



CHILTERN DISTRICT COUNCIL

Licensing & Regulation Committee

Thursday, 13th June, 2013

At

6.30 pm

**Large & Small Committee Room, King George V House, King George
V Road, Amersham**

Item 7:

Chiltern Hackney Carriage and Private Hire Policy

**CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE – 13 June 2013**

Background Papers, if any, are specified at the end of the Report

HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Contact Officer: Donna Harrison 01494 732063 Ben Coakley 01494 732060

RECOMMENDATIONS:

That:

The Licensing and Regulation Committee approve the Hackney Carriage and Private Hire Policy (appendix 10) as endorsed by the Task and Finish Group following extensive consultation with the trade.

Background:

- 1 The 12 week formal consultation period for the revised policy concluded on the 30th September 2012.
- 2 Consultation included direct SMS messaging of all drivers and operators, a dedicated web page with a large banner directing people from the Chiltern website homepage, newspaper coverage of the consultation, direct email to all Councillors, police, highways, neighbouring authorities and interested stakeholders e.g. residents groups. Several reminder communications also went out to drivers prior to the official closing date.
- 3 Informal meetings with the trade were arranged and held prior to the start of the consultation and also during the consultation to allow any clarifications or items to be considered.
- 4 A workshop (led by the Chairman of the Licensing and Regulation Committee) was held with the trade on the 20th September 2012 to consider in detail subsequent issues or concerns. The minutes are attached as **Appendix 1**.
- 5 The overall summary of the comments made in relation to the policy proposals and more general comments have been collated and provided as **Appendix 2**.
- 6 All of the original responses (as submitted to the Council) from the trade and other stakeholders are attached as **Appendix 3** and **4**.

- 7 The Task and Finish Group then met on three occasions to discuss the proposed amendments in great detail, the minutes of the meeting are attached as **Appendices 5-7**
- 8 The Task and Finish Group met with the Trade as a final feedback session on 11 April 2013 and the proposed amendments were discussed in detail with the Trade representatives. The minutes of this meeting are attached as **Appendix 8** and the feedback response following the meeting is attached as **Appendix 9**
- 9 The response from the Trade has been discussed in detail and several amendments have been made to the original proposals as a direct result of the consultation feedback and task and finish group meetings. Greater clarity on the relevance of convictions has been added and any ambiguous policy requirements have been removed. Accordingly a redraft of the policy has been necessary.
- 10 The revised policy is attached at **Appendix 10**, which take account of the following major policy elements:
- 11 **Proposed Policy 1 – introduction of Passenger Assistant Training Scheme for all new applicants and existing licensees**

(PATs) modules A, B1, B2, C1, C2 which cover;

- *The role of the Driver/Passenger Assistant – ‘Duty of Care’*
- *Health & Safety Legislation - The need for safe procedures and processes*
- *Assisting Passengers with all Disabilities*
- *Supervising & safeguarding children with complex learning difficulties*
- *Supervising & safeguarding children with social, emotional & challenging behaviour*
- *Working with adults who require care & supervision (e.g. Dementia)*
- *Guidance on manual handling & various assistance techniques*
- *Manual handling & the correct use of wheelchair/buggy specialist equipment including passenger lifts/ramps*

The trade agreed that all new drivers should have to undertake PATs training but felt that it was expensive and unnecessary for existing drivers.

The Task and Finish Group felt that it is very important that all drivers are able to recognise and assist passengers with disabilities.

The proposed training will be undertaken by Bucks County Council (BCC) Transport Team and costs £45. The training is 4 hours per day over two consecutive days and is held in either Aylesbury or High Wycombe (we are currently in negotiation to see if it would be possible to hold the training in Amersham at a reduced cost and the potential to complete it in one day).

Drivers will be required to complete the training every 4 years in line with BCC’s recommendations. If a licensee or applicant has already completed

the training they will not be required to complete it again until 4 years has passed (from when they last completed the training).

It is proposed that this policy, if approved, will become effective immediately for all new applicants and will be phased in for existing licensees (due before the renewal of their drivers badge in 2014).

PATS is already a requirement for all Home To School contracts, therefore any driver who works on a school contract will already be required to complete the training.

- 12 **Proposed Policy 2 – removal of the requirement that a Hackney Carriage Driver who applies to obtain a Private Hire Driver license requires an additional medical examination certificate and vice versa.**

This was welcomed by the Trade and supported by the Task and Finish Group

- 13 **Proposed Policy 3 – reduction of 25% on the vehicle licence fee for any vehicle that falls within Band A, B or C for road tax purposes (low emissions)**

This was supported by the Trade and the Task and Finish Group

- 14 **Proposed Policy 4a – amendment of wording on the application/renewal form**

The wording on the application form has been slightly amended to read;

‘Have you ever had a Private Hire or Hackney Carriage drivers license refused, *suspended* or revoked’, and;

The Data Protection/privacy notice has been updated.

No comments were received from the Trade/consultees and this was supported by the Task and Finish Group

- 15 **Proposed policy 4b – review of the criminal convictions and behaviour policy for new and existing drivers**

This policy has been extensively reviewed and updated. Additional guidelines and offences have been included to make the policy more detailed and transparent as well as ensuring that the Sub-Committee have clearer guidelines to ensure that decisions are fair and consistent.

There were only general comments received from the consultation, there were no objections.

- 16 **Proposed policy 5 – introduction of monitoring of contraventions system**

This has fundamentally changed from the original proposal of introducing a penalty points system due to the feedback received during the consultation process. The Task and Finish Group felt that the proposed penalty point system should be replaced with a proposal to introduce a monitoring of contraventions scheme.

The scheme will, where appropriate, replace the existing practice of issuing written warnings and caution notices. It is proposed to issue a card type monitoring system where licensees can receive a certain number of amber/red cards for specific offences. The amber and red cards are classed as live for 12 months. If a licensee reaches 4 amber cards or 1 red card within a 12 month period they will be referred to Head of Health & Housing or the Licensing Sub-Committee for consideration. After 12 months the card will no longer be live.

Licensees will be required to sign the contraventions form, which will then be attached to their record. If the licensee feels that the notice has been issued in error, or that there are mitigating circumstances, they will have the right to appeal, in writing, to the Head of Health and Housing who will consider the appeal and give a decision within 30 days.

It is felt that the monitoring of contraventions scheme will be an effective enforcement tool for Officers and Members as it will highlight patterns of breaching the law or conditions of the license. The Task and Finish group discussed that this system will only materially affect those drivers who frequently breach the conditions/law.

The Trade remain not in favour of the introduction of a monitoring of contraventions scheme. It was felt that there may be double jeopardy as the Police/Courts would punish drivers for certain offences and then the licensing team would also take action.

Members of the Task and Finish Group took the views of the Trade on board and it has been documented that if the Police deal with an issue or offence, the Licensing Team will not then also issue cards; these would only be used when the Licensing team have witnessed or investigated incidents or complaints.

17 **Proposed policy 6 – Requirement for a Certificate of Good Conduct from the Embassy of the country of residence for all applicants who have lived in the UK for less than 5 years or current licensees who are out of the country for 9 months or more**

The Data and Barring Service (DBS) carry out criminal record checks for all applicants/licensees. If the driver has not resided within the UK for the last 5 years, or if a current licensee has been abroad for 9 months or more, the DBS may not provide us with all necessary information. It is therefore proposed to introduce a requirement for a certificate of good conduct to be obtained from the relevant Embassy.

The applicant would need to acquire the certificate from the relevant Embassy and produce it to the licensing team. If the certificate is not in English the applicant will be required to pay for a translation.

There was limited feedback to this proposal during the consultation period. The last feedback from the Trade was an enquiry as to whether a system would be put in place by the Council with the Embassies. The certificate of good conduct is something the Embassies are used to providing so a system does not need to be implemented by the Council.

18 **Proposed policy 7 & 8 – introduction of a vehicle age policy**

The initial proposal was to introduce a vehicle age policy that all new vehicles (first license and change of vehicles) be 4 years of age or less and all existing vehicles could be licensed until they reached 10 years of age (taken from the date of manufacture on the V5 document).

The Trade and consultees strongly objected to the introduction of a vehicle age policy, primarily for financial reasons. The Task and Finish Group discussed the consultation feedback in great detail and felt that the introduction of a vehicle age policy would ensure that the vehicles were of a good standard. It is proposed to introduce a vehicle age policy but with considerable amendments to the initial proposed age of vehicle. The revised proposal is that;

All new vehicles to be licensed (first license and all change of vehicles if not a current licensed vehicle) to be 7 years of age or lower

All vehicles to be licensed until they reach 12 years of age

It is also proposed to introduce an exceptions policy as follows;

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

It was noted that all bar one of the eight closest local authorities had vehicle age policies, including South Bucks, and that Chiltern District Council's proposed vehicle age policy was the most flexible.

19 **Proposed policy 9 – amendments to requirements for the issue of a small plate**

Chiltern District Council issue small plates (also known as executive plates). Generally, licensees apply for a small plate as they primarily convey business customers who do not want to travel in vehicles that have door stickers and a large plate on the back. Following discussion with the Task and Finish Group

it is recommended to introduce the requirement that all drivers who have a small plate are smartly dressed and have no advertising on or in their vehicle.

No feedback was received to the introduction of these requirements other than to confirm that the smart dress applies to small plate holders only. The general consensus of the Task and Finish Group and the Trade was that the drivers are of smart appearance.

20 **Proposed policy 10 – removal of the requirement for licensees to notify the licensing team when they have booked their Certificate of Compliance/MOT**

The Trade and Task and Finish Group supported this amendment

21 **Proposed policy 11 – introduction of a minimum size for taxi roof signs and the removal of any alternative to the word ‘TAXI’**

The initial proposal was to introduce a minimum width of the roof sign to be 18”. There were some concerns from the Trade regarding larger signs being stolen at night or making the vehicle more noticeable (which it is felt leads to more break-ins).

