING CAPACITY

The seating capacity of any Private Hire vehicle shall be calculated in accordance with the provisions of Regulation 44 of the Road Vehicles (Registration and Licensing) Regulations 2002, (SI 2002 No. 2742) and the Council's decision shall be binding.

TESTING OF VEHICLES

A licence shall not be granted in respect of any vehicle unless such vehicle has a current Certificate of Compliance as detailed below, and a valid MOT certificate.

PRIVATE HIRE OCCUPANCY PLATE

When licensed, the vehicle shall have an authorised occupancy plate fixed to the rear of the vehicle. The plate shall be securely and permanently fixed to the vehicle on or above the bumper and be clearly visible. The plate shall be secured to the vehicle by the use of a bracket. If a bracket is not suitable or practicable, then the plate shall be fixed with the aid of screws or bolts.

PRIVATE HIRE LICENCE DISC

When licensed, the vehicle shall have an authorised occupancy disc. This is to be displayed in the front of the vehicle in such a way as to be clearly visible from the inside and the outside of the vehicle.

SIGNS ETC.

No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises Tobacco, Alcohol, a sex or a sex establishment, or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the licensing officer, for which there is a £10 fee per batch of advertising.

No signs or advertising containing the word "TAXI" will be permitted on any Private Hire vehicle.

PRIVATE HIRE SIGNS

A roof sign is not permitted.

As directed by the council the operator shall cause to be fixed and maintained to the front driver and passenger doors a prescribed sign bearing the words "Private Hire Vehicle – Advance Bookings Only" with the joint Thames Valley Police and Chiltern "Working together for a Safer Chiltern" logo. The sign shall also include the company name and contact details or the plate number on a yellow background. Exceptions from this requirement may be allowed under executive hire.

EXECUTIVE HIRE

Applicants who require an executive plate will need to meet the following criteria;

- Be smartly dressed at all times when working as a licensed driver
- Have no advertising on or in the vehicle

INSURANCE AND ROAD FUND LICENCE

All Private Hire Vehicles must be licensed and insured for Private Hire use. Such insurance must be comprehensive and continuous and include legal liability for passengers and luggage. Proof of insurance must be submitted with each application for a licence and where it expires during the term of the licence a new certificate or cover note must be supplied to the Licensing team.

CERTIFICATE OF COMPLIANCE

- A Certificate of Compliance will only be granted where a vehicle complies in all respects with the detailed standard set out in the main policy document.
- A Certificate of Compliance shall be valid for one year only from the date of issue; with the exception that a vehicle reaches the sixth anniversary of its registration the Certificate shall only be valid for six months.
- A Certificate of Compliance may only be issued by a Vehicle Testing Station authorised and designated by the Council.
- A current list of designated Vehicle Testing Stations is available from the Council.

EXAMINATION OF VEHICLES

The Approved Officer may request that the vehicle is presented at King George V House, King George V Road, Amersham HP6 5AW at a time and date agreed for the purpose of establishing that the vehicle complies with the Council's requirements.

DEPOSIT ON LICENCE PLATE

A £20 deposit will be required prior to the issue of a Private Hire Vehicle Licence Plate and will be returnable upon the prompt return of the Licence Plate upon the expiry of the Vehicle Licence.

NB: Where a change of ownership occurs, the deposit will be refundable to the person surrendering the Licence Plate, not to the person who originally paid the deposit.

RESIDENTIAL QUALIFICATION

The operator of any Private Hire Vehicle must reside or maintain an office within the area of the Chiltern District Council for a period of the licence.

PRIVATE HIRE VEHICLES MAY NOT OPERATE FROM TAXI RANKS AND STANDS

Private Hire Vehicles may not operate from Hackney Carriage ranks or stands or ply the carriageway for hire but must be pre-booked.

SMOKING

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006. An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

CCTV IN VEHICLES

The licensee shall ensure that their licensed vehicle does not contain any facilities to record visual or audio sources without first obtaining authorisation from the licensing authority. Any proposed CCTV system must satisfy the requirements of the CCTV conditions section.

APPEALS PROCEDURE

Any person aggrieved by refusal to grant a licence may appeal to the Magistrate's Court within 21 days of a decision being made.

STANDARDS FOR CONDITIONS OF APPEARANCE OF A PRIVATE HIRE VEHICLE

The vehicle must comply with the following:-

RUST Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; any vehicle with visible rust patches should be failed

DENTS Any vehicle with minor dents on one or more panels where such dents are more than 5 cms in diameter/length should be failed

SCRATCHES Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5 cms in length, or a single scratch of more than 20cms in length, should be failed

PAINTWORK All panels on all vehicles shall be painted in manufacturer's colour; panels with unmatched colours or in primer should be deemed as failures

SEATS In conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 1220mm (48 inches) in width. All seats shall have a minimum of 410mm (16 inches) per person and in respect of seating comply with the Road Vehicle (Registration and Licensing) Regulations 2002. All seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. All seats must be kept clean and tidy and free from all extraneous matter

CARPETS/FLOOR COVERING All carpets and floor covering shall be complete and free from cuts, tears, staining and soiling

HEADLINING AND OTHER TRIM All interior trim, including headlining shall be clean, complete, properly fitted and free from cuts, tears or soiling

BOOT/LUGGAGE COMPARTMENT This should be empty, except for spare wheel, essential tools and first aid kit (to comply with Health and Safety and First Aid Regulations). The compartment should be clean and any covering free from major cuts, tears or other damage or staining

INTERIOR The interior must be kept clean, tidy and free of any water penetration or litter or other rubbish

VEHICLE EMISSIONS The vehicle must comply with the Motor Vehicle (Emission Test) Regulations

GLAZING All glazing should allow clear view of the passengers within the vehicle. All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front Windscreen 75, Front Side Windows 70, All other Windows 30. The lower the number the darker the tint

REQUIREMENTS RELATING TO HACKNEY CARRIAGE VEHICLES



TOWN POLICE CLAUSES ACT 1847 (“the 1847 act”)

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (“the 1976 act”)

APPLICATION

All applications will only be acceptable if they are made on the form provided for the purpose by the Council, such form to be completed online and signed electronically by the applicant. An application by the owner of the vehicle for change of vehicle or transfer of licence will only be considered after production of the vehicle registration document, MOT, Certificate of Compliance, (European whole vehicle type approved, if required), Insurance Certificate, valid annual taximeter calibration certificate and fee.

RENEWALS

Applications will only be accepted if they are made on the form provided for the purpose by the Council.

An application for renewal will only be considered upon receipt of the correct fee, the Vehicle Registration document, and any additional documents that are due to expire within the renewal period. This may include: Insurance, MOT, and compliance certificate. In addition, the expired vehicle plate must be returned to the Council in order to collect your replacement.

All fees must be paid at the time of renewal. ONLY FULL APPLICATIONS WILL BE ACCEPTED, any missing documents or elements will mean your application will be returned to you, without processing. Licenses will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made at least four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may be subject to an additional fee to cover administration costs.

FEE

The appropriate fee, paid in full, as prescribed from time to time by the Council, must accompany all applications.

DURATION OF LICENCE

All licences shall remain in force for a maximum of one year only, commencing from the date of the granting of the licence.

DUAL PLATING

No application shall be considered where the proposed vehicle is already licensed by another licensing authority.

TYPE OF VEHICLE

The Transport Act 1985 allows licensing authorities to regulate vehicle standards. Circular 8/86 accompanying the Transport Act, states that authorities will wish to ensure that vehicles are mechanically sound, roadworthy and safe. The following will be applied.

- Only vehicles holding or built to the standards required by the M1, M2 and M3 European whole vehicle type approval will be licensed.
- Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M classification or the enhanced single vehicle certificate together with the original M type approval certificate.

All licensed vehicles must be less than 7 years old (taken from the date of manufacture on the V5 document Book) when first licensed. Current licensed vehicles will be licensed until they reach 12 year of age.

Licensees of current licensed vehicles may apply for a 1 year extension annually. An application must be made in writing/by email no less than 30 days before the expiry of the license. The interior and exterior of vehicle must meet the Council's specification. The vehicle must have had a Certificate of Compliance within the last 3 months and will require inspection by one of the Council's approved garages, for which there will be a £25 administration charge.

- All new Hackney Carriage Vehicle Licence's issued shall be for a purpose built Hackney Carriage, capable of conveying a disabled person whilst seated in a wheelchair. The vehicle must be adapted or designed by the manufacturer or his agent, to carry at least one wheelchair bound passenger. Please check with the licensing office that the vehicle you intend to purchase meet the condition. Vehicles of a type currently licensed as a Hackney Carriage in London are acceptable.
- Other wheelchair accessible vehicles will be specifically approved by the council for use as Hackney Carriages, subject to them meeting the following minimum requirements;
- The wheelchair access should be available from the kerbside with the wheelchair facing forward and being secured to a CE type approved, manufacturer installed anchorage system for the chair. The passenger secured to a CE approved, manufacturer installed seat belt anchorage system
- Passenger door dimensions to be not less than the minimum currently required of Hackney Carriages in London.
- To improve access to disabled persons all Hackney carriages licensed in compliance with the wheelchair accessibility requirements may only be changed to vehicles that similarly meet that standard
- The vehicle must not be left hand drive
- The vehicle shall have at least four road wheels and a spare wheel or a canister of tyre inflator/repair kept on the vehicle
- The vehicle shall have three or four doors (a rear-opening hatch back will not be considered or counted as a door for the means of entry or egress, except that a multi-purpose vehicle may have a single sliding door to the left hand side of the vehicle)
- No vehicle shall be licensed which would require any passenger to climb over any luggage in the vehicle or climb into any boot space
- No vehicle shall be licensed which would require any seats to be moved to allow passengers to enter or exit the

- All seats must be fitted with seat belts
- The vehicle must be submitted for a mechanical test at a garage authorised by the Council and be inspected for suitability by the Council's Licensing Officer. A Certificate of Compliance with the standards required under the Road Traffic Act 1972, Sections 43 and 44 must be provided by the garage. In addition to those standards required by the MOT the items detailed in the attached form are required
- A Certificate of Compliance will be valid for 1 year from date of issue with the exception that where a vehicle reaches its 6th anniversary the certificate should only be valid for 6 months
- The vehicle should contain a portable foam or dry powder 1Kg capacity fire extinguisher. The extinguisher must conform to BS EN3 1996 Standard and should be mounted in a convenient position in the vehicle. The extinguisher shall be marked with the vehicle licence number
- A First Aid Kit complying with the Health and Safety (First Aid) Regulations 1981 should be carried in the vehicle. The kit shall be marked with the vehicle licence number
- The vehicle must be maintained to a high standard of appearance to the complete satisfaction of the Council, throughout the term of the vehicle license and be kept in the condition stated in the Standards for conditions of appearance of a Hackney Carriage vehicle.
- Hackney Carriage vehicles that have been converted to use Liquid Petroleum Gas and/or Compressed Natural Gas, require compliance with the Liquid Petroleum Gas Association's Code of Practice No.11.
- That a valid certificate certifying compliance with the standards of the Code of Practice No.11 be submitted with all new applications in respect of converted Private Hire and Hackney Carriage vehicles unless such vehicles were factory converted from new

SEATING CAPACITY

The seating capacity of any Hackney Carriage vehicle shall be calculated in accordance with the provisions of Regulation 44 of the Road Vehicles (Registration and Licensing) Regulations 2002, (SI 2002 No.2742) and the Council's decision shall be binding.

TESTING OF VEHICLES

A licence shall not be granted in respect of any vehicle unless such vehicle has a current Certificate of Compliance as detailed below, and a valid MOT certificate.

HACKNEY CARRIAGE OCCUPANCY PLATE

When licensed, the vehicle shall have an authorised occupancy plate fixed to the rear of the vehicle. The plate shall be securely and permanently fixed to the vehicle on or above the bumper and be clearly visible. The plate shall be secured to the vehicle by the use of a bracket. If a bracket is not suitable or practicable, then the plate shall be fixed with the aid of screws or bolts.

HACKNEY CARRIAGE LICENCE DISC

When licensed, the vehicle shall have an authorised occupancy disc. This is to be displayed in the front of the vehicle in such a way as to be clearly visible from the inside and the outside of the vehicle.

TAXIMETER

All Hackney Carriage vehicles shall be fitted with a taximeter installed by an authorised Taximeter company and so constructed, attached, and maintained as to comply with the following requirement:

- All new Hackney Carriage Vehicles shall require a calendar controlled tariff taximeter
- The taximeter shall be fitted with a key flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the meter
- Such key, flag or other device shall be capable of being locked in such a position indicating that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter
- When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the licensee or driver is entitled to demand and take for hire of the vehicle by distance in pursuance of the table of fares made by the Council in that behalf
- 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
- The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
- The taximeter shall be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at the request of the hirer
- The taximeter shall have connected thereto a roof sign bearing the words "TAXI" in accordance with paragraph 8 below and such sign shall be plainly visible and legible to persons wishing to hire the vehicle and for that purpose it shall be capable of being suitably illuminated when the vehicle is plying or standing for hire
- The taximeter and all its 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
- When the vehicle is standing or plying for hire or returning from another district the key flag or other device fitted with the taximeter shall be locked in the position in which no fare is recorded on the face of the taximeter
- Before beginning a journey for which a fare is to be charged for distance and time, the taximeter should be brought into action so that the word "HIRED" is legible on the face of the taximeter and the taximeter should be kept on until the hiring has terminated
- The taximeter and its fittings will be sealed by the installer
- The taximeter shall be calibrated and sealed by the taximeter company at first installation and then on an annual basis or when a seal is broken or missing or following a change to the Table of Fares. The Certificate of Compliance is to be provided by the taximeter

installer. A valid certificate should be produced on transfer, change or renewal of a licence.