The Task and Finish Group considered the consultation feedback and the Licensing officer measured a number of current roof signs and it is felt that the following should be approved;

Minimum sign dimensions to be 10” wide, 5” deep and 4” high, no maximum dimensions to be introduced. The word TAXI only in 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 either red or white.

It is proposed that the policy is introduced over a 3 year period (for existing licensees) and immediately for all new vehicle licensed issued.

The Task and Finish Group noted that all of the roof signs that had been checked met the above requirements so it is not felt that this policy will be problematic for the drivers.

22 **Proposed Policy 12 – introduction of non standard Private Hire Vehicle policy for stretched limousines and novelty vehicles**

There were no comments from the Trade and the introduction of this policy was supported by the Task and Finish Group

23 **During the consultation meetings the policy requirements regarding the wearing of seat belts and the requirement to carry and produce the Byelaws was discussed. The Task and Finish Group discussed these and it is further recommended that the Licensing Committee approve the following amendments to the policy;**

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'When driving the vehicle the licensee shall wear a seat belt at all times', be amended to 'It is recommended that all licensees wear their seat belt whilst driving'

The requirement to carry/produce the Byelaws is in the Byelaws and it is not felt necessary to change them, as it is a long and expensive process. It was agreed by the Task and Finish Group that it should be minuted that 'Licensing Officers will not actively enforce this requirement without reasonable notice being given to the Trade.

APPENDIX 1: WORKSHOP MINUTES**CHILTERN DISTRICT COUNCIL
HACKNEY CARRIAGE & PRIVATE HIRE
POLICY CONSULTATIVE WORKSHOP**

Date: 20 September 2012
Time: 10:00 am
Venue: Council Chamber

**INVESTOR IN PEOPLE****SUMMARY OF POINTS OF DISCUSSION**

The new proposals set out in draft policy were discussed during the workshop and the comments put forward are summarised in the table below:

Proposed Policy	Comments
<p>PROPOSED POLICY 1: All existing and new drivers will be required to attend a disability awareness training session to be held at the Council offices upon request.</p>	<p>There was general support for this policy to raise awareness and improve standards but there was concern over the cost of the training and it was noted that previous training had been available without cost to the trade.</p> <p>It was commented that the majority of drivers have already undertaken training through their operator or independently and it seemed excessive to require additional/duplicate training.</p> <p>It was suggested that the proposed policy should be amended to allow an exemption for drivers who could provide evidence of recent training (e.g. a certificate from the training provider for training undertaken in the previous 5 years detailing the content of the course) and details of the content of the course.</p>
<p>PROPOSED POLICY 2: Where an existing licensed hackney carriage driver applies to obtain a private hire driver's licence or visa versa no additional medical will be required as part of the application process. The medical expiry date of any licence granted</p>	<p>There were no objections to this proposal put forward.</p>

will be the same as that of the existing licence held by the applicant.	
PROPOSED POLICY 3: A reduction of 25% on the vehicle licence fee for any vehicle which falls within Band A, B or C for road tax purposes.	There were no objections to this proposal put forward.
ADDITION TO THE POLICY ON ADVERTISING: In relation to advertising materials, any false, misleading or inaccurate material contrary to this policy and/ or its conditions will result in the taking of enforcement action.	It was clarified that the purpose of the amendment was to control false/misleading/illegal advertising material that included the Council's name. It was suggested that the wording of the existing policy should be amended to 'recommend' that prior approval of any advertising is sought from the Council rather than requiring it.
PROPOSED AMENDMENT 4: Additional guidelines to assist in decision making and the strengthening the relevance of conditions.	It was noted that this amendment would only affect new applicants. It was suggested that the starting point for the minimum 'conviction-free' period should be clearly defined because this is not clear from the proposed wording (e.g. 3 years from conviction or release from custody).
PROPOSED REVISION TO THE REHABILITATION PERIODS FOR CONVICTIONS: The existing policy suggests that at least 3 years free from offences for drunkenness with a motor vehicle, drugs and indecency should be extended to 5 years.	There were no objections to this proposal put forward.
PROPOSED POLICY 5: Introduction of a points based system for offences PROPOSED POLICY 5 cont...	This proposed policy was strongly opposed and it was claimed that the majority of drivers were against its implementation. It was considered that as the existing system is effective, it is unnecessary to change it and the proposal would create a bad relationship between the trade and the Council. It was commented that the proposed items in the scheme were unclear (e.g. who does the MOT need to be produced to and who needs to witness an item shown in the scheme?) and there was concern that malicious allegations could be made which could result in the accrual of points. It was suggested that the scheme amounted to

	<p>double jeopardy, as the Police/Court would punish for offences and then the Council would also punish. However, it was explained that the Police/Court would deal with the DVLA Driving Licence and the Council would consider if the driver, for example, was a fit and proper person to hold a Licence to drive Hackney Carriages or Private Hire Vehicles.</p> <p>It was further explained that the proposal provided an open and transparent system for dealing with the cumulative effect of breaches of conditions/offences. The accumulation of points would lead to referral to a Licensing Sub-Committee for consideration of appropriate action. The Sub-Committee's discretion would not be fettered by the scheme and each case would continue to be determined on an individual basis.</p>
<p>PROPOSED POLICY 6: Requirement for a 'police report' for new applicants that have lived in the UK for less than 5 years.</p>	<p>It was confirmed that this is only for new applicants.</p> <p>There were concerns over the effectiveness and the possibility of forged letters.</p>
<p>PROPOSED POLICY 7 & 8: Requirement that vehicles may be no older than 4 years at initial application and no older than 10 years on subsequent renewal, and that the 'standards of appearance' conditions should be an indicator as to the condition that the vehicle should be kept in throughout the duration of the Licence, and not a reason to licence an older vehicle.</p> <p>PROPOSED POLICY 7 & 8 cont...</p>	<p>It was commented that the majority of the vehicles are maintained in a good condition yet the proposed policy would penalise all Licence holders.</p> <p>It was suggested that the compliance test should determine whether a vehicle is fit for purpose (including appearance) and not its age.</p> <p>There was concern that it would be costly to have to replace a vehicle at 10 years old and to replace any vehicle with a vehicle that is less than 4 years old.</p>
<p>PROPOSED POLICY 11: Minimum size for taxi roof signs and removal of any alternative to the word "TAXI".</p>	<p>There was concern over larger signs being stolen at night and difficulty in removing the signs.</p> <p>It was suggested that there should be a minimum size, rather than a stipulated size.</p>
<p>PROPOSED POLICY 9: Strengthening the checks involved to receive an executive plate</p>	<p>No comments were put forward as no representatives of the Private Hire trade were present.</p>

The following comments on the existing Policy were also put forward:

Extract of Policy	Comments
<p>Seat Belts: When driving the vehicle the Licensee shall wear a seat belt at all times.</p>	<p>It was believed that this is unnecessarily excessive because it is over and above the statutory requirement for taxi drivers.</p>
<p>Requirement to carry/produce Byelaws: The Licensee shall at times when driving the Vehicle carry with him or her a copy of the licence, byelaws 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.</p>	<p>The necessity to carry byelaws in the vehicle was questioned.</p>

Appendix 2 Summary of Responses

Proposed Policy	Consultation Responses
<p>PROPOSED POLICY 1: All existing and new drivers will be required to attend a disability awareness training session to be held at the Council offices upon request.</p>	<p><i>Chiltern Taxi Drivers Association</i></p> <p><i>CTDA has no objections to this and would like to add that many drivers have already undertaken disability awareness training.</i></p> <p><i>Trade Workshop:</i></p> <p><i>There was general support for this policy to raise awareness and improve standards but there was concern over the cost of the training and it was noted that previous training had been available without cost to the trade.</i></p> <p><i>It was commented that the majority of drivers have already undertaken training through their operator or independently and it seemed excessive to require additional/duplicate training.</i></p> <p><i>It was suggested that the proposed policy should be amended to allow an exemption for drivers who could provide evidence of recent training (e.g. a certificate from the training provider for training undertaken in the previous 5 years detailing the content of the course) and details of the content of the course.</i></p>
<p>PROPOSED POLICY 2: Where an existing licensed hackney carriage driver applies to obtain a private hire driver's licence or visa versa no additional medical will be required as part of the application process. The medical expiry date of any licence granted will be the same as that of the existing licence held by the applicant.</p>	<p><i>Chiltern Taxi Drivers Association</i></p> <p><i>CTDA would welcome this change to the current requirements, since such medicals can cost in excess of £120 and puts an unnecessary financial strain on drivers. If there is an unexpired current medical at the time of application, then it seems logical not to have another medical.</i></p> <p><i>Trade Workshop:</i></p> <p><i>There were no objections to this proposal put forward.</i></p>

<p>PROPOSED POLICY 3: A reduction of 25% on the vehicle licence fee for any vehicle which falls within Band A, B or C for road tax purposes.</p>	<p><i>CTDA is supportive of any proposal aimed at reducing air pollution and therefore has no issues with this proposed policy.</i></p> <p>Trade Workshop:</p> <p><i>There were no objections to this proposal put forward.</i></p>
<p>ADDITION TO THE POLICY ON ADVERTISING:</p> <p>In relation to advertising materials, any false, misleading or inaccurate material contrary to this policy and/ or its conditions will result in the taking of enforcement action.</p>	<p>Chiltern Taxi Drivers Association</p> <p><i>CTDA would like further clarification on what 'statutory provision' includes.</i></p> <p><i>CTDA supports having door stickers on vehicles as long as they display the taxi company's name and contact number. This is important for customers as it allows them to identify the taxi that they have booked.</i></p> <p>Individual Response:</p> <p><i>Our logo is clearly displayed on all of our vehicles and marketing and we believe it clearly distinguishes us from our competitors which make our cabs more recognisable for our customers. There are many vehicle operators in the area and as we are attempting to distinguish ourselves from our competitors so should they. So therefore we sincerely hope that you will raise this issue in your next Taxi and Private Hire Policy Consultation as the trademark of our logo and colours are important for us and our customer base. We believe that local firms, in competition with us, would be more than happy to abide by any ruling which would make us clearly distinguishable from them.</i></p> <p>Chesham Town Council:</p> <p><i>In respect of Advertising, the Council believes there should not be a requirement restricting taxi company names on any signage since this will only make it harder for passengers to recognise taxis they have ordered.</i></p>