SIGNS ETC

No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises Tobacco, Alcohol, a sex or a sex establishment, or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the licensing officer.

HACKNEY CARRIAGE DOOR SIGNS

As directed by the council the operator shall cause to be fixed and maintained to the front driver and passenger doors a prescribed sign bearing the words Hackney Carriage with the joint Thames Valley Police and Chiltern "Working together for a Safer Chiltern" logo. The sign shall also include the company name and contact details or the plate number on a white background.

ROOF SIGNS

The minimum sign dimensions for roof signs are 10" wide 5" deep and 4" high, there are no maximum measurements. The word TAXI only in black capital letters to be clearly legible on the front and rear side of the roof sign. The front of the sign must be white and the back red or white.

The sign must be illuminated when plying or available for hire during the hours of darkness and must be linked to the taximeter so that when a fare is being carried, the roof sign is not illuminated.

INSURANCE AND ROAD FUND LICENCE

All hackney carriage vehicles must be licensed and insured for Public Hire use. The insurance must be comprehensive and include legal liability for both passengers and luggage, and proof of insurance must be submitted with each application. If the insurance expires during the term of the licence, a new cover note or certificate of insurance must be produced to the licensing team.

CERTIFICATE OF COMPLIANCE

- A Certificate of Compliance will only be granted where a vehicle complies in all respects with the detailed standard set out in the in the main policy document.
- A Certificate of Compliance shall be valid for one year only from the date of issue; with the exception that a vehicle reaches the sixth anniversary of its registration the Certificate shall only be valid for six months.
- A Certificate of Compliance may only be issued by a Vehicle Testing Station designated by the Council.
- A current list of designated Vehicle Testing Stations will be available from the Council at all reasonable times and in any event will be issued with each set of application forms.

EXAMINATION OF VEHICLES

The Approved Officer may request that the vehicle is presented at King George V House, King George V Road, Amersham HP6 5AW at a time and date agreed for the purpose of establishing that the vehicle complies with the Council's requirements

DEPOSIT ON PLATE

A deposit will be required prior to the issue of a Hackney Carriage Vehicle Licence Plate and will be returnable upon the prompt return of the Licence Plate upon the expiry of the Vehicle Licence. The amount of the required deposit shall be notified by the Council to all applicants.

NB: Where a change of ownership occurs, the deposit will be refundable to the person surrendering the Licence Plate, not to the person who originally paid the deposit.

TAXI RANKS AND STANDS

Hackney Carriages will only operate from authorised ranks or stands, including 'shared' stands or ply the carriageway for hire or can be pre-booked.

SMOKING

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006. An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

CCTV IN VEHICLES

The licensee shall ensure that their licensed vehicle does not contain any facilities to record visual or audio sources without first obtaining authorisation from the licensing authority. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained in the Policy

APPEALS PROCEDURE

Any person aggrieved by refusal to grant a licence may appeal to the Magistrate's Court within 21 days of a decision being made.

STANDARDS FOR CONDITIONS OF APPEARANCE OF A HACKNEY CARRIAGE VEHICLE

The vehicle must comply with the following:-

RUST Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; any vehicle with visible rust patches should be failed.

DENTS Any vehicle with minor dents on one or more panels where such dents are more than 5 cm in diameter/length should be failed.

SCRATCHES Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5 cm in length, or a single scratch of more than 20cms in length, should be failed.

PAINTWORK All panels on all vehicles shall be painted in manufacturer's colour; panels with unmatched colours or in primer should be deemed as failures.

SEATS In conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 1220mm (48 inches) in width. All seats shall have a minimum of 410mm (16 inches) per person and in respect of seating comply with the Road Vehicle (Registration and Licensing) Regulations 2002. All seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. All seats must be kept clean and tidy and free from all extraneous matter.

CARPETS/FLOOR COVERING All carpets and floor covering shall be complete and free from cuts, tears, staining and soiling.

HEADLINING AND OTHER TRIM All interior trim, including headlining shall be clean, complete, properly fitted and free from cuts, tears or soiling.

BOOT/LUGGAGE COMPARTMENT This should be empty, except for spare wheel, essential tools and first aid kit, (to comply with Health and Safety and First Aid Regulations). The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

INTERIOR The interior must be kept clean, tidy and free of any water penetration or litter or other rubbish.

VEHICLE EMISSIONS The vehicle must comply with the Motor Vehicle (Emission Test) Regulations

ALL GLAZING All glazing should allow clear view of the passengers within the vehicle. All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front Windscreen 75, Front Side Windows 70, All other Windows 30. The lower the number the darker the tint.

LICENCE CONDITIONS RELATING TO PRIVATE HIRE DRIVERS



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (“the 1976 act”)

The following requirements and conditions are made by Chiltern District Council in pursuance of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

These conditions should be read in conjunction with the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.

DEFINITIONS

In these Conditions:

“the Application” shall mean the application made by the Licensee for the grant of the licence

“Authorised Officer” shall mean a Licensing Officer of the Council’s Health and Housing Division or any other officer authorised by the Head of Health and Housing

“the Council” shall mean Chiltern District Council

“the Hirer” shall mean any person or persons who from time-to-time hires or books the Vehicle

“the Licensee” shall mean the person(s) named in the Licence

“the Operator” shall mean any person or company or partnership licensed by the Council to operate private hire vehicles

“the Vehicle” shall mean any private hire vehicle licensed by the Council

GENERAL

The Licensee shall ensure that he or she complies in all respects with the requirements of any Act and Regulations affecting the operation of private hire vehicles and motor vehicles, these conditions and any Code of Practice implemented by the Council.

MAINTENANCE OF THE VEHICLE

The Licensee shall:

- Ensure that the Vehicle to be driven by him or her is in a roadworthy condition, thoroughly cleansed; all equipment fittings and fixtures are present and serviceable and comply with the conditions attached to the Licence relating to the Vehicle before commencement of any journey.

- Record details of checks and inspections in the record book provided by the proprietor of the vehicle.
- Report any defect discovered by the Licensee to the proprietor of the vehicle.

CONDUCT OF THE LICENSEE

The Licensee shall:

- at all times be clean and respectable in his or her dress, behave in a civil and orderly manner, and not use foul and abusive language
- shall confirm the name, destination, and method of payment with every passenger prior to commencing any journey
- take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- assist any passenger in gaining access to or from the vehicle
- assist any passenger with the loading and unloading of luggage into and out of the vehicle
- afford reasonable assistance in removing a passenger's luggage to or from the entrance of any house, station or place at which he or she may collect or set down a person
- unless otherwise directed by the Hirer, shall proceed to the destination requested by the Hirer by the shortest possible route
- not drive the vehicle without the written consent of the proprietor of the Vehicle
- not drink, eat, or play audio equipment in the vehicle without the express permission of the hirer
- shall ensure that no annoyance or disturbance is caused to residents or other road users whilst driving the vehicle
- not use the horn or lights of the vehicle or shout in order to signify to the Hirer or passengers that the Licensee is waiting for the Hirer or passengers
- not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user
- take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle
- comply with all road traffic law
- immediately notify the Council's Licensing Officer if he or she has knowingly conveyed a dead body in the Vehicle, and not drive the vehicle again until he or she has obtained written permission for the continued use of the vehicle
- not cause or permit the vehicle to stand in such a manner as to suggest that it is standing or otherwise plying for hire or that it is a hackney carriage
- not tout or solicit any person to hire or be carried in any private hire vehicle; and

- not cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle
- ensure that he or she does not drive a vehicle with more passenger capacity than their badge authorises
- not smoke or permit a passenger to smoke in the vehicle
- ensure that regulation “No Smoking” signs are prominently displayed on the front passenger window or dashboard and on the rear passenger window of the vehicle you are assigned. The sign to be an international “No Smoking” signs 70mm in diameter
- not initiate any dialogue of a “sexual” nature with a passenger. Licensed drivers are not permitted to become involved “sexually”, or have sexual contact with a passenger, with or without consent

TAXIMETER

If the vehicle to be driven by the Licensee is fitted with a taximeter, he or she shall not drive the vehicle as a private hire vehicle unless the taximeter is in working condition and has been sealed by a company with a calibration certificate being held by the Council. If the vehicle being driven by the Licensee is fitted with a taximeter, he or she shall not cause the fare recorded to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

The Licensee shall not tamper with or permit any person to tamper with any taximeter with which the Vehicle is fitted, with the fittings thereof, or with the seals affixed thereto. The Licensee shall ensure that when the vehicle is not in use the taximeter is switched off

WRITTEN RECEIPT

The Licensee shall, if requested by the hirer, provide a written receipt for the fare paid.

ACCIDENTS AND DAMAGE TO THE VEHICLE

The Licensee shall report to the Authorised Officer any accident (motoring or otherwise) involving the vehicle within 72 hours of the accident using the form issued by the Council. In the interests of public safety the Licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The Licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the Authorised Officer.

The Licensee shall report any damage materially affecting the safety, performance or appearance of the Vehicle to the Authorised Officer within 72 hours of the vehicle being damaged. In the interests of public safety the Licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The Licensee shall ensure that the vehicle is not used for hire until it has been inspected and approved by the Authorised Officer.

PROMPT ATTENDANCE

The Licensee, when it is agreed that the vehicle has been hired, shall be in attendance with the vehicle at the appointed time and place and shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place. Prior

to collecting the Hire the Licensee shall ensure that he or she is aware of the destination and how to reach the destination.

DRIVER'S IDENTITY BADGE

The Licensee shall wear or clearly display the driver's identity badge issued by the Council in a position where it may be seen at all times. The Licensee shall return the identity badge forthwith upon termination of the Licence, whether such termination is through suspension, surrender, revocation or normal expiry. A deposit shall be payable prior to the issue of the badge. This will be refunded only upon surrender of the licence.

PROXIMITY TO AN AUTHORISED RANK

The Licensee shall not be permitted to wait or park on the public highway within 75 metres of an authorised "Hackney Carriage" rank.

FARES AND FARE TABLE

- The driver shall not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter. The driver shall not demand any fare higher than that shown on the face of the taximeter.
- The Licensee shall cause any statement of fares provided by the Operator to be exhibited inside the Vehicle, in clearly distinguishable letters and figures.

SEAT BELTS

When driving the Vehicle it is recommended that the Licensee shall wear a seat belt at all times.

PASSENGERS

The Licensee shall not:-

- Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle
- Without the consent of the Hirer convey or permit to be conveyed any other person in the vehicle.
- Allow to be conveyed in the front of the vehicle:
 - Any child below the age of three years
 - More than one person above the age of three years
 - An infant in arms

The Licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

CARRIAGE OF ANIMALS

The Licensee shall not permit any animal belonging to or under the care of the Licensee or the driver to ride in the Vehicle when using the Vehicle for private hire. The Licensee or driver shall not refuse any request to carry an assistance/guide dog, accompanying a person with a disability unless the Licensee and/or driver has been exempted from this requirement

by the Council. The Licensee shall not refuse any reasonable request to carry an animal belonging to the Hirer in the rear of the Vehicle.

It is an offence to refuse to carry a Guide or Assistance dog (unless a medical exemption certificate is held)

PRIVATE HIRE VEHICLE OPERATOR

The Licensee shall not use the vehicle for private hire unless the bookings are invited and accepted by an Operator within the District. The Licensee shall ensure the Operator has a current private hire vehicle operator's licence issued by the Council.

The Licensee shall notify the Authorised Officer in writing of the name and address of the Operator he or she is permitted or employed to drive for within seven days from the date he or she commenced driving for that Operator. If the Licensee ceases driving for the Operator, he or she shall notify the Authorised Officer in writing that he or she has ceased driving for the Operator within seven days. If a driver ceases to work for an Operator, and does not immediately notify the Council of their new Operators details, they must return their drivers badge to the Council immediately. Any driver not employed or registered to an Operator upon the renewal of their licence shall be permitted to renew their licence, but their badge and licence will be retained by the Council until they find gainful employment with an Operator based within Chiltern District.

DEPOSIT OF LICENCE

The Licensee shall deposit his or her paper licence with the vehicle Licensee and Operator before commencing to drive the vehicle. The licence shall be retained by the Vehicle Licensee and Operator until such time as the driver ceases to drive that vehicle or cease to be registered/ employed by the Operator.

INSURANCE

The driver of a licensed vehicle shall ensure that he or she is covered by a valid fully comprehensive insurance policy for private hire purposes which includes legal liability for passengers before commencing to drive the vehicle and shall ensure that they do not act in any way which might invalidate the insurance. The Licensee shall on being requested to do so produce the insurance certificate to a Police Officer or the Authorised Officer.

LOST PROPERTY

The licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein. The Licensee shall take any property accidentally left in the vehicle or handed to him or her to a Police Station within the Chiltern District boundary (see main policy) and leave it in the custody of the officer in charge and obtain a receipt. Such property if not sooner claimed by the owner must be taken to a Police Station within 48 hours of the property being found.

INSPECTIONS

The Licensee shall not obstruct the Authorised Officer or any Police Officer from carrying out any inspection or test of the Vehicle.

MEDICAL FITNESS

The standard of medical examination as required by Chiltern District Council is that normally associated with a group II driver's licence.

All drivers are required to provide a certificate signed by their registered medical practitioner or practice to the effect that they are physically fit to be the driver of a taxi or private hire vehicle. This to be at first application and then every 5 years up to 45 years of age, every 3 years up to 65 years of age and thereafter every 12 months.

The licensing authority will follow the published Department of Transport "Best Practice" guidance (as updated from time to time) when considering the medical fitness of existing licence holders diagnosed with insulin dependent diabetes during the currency of their licence.

Where there is reasonable doubt over a driver's fitness, the authority may direct the driver for a medical examination by a specified registered medical practitioner at any time. The applicant is responsible for the payment of all fees required for any medical examination.

The Licensee shall notify the Authorised Officer in writing as soon as possible and in any event not later than fourteen days of any illness or injury affecting his or her fitness to drive in any way.

A driver may be subject to random drug and alcohol testing during the currency of their licence.

CONVICTIONS AND DVLA DRIVING LICENCE

The Licensee shall immediately (within 72 hours) disclose to the Authorised Officer in writing if they are arrested, cautioned or convicted of any offence (including motoring offences) during the currency of the Licence. The Licensee's representative must fulfil this requirement if the driver is detained. Fixed Penalty Notices shall be reported to the Authorised Officer in writing upon acceptance from the Police Officer, as opposed to when the driving licence has been updated.

The Licensee shall make his or her DVLA/EU driving licence available for inspection by the Operator, the Authorised Officer or a Police Officer upon request.

CHANGE OF PERSONAL DETAILS

The Licensee shall immediately notify the Authorised Officer in writing of any change in his or her personal details. Changes shall include, changes of address, name status, phone number, mobile number, and e-mail address.

COPY OF THE LICENCE AND CONDITIONS

The Licensee shall at times when driving the Vehicle carry with him or her a copy of the licence including these conditions and shall make it available for inspection by the Hirer, any other passenger, the Authorised Officer or a Police Officer upon request.

APPLICATIONS FOR RENEWAL OF THE LICENCE

Applications will only be acceptable if they are made on the online form provided for the purpose by the Council.

An application for renewal will only be considered upon receipt of the applicable fee, one passport-sized photograph and a full DVLA/EU driving licence including photo card and counterpart. Any additional documents that are due to expire within the renewal period **MUST ALSO** be presented at renewal. In addition, the expired drivers badge must be returned to the Council in order to collect your replacement badge. Additional medical, DBS enhanced disclosures and identity checks may be requested.

All fees must be paid at the time of renewal. **ONLY FULL APPLICATIONS WILL BE ACCEPTED**, any missing documents or elements will mean your application will be returned to you, without processing. Licences will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may be subject to an additional fee to cover administration costs.

SUSPENSION, REVOCATION, and REFUSAL TO RENEW LICENCE

Without prejudice to these Conditions, the Council may suspend, revoke or refuse to renew the Licence

The authority will have regard to the Taxi and Private Hire Enforcement Policy when making a decision to suspend, revoke, or refuse to renew a licence.

OTHER OFFENCES

The Licensee shall be guilty of an offence if he or she:

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

OFFENCE NOTIFICATION NOTICE

Any Licensee subject to formal enforcement action due to non-compliance with any relevant legislation or the conditions contained within this policy or due to committing an offence under any relevant legislation will be charged an administration fee. The amount of which is not to exceed £25.00. All charges must be cleared before an application to renew the licence shall be accepted.

VARIATION OF CONDITIONS

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

DELIVERY OF NOTICE

Any notice required to be served by the Council under this licence or under any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 shall be deemed to have been properly served if sent by pre-paid post to, or left at the last known address of, the holder of the licence.

CCTV IN VEHICLES

The licensee shall ensure that they do not drive a licensed vehicle with unauthorised facilities for recording visual or audio sources. All vehicles with an authorised CCTV system shall contain a certificate of authorisation. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained in Hackney Carriage and Private Hire Licensing Policy (available upon request)

RIGHT OF APPEAL

If aggrieved by any of these Conditions, the Licensee may appeal to a Magistrates' Court within twenty-one days of the issue of the Licence to the Licensee.

CHILTERN DISTRICT COUNCIL

BYELAWS



made under:

Section 68 of the Town Police Clauses Act 1847, and
Section 171 of the Public Health Act 1875

by the Chiltern District Council with respect to

Hackney Carriages in Chiltern District

INTERPRETATION

1. Throughout these byelaws "the Council" means the District Council of Chiltern and "the district" means the Chiltern District.

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 painted or marked on the outside and inside of the carriage, or on plates affixed thereto;
 - b) A proprietor or driver of a Hackney Carriage shall:
 - i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or 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 water-tight;
 - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - d) cause the seats to be properly cushioned or covered;

- e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
- f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public services;
- g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- j) 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.

THE PROPRIETOR OF A HACKNEY CARRIAGE SHALL CAUSE ANY TAXIMETER WITH WHICH THE CARRIAGE IS PROVIDED TO BE SO CONSTRUCTED, ATTACHED, AND MAINTAINED AS TO COMPLY WITH THE FOLLOWING REQUIREMENTS, THAT IS TO SAY:

- 4. a) the taximeter shall be fitted with a key, flag, or other device the operation of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the tariff fixed by the Council;
- d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
- e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- f) the taximeter and all the fittings thereof shall be so affixed to the carriage with 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.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

5. The driver of a Hackney Carriage provided with a taximeter shall:
 - a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of that hiring;
 - c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring: which is during the hours of darkness, this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer.
6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. 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.
8. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
9. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
10. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given him by the hirer, proceed to that destination by the shortest available route.
11. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number or persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
13. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading;

- c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES

- 14. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

- 15. a) The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the Council in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- b) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTLY LET IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

- 16. 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.
- 17. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
 - a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the district and leave it in the custody of the officer in charge of the station on his giving a receipt for it;
 - b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever be the greater) but not more than five pounds.

PENALTIES

- 18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

REPEAL OF BYELAWS

19. The byelaws relating to Hackney Carriages which were made by the former Chesham Urban District Council on the 14th day of March, 1950 and which were confirmed by one of the Principal Secretaries of State of His Late Majesty King George VI on the 16th day of May, 1950 are hereby repealed.
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On the 17th day of September 1986 The Common Seal of the Chiltern District Council was hereunto affixed in the presence of:

J A A CRESSWELL
Chairman

D G SAINSBURY
Chief Executive and Secretary

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 12th day of November, 1986.

Signed by authority of the
Secretary of State

P E PICKERING
An Assistant Secretary in the
Department of Transport on
behalf of the Secretary of State
for Transport

Department of Transport
LONDON SW1

31st October, 1986

I HEREBY CERTIFY that this is a true copy of the byelaws as confirmed by the Secretary of State, Department of Transport.

Dated this Twelfth day of November 1986

D G SAINSBURY
Chief Executive and Secretary



CONDITIONS RELATING TO HACKNEY CARRIAGE VEHICLES

TOWN POLICE CLAUSES ACT 1847 (“the 1847 act”)

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (“the 1976 act”)

Any requirement of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of the Hackney Carriage Vehicle Licence.

APPLICATIONS

All applications will only be acceptable if they are made on the form provided for the purpose by the Council, such form to be completed online and electronically signed by the applicant. An application will only be considered after production of the vehicle registration document, MOT, Certificate of Compliance, (European whole vehicle type approved, if required), Insurance Certificate, valid taximeter calibration certificate and fee

RENEWAL

Applications will only be acceptable if they are made on the form provided for the purpose by the Council.

An application for renewal will only be considered upon receipt of the applicable fee, and the production of the vehicle registration document. Any additional documents that are due to expire within the renewal period **MUST ALSO** be presented at renewal as necessary to demonstrate continuity of records. This may include; Insurance, MOT, compliance certificate, Valid Vehicle Excise Licence (Tax Disk), and if advised to do so an annual calibration certificate for the taximeter.

All fees must be paid at the time of renewal. **ONLY FULL APPLICATIONS WILL BE ACCEPTED**, any missing documents or elements will mean your application will be returned to you, without processing. Licenses will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may be subject to an additional fee to cover administration costs.

CHANGE OF VEHICLE OR TRANSFER OF LICENCE

An application by the licence holder for a change of vehicle or an application to transfer the licence will only be considered after production of the vehicle registration document, MOT, certificate of compliance, (European whole vehicle type approved, if required), insurance certificate, valid taximeter calibration certificate and the relevant fee. In the case of a transfer application a dated letter stating that the vehicle and the plate are being transferred from the current holder to the new owner is required. This letter must include the addresses, plate number, vehicle type and registration.

Please note a change of vehicle application, and a transfer of a vehicle licence can not take place at the same time.

FEE

The appropriate fee, paid in full, as prescribed from time to time by the Council, must accompany all applications. All outstanding fees and charges from previous licence year shall have been paid in full before any application is considered.

DURATION OF VEHICLE LICENCE

All licences shall remain in force for a maximum of one year, commencing from the date of the issue of the licence.

DUAL PLATING

No application shall be granted where the proposed vehicle is already licensed by another licensing authority.

TYPE OF VEHICLE

The Transport Act 1985 allows licensing authorities to regulate vehicle standards. Circular 8/86 accompanying the Transport Act, states that authorities will wish to ensure that vehicles are mechanically sound, roadworthy and safe. The following will be applied.

- Only vehicles holding or built to the standards required by the M1, M2 and M3 European whole vehicle type approval will be licensed.
- Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M classification or the enhanced single vehicle certificate together with the original M type approval certificate.

All licensed vehicles must be less than 7 years old (taken from the date of manufacture on the V5 document) when first licensed. Current licensed vehicles will be licensed until they reach 12 year of age.

Licensees of current licensed vehicles may apply for a 1 year extension annually. An application must be made in writing no less than 30 days before the expiry of the license. The interior and exterior of vehicle must meet the Council's specification. The vehicle must have had a Certificate of Compliance within the last 3 months and will require inspection by an approved garage, for which there will be a £25 administration charge

- All new Hackney Carriage Vehicle Licence's issued shall be for a purpose built Hackney Carriage, capable of conveying a disabled person whilst seated in a wheelchair. The vehicle must be adapted or designed by the manufacturer or his agent, to carry at least one wheelchair bound passenger. A list of vehicles deemed as being acceptable is available from the licensing office. Vehicles of a type currently licensed as a Hackney Carriage in London would be acceptable
- Other wheelchair accessible vehicles will be specifically approved by the council for use as Hackney Carriages, subject to them meeting the following minimum requirements;
 - The wheelchair access should be available from the kerbside with the wheelchair facing forward and being secured to a CE type approved, manufacturer installed anchorage system for the chair. The passenger secured to a CE approved, manufacturer installed seat belt anchorage system

- Passenger door dimensions to be not less than the minimum currently required of Hackney Carriages in London.
- To improve access to disabled persons all Hackney carriages licensed in compliance with the wheelchair accessibility requirements may only be changed to vehicles that similarly meet that standard.
- The vehicle must not be left hand drive
- The vehicle shall have at least four road wheels and a spare wheel or a canister of tyre inflator/repair kept on the vehicle
- The vehicle shall have three or four doors (a rear-opening hatch back will not be considered or counted as a door for the means of entry or egress, except that a multi-purpose vehicle may have a single sliding door to the left hand side of the vehicle)
- No vehicle shall be licensed which would require any passenger to climb over any luggage in the vehicle or climb into any boot space
 - No vehicle shall be licensed which would require any seats to be moved to allow passengers to enter or exit the vehicle
- All seats, front and rear and disabled must be fitted with seat belts
- The vehicle must be submitted for a mechanical test at a garage authorised by the Council and be inspected for suitability by the Council's Licensing Officer. A Certificate of Compliance with the standards required under the Road Traffic Act 1972, Sections 43 and 44 must be provided by the garage. In addition to those standards required by the MOT the items detailed in the attached form are required
- A Certificate of Compliance will be valid for 1 year from date of issue with the exception that where a vehicle reaches its 6th anniversary the certificate should only be valid for 6 months
- The vehicle should contain portable 1litre foam or dry powder 1Kg capacity fire extinguisher. The extinguisher must conform to BS EN3 1996 Standard and should be mounted in a convenient position in the vehicle. The extinguisher shall be marked with the licence number.
- A First Aid Kit complying with the Health and Safety (First Aid) Regulations 1981 should be carried in the vehicle. The kit shall be marked with the vehicle licence number
- The vehicle must be maintained to a high standard of appearance to the complete satisfaction of the Council, throughout the term of the vehicle license and be kept in the condition stated in the Standards for conditions of appearance of a Hackney Carriage vehicle.
- Hackney Carriage vehicles, that have been converted to use Liquid Petroleum Gas and/or Compressed Natural Gas, require compliance with the Liquid Petroleum Gas Association's Code of Practice No.11
- That a valid Certificate certifying compliance with the standards of the Code of Practice No.11 be submitted with all new applications in respect of converted Hackney Carriage vehicles unless such vehicles were factory converted from new

SEATING CAPACITY

The seating capacity of any Hackney Carriage vehicle shall be calculated in accordance with the provisions of Regulation 44 of the Road Vehicles (Registration and Licensing) Regulations 2002, (SI 2002 No.2742) and the Council's decision shall be binding.