	<p>Trade Workshop:</p> <p><i>It was clarified that the purpose of the amendment was to control false/misleading/illegal advertising material that included the Council's name.</i></p> <p><i>It was suggested that the wording of the existing policy should be amended to 'recommend' that prior approval of any advertising is sought from the Council rather than requiring it.</i></p>
<p>PROPOSED AMENDMENT 4: Additional guidelines in relation to the relevance of past convictions to assist in decision making and the strengthening the relevance of conditions.</p>	<p>Chiltern Taxi Drivers Association</p> <p><i>CTDA is keen to support initiatives that remove dangerous drivers from the roads so has no concerns on this amendment. However CTDA would like to stress the fact that each case should be considered on an individual basis rather than a blanket approach being adopted whilst making decisions.</i></p> <p>Trade Workshop:</p> <p><i>It was noted that this amendment would only affect new applicants.</i></p> <p><i>It was suggested that the starting point for the minimum 'conviction-free' period should be clearly defined because this is not clear from the proposed wording (e.g. 3 years from conviction <u>or</u> release from custody).</i></p> <p>CDC Legal Section:</p> <p><i>We would like to consider this section in more detail to ensure it is clear and easy to understand.</i></p>
<p>PROPOSED REVISION TO THE REHABILITATION PERIODS FOR CONVICTIONS: The existing policy suggests that at least 3 years free from offences, should be extended to 5 years.</p>	<p>Trade Workshop:</p> <p><i>There were no objections to this proposal put forward.</i></p>

<p>PROPOSED POLICY 5: Introduction of a points based system for offences</p>	<p><i>Chiltern Taxi Drivers Association</i></p> <p><i>CTDA has serious reservations on this proposal as overall it seems unfair and a bit extreme. It is our view that taxi drivers would, in effect, be punished twice for minor offences, once through the courts and then again by Chiltern District Council affecting their livelihood. We believe the points system is excessively punitive and just duplicates work and is not required as there are already other safeguards in place. In addition to this the point system is bureaucratic and will be more time consuming than the current system.</i></p>
<p>PROPOSED POLICY 5 cont...</p>	<p><i>The current system at CDC is working well and CTDA feel that these changes are only being suggested so that 'something different' and new is being implemented rather than changes being suggested that are in fact productive and required.</i></p> <p><i>While noting the Bracknell system was only an example, we feel it appropriate to comment on this scoring system in detail in light of its potential implications for all drivers.</i></p> <p><i>Unlicensed vehicle 12 points – no objections as we deem this a serious offence punishable by law</i></p> <p><i>Driving with no valid insurance 12 points - no objections as we deem this a serious offence punishable by law</i></p> <p><i>Failure to wear or display driver badge 6 points– we consider the points too high on this trivial offence particularly with the licence clearly displayed on the vehicle. Another point to raise is that it would be useful if the badges were smaller (similar size to your CDC work badges) so that they could be worn around the neck.</i></p> <p><i>Failure to notify conviction, caution or fixed penalty notice 6 points – points too</i></p>

	<p><i>high. CTDA feels that the current process of notifying CDC of any convictions, cautions, or fixed penalties is sufficient and working well and therefore feel that a point system is not required. CTDA would like to ask if currently the local police authority notify CDC of convictions, cautions or fixed penalties.</i></p> <p><i>Hackney carriage left unattended on rank 4 points – There should be no points for this. It is inevitable that drivers will need to leave vehicle for a short amount of time if only to get fresh air and be save to drive. It is common knowledge that in terms of health and safety individuals are recommended to take short comfort breaks from work, in the case of drivers these tend to be for a few minutes at a time, and are important for their wellbeing and to ensure that they are alert whilst driving. Further down you have mentioned that you are proposing the issue of 6 points for smoking in vehicles. We appreciate that not smoking in the vehicles is to create a clean and pollution free atmosphere in the vehicles, nonetheless smokers feel that they need to smoke. So if they are not allowed to smoke in their vehicles then surely they should be allowed to leave their vehicles for this purpose. The issues raised under this proposed point system appear contradictory.</i></p> <p><i>Private hire parked on a rank 6 points – no objections to this, as private hires are would be acting illegally by parking at ranks.</i></p> <p><i>Failure to notify an accident 4 points – greater clarity is required. How serious is ‘an accident’ to be reported?’</i></p> <p><i>Behaving in a disorderly manner 4-12 points – again a definition is required of what is considered to be disorderly. CTDA support the fact that disorderly behaviour should be addressed appropriately. However, CTDA is also</i></p>
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	<p><i>disappointed there is no mention of protection and support for drivers who suffer from public disorderly conduct. As Licensors of Chiltern District area drivers, we feel that CDC should show some obligation to provide support and protection towards its drivers. Details of several cases can be provided, where drivers have been verbally/physically abused and their vehicles damaged yet no support was provided by CDC to them. This treatment seems unfair as it implies that CDC only looks to punish disorderly behaviour if carried out by drivers and not vice versa.</i></p> <p><i>Failure to comply with traffic sign or signal 4 points – punishable with points on the licence so we see no need for further punishment from CDC</i></p> <p><i>Illegal tyres (per tyre) 3 points – points seem too high</i></p> <p><i>C & U regulations 2-4 points - CTDA do not know what this is</i></p> <p><i>Smoking in Vehicle 6 points - no objections, however please see point raised about drivers leaving vehicles unattended for a few minutes.</i></p> <p><i>No Smoke free signage 6 points - no objections</i></p> <p><i>Unlicensed driver 12 points - no objections, this is a serious offence</i></p> <p><i>Driving with no valid MOT /inspection 12 points - no objections, this is a serious offence</i></p> <p><i>Failure to display plates or stickers 6 points - no objections</i></p> <p><i>Failure to provide MOT, inspection or insurance documents 4 points –this seems to high. Please could you clarify what is meant by ‘failure’ to provide. Drivers do not completely fail to provide</i></p>
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	<p><i>documents as their licenses would be revoked by this. However they do at times provide their documents late, for which they are charged £25.00, therefore at present there is already a fine and system in place to deal with the late provision of documents.</i></p> <p><i>Contravention of Stop Notice/suspension 12 points –Please could further explanation of this be provided.</i></p> <p><i>Private Hire plying for trade 12 points – strongly agreed as their insurance is invalid if they do this.</i></p> <p><i>Failure to notify change of details 4 points - more clarification needed. How much/little information is required? At present drivers immediately notify CDC of changes such as changes to vehicles.</i></p> <p><i>Vehicle in unclean condition 4 points – this seems harsh. Drivers clean regularly but after continuously being driven with passengers in them they can get a little untidy. However the drivers do clean their vehicles regularly.</i></p> <p><i>Use of hand held phone while driving 6 points - no objections if a statutory organisation such as the police have evidence of this. However it is difficult to prove an issue if there is no evidence and it is purely based on a complaint by for example a customer.</i></p> <p><i>Overcharging 6 points – CTDA have serious reservations about this. Prices of journeys are either calculated through meters or are a fixed price determined prior to the journey commencing. Often journeys cost more if traffic is heavier. Customers then may feel over-charged even when they are not. Where does the burden of proof lie?</i></p> <p><i>Too many passengers 8 points – no objections as this is not safe. However we would like to highlight that customers</i></p>
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often ask for journeys where there are too many of them and they are told that we are not able to transport more than a certain number per licensed vehicle.

Horn misuse 4 points – again contentious. Who determines this? Often drivers need to use horn to get vehicles moving who are blocking their exit. An example of this is at Amersham Station, where other drivers often block in taxis with passengers. This frustrates our passengers and they consequently ask the drivers to use their horns to encourage the other cars to give way. Does this constitute misuse?

Illegal use of bus lane 4 points – no objection to the principle

Chesham Town Council:

While the Council does not necessarily agree with all the detailed submissions made by the Chiltern Taxi Drivers' Association in respect to the adoption of a points based system (e.g. display of drivers' badges), we do question whether a points system is required at all as we are not convinced that the current system is not working. If, as appears, the current system is operating satisfactorily, then we do not see the necessity of introducing an overly bureaucratic new system. Any new system would need detailed consultation with the taxi drivers.

Response letter from 66 drivers

Some of the points on the policy are acceptable but having a point system which can end up in us drivers losing our livelihood is unacceptable. There might be other options and other alternatives that could be discussed in a follow up meeting. Hopefully we can come to a mutual arrangement that will satisfy us all.

Individual Response:

I disagree with the points system that has been proposed, some of the contraventions listed are ridiculous, why would a driver with out a license care if they get any points?? Also how would a driver without vehicle insurance or MOT get a taxi license in the first place and if they were driving without a license they would not be affected by any points. Most of the contraventions already lead to points on your drivers licence or a fine, e.g: using a hand held phone while driving, illegal tyres, no MOT/insurance, too many passengers, illegal use of bus lane etc.

In my opinion the whole point system is a big waste of time.

Trade Workshop:

This proposed policy was strongly opposed and it was claimed that the majority of drivers were against its implementation. It was considered that as the existing system is effective, it is unnecessary to change it and the proposal would create a bad relationship between the trade and the Council.

It was commented that the proposed items in the scheme were unclear (e.g. who does the MOT need to be produced to and who needs to witness an item shown in the scheme?) and there was concern that malicious allegations could be made which could result in the accrual of points.