HACKNEY CARRIAGE OCCUPANCY PLATE

- The vehicle shall have a VIP flexible occupancy plate, (which is not the same as the Hackney Carriage Vehicle Licence Disk), owned by the licensing authority, but provided at the Licensee's expense, which shall display the following:
 - the number of the licence granted in respect of the vehicle;
 - the maximum number of passengers that the vehicle can carry;
 - the expiry date of the licence granted in respect of the vehicle;
 - the words "Chiltern District Council Hackney Carriage";
 - the vehicle registration number of the Hackney Carriage it is assigned, and
 - any other information that the Council considers necessary
- The flexible plate mentioned in point one above shall be securely fixed into the VIP platform by the use of three clear pins, and one yellow harpoon tag, which shall be engaged into the platform so as not to be removable without being destroyed. The VIP Platform shall be securely attached by a bracket to the rear of the vehicle at all times. If this is not suitable or practicable, the plate shall be securely and permanently fixed to the rear of the vehicle, on or above the bumper by the use of screws or bolts, and be clearly visible. A magnet will not be considered securely fixed for the purposes of this condition. The Licensee shall ensure the plate is kept clean and is not wilfully or negligently concealed from public view whilst the vehicle is licensed.
- The Licensee shall ensure that the vehicle at all times throughout the period of licence, has this plate exhibited in the manner described above
- In the event of revocation or suspension and on the service of a notice under section 58, of 'the 1976 Act' or upon expiry of the licence, the Licensee shall return the said plate to the Council's Licensing Office within seven days
- The plate can be removed by the Licensing Officer or Police officer for reasons of gathering evidence under the Police and Criminal Evidence Act 1984 and will be returned when a photocopy of the plate is made

HACKNEY CARRIAGE LICENCE DISC

The vehicle shall for identification purposes be required to have a Hackney Carriage Licence Disc issued by the Council. The Hackney Carriage Licence Disc shall display:

- the number of the licence granted in respect of the vehicle;
 - the maximum number of passengers that the vehicle can carry;
 - the expiry date of the licence granted in respect of the vehicle;
 - the words "Chiltern District Council Hackney Carriage";
 - the vehicle registration number of the Hackney Carriage it is assigned to, and
 - any other information that the Council considers necessary
- The Hackney Carriage Licence disc shall be displayed in the front of the vehicle in such a position that it shall be clearly visible from both the inside and the outside of the vehicle. The Licensee shall ensure that it is not wilfully or negligently concealed from public view

- The Licensee shall ensure that no person uses or permits the use of the vehicle unless the Hackney Carriage Licence Disc issued is exhibited in the manner described under these conditions
- In the event of revocation or suspension and on the service of a notice under sections 58, 60 or 68 of 'the 1976 Act' or upon expiry of the licence, the Licensee shall return the said disc to the Council's Licensing Officer within seven days

TAXIMETER

- All Hackney Carriage vehicles shall be fitted with a taximeter installed by an authorised Taximeter company and so constructed, attached, and maintained as to comply with the following requirement:
- All new Hackney Carriage Vehicles shall require a calendar controlled tariff taximeter
- The taximeter shall be fitted with a key flag or other device, the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the meter
- Such key, flag or other device shall be capable of being locked in such a position indicating that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter
- When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the licensee or driver is entitled to demand and take for hire of the vehicle by distance in pursuance of the table of fares made by the Council in that behalf
- 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
- The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
- The taximeter shall be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at the request of the hirer
- The taximeter shall have connected thereto a roof sign bearing the words "TAXI" in accordance with paragraph 12 below and such sign shall be plainly visible and legible to persons wishing to hire the vehicle and for that purpose it shall be capable of being suitably illuminated when the vehicle is plying or standing for hire
- The taximeter and all its 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
- When the vehicle is standing or plying for hire or returning from another district the key flag or other device fitted with the taximeter shall be locked in the position in which no fare is recorded on the face of the taximeter

- Before beginning a journey for which a fare is to be charged for distance and time, the taximeter should be brought into action so that the word "HIRED" is legible on the face of the taximeter and the taximeter should be kept on until the hiring has terminated
- The Licensee shall ensure that the taximeter and its fittings will be sealed by the installer, and are not tampered with
- The taximeter shall be calibrated and sealed by the taximeter company at first installation and then within 1 month of any change to the Table of Fares, or when directed by the Head of Health and Housing, any authorised officer or Police officer to submit to calibration and testing of the Taximeter by a Taximeter installer. A calibration certificate stating that the taximeter is calendar controlled and conforms to the Chiltern District Council Table of Fares would be required in each of the above cases

SIGNS ETC

No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises Tobacco, Alcohol, a sex or a sex establishment, or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the licensing officer

HACKNEY CARRIAGE DOOR SIGNS

As directed by the council the operator shall cause to be fixed and maintained to the front driver and passenger doors a prescribed sign bearing the words Hackney Carriage with the joint Thames Valley Police and Chiltern "Working together for a Safer Chiltern" logo. The sign shall also include the company name and contact details or the plate number on a white background.

ROOF SIGNS

The minimum sign dimensions for roof signs are 10" wide 5" deep and 4" high, there are no maximum measurements. The word TAXI only in black capital letters to be clearly legible on the front and rear side of the roof sign. The front of the sign must be white and the back red or white.

The sign must be illuminated when plying or available for hire during the hours of darkness and must be linked to the taximeter so that when a fare is being carried, the roof sign is not illuminated.

PASSENGERS

The Licensee shall not:-

- Convey or permit to be conveyed in the Vehicle a greater number of persons than that prescribed in the licence for the vehicle
- Without the consent of the Hirer convey or permit to be conveyed any other person in the vehicle
- Allow to be conveyed in the front of the vehicle:
 - Any child below the age of three years

- More than one person above the age of three years
- An infant in arms

The Licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle

Should vehicles stop at “shared taxi stops” and display the “shared taxi” sign passengers using the hackney carriage will have deemed to have given implied consent for shared journeys

ALTERATION OF VEHICLE

No alterations in the specification, design or appearance of the vehicle shall be made without the written approval of the Licensing Officer.

RECORDS OF VEHICLE USE

Where more than one licensed driver has use of the Hackney Carriage, the licensee shall ensure that a record of usage is kept for the vehicle. This record shall include the name of the driver, the date of usage, and the start and end times of the individuals usage. It shall be kept inside the vehicle at all times, and made available to an authorised officer upon request

TRANSFER OF VEHICLE

- If the Licensee wishes to transfers his/her interest in the vehicle to a person they shall within 14 days inform the Licensing Officer, specifying the name and address of the person to whom the vehicle is being transferred
- The Council reserves the right to refuse to grant a licence to any person to whom a Hackney Carriage Vehicle is transferred
- Under no circumstances may the new owner use the vehicle as a licensed vehicle until the licence has been transferred to that person and all documentation and any necessary fees paid.

ACCIDENTS AND VEHICLE DAMAGE

The Licensee shall report to the Authorised Officer any accident (motoring or otherwise) involving the vehicle within 72 hours of the accident. This must be in writing. In the interests of public safety the Licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The Licensee shall ensure that the Vehicle is not used for hire until it has been inspected and approved by the Authorised Officer.

The Licensee shall report any damage materially affecting the safety, performance or appearance of the Vehicle to the Authorised Officer within 72 hours of the Vehicle being damaged. Should a Section 60 or 68 notice be issued the Licensee shall ensure that no further bookings are undertaken until the vehicle has been inspected, a compliance test certificate issued and approval gained from the Council's Licensing Officer.

INSURANCE AND ROAD FUND LICENCE

All hackney carriage vehicles must be licensed and insured for Public Hire use. The insurance must be comprehensive and include legal liability for both passengers and luggage, and proof of insurance must be submitted with each application. If the insurance expires during the term of the licence, a new cover not or certificate of insurance must be produced to the licensing team

- If a vehicle is temporarily removed from use as a Hackney Carriage Vehicle, the licensee (on notification and return of the disc and plate to the licensing Officer), can temporarily remove the vehicle from use on the public highway and its use as a Hackney Carriage vehicle thus removing the need to insure and document the vehicle for that period. The vehicle must not be used for private use during this time.
- A certificate of insurance must be provided to the authorised officer within 14 days of any such request.

MOT AND COMPLIANCE

- A Certificate of Compliance with the standards required under the Road Traffic Act 1972, Sections 43 and 44 must be provided by the garage. In addition to those standards required by the MOT the items detailed in the attached form are required.
- The licensing Officer may decide which garage the vehicle is to be taken for compliance testing. A second compliance test may be required in addition to the test submitted at licence renewal or 6 monthly inspection.
- The authorised officer may at all times have the power to inspect and test for the purpose of ascertaining its fitness and suitability, any Hackney Carriage and to require further testing and inspection.
- A Certificate of Compliance will be valid for 1 year from date of issue with the exception that where a vehicle reaches its 6th anniversary the certificate will only be valid for 6 months.
- An MOT Certificate is required once the vehicle reaches its first anniversary.

DEPOSIT ON LICENCE PLATE

A deposit will be required prior to the issue of a Hackney Carriage Vehicle Licence Plate and will be returnable upon the prompt return of the Licence Plate upon the expiry of the Vehicle Licence.

NB: Where a change of ownership occurs, the deposit will be refundable to the person surrendering the Licence Plate, not to the person who originally paid the deposit.

LOST PROPERTY

- The Licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein.
- The Licensee shall ensure that any property accidentally left, or found or handed to him in the vehicle will be, taken to a police station within 48 hours of it being found.

TABLE OF FARES

The licensee shall ensure a copy of the tables of fares as determined by the Council to be fixed inside the vehicle. The tables of fares should be clearly readable by the passenger.

CHANGE OF ADDRESS AND PERSONAL DETAILS

The licensee shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change-taking place. This shall include, name, address, telephone/mobile numbers and e-mail address.

PROPRIETOR TO HOLD DRIVERS LICENCE

Before the Licensee permits or employs another person to drive the vehicle as a Hackney Carriage, he shall, have retained the Hackney Carriage Licence. This shall be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. On cessation of service or employment the Licensee shall return the Hackney Carriage Driver's Licence to the driver.

The Licensee/Proprietor must also ensure the driver holds a current driving licence in respect of the number of passengers authorised on the vehicle licence/plate.

COPY OF VEHICLE LICENCE CONDITIONS

The Licensee shall ensure a copy of the Vehicle Licence conditions are maintained in the vehicle and makes them available for inspection by any authorised officer, the hirer or any passenger on request.

VALIDITY INSPECTIONS

Any Authorised Officer of the Council or a Police Constable shall have power at all reasonable times, to inspect and test for the purpose of ascertaining its fitness any Hackney Carriage or any taximeter fixed to such vehicle and to serve notice to require further inspection and testing if not so satisfied.

CONVICTIONS AND CAUTIONS

- The Licensee shall immediately (within 72 hours) disclose to the Licensing Officer in writing if they or any of their drivers are arrested, cautioned, or convicted of any offence (including motoring offences) during the period of this licence. A representative must fulfil this obligation if the licensee is detained by the Police. Fixed penalty notices must be declared when received not when the DVLA driving licence is updated.
- The Licensee shall ensure that any licensed driver employed by them in any capacity is made aware that they are required to disclose all the information contained in point (i) above to the vehicle licence holder during their period of employment.
- If the Licensee is a company or partnership section (i) applies equally to all directors or partners
- The Licensee shall make his or her DVLA driving licence available for inspection by an Authorised Officer of the Licensing Authority or a Police Officer upon request.

SUSPENSION, REVOCATION, and REFUSAL TO RENEW

The Council has the power on written notification (within 14 days) to suspend or revoke or refuse to renew a licence if;

- the vehicle is unfit for use as a hackney carriage or does not comply with the conditions of licence
- any offence or non-compliance with the 1847 Act, the byelaws made under the 1847 Act, or the 1976 Act
- any other reasonable cause

In addition to the above, the Council has the right to immediately suspend a licence if an officer finds the vehicle or taximeter to be unfit for use as a hackney carriage vehicle.

OFFENCE NOTIFICATION NOTICE

The Council has the power to charge fees not exceeding £25.00 for administration of and the control and supervision of hackney carriages. These charges are detailed in the enforcement policy and will be issued in accordance with the policy.

TAXI RANKS AND STANDS

Hackney Carriages will only operate from authorised ranks or stands, including “shared” stands or ply the carriageway for hire or can be pre-booked.

PAYMENT OF FEES AND CHARGES

All fees and charges for the previous year shall have been paid in full before application for a renewal of Hackney Carriage Vehicle Licence.

GIVING OF INFORMATION

Every proprietor shall within 7 days furnish on request the details, of any person who was authorised to drive the vehicle, to an authorised officer or to a police officer. The details would include the name and address of the person.

ASSISTANCE DOGS

All Hackney Carriage Vehicle Drivers are required to comply with Section 37 of the Disability Discrimination Act 1995 and Equality Act (2010) to carry assistance dogs assisting disabled persons and to do so without charge. Holders of exemption certificates must display the certificate in a prominent position.

It is an offence to refuse to carry a Guide or Assistance dog.