It was suggested that the scheme amounted to double jeopardy, as the Police/Court would punish for offences and then the Council would also punish. However, it was explained that the Police/Court would deal with the DVLA Driving Licence and the Council would consider if the driver, for example, was a fit and proper person to hold a Licence to drive Hackney Carriages or Private Hire

	<p><i>Vehicles.</i></p> <p><i>It was further explained that the proposal provided an open and transparent system for dealing with the cumulative effect of breaches of conditions/offences. The accumulation of points would lead to referral to a Licensing Sub-Committee for consideration of appropriate action. The Sub-Committee's discretion would not be fettered by the scheme and each case would continue to be determined on an individual basis.</i></p>
<p>PROPOSED POLICY 6: Requirement for a 'police report' for new applicants that have lived in the UK for less than 5 years.</p>	<p><i>Chiltern Taxi Drivers Association</i></p> <p><i>CTDA has no objections to this.</i></p> <p><i>Individual Comment:</i></p> <p><i>My objections to the suggestion are:</i></p> <ol style="list-style-type: none"> <i>1) These reports will be an additional expense to drivers making applications to CDC</i> <i>2) Processing these reports will be an additional cost to CDC</i> <i>3) I would expect the time involved in obtaining reports from countries outside Northern Europe would add significant delay to the application process</i> <i>4) Would we really place uncritical reliance on every police report received? Isn't it likely that some countries police authorities would be less reliable than others in making objective reports?</i> <i>4) If the Home Office has satisfied itself that an immigrant is fit to live and work in this country, why would we as a local authority effectively place no confidence in immigration checks by asking for a foreign police report? If an immigrant is making the effort to work to support himself and his family rather than being a drain on the benefit system shouldn't that be taken as good evidence that he does not have a criminal past overseas or that if he does he is attempting to change his life for the better by coming to this country and looking for work?</i>

	<p>Trade Workshop:</p> <p><i>It was confirmed that this is only for new applicants. There were concerns over the effectiveness and the possibility of forged letters.</i></p>
<p>PROPOSED POLICY 7 & 8: Requirement that vehicles may be no older than 4 years at initial application and no older than 10 years on subsequent renewal, and that the ‘standards of appearance’ conditions should be an indicator as to the condition that the vehicle should be kept in throughout the duration of the Licence, and not a reason to licence an older vehicle.</p>	<p>Chiltern Taxi Drivers Association</p> <p><i>CTDA has very strong objections in respect of this. Chiltern District Council’s own recent study has shown that licensed taxi drivers are traditionally low earners, yet, even in the times of economic downturn, drivers are expected to buy new cars even though existing ones are clearly roadworthy and indeed go through more rigorous tests than normal vehicles. This rule would undoubtedly result in many drivers and firms going out of business. Surely market forces will determine whether customers wish to use vehicles over five years old so long as they are roadworthy.</i></p> <p><i>Please see attached document to support this issue.</i></p> <p><i>CTDA would also like to add that overall, the fleet of taxis in the Chiltern District compared to other local areas are of a better standard.</i></p> <p>Chesham Town Council: <i>In light of the current economic climate, the Council believes that a rigorous enforcement of the policy that proposes the introduction of a minimum age criterion for vehicles (proposed policy 7) would be unfair and have a negative effect on the livelihood on many local taxi drivers. As an aspiration, the Council believes that, if such a policy is introduced, there should be a moratorium until there is a definite and sustained upturn in the economy.</i></p> <p>Individual Comment:</p> <p><i>i would like to request you to review the decision made on the age of vehicles</i></p>

.this is not acceptable because the price of 4 years old car is around £12000 to £15000 .no one can afford the price .if this limit is 8 years then its affordable for every one and the people got executive cars for their journeys. At the moment Chiltern district council got more executive cars in bucks county council. your this decision may increased the level of unemployment. that is my point. I don't know how you think. i hope you will review your new policy

Individual Comment:

i am writing regarding your new policy proposal. My view towards some of the statements are negativity especially towards the car age which proposed that one can only use a car which is under 4-9 years old. i personally think it will make things more difficult and as well as that purchasing a car under 4 years old is quite expensive and not everyone is financially stable. my car is under 10 years old and it has passed the MOT and compliance. i do not see any point for a policy as such as the taxi cars go under compliance every six months. everyone was favourable for the previous policy and we should continue on that policy. i hope you understand what point i am making.

Trade Workshop:

It was commented that the majority of the vehicles are maintained in a good condition yet the proposed policy would penalise all Licence holders.

It was suggested that the compliance test should determine whether a vehicle is fit for purpose (including appearance) and not its age.

There was concern that it would be costly to have to replace a vehicle at 10 years old and to replace any vehicle with a vehicle that is less than 4 years old.

	<p>Collection of 66 drivers:</p> <p><i>There are many drivers who will not be able to afford a car according to the new policy. Especially the part time drivers. There are many of us drivers who are in receipt of benefits due to low income, so for the proposal of having to get a new vehicle will only lower our income due to having to pay finance with interest on a new vehicle, that is if we do get finance. Also due to inflation of day to day expenses, we as taxi drivers would not be able to afford to live and also it</i></p> <p>Individual Response:</p> <p><i>I think having a vehicle no more than 4 years old on first license application is too low. With this policy you will put a lot of taxi drivers out of work because they will simply not be able to buy/afford newer vehicles. Do you really want people to be out of work and claiming benefits in the current economic climate? Please reconsider and cancel this policy or at least delay it for a few years.</i></p>
<p>PROPOSED POLICY 9: Strengthening the checks involved to receive an executive plate</p>	<p>Chiltern Taxi Drivers Association</p> <p><i>There are no objections to this. However CTDA would like to point out that It was CDC itself that relaxed the requirements of issuing executive plates, and subsequently CTDA feel that CDC are responsible for the abuse of the executive plates by doing so.</i></p> <p>Chesham Town Council</p> <p><i>Regarding proposed policy 9, (in a similar vein), the Council believes that the conversion of existing vehicles to ensure that they have clear, non-tinted windows would have a significant financially damaging impact on drivers. The Council suggests that such proposals are only applied to newly registered vehicles</i></p>

	<p><i>thereby phasing in the licensing requirements as and when vehicles are replaced.</i></p> <p>Trade Workshop:</p> <p><i>No comments were put forward as no representatives of the Private Hire trade were present.</i></p>
PROPOSAL POLICY 10: Removal of existing requirement to notify the Council	<p>Chiltern Taxi Drivers Association <i>Please could you clarify this?</i></p> <p>Workshop:</p> <p><i>No comments</i></p>
PROPOSED POLICY 11: Minimum size for taxi roof signs and removal of any alternative to the word "TAXI".	<p>Chiltern Taxi Drivers Association</p> <p><i>Again we believe this to be an unnecessary extra cost to drivers (around £70 plus) when most such vehicles are clearly recognisable as taxis.</i></p> <p>Chesham Town Council</p> <p><i>Regarding proposed policy 11, the same argument applies as above. No immediate enforcement for the size on existing registered taxis, but this should apply to all new vehicles</i></p> <p>Trade Workshop:</p> <p><i>There was concern over larger signs being stolen at night and difficulty in removing the signs.</i></p> <p><i>It was suggested that there should be a minimum size, rather than a stipulated size.</i></p>
PROPOSED POLICY 12: proposed for new non-standard private hire vehicle category to cater for limousines and novelty vehicles.	<i>No specific comments</i>

General Responses on the Policy Proposals

Chiltern Taxi Drivers Association

We welcomed the opportunity to comment on these proposals but would say, in conclusion, that the majority of them appear to be putting a greater burden on taxi drivers, particularly financially, in a very difficult economic period and do fear that, if implemented, it may put many more people out of work as well as offering less choice to the general public.

Chesham Town Council:

The Council broadly supports the comments submitted by the Chiltern Taxi Drivers' Association in its response to the consultation other than where specified. Specifically the Council would like to make the following observations (incorporated below)

Chalfont St Giles Revitalisation Committee:

We have no objections to the amendments/ alterations in the document.

Individual Response:

It appears that your consultation is null and void due to the Law commissions intervention, they are about to introduce new rules for taxis and PH cars. Even if they had not intervened, the consultation is a waste of time, as the former equity bill stated that saloon and other vehicles must be licensed as taxis so that all disabled have access to a cab. In areas where all taxis are wheelchair accessible, 98% of drivers have never had to carry a wheelchair passenger, as most wheel chair passengers prefer a saloon or MPV if they can transfer, and taxi owners have been forced to pay out huge sums of money to buy a wheel chair accessible vehicles when they wont be used for wheel chairs, and customers will start using the PH cars instead, as most people do not like the wheel chair cabs.

Most large towns and city's have dedicated wheelchair company's so why not just ask your local dial a ride company to put on a few more vehicles and leave the taxis alone.

Individual Response:

I have read through the proposed policy document and feel all proposed policy changes should not take place and am against all of the changes proposed. You have neglected to take in consideration of drivers proposed changes and are dictating the council changes. I am sorry but i am totally against your proposals.

Individual Response:

Don't agree with these new proposals that you have brought across.

<http://www.chiltern.gov.uk/taxipolicy>

Individual Response:

Please can you not make any changes to the existing Taxi licensing policy - ALL IS FINE HOW IT IS!!!!, No change to the existing policy document all proposals are bias.

--

General comments

Chiltern Taxi Drivers Association

- *Drivers have put forward an objection to the requirement to have clear windows. Many such licensed vehicles have tinted windows in London and therefore fail to see why Chiltern drivers should be penalised for having tinted windows. In London, Addison Lee is the largest operating taxi vehicle fleet and their vehicles have tinted windows. It is estimated it would take approximately £600 to alter such windows on the many existing vehicles with this accessory.*
- *CTDA would like to put forward a proposal that taxi badges are renewed every 2-3 years like in neighbouring areas such as High Wycombe. This would be preferably to drivers and would also save time for CDC staff and be less bureaucratic than the current system of the badges being renewed annually.*
- *CTDA would like the opportunity to further discuss other issues such as taxi roof lights, door panels, and new private hire vehicles with CDC.*

Chesham Town Council

Finally, while not part of the consultation per se, the Council would like to express its support for the Chiltern Taxi Drivers' Association's view that it is unfair that the cost of a licence is higher in Chiltern District than neighbouring Wycombe District. We would also support that the licence be renewable every two years in the future instead of annually.

Collection of drivers (with approximately 66 unverified signatures):

Vehicle in an unclean condition: *Is this meant to mean inside or outside of the vehicle? There is no reason/ excuse why your vehicle should not be clean on the inside, on occasions the vehicle can become unclean on the inside due to customers certain lack of respect for having open beverages, food etc and leaving the rubbish behind. We do ask in a polite manner not to bring open beverages and food litter into the vehicle , but due to responses and abuse that some customers do give us due to intoxicification, we tend to let them as confrontation could start and things could get out of hand, we are here to earn a living not to have arguments with customers and the public. Sometimes to keep the vehicle clean on the outside can come with great difficulty due to weather conditions. However specially if you work in the evening, there have been times where passengers are under the influence of drink and or drugs manage to abuse the vehicle and be silly by causing malicious damage inside and out, it is hard to stop the car and ask or confront passengers to get out the vehicle for there abuse when they are under the influence and most passengers exceed over three at a time.*

Hackney Carriage left unattended on a rank *As hackney drivers we pay a fee for the*

rank, we only leave the vehicle unattended for the use of the public toilets, which at most times are by the ranks, some of us including myself have medical conditions such as weak bladder, so to park close to the public facility's is very useful, we also use the ranks to go use the local café just to get some breakfast and a coffee as some of us work from 4am and skip breakfast, as we only lead the carriage for no longer than 10 minutes and as we do pay a yearly fee for the use of the rank we should be entitled to use it for public facilities and a coffee break as driving can be a tiring job. There are also drivers that come from out of town to work so the facilities are beneficial to them.

Individual Response:

Ability to work in other districts - dual application process i.e. South district and Chiltern, Police to apply criminal proceedings rather than civil actions more driver security and safety. Fare Increase – Every year inflation rate. More taxi ranks

*Amersham - High Street
Old Amersham – High Street
Great Missenden – Station Road
Chalfont St Giles – High Street
Chalfont St Peter – High Street
Seer Green Station – Seer Green Station
Little Chalfont - Chalfont parade
Holmer Green – High Street*

Hackney carriage / Private hire badge renewal proposal – lower the fees and extend renewal to 3 years. Hackney carriage / Private hire plate renewal proposal – lower the fees and extend renewal to 3 years Medical reports proposal – fix medical price and Medicals can be done by any GP or Medical centre in the Chiltern District. Vehicle Compliance proposal - We would like to abolish the six month compliance of vehicles over six years and should go back to yearly compliance and have a cap on vehicles of ten years old. Hackney badge holders proposal - Current hackney carriage drivers can drive a private hire – Dual badge.

Trade Workshop:

Seat Belts – Comment on historical condition that when driving the vehicle licensee shall wear a seat belt at all times.

Requirement to carry/produce Byelaws- The necessity to carry bylaws in the vehicle was questioned.

APPENDIX 3: OFFICIAL CDDA Response (As submitted)

Taxi Licensing Consultation
Chiltern District Council,
King George V House,
King George V Road,
Amersham ,
Bucks, HP6 5AW.

28 September

2012

Dear Sirs

CHILTERN TAXI DRIVERS' ASSOCIATION'S RESPONSE TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY

Please find below a response from the Chiltern Taxi Drivers' Association (CTDA) on the consultation document.

PROPOSED POLICY 1: That both new and existing drivers will be required to attend and participate in disability awareness training.

CTDA has no objections to this and would like to add that many drivers have already undertaken disability awareness training.

PROPOSED POLICY 2: A relaxation on the requirements for a new medical to be submitted when a current medical is already held at the time of application.

CTDA would welcome this change to the current requirements, since such medicals can cost in excess of £120 and puts an unnecessary financial strain on drivers. If there is an unexpired current medical at the time of application, then it seems logical not to have another medical.

PROPOSED POLICY 3: A reduction in fees for those vehicles rated at band A, B or C for road tax³ purposes i.e. less polluting vehicles.

CTDA is supportive of any proposal aimed at reducing air pollution and therefore has no issues with this proposed policy.

ADVERTISING

CTDA would like further clarification on what 'statutory provision' includes.

CTDA supports having door stickers on vehicles as long as they display the taxi company's name and contact number. This is important for customers as it allows them to identify the taxi that they have booked.

PROPOSED AMENDMENT 4: Additional guidelines to assist in decisionmaking and the strengthening the relevance of conditions.

CTDA is keen to support initiatives that remove dangerous drivers from the roads so has no concerns on this amendment. However CTDA would like to stress the fact that each case should be considered on an individual basis rather than a blanket approach being adopted whilst making decisions.

PROPOSED POLICY 5: The adoption of a points based system

CTDA has serious reservations on this proposal as overall it seems unfair and a bit extreme. It is our view that taxi drivers would, in effect, be punished twice for minor offences, once through the courts and then again by Chiltern District Council affecting their livelihood. We believe the points system is excessively punitive and just duplicates work and is not required as there are already other safeguards in place. In addition to this the point system is bureaucratic and will be more time consuming than the current system.

The current system at CDC is working well and CTDA feel that these changes are only being suggested so that 'something different' and new is being implemented rather than changes being suggested that are in fact productive and required.

While noting the Bracknell system was only an example, we feel it appropriate to comment on this scoring system in detail in light of its potential implications for all drivers.

Unlicensed vehicle 12 points – *no objections as we deem this a serious offence punishable by law*

Driving with no valid insurance 12 points - *no objections as we deem this a serious offence punishable by law*

Failure to wear or display driver badge 6 points– *we consider the points too high on this trivial offence particularly with the licence clearly displayed on the vehicle. Another point to raise is that it would be useful if the badges were smaller (similar size to your CDC work badges) so that they could be worn around the neck.*

Failure to notify conviction, caution or fixed penalty notice 6 points – *points too high. CTDA feels that the current process of notifying CDC of any convictions, cautions, or fixed penalties is sufficient and working well and therefore feel that a point system is not required. CTDA would like to ask if currently the local police authority notify CDC of convictions, cautions or fixed penalties.*

Hackney carriage left unattended on rank 4 points – *There should be no points for this. It is inevitable that drivers will need to leave vehicle for a short amount of time if only to get fresh air and be save to drive. It is common knowledge that in terms of health and safety individuals are recommended to take short comfort breaks from work, in the case of drivers these tend to be*

for a few minutes at a time, and are important for their wellbeing and to ensure that they are alert whilst driving. Further down you have mentioned that you are proposing the issue of 6 points for smoking in vehicles. We appreciate that not smoking in the vehicles is to create a clean and pollution free atmosphere in the vehicles, nonetheless smokers feel that they need to smoke. So if they are not allowed to smoke in their vehicles then surely they should be allowed to leave their vehicles for this purpose. The issues raised under this proposed point system appear contradictory.

Private hire parked on a rank 6 points – *no objections to this, as private hires are would be acting illegally by parking at ranks.*

Failure to notify an accident 4 points – *greater clarity is required. How serious is ‘an accident’ to be reported?’*

Behaving in a disorderly manner 4-12 points – *again a definition is required of what is considered to be disorderly.*

CTDA support the fact that disorderly behaviour should be addressed appropriately. However, CTDA is also disappointed there is no mention of protection and support for drivers who suffer from public disorderly conduct. As Licensors of Chiltern District area drivers, we feel that CDC should show some obligation to provide support and protection towards its drivers. Details of several cases can be provided, where drivers have been verbally/physically abused and their vehicles damaged yet no support was provided by CDC to them. This treatment seems unfair as it implies that CDC only looks to punish disorderly behaviour if carried out by drivers and not vice versa.

Failure to comply with traffic sign or signal 4 points – *punishable with points on the licence so we see no need for further punishment from CDC*

Illegal tyres (per tyre) 3 points – *points seem too high*

C & U regulations 2-4 points - *CTDA do not know what this is*

Smoking in Vehicle 6 points - *no objections, however please see point raised about drivers leaving vehicles unattended for a few minutes.*

No Smoke free signage 6 points - *no objections*

Unlicensed driver 12 points - *no objections, this is a serious offence*

Driving with no valid MOT /inspection 12 points - *no objections, this is a serious offence*

Failure to display plates or stickers 6 points - *no objections*

Failure to provide MOT, inspection or insurance documents 4 points –*this seems to high. Please could you clarify what is meant by ‘failure’ to provide. Drivers do not completely fail to provide documents as their licenses would be revoked by this. However they do at times provide their documents late, for*

which they are charged £25.00, therefore at present there is already a fine and system in place to deal with the late provision of documents.

Contravention of Stop Notice/suspension 12 points –Please could further explanation of this be provided.

Private Hire plying for trade 12 points – strongly agreed as their insurance is invalid if they do this.

Failure to notify change of details 4 points - more clarification needed. How much/little information is required? At present drivers immediately notify CDC of changes such as changes to vehicles.

Vehicle in unclean condition 4 points – this seems harsh. Drivers clean regularly but after continuously being driven with passengers in them they can get a little untidy. However the drivers do clean their vehicles regularly.

Use of hand held phone while driving 6 points - no objections if a statutory organisation such as the police have evidence of this. However it is difficult to prove an issue if there is no evidence and it is purely based on a complaint by for example a customer.

Overcharging 6 points – CTDA have serious reservations about this. Prices of journeys are either calculated through meters or are a fixed price determined prior to the journey commencing. Often journeys cost more if traffic is heavier. Customers then may feel over-charged even when they are not. Where does the burden of proof lie?

Too many passengers 8 points – no objections as this is not safe. However we would like to highlight that customers often ask for journeys where there are too many of them and they are told that we are not able to transport more than a certain number per licensed vehicle.