SMOKING

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006. An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

CCTV IN VEHICLES

The licensee shall ensure that their licensed vehicle does not contain any facilities to record visual or audio sources without first obtaining authorisation from the licensing authority. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained in Hackney Carriage and Private Hire Licensing Policy (available upon request)

APPEALS PROCEDURE

Any person aggrieved by any conditions specified in this license may appeal to the Magistrate's Court within 21 days of the decision being made.

STANDARDS FOR CONDITIONS OF APPEARANCE OF A HACKNEY CARRIAGE VEHICLE

The vehicle must comply with the following:-

RUST Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; Any vehicle with visible rust patches should be failed.

DENTS Any vehicle with minor dents on one or more panels where such dents are more than 5 cm in diameter/length should be failed.

SCRATCHES Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5 cm in length, or a single scratch of more than 20cms in length, should be failed.

PAINTWORK All panels on all vehicles shall be painted in manufacturer's colour; panels with unmatched colours or in primer should be deemed as failures.

SEATS In conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 1220mm (48 inches) in width. All seats shall have a minimum of 410mm (16 inches) per person and in respect of seating comply with the Road Vehicle (Registration and Licensing) Regulations 2002. All seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. All seats must be kept clean and tidy and free from all extraneous matter.

CARPETS/FLOOR COVERING All carpets and floor covering shall be complete and free from cuts, tears, staining and soiling.

HEADLINING AND OTHER TRIM All interior trim, including headlining shall be clean, complete, properly fitted and free from cuts, tears or soiling.

BOOT/LUGGAGE COMPARTMENT This should be empty, except for spare wheel, essential tools and first aid kit, (to comply with Health and Safety and First Aid Regulations. The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

INTERIOR The interior must be kept clean, tidy and free of any water penetration or litter or other rubbish.

VEHICLE EMISSIONS The vehicle must comply with the Motor Vehicle (Emission Test) Regulations

ALL GLAZING All glazing should allow clear view of the passengers within the vehicle. All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front Windscreen 75, Front Side Windows 70, All other Windows 30. The lower the nu

CONDITIONS RELATING TO PRIVATE HIRE VEHICLES



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 ("the 1976 act")

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

APPLICATIONS

All applications will only be acceptable if they are made on the form provided for the purpose by the Council, such form to be completed online and electronically signed by the applicant. An application will only be considered after production of the vehicle registration document, MOT, Certificate of Compliance, (European whole vehicle type approved, if required), Insurance Certificate, valid vehicle excise licence and fee.

RENEWAL

Applications will only be acceptable if they are made on the form provided for the purpose by the Council.

An application for renewal will only be considered upon receipt of the applicable fee, and the production of the vehicle registration document. Any additional documents that are due to expire within the renewal period **MUST ALSO** be presented at renewal as necessary to demonstrate continuity of records. This may include: Insurance, MOT, valid vehicle excise licence and compliance certificate. In addition, the expired vehicle plate must be returned to the Council in order to collect your replacement.

All fees must be paid at the time of renewal. **ONLY FULL APPLICATIONS WILL BE ACCEPTED**, any missing documents or elements will mean your application will be returned to you, without processing. Licenses will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made at least four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may be subject to an additional fee to cover administration costs.

CHANGE OF VEHICLE OR TRANSFER OF LICENCE

An application by the licence holder for a change of vehicle or an application to transfer the licence will only be considered after production of the vehicle registration document, MOT, certificate of compliance, (European whole vehicle type approved, if required), insurance certificate, valid vehicle excise licence, valid annual taximeter calibration certificate and the relevant fee. In the case of a transfer application a dated letter stating that the vehicle and the plate are being transferred from the current holder to the new owner. This letter must include addresses, plate number, vehicle type and registration.

Please note a change of vehicle application, and a transfer of a vehicle licence can not take place at the same time.

FEE

The appropriate fee, paid in full, as prescribed from time to time by the Council, must accompany all applications. All outstanding fees and charges from previous licence year shall have been paid in full before any application is considered.

DURATION OF VEHICLE LICENCE

All licences shall remain in force for a maximum of one year, commencing from the date of the issue of the licence.

DUAL PLATING

No application shall be granted where the proposed vehicle is already licensed by another licensing authority.

TYPE OF VEHICLE

The Transport Act 1985 allows licensing authorities to regulate vehicle standards. Circular 8/86 accompanying the Transport Act, states that authorities will wish to ensure that vehicles are mechanically sound, roadworthy and safe. The following will be applied.

- Only vehicles holding or built to the standards required by the M1, M2 and M3 European whole vehicle type approval will be licensed.
- Any converted vehicles will be required to hold the appropriate low volume type approval certificate in the M classification or the enhanced single vehicle certificate together with the original M type approval.
- The vehicle must be maintained throughout the term of the Private Hire Vehicle license, to a high standard of appearance to the complete satisfaction of the Council, and kept in the condition stated in the Standards for conditions of appearance of a Private Hire vehicle.

All licensed vehicles must be less than 7 years old (taken from the date of manufacture on the V5 document) when first licensed. Current licensed vehicles will be licensed until they reach 12 year of age

Licensees of current licensed vehicles may apply for a 1 year extension annually. An application must be made in writing no less than 30 days before the expiry of the license. The interior and exterior of vehicle must meet the Council's specification. The vehicle must have had a Certificate of Compliance within the last 3 months and will require inspection by an approved garage, for which there will be a £25 administration charge

- The vehicle must not be left hand drive, except in the case of purpose built stretch-limousines (see Limousine and Novelty Vehicle policy)
- The vehicle shall have at least four road wheels and a spare wheel or a canister of tyre inflator/repair kept on the vehicle.
- The vehicle shall have three or four doors (a rear-opening hatch back will not be considered or counted as a door for the means of entry or egress, except that a multi-purpose vehicle may have a single sliding door to the left hand side of the vehicle).
- An exception can be made in the case of a vehicle licensed to carry only 1 passenger where a 2 door vehicle would suffice.

- No vehicle shall be licensed which would require any passenger to climb over any luggage in the vehicle or climb into any boot space.
- All seats, front and rear must be fitted with seat belts.
- The vehicle must be submitted for a mechanical test at a garage authorised by the Council and may be inspected for suitability by the Council's Licensing Officer. A Certificate of Compliance with the standards required under the Road Traffic Act 1972, Sections 43 and 44 must be provided by the garage. In addition to those standards required by the MOT the items detailed in the attached form are required.
- The Council's Licensing Officer may direct the vehicle to be inspected in accordance with the Certificate of Compliance at a specific testing station
- A Certificate of Compliance will be valid for 1 year from date of issue with the exception that where a vehicle reaches its 6th anniversary the certificate should only be valid for 6 months
- The vehicle should contain a portable dry powder 1Kg capacity fire extinguisher. The extinguisher must conform to BS EN3 1996 Standard, and should be mounted in a convenient position in the vehicle. The extinguisher shall be marked with the Hackney Carriage/Private Hire vehicle license number
- A First Aid Kit complying with the Health and Safety (First Aid) Regulations 1981 should be carried in the vehicle. The kit to be marked with the Private Hire vehicle license number
- Private Hire vehicles, that have been converted to use Liquid Petroleum Gas and/or Compressed Natural Gas, require compliance with the Liquid Petroleum Gas Association's Code of Practice No.11.
- That a valid Certificate certifying compliance with the standards of the Code of Practice No. 11 be submitted with all new applications in respect of converted Private Hire vehicles unless such vehicles were factory converted from new.

SEATING CAPACITY

The seating capacity of any Private Hire vehicle shall be calculated in accordance with the provisions of Regulation 44 of the Road Vehicles (Registration and Licensing) Regulations 2002, (SI 2002 No. 2742) and the Council's decision shall be binding.

PRIVATE HIRE OCCUPANCY PLATE

- The vehicle shall have a VIP flexible occupancy plate, (which is not the same as the Private Hire Vehicle Licence Disk), owned by the licensing authority, but provided at the Licensee's expense, which shall display the following:
 - the number of the licence granted in respect of the vehicle;
 - the maximum number of passengers that the vehicle can carry;
 - the expiry date of the licence granted in respect of the vehicle;
 - the words "Chiltern District Council Private Hire";
 - the vehicle registration number of the Private Hire it is assigned, and
 - any other information that the Council considers necessary.
- The flexible plate mentioned in point one above shall be securely fixed into the VIP platform by the use of three clear pins, and one yellow harpoon tag, which shall be

engaged into the platform so as not to be removable without being destroyed. The VIP Platform shall be securely attached by a MOGO or VIP bracket to the rear of the vehicle at all times. If this is not suitable or practicable, the plate shall be securely and permanently fixed to the rear of the vehicle, on or above the bumper by the use of screws or bolts, and be clearly visible. A magnet will not be considered securely fixed for the purposes of this condition. The Licensee shall ensure the plate is kept clean and is not wilfully or negligently concealed from public view whilst the vehicle is licensed.

- The Licensee shall ensure that the vehicle at all times throughout the period of licence, has this plate exhibited in the manner described above.
- In the event of revocation or suspension and on the service of a notice under sections 58, of 'the 1976 Act' or upon expiry of the licence, the Licensee shall return the said plate to the Council's Licensing Officer within seven days.
- The plate can be removed by the Licensing Officer or Police officer for reasons of gathering evidence under the Police and Criminal Evidence Act 1984 and will be returned when a photocopy of the plate is made.

PRIVATE HIRE LICENCE DISC

- The vehicle shall for identification purposes be required to have a Private Hire Licence Disc issued by the Council. The Private Hire Licence Disc shall display:
 - the number of the licence granted in respect of the vehicle;
 - the maximum number of passengers that the vehicle can carry;
 - the expiry date of the licence granted in respect of the vehicle;
 - the words "Chiltern District Council Private Hire";
 - the vehicle registration number of the Private Hire it is assigned to, and
 - any other information that the Council considers necessary.
- The Private Hire Licence disc shall be displayed in the front of the vehicle in such a position that it shall be clearly visible from both the inside and the outside of the vehicle. The Licensee shall ensure that it is not wilfully or negligently concealed from public view.
- The Licensee shall ensure that no person uses or permits the use of the vehicle unless the Private Hire Licence Disc issued is exhibited in the manner described under these conditions.
- In the event of revocation or suspension and on the service of a notice under sections 58, 60 or 68 of 'the 1976 Act' or upon expiry of the licence, the Licensee shall return the said disc to the Council's Licensing Officer within seven days.

SIGNS ETC.

No sign, notice, advertisement, plate, mark, letters, figures, symbols, emblems or devices shall be used, if it contains anything of a religious or political nature or advertises Tobacco, Alcohol, a sex or a sex establishment, or contains any matter likely to cause offence. Approval on the type and extent of the advertising should be sought from the licensing officer.

No signs or advertising containing the word "TAXI" will be permitted on any Private Hire vehicle.

PRIVATE HIRE SIGNS

A roof sign is not permitted.

As directed by the council the operator shall cause to be a fixed and maintained to the exterior of the vehicle a prescribed sign bearing the word "Private Hire – Advance Bookings Only" on the front driver and passenger doors. The sign shall also include the vehicle plate number and Chilterns crest on a yellow background.

Exceptions from this requirement may be allowed (see below)

EXECUTIVE HIRE

Applicants who require an executive plate will need to meet the following criteria;

- Be smartly dressed at all times when working as a licensed driver
- Have no advertising on or in the vehicle

PASSENGERS

The Licensee shall not:-

- Convey or permit to be conveyed in the Vehicle a greater number of persons than that prescribed in the licence for the vehicle
- Without the consent of the Hirer convey or permit to be conveyed any other person in the vehicle
- Allow to be conveyed in the front of the vehicle:
 - Any child below the age of three years
 - More than one person above the age of three years
 - An infant in arms

The Licensee shall ensure that all passengers between three and twelve years of age or 135cm in height wear an appropriate child restraint to travel in the front of a vehicle. If not available, these passengers must use an adult seat belt in the rear of the vehicle.

ALTERATION OF VEHICLE

No alterations in the specification, design or appearance of the vehicle shall be made without the written approval of the Licensing Officer.

TRANSFER OF THE VEHICLE

- If the Licensee wishes to transfers his/her interest in the vehicle to a person they shall within 14 days inform the Licensing Officer, specifying the name and address of the person to whom the vehicle is being transferred.
- The Council reserves the right to refuse to grant a licence to any person to whom a Private Hire Vehicle is transferred.
- Under no circumstances may the new owner use the vehicle as a licensed vehicle until the licence has been transferred to that person and all documentation and any necessary fees paid.

ACCIDENTS AND VEHICLE DAMAGE

The Licensee shall report to the Authorised Officer any accident (motoring or otherwise) involving the Vehicle within 72 hours of the accident. This must be in writing. In the interests of public safety the Licensee of any vehicle involved in an accident will be required to submit a compliance certificate to the Council. The Licensee shall ensure that the Vehicle is not used for hire until it has been inspected and approved by the Authorised Officer.

The Licensee shall report any damage materially affecting the safety, performance or appearance of the Vehicle to the Authorised Officer within 72 hours of the Vehicle being damaged. Should a Section 60 or 68 notice be issued the Licensee shall ensure that no further bookings are undertaken until the vehicle has been inspected, a compliance test certificate issued and approval gained from the Council's Licensing Officer.

INSURANCE AND ROAD FUND LICENCE

All Private Hire Vehicles must be licensed and insured for Private Hire use. Such insurance must be comprehensive and continuous and include legal liability for passengers and luggage. Proof of insurance must be submitted with each application for a licence and where it expires during the term of the licence a new certificate or cover note must be supplied to the Licensing team

- If a vehicle is temporarily removed from use as a Private Hire Vehicle, the licensee on notification and return of the disc and plate to the licensing Officer, the vehicle can be temporarily removed from the public highway and its use as a private hire vehicle thus removing the need to insure and document the vehicle for that period. The vehicle must not be used for private use during this time.
- A certificate of insurance must be provided to the authorised officer within 14 days of any such request

MOT AND COMPLIANCE

- A Certificate of Compliance with the standards required under the Road Traffic Act 1972, Sections 43 and 44 must be provided by the garage. In addition to those standards required by the MOT the items detailed in the attached form are required
-
- The licensing Officer may decide which garage the vehicle is to be taken for compliance testing. A second compliance test may be required in addition to the test submitted at licence renewal or 6 monthly inspection.
- The authorised officer may at all times have the power to inspect and test for the purpose of ascertaining its fitness and suitability any Private Hire Vehicle, and to require further testing and inspection.
- A Certificate of Compliance will be valid for 1 year from date of issue with the exception that where a vehicle reaches its 6th anniversary the certificate should only be valid for 6 months.
- An MOT Certificate is required once the vehicle reaches its first anniversary.

DEPOSIT ON LICENCE PLATE

A deposit will be required prior to the issue of a Private Hire Vehicle Licence Plate, and will be returnable upon the prompt return of the Licence Plate upon the expiry of the Vehicle Licence.

NB: Where a change of ownership occurs, the deposit will be refundable to the person surrendering the Licence Plate, not to the person who originally paid the deposit.

LOST PROPERTY

- The Licensee shall ensure that, immediately after the termination of any hiring or as soon as practicable thereafter, the vehicle is searched thoroughly for any property which may have been accidentally left therein.
- The Licensee shall ensure that any property accidentally left, or found or handed to him in the vehicle will be, taken to a police station within 48 hours of it being found.

CHANGE OF ADDRESS AND PERSONAL DETAILS

The licensee shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change-taking place. This shall include, name, address, telephone/mobile numbers and e-mail address.

PROPRIETOR TO HOLD DRIVERS LICENCE

Before the Licensee permits or employs another person to drive the vehicle as a Private Hire, he shall, have retained the Drivers Licence. This shall be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. On cessation of service or employment the Licensee shall return the Drivers Licence to the driver.

The Licensee/ Proprietor must also ensure the driver holds a current driving licence in respect of the number of passengers authorised on the vehicle licence/plate.

COPY OF VEHICLE LICENCE CONDITIONS

The Licensee shall ensure a copy of the Vehicle Licence conditions are maintained in the vehicle and makes them available for inspection by any authorised officer, the hirer or any passenger on request.

VALIDITY INSPECTIONS

Any Authorised Officer of the Council or a Police Constable shall have power at all reasonable times to inspect and test for the purpose of ascertaining its fitness any Private Hire and to serve notice to require further inspection and testing if not so satisfied.

CONVICTIONS AND CAUTIONS

- The Licensee shall immediately (within 72 hours) disclose to the Licensing Officer in writing if they or any of their drivers are arrested, cautioned, or convicted of any offence (including motoring offences) during the period of this licence. A representative must fulfil this obligation if the licensee is detained by the Police. Fixed penalty notices must be declared when received not when the DVLA driving licence is updated.

- The Licensee shall ensure that any licensed driver employed by them in any capacity is made aware that they are required to disclose all the information contained in point (i) above to the vehicle licence holder during their period of employment.
- If the Licensee is a company or partnership section (i) applies equally to all directors or partners
- The Licensee shall make his or her DVLA driving licence available for inspection by the Operator, the Authorised Officer or a Police Officer upon request.

SUSPENSION, REVOCATION, AND REFUSAL TO RENEW

The Council has power to suspend or revoke or refuse to renew a licence if:

- the vehicle is unfit for use as a private hire vehicle or does not comply with the conditions of the licence;
- any offence or non-compliance with the conditions of the 1976 Act by the licensee or driver;
- any other reasonable cause

In addition to the above, the Council has the right to immediately suspend a licence if an officer finds the vehicle or taximeter to be unfit for use as a private hire vehicle.

OFFENCE NOTIFICATION NOTICE

The Council has the power to charge fees not exceeding £25.00 for administration of and the control and supervision of Private Hire vehicles. These charges are detailed in the enforcement policy and will be issued in accordance with the policy.

RESIDENTIAL QUALIFICATION

The operator of any Private Hire Vehicle must reside or maintain an office within the area of the Chiltern District Council for a period of the licence.

PRIVATE HIRE VEHICLES MAY NOT OPERATE FROM TAXI RANKS AND STANDS

- Private Hire Vehicles may not operate from Hackney Carriage ranks or stands or ply the carriageway for hire but must be pre-booked.
- Private Hire Vehicles may not wait or park on the public highway within 75 metres of an authorised rank.

PAYMENT OF FEES AND CHARGES

All fees and charges for the previous year shall have been paid in full before application for a renewal of Private Hire Licence.

GIVING OF INFORMATION

Every proprietor shall within 7 days furnish on request the details, of any person who was authorised to drive the Private Hire Vehicle, to an authorised officer or to a police officer. The details would include the name and address of the person.

ASSISTANCE DOGS

All Private Hire Vehicle Drivers are required to comply with Section 37 of the Disability Discrimination Act 1995 and Equality Act (2010) requiring them to carry assistance dogs

assisting disabled persons and to do so without charge. Holders of exemption certificates must display the certificate in a prominent position.

It is an offence to refuse to carry a Guide or Assistance dog.

SMOKING

It is prohibited for anyone (driver or passenger) to smoke within the vehicle at any time. Appropriate signage must be displayed inside the vehicle in accordance with the Health Act 2006. An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

CCTV IN VEHICLES

The licensee shall ensure that their licensed vehicle does not contain any facilities to record visual or audio sources without first obtaining authorisation from the licensing authority. Any proposed CCTV system must satisfy the requirements of the CCTV conditions contained in the Hackney Carriage and Private Hire Licensing Policy.

APPEALS PROCEDURE

Any person aggrieved by any conditions specified in this license may appeal to the Magistrate's Court within 21 days of the decision being made.

STANDARDS FOR CONDITIONS OF APPEARANCE OF A PRIVATE HIRE VEHICLE

The vehicle must comply with the following:-

- (a) **RUST** Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; Any vehicle with visible rust patches, should be failed.
- (b) **DENTS** Any vehicle with minor dents on one or more panels where such dents are more than 5 cm in diameter/length should be failed.
- (c) **SCRATCHES** Any vehicle with un-repaired scratches down to bare metal on three or more panels, of 5 cm in length, or a single scratch of more than 20cms in length, should be failed.
- (d) **PAINTWORK** All panels on all vehicles shall be painted in manufacturer's colour; panels with unmatched colours or in primer should be deemed as failures.
- (e) **SEATS** In conventional vehicles where it is intended that the licence be for four passengers, the rear seat must be at least 1220mm (48 inches) in width. All seats shall have a minimum of 410mm (16 inches) per person and in respect of seating comply with the Road Vehicles (Registration and Licensing) Regulations 2002. All seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs must have been carried out in a professional and neat manner. All seats must be kept clean and tidy and free from all extraneous matter.
- (f) **CARPETS/FLOOR COVERING** All carpets and floor covering shall be complete and free from cuts, tears, staining and soiling

- (g) **HEADLINING AND OTHER TRIM** All interior trim, including headlining shall be clean, complete, properly fitted and free from cuts, tears or soiling.
- (h) **BOOT/LUGGAGE COMPARTMENT** This should be empty, except for spare wheel, essential tools and first aid kit, (to comply with Health and Safety and First Aid Regulations). The compartment should be clean and any covering free from major cuts, tears or other damage or staining.
- (i) **INTERIOR** The interior must be kept clean, tidy and free of any water penetration or litter or other rubbish.
- (j) **VEHICLE EMISSIONS** The vehicle must comply with the Motor Vehicle (Emission Test) Regulations
- (k) **GLAZING** All glazing should allow clear view of the passengers within the vehicle. All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front Windscreen 75, Front Side Windows 70, All other Windows 30. The lower the number the darker the tint. Exceptions may be made for Limousines.

Non Standard Private Hire Vehicle Conditions for Stretched Limousine, and Novelty Vehicles



A limousine, or other novelty vehicle capable of carrying no more than 8 passengers for hire or reward is a private hire vehicle, and all other interpretations, policies and conditions relevant to licensed private hire vehicles also apply, except where described below:-

- 1 For the purposes of this policy and licence conditions, a stretched limousine is defined as a luxurious vehicle that has been modified (stretched) to extend the length of the vehicle. The stretch shall not exceed 120 inches (measured between the rear edge of the front door and the front edge of the rear door). The vehicle shall be capable of carrying up to, but not exceeding eight seated passengers. Each passenger seating area will be at least 400mm wide.
- 2 For the purposes of this policy, a novelty vehicle shall be defined as follows:-
 - a) any vehicle that has been specially constructed, adapted or converted by a low volume specialist vehicle manufacturer or modifier;
 - b) any vehicle that has been specially modified from its original design specification;
 - c) that is capable of carrying up to but not exceeding 8 passengers;
 - d) vehicles intended for the carriage of fare paying passengers that, prior to the introduction of this policy/conditions, would not be licensed by the Authority as a private hire vehicle because they did not comply with one or more of the standard conditions relating to Private Hire Vehicles
 - e) any vehicle that, in the opinion of the Licensing Officer, because of its specialist design/styling or origin or age is required to be classed as a Novelty Vehicle.

3 Age of Vehicle

Stretch limousines and other Novelty Vehicles are not subject to an age limit and will be licensed provided the vehicle presented meets all of the Council's other criteria in terms of appearance and maintenance.

4 Licence Plates

The vehicle licence plate must be kept in the boot of the vehicle at all times whilst the vehicle is licensed as a private hire vehicle. The internal plate must be displayed in the front windscreen at all times so that the details are clearly visible.

5 Driver

Only a licensed private hire driver is permitted to drive the vehicle whilst it is licensed. The driver must ensure that they wear or clearly display their Council-issued identity badge in a prominent position at all times whilst working or driving the vehicle.

The driver shall at all times be clean and respectable in their dress and behave in a civil and orderly manner.

6 Signs etc.

No sign, notice, advertisement or emblems shall be used or displayed on, in or from the vehicle other than those legally required, those contained within these conditions, or any authorised company details.

Approval of the type of advertising should be sought from the Licensing Team and written authorisation must be obtained prior to use. No signs or advertising containing the word "TAXI" or "CAB" will be permitted on any private hire vehicle.

7 Application Procedure

In relation to stretch limousines and novelty vehicles the following must be provided on application (this is in addition to the requirements for a standard Private Hire vehicle);

- a) Single Vehicle Approval Certificate
- b) Documentation to confirm the overall weight of the vehicle
- c) The Vehicle identification Number (VIN) plate must display '1L1' to confirm that the conversion has been completed by an authorised dealer. This will be confirmed by inspection prior to any licence being issued.
- d) Completed importation document (where applicable)
- e) V5 vehicle registration

The licence shall remain in force for one year

8 Passengers and Passenger Safety

- a) The proprietor shall not permit the Limousine/Novelty Vehicle to be used to carry a greater number of passengers than the number prescribed in the licence.
- b) Passengers will not be carried in the front of the vehicle.
- c) All passengers must remain seated at all times when the vehicle is in motion.
- d) The proprietor of the vehicle must:
 - i) Provide sufficient means by which any person in the vehicle may communicate with the driver.
 - ii) Ensure that the interior of the vehicle is kept wind and watertight.

- iii) Ensure that the seats in the passenger compartment are kept properly cushioned and covered.
- iv) Ensure that the floor in the passenger compartment is provided with a proper carpet, mat or other suitable covering.
- v) Provide at least two doors for use of persons conveyed in Limousine/Novelty Vehicle and a separate means of ingress and egress for the driver.
- vi) Ensure that the interior and exterior of the Limousine/Novelty Vehicle is kept in a clean condition.
- vii) Ensure that seatbelts are fitted to all forward and rear facing seats. In accordance with Construction and Use Regulations, where seat belts are fitted they must be worn by passengers at all times when the vehicle is in motion.
- viii) Ensure that no seat is required to be moved to allow any passenger to enter or exit the vehicle
- ix) Ensure that an approved first aid kit will be carried in the vehicle at all times
- x) Report to the Council any alteration in the design of the vehicle, whether to the machinery or to the body. The Council may require the proprietor to submit the vehicle for further examination.

9 Interior Lighting

There shall be maintained in the vehicle adequate internal lighting to enable passengers to enter and leave the vehicle with safety.

10 Maximum Stretch

The maximum length of a limousine "stretch" shall not exceed 120 inches [3048 millimetres].

11 Left and right hand drive vehicles

Both left and right hand drive vehicles will be considered for licensing as private hire vehicles.

12 Tyres and Road Wheels

The vehicle shall be equipped with a minimum of 4 road wheels and 1 full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer.

13 Windows

The front windscreen shall allow a minimum level of 75% light transmittance and the front driver and passenger windows shall allow a minimum level of 70% light transmittance.