Horn misuse 4 points – again contentious. Who determines this? Often drivers need to use horn to get vehicles moving who are blocking their exit. An example of this is at Amersham Station, where other drivers often block in taxis with passengers. This frustrates our passengers and they consequently ask the drivers to use their horns to encourage the other cars to give way. Does this constitute misuse?

Illegal use of bus lane 4 points – no objection to the principle

PROPOSED POLICY 6: Requirement for a ‘police report’ for new applicants that have lived in the UK for less than 5 years.

CTDA has no objections to this.

**PROPOSED POLICY 7: The introduction of minimum age criterion and
PROPOSED POLICY 8: Replacement vehicles**

CTDA has very strong objections in respect of this. Chiltern District Council's own recent study has shown that licensed taxi drivers are traditionally low earners, yet, even in the times of economic downturn, drivers are expected to buy new cars even though existing ones are clearly roadworthy and indeed go through more rigorous tests than normal vehicles. This rule would undoubtedly result in many drivers and firms going out of business. Surely market forces will determine whether customers wish to use vehicles over five years old so long as they are roadworthy.

Please see attached document to support this issue.

CTDA would also like to add that overall, the fleet of taxis in the Chiltern District compared to other local areas are of a better standard.

PROPOSED POLICY 9: Strengthening the checks involved to receive an executive plate:

There are no objections to this. However CTDA would like to point out that It was CDC itself that relaxed the requirements of issuing executive plates, and subsequently CTDA feel that CDC are responsible for the abuse of the executive plates by doing so.

PROPOSAL POLICY 10: Removal of existing requirement to notify the Council

Please could you clarify this.

PROPOSED POLICY 11: minimum size and removal of alternative to words 'taxi'.

Again we believe this to be an unnecessary extra cost to drivers (around £70 plus) when most such vehicles are clearly recognisable as taxis.

ANY OTHER BUSINESS:

- Drivers have put forward an objection to the requirement to have clear windows. Many such licensed vehicles have tinted windows in London and therefore fail to see why Chiltern drivers should be penalised for having tinted windows. In London, Addison Lee is the largest operating taxi vehicle fleet and their vehicles have tinted windows. It is estimated it would take approximately £600 to alter such windows on the many existing vehicles with this accessory.
- CTDA would like to put forward a proposal that taxi badges are renewed every 2-3 years like in neighbouring areas such as High Wycombe. This would be preferable to drivers and would also save time for CDC staff and be less bureaucratic than the current system of the badges being renewed annually.
- CTDA would like the opportunity to further discuss other issues such as taxi roof lights, door panels, and new private hire vehicles with CDC.

We welcomed the opportunity to comment on these proposals but would say, in conclusion, that the majority of them appear to be putting a greater burden on taxi drivers, particularly financially, in a very difficult economic period and do fear that, if implemented, it may put many more people out of work as well as offering less choice to the general public.

APPENDIX 4: GENERAL REPONSES (As submitted)

Chesham Town Council

Bill Richards
Town Clerk



Tel: 01494 774842
Fax: 01494 582908
www.chesham.gov.uk
Email: admin@chesham.gov.uk

Taxi Licensing Consultation
Chiltern District Council,
King George V House,
King George V Road,
Amersham
Bucks,
HP6 5AW.

Our ref:

Dear Sirs

RESPONSE TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY

Chesham Town Council considered its response to the above consultation document at its Development Control Committee meeting on the 15th October 2012.

I am to say that the Council broadly supports the comments submitted by the Chiltern Taxi Drivers' Association in its response to the consultation other than where specified below. Specifically the Council would like to make the following observations:

- In respect of Advertising, the Council believes there should not be a requirement restricting taxi company names on any signage since this will only make it harder for passengers to recognise taxis they have ordered.
- In light of the current economic climate, the Council believes that a rigorous enforcement of the policy that proposes the introduction of a minimum age criterion for vehicles (proposed policy 7) would be unfair and have a negative effect on the livelihood on many local taxi drivers. As an

aspiration, the Council believes that, if such a policy is introduced, there should be a moratorium until there is a definite and sustained upturn in the economy.

- Regarding proposed policy 9, (in a similar vein), the Council believes that the conversion of existing vehicles to ensure that they have clear, non-tinted windows would have a significant financially damaging impact on drivers. The Council suggests that such proposals are only applied to newly registered vehicles thereby phasing in the licensing requirements as and when vehicles are replaced.
- Regarding proposed policy 11, the same argument applies as above. No immediate enforcement for the size on existing registered taxis, but this should apply to all new vehicles
- While the Council does not necessarily agree with all the detailed submissions made by the Chiltern Taxi Drivers' Association in respect to the adoption of a points based system (e.g. display of drivers' badges), we do question whether a points system is required at all as we are not convinced that the current system is not working. If, as appears, the current system is operating satisfactorily, then we do not see the necessity of introducing an overly bureaucratic new system. Any new system would need detailed consultation with the taxi drivers.

Finally, while not part of the consultation per se, the Council would like to express its support for the Chiltern Taxi Drivers' Association's view that it is unfair that the cost of a licence is higher in Chiltern District than neighbouring Wycombe District. We would also support that the licence be renewable every two years in the future instead of annually.

If you require any further clarification on the above, please don't hesitate to contact me.

Yours faithfully

Bill Richards
Chesham Town Clerk

From: REDACTED
Sent: 05 August 2012 12:02
To: TaxiLicensing
Cc: Nigel Shepherd
Subject: FW: Hackney Carriage & Private Hire Taxi Licensing Policy Consultation

Follow Up Flag: Follow up
Flag Status: Blue

My only comment on the proposed policy is to question the suggestion that we obtain police reports from foreign countries as additional bona fides for prospective drivers. My objections to the suggestion are:

- 1) These reports will be an additional expense to drivers making applications to CDC
- 2) Processing these reports will be an additional cost to CDC
- 3) I would expect the time involved in obtaining reports from countries outside Northern Europe would add significant delay to the application process
- 4) Would we really place uncritical reliance on every police report received? Isn't it likely that some countries police authorities would be less reliable than others in making objective reports?
- 4) If the Home Office has satisfied itself that an immigrant is fit to live and work in this country, why would we as a local authority effectively place no confidence in immigration checks by asking for a foreign police report? If an immigrant is making the effort to work to support himself and his family rather than being a drain on the benefit system shouldn't that be taken as good evidence that he does not have a criminal past overseas or that if he does he is attempting to change his life for the better by coming to this country and looking for work?

thanks
REDACTED

From: REDACTED
Sent: 06 October 2012 07:38
To: Ben Coakley
Subject: RE: Taxi Policy Consultation

Dear Ben Coakley

We have no objections to the amendments/ alterations in the document.

Kathleen Martin
Chairman
Chalfont St Giles Revitalisation Committee

From: REDACTED
Sent: 18 September 2012 09:30
To: TaxiLicensing
Subject: RE: TAXI CONSULTATION

To whom it may concern.

Further to my telephone conversation with ROBIN I am emailing you regarding the trade-marking of not only the REDACTED brand name but also the REDACTED brand colours which are REDACTED .

Our logo is clearly displayed on all of our vehicles and marketing and we believe it clearly distinguishes us from our competitors which make our cabs more recognisable for our customers.

There are many vehicle operators in the area and as we are attempting to distinguish ourselves from our competitors so should they.

So therefore we sincerely hope that you will raise this issue in your next Taxi and Private Hire Policy Consultation as the trademark of our logo and colours are important for us and our customer base.

We believe that local firms, in competition with us, would be more than happy to abide by any ruling which would make us clearly distinguishable from them.

Many Thanks.

REDACTED

From: REDACTED

Sent: 01 September 2012 04:19

To: TaxiLicensing

Subject: wheelchair accessible taxis

Dear Licencing, It appears that your consultation is null and void due to the Law commissions intervention, they are about to introduce new rules for taxis and PH cars. Even if they had not intervened, the consultation is a waist of time, as the former equity bill stated that saloon and other vehicles must be licenced as taxis so that all disabled have access to a cab.

In areas where all taxis are wheelchair accessible, 98% of drivers have never had to carry a wheelchair passenger, as most WC passengers prefer a saloon or MPV if they can transfer, and taxi owners have been forced to pay out huge sums of money to buy a WC vehicles when they wont be used for WC, and customers will start using the PH cars instead, as most people do not like the WC cabs.

Most large towns and city's have dedicated wheelchair company's so why not just ask your local dial a ride company to put on a few more vehicles and leave the taxis alone.

Regards

REDACTED

From: REDACTED

Sent: 23 July 2012 13:57

To: TaxiLicensing

Subject: Hackney Carriage and Prive Hire vehicle policy

Importance: High

Hello

I have read through the proposed policy document and feel all proposed policy changes should not take place and am against all of the changes proposed.

You have neglected to take in consideration of drivers proposed changes and are dictating the council changes.

I am soory but i am totally against your proposals.

Many Thanks

REDACTED – PERSONAL DATA

From: REDACTED
Sent: 17 September 2012 18:44
To: TaxiLicensing
Subject: New taxi policy

Follow Up Flag: Follow up
Flag Status: Blue
Dear Licensing,

I think having a vehicle no more than 4 years old on first license application is too low. With this policy you will put a lot of taxi drivers out of work because they will simply not be able to buy/afford newer vehicles.

Do you really want people to be out of work and claiming benefits in the current economic climate?

Please reconsider and cancel this policy or at least delay it for a few years.

Many thanks,

REDACTED

From: REDACTED
Sent: 19 September 2012 20:28
To: TaxiLicensing
Subject: Taxi Policy

Follow Up Flag: Follow up
Flag Status: Completed

Dont agree with these new proposals that you have broughtt across.
<http://www.chiltern.gov.uk/taxipolicy>

THANKS

From: REDACTED
Sent: 21 September 2012 11:30
To: REDACTED
Subject: Taxi licensing consultation

Importance: High

Follow Up Flag: Follow up
Flag Status: Red
Please see below list of outstanding issues to address.

Please can you not make any changes to the existing Taxi licensing policy - ALL IS FINE HOW IT

IS!!!

List of outstanding issues:

1. Ability to work in other districts - dual application process i.e. South district and Chiltern
2. Police to apply criminal proceedings rather than civil actions more driver security and safety.
3. Fare Increase – Every year inflation rate.
4. More taxi ranks

Amersham - High Street
Old Amersham – High Street
Great Missenden – Station Road
Chalfont St Giles – High Street
Chalfont St Peter – High Street
Seer Green Station – Seer Green Station
Little Chalfont - Chalfont parade
Holmer Green – High Street

5. Hackney carriage / Private hire **badge** renewal proposal – lower the fees and extend renewal to 3 years.
 6. Hackney carriage / Private hire **plate** renewal proposal – lower the fees and extend renewal to 3 years
 7. Medical reports proposal – fix medical price and Medicals can be done by any GP or Medical centre in the Chiltern District.
 8. Vehicle Compliance proposal - We would like to abolish the six month compliance of vehicles over six years and should go back to yearly compliance and have a cap on vehicles of ten years old.
 9. Hackney badge holders proposal - Current hackney carriage drivers can drive a private hire – **Dual badge**.
 10. **No change to the existing policy document all proposals are bias.**
-

From: REDACTED
Sent: 19 September 2012 01:08
To: TaxiLicensing
Subject: Taxi License Proposals

Follow Up Flag: Follow up
Flag Status: Blue
Hello,

I disagree with the points system that has been proposed, some of the contraventions listed are ridiculous, why would a driver with out a license care if they get any points?? Also how would a driver without vehicle insurance or MOT get a taxi license in the first place and if they were driving without a license they would not be affected by any points. Most of the contraventions already lead to points on your drivers liscence or a fine, e.g: using a hand held phone while driving, illegal tyres, no MOT/insurance, too many passengers, illegal use of bus lane etc.

In my opinion the whole point system is a big waste of time.

Kind Regards.
REDACTED

From: REDACTED
Sent: 23 July 2012 16:34
To: TaxiLicensing
Subject: review the decision of age vehicles

Follow Up Flag: Follow up
Flag Status: Blue
Dear officer,

My name is REDACTED.i would like to request you to review the decision made on the age of vehicles .this is not acceptable becoz the price of 4 years old car is around 12000 to 15000 pounds .no one can afford the price .if this limit is 8 years then its affordable for every one . and the people got exective cars for their jounes.At the moment chiltren district council got more exective cars in bucks county council. your this decision may increased the level of unempolymnt. that is my point.i dont know how you think. i hope you will review your new policy stated below.
your sincerly ,
REDACTED

PROPOSED POLICY 7: The introduction of minimum age criterion.
The option

to amend conditions to require that vehicles should be no older than 4 years at initial application and no older than 10 years on subsequent renewal, and that the standards of appearance condition should be an indicator as to the condition the vehicle should be kept in during the licence period, and should not be a reason to licence an older vehicle. This should help ensure a modern fleet compliant with

European Standards on safety and emissions, and would still enable the trade to pick up suitable vehicles for a reasonable price. The potential to exempt historic vehicles may be considered as part of this proposal.

•

The age limit may be exceeded if the vehicle complies with the standards for conditions of appearance of a private hire vehicle

•

All vehicles shall not be more than 4 years old when first licensed and should not be older than 10 years in the case of any subsequent application for renewal of license. The age of the vehicle will be taken from the vehicle registration document.

From: REDACTED
Sent: 22 September 2012 14:51
To: Licensing
Subject: disagree

Follow Up Flag: Follow up
Flag Status: Red

dear sir/ madam

i am writing regarding your new policy proposal. My view towards some of the statements are negativity especially towards the car age which proposed that one can only use a car which is under 4-9 years old. i personally think it will make things more difficult and aswell as that purchasing a car under 4 years old is quite expensive and not everyone is financially stable.

my car is under 10 years old and it has passed the MOT and complience. i do not see any point for a policy as such as the taxi cars go under complience every six months. everyone was favourable for the previous policy and we should continue on that policy. i hope you understand what point i am making. i hope to hear from you soon.

thanks

REDACTED

CHILTERN DISTRICT COUNCIL**NOTES of the Meeting of the
TAXI POLICY TASK AND FINISH GROUP
held on 24 JANUARY 2013**

PRESENT: Councillor P N Shepherd - Chairman

Councillors: N L Brown
H A Trevette

APOLOGIES FOR ABSENCE were received from Councillor D G Meacock

1 ELECTION OF CHAIRMAN

Councillor Shepherd was appointed as Chairman.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 CHILTERN HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

The Members of the Taxi Policy Task and Finish Group discussed each proposed policy in turn.

Proposed Policy 1 stated that all new and existing drivers would be required to attend a disability awareness training session. It was noted that the drivers thought that this policy was a good idea. It was questioned whether this would take place during the application process or after, and at what intervals the training would need to be repeated. Councillors stated that it should not be repeated too often, as a course may lead to loss of pay for that day. It would need to be required that they attend a recognised training programme to ensure uniformity of training.

Officers stated that the disability awareness training would be part of the application process. An online course, Equo, had been found, which would allow the drivers to complete the course in the Council Offices as they would the knowledge test. This would cost about £15 per person. One Councillor stated that the test would be in English, and this may cause a problem for some drivers. Councillors were advised that taxi and private hire drivers would need a good grasp of the English language. The knowledge test was also in English.

It was stated that three years would be a reasonable amount of time to have lapsed before it would be necessary for the course to be repeated. It was advised that the Officers consulted the County Council about this. It was suggested that existing drivers would be given a year to complete the training, or would have to complete it within three months of the next renewal. All drivers applying for a new badge after January 2014 would have to complete the training.

Councillors stated that disability training that covered how to get people into taxis should also be considered. Introducing passenger assistance training would need to be considered before a large number of specialist vehicles were licensed by the Council.

Proposed Policy 2 recommended that where an existing licensed hackney carriage driver applied to obtain a private hire license, or vice versa, no additional medical would be required. This was agreed by Members.

Proposed Policy 3 proposed that a reduction of 25% on the vehicle license fee for any vehicle that falls within Band A, B, or C for road tax purposes. Councillors were in support for this proposal, and stated that this would also encourage new vehicles to be used.

Addition to the Policy on Advertising – this would ensure that the Chiltern District Council logo would not be able to be used on the Taxi and Private Hire Vehicles (except for council issued door stickers). The Members were advised that this would cover the Council. It was suggested that all advertising should require the approval of the Council, for which a charge may be payable. One Councillor stated that the charge should be £10 for each logo submitted.

Proposed Amendment 4 proposed additional guidelines in relation to the relevance of past convictions to assist in decision making and strengthening the relevance of convictions. It was proposed that an amendment to the application form would question whether the applicant had had their license suspended at any other Council. It was also suggested that the form ask for permission to exchange information with other Councils for the promotions of public safety. Councillors were supportive of this addition.

Proposed revision to the Rehabilitation Periods for Convictions – it was suggested that the wording of the policy be changed from convictions to offenses, which would therefore include action for people who were dishonest on their application forms. It was stated that the wording of the amended taxi policy was not final, and an update would be available to be considered by Members at the next meeting of the Taxi Policy task and finish group.

It was discussed whether the rehabilitation period for an offense would start from the date of release from prison or from the date when the offense was spent, which could be 12 years from release. Councillors stated that this was an unreasonable length of time. It was noted that licenses would not be granted if the applicant was on the sex offenders register. If an applicant was not on the sex offenders register but had been convicted of a sexual offense, it would depend on the offense and the circumstances it was committed under.

It was noted that the date of release of prison was not necessarily the length of the sentence. The length of the whole sentence would be the length of time considered by a sub-committee during the application process. Members were advised that the Head of Health and Housing was concerned that applicants were being granted a license before the end of the full rehabilitation period. The current policy did not cover all offenses.

One Councillor stressed that Taxis were used by vulnerable people, and while Councillors did not want to license people with criminal histories they had little choice. The responses received from taxi drivers did not object to proposal that the length of time free from conviction be increased from 3 years to 5 years. It was stated that this would be strict in comparison with other authorities.

For convictions regarding intoxication with a motor vehicle, under the influence of either drink or drugs, it was suggested that where more than two offenses were recorded the applicant should undergo a medical to prove whether or not they had a dependency. There should also be a period of five years free from conviction. A doctor's note would have to be produced to prove that an applicant did not have a dependency on alcohol or drugs. It was stated that they would have to go to their own GP, not a Doctor of their choosing.

Proposed Policy 5: proposed the introduction of a points based system for offenses. This was strongly objected to by taxi drivers in their responses. Councillors stated that this was due to a problem in the presentation of this proposal. It was proposed that an accumulation of points would lead to the driver having to explain why to a sub-committee; there would be no automatic revoking of licenses because of points. Currently, a parallel system was in place, where it was at the discretion of officers whether to bring a series of minor offenses to be considered at the sub-committee. The points system would not be needed, but it was clearer than the current system. The points system would also promote more cautious driving, as they would be aware of how many points they had accumulated. It was important to note that if the police were taking action that the Council would not be adding points to their record as well. The system would be a guide for officers, not a guide for punishment. There was a negative association with the phrase 'penalty points', whereas they may not be as strong a negative association with the phrase 'monitoring of contraventions'.

It was suggested that drivers should sign something to accept the points that had been given to them, as it would stop them from denying their transgressions at a later date. It was suggested that a colour scheme be used instead of a points system.

Members suggested that the information regarding the transgression of the drivers be shared with the operators of the firms they drive for. Permission for this could be added to application forms. This would add to the transparency that they were being monitored, and would not affect the better drivers.