14 Decommissioned Vehicle Markings

Novelty Vehicles based on decommissioned Military or Emergency Response vehicles must have all official marking or lights removed. Any colour scheme must be of a contrast to the original colour scheme and to that of any previous or current military or emergency response vehicles.

15 Roof Racks

Without prejudice to any other conditions in the Licence, a roof rack or any other device for storing luggage shall not be installed or maintained on any part of the vehicle except with the approval of the Council.

16 Exemption Notice for Displaying a Licence Plate / Door Stickers

A certificate exempting the vehicle from displaying a licence plate and Council issued door stickers will be issued by the Council. This certificate must be carried in the vehicle at all times and be available for inspection on request by an authorised officer of the Council or a police constable.

17 Convictions

The Licensee and/or the Proprietor shall within 72 hours, disclose to the Licensing Officer in writing if they are arrested, charged, cautioned or convicted of any offence (including motoring offences) during the currency of the Licence. The Licensee's/Proprietor's representative must fulfil this requirement if the driver is detained. The Licensee/Proprietor must also notify the authorised officer in writing if they become aware that one of their driver's has been arrested, cautioned, or convicted of any offence (including motoring offences) during the currency of the Licence. Fixed Penalty Notices shall be reported to the Authorised Officer in writing upon acceptance from the Police Officer, as opposed to when the driving licence has been updated.

18 Insurance

The Council will require proof that the vehicle is insured during the period of the licence and on request by an Authorised Officer the proprietor shall produce, within 5 working days, a current insurance certificate/cover note for private hire purposes. Failure to produce proof of insurance as detailed above may result in the suspension of the licence.

The proprietor is advised that they should, following the expiry of an insurance certificate/cover note, provide a current insurance policy to the Council

19 Touting

No person shall tout, solicit or approach any person to encourage them to be carried in the vehicle.

20 Alcohol

Alcoholic drinks provided in the vehicle shall be available only under the terms of an appropriate licence relating to the sale and supply of alcohol.

Alcohol shall only be consumed while the vehicle is stationary and the bottle shall immediately afterwards be placed in a secure receptacle.

If all of the passengers are below the age of 18, there shall be no alcohol in the vehicle for consumption or otherwise.

Any glassware used in the vehicle must be made of shatterproof glass or plastic.

21 Licensing Act 2003

The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.

The limousine operator shall ensure that a performing rights licence is held where appropriate.

A Premises Licence will be required for the provision of any form of regulated entertainment within the scope of the Licensing Act 2003 when the vehicle is parked.

22 The vehicle shall be maintained in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim or seating.

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

DRIVER AND OPERATOR LICENSING REQUIREMENTS

In addition to the limousine being licensed as a Private Hire Vehicle with Chiltern District Council, the limousine Operator is required to hold a Private Hire Operators' Licence with Chiltern District Council.

All bookings for a limousine licensed as a Private Hire Vehicle must be booked through the licensed Private Hire Operator. Once licensed as a Private Hire Vehicle the limousine can only be driven by a Licensed Private Hire Driver who is also licensed by Chiltern District Council.

Details in respect of applications for Private Hire Drivers' Licences and Private Hire Operators' Licences can be obtained from the Licensing Team.

RIGHTS OF APPEAL

The Local Government (Miscellaneous Provisions) Act 1976 sections 48 and 77 detail an applicant's right of Appeal. In general terms where an applicant is aggrieved by the Council's decision to refuse to grant a Private Hire Vehicle Licence or by any conditions imposed on a Private Hire Licence the applicant has a right of Appeal to Magistrate's Court within 21 days of the applicant being notified of the Council's decision.

VEHICLE TESTING STATIONS

Licensed stretch limousines must be submitted for testing at six monthly intervals, to the appropriate Class MOT standard from a testing station nominated by the Licensing Team.

CONDITIONS RELATING TO PRIVATE HIRE OPERATORS



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 ("The 1976 act")

An operator makes provision for the invitation or acceptance of bookings for a Private Hire Vehicle.

Any legislative requirement shall be regarded as if they are conditions of the Private Hire Operators Licence. In determining what matters should be considered for a person to be a Fit and Proper Person to be an operator the following applies

FIT AND PROPER PERSON

- Private Hire Operators must be Fit and Proper Persons. A Fit and Proper Person is defined in the Hackney Carriage and Private Hire Policy.

APPLICATION

All applications will only be accepted if they are made on the form provided for the purpose by the Council, such form to be completed online and electronically signed by the applicant. An application will only be considered upon receipt of the signed application form, a basic DBS Disclosure certificate, and full payment.

RENEWAL OF LICENCE

Applications will only be acceptable if they are made on the form provided for the purpose by the Council.

An application for renewal will only be considered upon receipt of the applicable fee and one passport photo. Any additional documents that are due to expire within the renewal period **MUST ALSO** be presented at renewal as necessary to demonstrate continuity of records. This may include: Additional DBS and identity checks. **In addition, a list of all current drivers and vehicles representing your company must be submitted as part of the renewal.**

All fees must be paid at the time of renewal. **ONLY FULL APPLICATIONS WILL BE ACCEPTED**, any missing documents or elements will mean your application will be returned to you, without processing. Licenses will be issued following processing within 28 days of a full application.

All applications for the renewal of a licence must be made four weeks prior to the expiry of the existing current licence. Applications received less than 28 days prior to the expiry of the licence may be subject to an additional fee to cover administration costs.

FEE

The appropriate fee, paid in full, as prescribed from time to time by the Council, must accompany all applications. All outstanding fees and charges from previous licence year shall have been paid in full before any application is considered.

DURATION OF PRIVATE HIRE OPERATORS LICENCE

An operator's licence on renewal may be issued for a probationary period of less than one year, dependant on the applicant's ability to demonstrate being a fit and proper person. Items that could be considered would include, criminal record, references, past allegations, record of compliance with the conditions, outstanding fees and any other reasonable cause.

The maximum period that a licence shall remain in force is for a period of one year only from the date of issue.

DATA BARRING SERVICE BASIC DISCLOSURE CHECK

A DBS Basic Disclosure (or Disclosure Scotland) form is required on receipt of new applications and every 3 years for an existing operator. The authorised officer can make random checks. This will require a DBS Disclosure Application form to have been completed and signed by the applicant

CONVICTIONS AND CAUTIONS

Only unspent convictions will be considered when determining a licence application to be an operator.

Convictions and cautions will be considered in accordance with the Hackney Carriage and Private Hire Policy.

In order to ensure protection of the public an operator must ensure immediate (within 72 hours) disclosure to the Licensing Officer in writing if they are arrested, cautioned or convicted of any offence during the period of their licence. Should knowledge of any offences be withheld, this could reflect on a person fitness to be a Private Hire Operator and may lead to a licence being suspended. If the operator licence is held by a company or partnership, the requirements of this section apply equally to all directors and partners.

RECORD OF BOOKINGS

The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept on a prescribed booking pad, provided at nominal cost by the licensing authority, or on a spreadsheet provided by the licensing authority, or on a nationally recognised piece of computer software. This software must be capable of providing the information listed below. The entries must be numbered consecutively, and no pages should be removed. The operator shall enter the required information for each booking invited or accepted by him, before the commencement of each journey.

- The time and date of the booking
- The name and address of the hirer
- How the booking was made (i.e. by telephone, personal call etc.)
- The time of pick-up
- The point of pick-up
- The destination
- The time at which a driver was allocated to the booking
- The name of the driver and the registration number of the vehicle allocated for the booking.
- Remarks (including details of any sub-contract).

All records kept by the operator shall be preserved for a period of not less than 18 months following the date of the last entry. In the case of computer records the entries must be capable of being printed on demand at the request of a Police officer or the licensing officer. All records must be available for inspection and copying if required by licensing officer or Police officer.

STANDARD OF SERVICE

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

NB: Planning approval, where required, must be obtained for any premises used for operating a Private Hire business

COMPLAINTS

The operator shall immediately (within 72 hours) notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

ADDRESS

The operator must live OR maintain an office within the Chiltern District Council area for the period of the licence. The operator shall within 7 days, notify the Council in writing of any change of address during the period of the licence. A further application will be required for the new premises. Any premises used solely for work purposes are required to be smokefree.

CONDUCT

The operator of a private hire vehicle shall not by calling out or otherwise importune any person to hire such vehicle and shall not make use of the services of any other person for that purpose.

RECORD OF VEHICLES ETC.

In accordance with the provisions of Section 56(3) of the 1976 Act the operator shall keep a record in a bound volume of all private hire vehicles operated by him and such record shall include the following particulars:

- The registration mark of each vehicle
- The make of the vehicle

- The name and address
- The names, addresses and drivers licence numbers of drivers driving the vehicles
- Details of any radio call sign used

Such records shall be retained for a period of 18 months, and shall not be destroyed or otherwise disposed of before the expiry of such period without the previous written consent of the District Council.

FARES AND FARE TABLE

The operator upon request shall agree the fare for a journey booked, or provide an estimate of the fare, or explain that the journey will be metered.

Should the operator dispatch a vehicle with a taximeter, they shall ensure that the meter is calibrated to the tariff of fares published by Chiltern District Council, and that the published table of fares is clearly displayed in the vehicle. The operator shall ensure that the fare for such bookings does not exceed the rate on the meter.

CCTV IN VEHICLES

The operator shall ensure that they retain a copy of the CCTV authorisation certificate from Chiltern District Council for any vehicle containing a CCTV system. No vehicle is to contain facilities to record visual or audio sources without the vehicle licence holder holding a certificate of authorisation from the licensing authority.

OPERATOR TO HOLD DRIVERS LICENCE

Before the operator permits or employs another person to drive a licensed Private Hire Vehicle, he shall have retained the driver's Private Hire Drivers Licence. This shall be retained until such time as the driver ceases to be permitted or employed to drive the vehicle. On cessation of service or employment the Licensee shall return the Private Hire Drivers Licence to the driver.

The licensee/proprietor must also ensure the driver holds a current drivers licence in respect of the number of passengers authorised on the vehicle licence/plate.

The operator shall notify the licensing authority within 7 days of the details of any driver no longer working for them.

DISPOSAL AND ACQUISITION OF VEHICLES

When an operator ceases to operate a particular vehicle, or begins to operate a new vehicle they shall inform the Council in writing as soon as possible but not later than within 7 days of such fact.

CONDITION OF VEHICLE

The operator shall ensure that any private hire vehicle operated by him (regardless of who owns the vehicle or holds the vehicle licence) is maintained in the condition required by the Private Hire Vehicle Licensing Conditions or Hackney Carriage Vehicle Licensing Conditions. The operator will ensure the vehicle is maintained in a suitable mechanical condition, safe, comfortable, clean and presentable and that the external licence plate and internal licence disc provided by the Council is affixed to the vehicle in such a manner and position as shall be prescribed by the Council.

SUSPENSION, REVOCATION, AND REFUSAL TO RENEW

The Council has power to suspend or revoke or refuse to renew on any of the following grounds:-

- any offence, or non-compliance with the provisions of the 1976 Act;
- any conduct on the part of the operator which renders him unfit to hold an operators licence;
- any material change since the licence was granted
- any other reasonable cause.

OFFENCE NOTIFICATION NOTICE

The Council has the power to charge fees not exceeding £25.00 for administration of and the control and supervision of hackney carriages and private hire vehicles. These charges are detailed in the enforcement policy and will be issued in accordance with this policy.

All fees and charges for the previous year shall have been paid before application for a renewal of Private Hire Operators Licence.

COMPLIANCE WITH LEGISLATION

Operators, were applicable, will comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Byelaws made in respect of Hackney Carriages and conditions relating to the Private Hire Drivers Licence. Also compliance with Section 37 of the Disability Discrimination Act 1995 and the Equality Act (2010) in respect of assistance dogs.

SMOKING

Operators must ensure that all vehicles dispatched by them display appropriate signage inside the vehicle in accordance with the Health Act 2006. An international no-smoking symbol at least 70mm in diameter must be displayed in the front passenger window or on the dashboard, and in the rear passenger window. The signs must be clearly visible from inside and outside of the vehicle.

INSURANCE

The Licensee shall ensure that any vehicle they dispatch is covered by valid insurance for the purposes of private hire, and shall ensure that they do not act in any way which might invalidate the insurance.

The licensee shall where applicable maintain and provide evidence of employer's liability insurance upon request in accordance with the Employer's Liability Compulsory Insurance Act 1969.

In the case where members of the public have access to the operating centre, the licensee shall maintain and provide evidence of public liability insurance upon request.

APPEALS PROCEDURE

Any person aggrieved by any conditions specified in this licence may appeal to the Magistrate's Court within 21 days of a decision being made.

APPENDIX 1 :CERTIFICATE OF COMPLIANCE

CHILTERN DISTRICT COUNCIL

HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES INSPECTION REPORT

Owner of Vehicle: _____

Vehicle Registration No: _____ V5 Ref. No: _____

Make and Model: _____

Colour _____

Hackney Carriage/Private Hire Vehicle Plate No:

Original Date of Registration:

Total Mileage

M.O.T. Certificate Given YES / NO

Ref	Items tested	Pass	Fail	MOT Fail	Reasons for Failure
Exterior of Vehicle					
1	Bodywork, underside, engine compartment in clean condition				
2	External locks, catches in working order				
3	Door alignment, opening				
4	Door hinges				
5	Doors secure when opened				
6	Body panels – corrosion, damage or unsatisfactory repairs, suitability of replacement, gaps are equal around panels				
7	Body panels – paint work damage				
8	Wing mirrors – secure, functioning				
9	Bumpers – undamaged and secure				
10	Registration plates – legal				
11	VIN – tamper free & consistent with V5				
12	Rubber seals to doors/windows, not damaged, loosened, absent				
13	Lights - legal, operational, not cracked				
14	Windows – no cracks & excessive marks				
15	Window tint – Front – Driver /Passenger – Rear side windows	75 70 30			
16	Smoking signs (if currently licensed)				
Vehicle Mechanics					
17	Steering control/ power steering not faulty				
18	Transmission shafts/ prop shafts/rear axle/ wheel bearings/ front and rear suspension/ shock absorbers/ wheel alignment, not				

	faulty								
19	ABS – (if fitted) working correctly								
20	Hand brake/ parking brake, brake discs/drums, not excessively worn, brake pads/ shoes have sufficient depth								
21	Horn – works correctly								
22	Exhaust system, and emissions								
23	Clutch, transmission, gear box, driving controls, and speedo, fully functional, complete, meet MOT requirements								
24	All hoses, fuel pipes, radiator, not faulty								
	Boot								
25	Undamaged, clean, dry, no corrosion								
26	No dirt, grease, stains, or presence of materials with a fire or fume hazard								
27	Lock mechanism fully functional								
	Engine Compartment								
28	Free from fuel, oil or water leaks								
29	Battery – secured in correct position								
30	Hoses – deterioration, damage								
31	Engine mounts, deterioration or wear								
	Tyres and Spare Wheels								
32	Spare is road legal.								
33	All same dimension, with correct tyre type								
34	All tyres inflated to correct level								
35	Wheel brace, jack, in good working order								
36	Spare wheel rim, no distortion/ damage								
37	Tyre Depth	FNS	FOS	RNS	ROS				
	Interior Of Vehicle								
38	Floor, upholstery inside, damage, no dirt, dust, litter, general debris, cigarette ash, staining, excessive wear, roof lining, no excessive stains or damage								
39	Mats removed, signs of leakage of water								
40	Carpeting, not worn, damaged								
41	Seats good condition, offer proper support								
42	Seats, secured, inc fixed seat cushions								
43	Interior lights are operational								
44	Interior fittings not damaged								
45	Seatbelts secure, belts good condition								
46	Rear view mirror, securely fixed, standard								
47	Heater, demister operational, passenger compartment switches all operational								
48	Windows winders operational, window locks or associated fittings operations								
49	Electrical wiring, routed correctly, safe								
	Fire Extinguisher & First Aid Kit								
50	1 litre (3a), rated AFF type/ powder								
51	Seal in place, not tampered, is intact								
52	First aid kit present								
	TAXI signs (Hackney Carriages)								
53	Roof mounted signs, properly illuminated, connected to meter switch								
54	Roof mounted "TAXI" sign compliant								
55	Interior licence plate (if licensed)								
56	External licence plate (if licensed)								
	Signs (Private Hire)								
57	Interior licence plate (if licensed)								

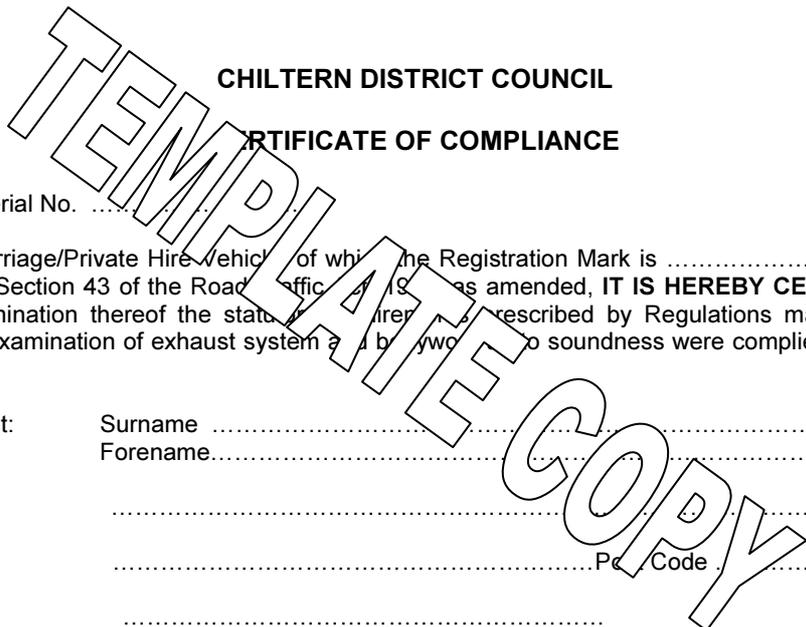
58	* Chiltern Private Hire Door signs (if licensed) * n/a small external gold plate				
59	External licence plate (if licensed)				
Wheelchair Facilities					
60	Wheelchair restraints condition				
61	Wheelchair restraints operational				
62	Disabled person's seatbelt, operational, condition				
63	Ramps appropriate, approved, secure				

I certify that at the date of the examination thereof the statutory requirements prescribed by regulations made under Section 43 of the Road Traffic Act 1972 were complied with in relation to the aforementioned vehicle. I have tested the above vehicle, and I can confirm that the vehicle has PASSED / FAILED / VOSA FAILED Chiltern District Council's Compliance test.

It is further certified that following this test the vehicle is considered ROADWORTHY / UNROADWORTHY.

Date: _____ Signature: _____
Authorised Examiner

Inspection carried out by (Fitter's Name – Block capitals)



**CHILTERN DISTRICT COUNCIL
 CERTIFICATE OF COMPLIANCE**

Workshop Job Serial No.

The Hackney Carriage/Private Hire Vehicle of which the Registration Mark is having been examined under Section 43 of the Road Traffic Act 1972 as amended, **IT IS HEREBY CERTIFIED** that at the date of the examination thereof the statutory requirements prescribed by Regulations made under the said Section 43 plus examination of exhaust system and a by two soundness were complied with in relation to the vehicle.

Name of Applicant: Surname
 Forename

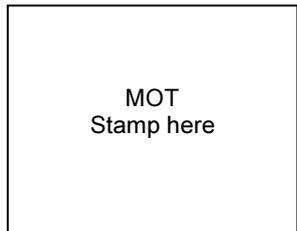
Address:
 Post Code

Telephone No:

Vehicle Testing Station No.
 For and on behalf of:

Signature:
 Number of Designated Testing Station – Chiltern District Council

 Authorized Examiner/Inspector



Date of Issue: Date in Force

Date of expiry: * See Note 5

Make and Model: Colour

First year of Registration:
(As recorded on Vehicle
Registration Document) Day Month Year

Year of Manufacture: Engine Capacity (c.c.):

Total Recorded Mileage:

KEEP THIS CERTIFICATE SAFELY

NOTES

1. This certificate is given under Section 43 of the Road Traffic Act 1972 as amended after an examination of the vehicle referred to therein, and relates only to the condition of the vehicle, its equipment and accessories as at the time of that examination and insofar as its condition and equipment and accessories were required to be examined for that purpose. The certificate must not be taken as relating to the condition of the vehicle or its equipment or accessories at any other time or in any other respect.
2. It is an offence to use on public roads any hackney carriage/private hire vehicle which is subject to periodic test, unless a Certificate of Compliance is in force relating to the vehicle. This certificate must therefore be renewed on or before its expiry date if the vehicle is to continue in use. Chiltern District Council will not issue a hackney carriage/private hire vehicle licence unless a valid Certificate of Compliance is produced.
3. You are advised to keep this certificate readily available while it is in force. In the case of vehicles subject to periodic test, a police constable may require production of an effective Certificate of Compliance and one must be sent or produced with an application for a licence for the vehicle.
4. If you lost this certificate, provided you are able to quote either the Workshop Job Serial Number or the approximate date of issue, a duplicate may be obtained from the Authorised Examiner/inspector who carried out the examination of the vehicle.
5. A Certificate is valid from one year except where a vehicle attains the sixth anniversary of its registration when it is valid for six months only.

APPENDIX 2: DRIVING STANDARDS AGENCY

DRIVING ASSESSMENT APPLICATION AND CONDITIONS

The test is an additional requirement to the practical test you originally passed to get your full driving licence. Assessments are carried out by Driving Standards Agency (DSA) examiners. The test is more demanding than the practical test taken by learner drivers, and has elements that relate specifically to driving a taxi or PHV.

This guide explains how to book your taxi assessment with the DSA, and what the test involves. It also explains what to do if you want to change or cancel a test booking.

Before the assessment, you are strongly advised to:

- take lessons with a professional driving instructor
- read the Highway Code
- familiarise yourself with the content of the assessment and your vehicle

Booking your test

Driver assessments can be taken at your local Driving Standards Agency (DSA) test centre. You can book your practical assessment: online, by phone or by post

You will need one of the following:

- a full UK or Northern Ireland licence, both photocard and paper counterpart
- a full British old style paper licence and current passport
- a recognisable full European Union (EU) licence and UK paper counterpart with a current passport if your EU licence does not have a photograph

You will also need a valid debit or credit card (Visa, Mastercard, Delta, Visa Electron, Switch/Maestro or Solo), or for postal bookings a cheque or postal order.

You can book your practical driving test for a taxi on the .GOV website.

Booking by phone

You can book over the phone by calling the following numbers:

- DSA Helpline on Tel 0300 200 1122
- DSA Helpline for Wales on Tel 0300 200 1133
- DSA Helpline (Textphone) on Tel 0300 200 1144

Once you have been connected to the DSA helpline, the telephone options you need to follow to book a practical taxi test are 2, 1, 1, 4.

Test fees

For details of current assessment fees, see our guide to [fees for driving instructors, motorcycle trainers and taxi drivers](#).

What the taxi or private hire vehicle driving assessment involves

The standard of the hackney carriage (taxi) or private hire vehicle assessment is set at a level suitable for a full driving licence holder. It is therefore higher than the learner driver test.

The eyesight test

At the start of your practical assessment, you will be asked to read in good daylight a vehicle registration number fixed to a motor vehicle with letters and figures 79.4 millimetres high at a distance of 20.5 metres (20 metres for a new-style number plate). You can use glasses or contact lenses if you wear them.

If you fail the eyesight test, you will be unable to take the driving part of the assessment. However, you will still be able to continue with the wheelchair section if appropriate.

The practical assessment

The practical assessment will last for about 35 to 40 minutes, depending on traffic. Some of the skills you will be assessed on are specific to taxi drivers, such as a taxi manoeuvre and not stopping anywhere that could be dangerous for a passenger getting out of your vehicle.

From 4 October 2010, your practical driving test will include approximately ten minutes of independent driving. This is designed to test your ability to drive unsupervised, and make safe decisions without guidance. You can [read about independent driving and how it will be assessed](#).

The examiner will also ask you a few questions on the Highway Code and ask you to identify some traffic signs and road markings.

During the practical assessment, you will be examined on:

- your awareness and anticipation
- your effective planning of prevailing road and traffic conditions
- your correct use of speed
- an emergency stop (there may be one in the assessment)
- a taxi or private hire related exercise
- your passenger safety and comfort
- a wheelchair element (for wheelchair enhanced vehicles if you requested the enhanced assessment)

For more information, refer to your private hire-hackney carriage assessment booklet available from your local council.

If you are taking the taxi or 'black cab' style test, you will need to answer some related 'cabology' questions. Examples of these include the dimensions of your vehicle, its correct tyre pressures and what you should do if a passenger leaves property behind.

For more information, refer to your private hire hackney carriage assessment booklet available from your local council.

To pass the test, you need to complete the assessment with no more than nine minor faults. You will fail if you make any serious or dangerous errors.

The wheelchair exercise

If you asked to take the enhanced assessment, your assessment will also include the wheelchair exercise. For more information, refer to your private hire/hackney carriage assessment booklet available from your local council.

The wheelchair exercise for taxis and private hire vehicles

If you have requested the enhanced assessment, it will include a wheelchair exercise. You will need to provide a wheelchair accessible vehicle for this element of the assessment. This is to show the examiner that you know how to operate this equipment safely. You will need to:

- show your ability to securely erect the wheelchair ramps and floor ramps
- safely put the wheelchair in your vehicle, and then - for TX-model taxis only - secure both wheelchair brakes
- fasten the seat belts or safety harness and also secure any wheel belts or clamps if they are fitted to your vehicle
- reverse the process by taking off the belts, harnesses and clamps, removing the wheelchair from your vehicle and putting the ramps away

What happens at the end of the taxi or private hire vehicle assessment?

When you pass your **practical** assessment, you will receive:

- a pass certificate (form TPH10)
- the offer of a debrief
- a copy of your assessment

When you pass your **wheelchair** assessment, you will receive:

- a pass certificate (form WTPH10)
- the offer of a debrief
- a copy of your assessment

If you fail one or both parts, you will receive:

- the offer of a debrief

- a copy of your assessment
- training advice

If you fail the practical assessment, you might want to retake it at a later date. You must, however, wait a minimum period of three clear working days before you retake it. Saturday counts as a working day. There is no limit to the number of times you can attempt either assessment.