Proposed Policy 6 stated that applicants who had been living in the country for less than five years should provide a police report from the country they were living in. This was due to the length of time that the policy stated should elapse between the last date of conviction and date of application. South Bucks District Council asked for a Certificate of Good Conduct for all non-EU applicants who had been living in the UK for less than five years. It was questioned why this applied only to non-EU applicants, as offenses committed on the Continent were still not picked up by a CRB check.

It was also stated that a Certificate of Good Conduct be produced if a driver were to go abroad for a long period of time. Drivers were generally good at handing in their plates if they were going away for a period of time, and inform the Council so that they did not chase them for documents. It was suggested that six months abroad may be a suitable period to request a statement from the country. It was also suggested that drivers should undergo a medical exam if they were abroad for more than six months. Officers stated that they would look into this and report back at the next meeting.

Proposed Policies 7 and 8 related to the age and appearance of vehicles used as taxis. It was stated that a lot of cars were close to the edge of the time limit proposed. It was proposed that new applicants should have a car less than four years old, and renewal vehicles should be less than ten years old. One Councillor stated that mileage and wear and tear of vehicles was more important than the age.

It was stated that Councillors would prefer to see a car no older than ten years, but now was not the time to impose this. It was stated that if the car were beyond the policy but it passed both the visible and mechanical inspections it could be used, but the driver may have to pay an additional charge. Councillors stated that they would like to see what a vision check consisted of.

Proposed Policy 9 related to the policy regarding executive plates. It was stated that the executive plates should not be used on normal taxis. One Councillor suggested that the reasoning behind this for taxi drivers was that they received better deals on insurance. It was suggested that there should be a charge to be given an executive plate.

Councillors stated that the standards of the vehicle needed to be higher for executive vehicles, and training for drivers should be implemented. Vehicles should be a good standard, and drivers should be smartly dressed. Advertising should not be allowed on the vehicles at any time.

Officers stated that they would look at the benefits for drivers to use executive plates, including the lower insurance rates. It was also noted that executive vehicles did not have to use the door stickers that were supplied by the Council.

Proposed Policy 10 would remove the existing requirement placed upon drivers to notify the Council and decrease the number of times the drivers had to contact the department. It was stated that this was a procedural change. Members stated their support for this proposal.

Proposed Policy 11 proposed that there be a minimum size for taxi roof signs and a removal of any alternative to the word 'taxi'. One Councillor recommended that there be a standard size, and that the Council stock them. If there was a fixed size it would be important that there be a long lead in time. It was suggested that the lead in time be three years.

Proposed Policy 12 proposed a new non-standard private hire vehicle category to cater for limousines and novelty vehicles. Members were advised that the Council was not in a position to consider this at this time. The

consensus amongst Members was that they were happy to do it, and the Council had been approached by limousine companies. Officers stated that they would look at this in more detail.

The meeting ended at 8.10 pm

CHILTERN DISTRICT COUNCIL

NOTES of the Meeting of the TAXI POLICY TASK AND FINISH GROUP held on 6 MARCH 2013

PRESENT: Councillor P N Shepherd - Chairman

Councillors: N L Brown
D G Meacock
H A Trevette

APOLOGIES FOR ABSENCE were received from Councillors
C H Spruytenburg

4 NOTES

The notes of the last meeting were agreed as a correct record.

5 DECLARATIONS OF INTEREST

There were no declarations of interest.

Note: Councillor Meacock entered the meeting at 6.35

6 CHILTERN HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Proposed Policy 1 proposed that all new and existing drivers will be required to attend a Passenger Assistant Training Scheme (PATS) disability awareness course. The online training that was mentioned at the previous meeting as a possible course for drivers to complete was stated to be unsuitable. This was it contained leading and potentially insulting questions. PATS training took place twice a month at Buckinghamshire County Council. The County Council recommended that this was retaken every four years. It was suggested that drivers took this course before renewal of their license in 2014 and that it would be part of the application process for new drivers. The course would take place between 10am and 2pm over two consecutive days. Councillors stated that this was a sensible solution, and it should be built into the system so that drivers were reminded every four years that the PATS course would need to be completed.

It was suggested that if existing drivers were to do the training early, it would remain valid until their fourth annual renewal. One Councillor questioned what impact the requirement for the course would have on drivers who were able to drive, but not help customers into and out of vehicles. This could be a problem in practice but not in the training. Councillors were advised that the individual circumstances of the driver would be taken into consideration.

It was questioned whether, due to the increased demand, it would be possible to offer discounted courses or courses in Amersham. Councillors were advised that initial discussions indicated that this would not be possible. It

was noted that those who were contracted to pick up children from schools would already have completed this training.

Proposed Policy 3 proposed that a reduction of 25% on the vehicle license fee for any vehicle that falls within Band A, B or C for road tax purposes. One Councillor questioned how long the 25% reduction in vehicle license fee would last. It was stated that the classification of the bands would be altered according to new standards.

Proposed Policy Clarification (Advertising) would ensure that the Chiltern District Council logo would not be able to be used on the Taxi or Private Hire Vehicles (except for council issued door stickers). The wording for this clarification was agreed at the last meeting. It was questioned whether recommended wording could be included in the policy to advise what wording would be suitable and what would not be suitable. It would also be made clear that if something different was desired, it would have to be in addition to the standard sticker.

Proposed Amendment 4 proposed additional guidelines in relation to the relevance of past convictions to assist in decision making and strengthening the relevance of conditions. It was agreed that the question on the application form be amended to 'have you ever had a Private Hire or Hackney Carriage drivers license refused, suspended or revoked' and 'with this and other Local Authorities' from the current; 'The information you give on this form is confidential. It will be held on computer under the Data Protection Act 1998. This Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form, within this authority for the prevention and detection of fraud or the promotion of public safety. We may also share this information with other bodies administering public funds, again with the purpose of preventing and detecting fraud. You are required to answer all questions, those that are not applicable leave blank.'

Councillors considered the Transport for London policy, which was regarded to be well written. At the previous meeting of the Task and Finish Group, Councillors agreed that there should be at least five years free of conviction before a license application would be considered. It was stated that it was an exception under the Rehabilitation of Offenders Act that people with criminal records could not be barred from applying to be a taxi driver. One Councillor stated that for teachers some offenses were considered rehabilitatable and the Council should be consistent with that. One Councillor stated that it seemed unfair to allow applications from people who had criminal records that meant they would likely be refused. Councillors were advised that each application had to be treated on its own merits. The Licensing department stated that they could include the phrase 'would normally be refused' for more serious offenses. Offenses under this group in the Transport for London Policy were: murder, manslaughter, manslaughter or culpable homicide while driving, and terrorism offenses. Councillors asked that arson, kidnapping and threats to kill be included in this category. It was advised that threats to kill would remain in category B.

One Councillor questioned whether the increase from 3 years to 5 years without conviction was legally sound. It was stated that the increase to 5

years would bring the Council in line with the policies followed by the neighbouring authorities.

Councillors stated that a lot of applicants had been considered by a Taxi and Private Hire sub-committee because they had not declared criminal convictions on their application form. It was suggested that the form be amended so that it would be clear who to contact for assistance in completing the form. It was stated that if this contact was carried out via email there would be a record in writing. Councillors noted that it was possible to save the form and complete it later.

It was stated that, for existing drivers, it would be necessary to take into account their record of behaviour while driving. If they were charged with an offense, they were required to notify the Council. The Police would inform the Licensing department if a driver was charged with certain offenses, but they would only know to do so if the driver told them their profession.

If a taxi driver were charged with certain offenses, the Licensing department may suspend the driver with immediate effect. Unlike the law, the Council operated on probability, and must focus on the safety of the public.

Councillors suggested that if an existing driver or an applicant had a drink or drug driving conviction they would need to be clear of conviction for five years before an application would be considered. If they had more than one offense of this nature the Council would take a very harsh view on this and may not grant a license. It was noted that the word 'addict' was removed from the policy. Transport for London refers to alcohol and drug dependencies. It was stated that it is difficult to prove dependencies through convictions.

GPs must provide a medical report as part of the application process. One Councillor stated that he did not want the applicants to choose which doctor would provide the report and suggested that the Council appoint a doctor to produce the report. It was noted, however, that only the individuals registered GP would have access to the applicant's medical records.

Proposed Policy 5 proposed the introduction of a system called 'monitoring of contraventions' that would enable the licensing team to deal with contraventions more effectively and timely. A points system had previously been considered by the Task and Finish Group. This had been viewed in a negative light by the Taxi Drivers. It was suggested that the use of a traffic light system of red and amber offences, or a red and yellow card system may be viewed more favourably. It was stated that this system would pick up the few drivers that were persistent offenders, and would be an enforcement tool. The drivers would have the right of appeal. It was agreed that this should be considered at the next meeting of the Taxi Forum.

The Councillors were advised that this scheme would be more efficient to administer. Councillors were in favour of this scheme being implemented in a trial phase for a year.

One Councillor stated that unapproved advertising should only be worth one amber/yellow card, instead of the two that was being proposed. This was agreed by Councillors.

It was suggested that if drivers were caught speeding they should be reprimanded by this system. The Councillors were advised that if taxi drivers were caught speeding, the Council was sometimes informed via partnership working, but were normally recorded at the renewal of the license.

The proposed list of contraventions mostly contained things that were checked by the Council, such as defective tyres, whereas speeding was detected by the Police. It was stated that if the Police were dealing with something we would not impose a red/amber card; these would only be issued for complaints or offences that the licensing team investigate

Proposed Policy 6 proposed a requirement for a 'police report' for new applicants that have lived in the UK for less than 5 years or had been abroad for a considerable length of time. This was primarily agreed by Councillor at the last meeting. It was suggested that drivers should produce a 'police report' if they had been out of the country for 9 months. It was stated that the Licensing Officers would talk to the taxi drivers about this at the next meeting of the Taxi Forum.

Proposed Policy 7 and 8 proposed that a vehicle should be no older than 4 years at initial application and no older than 10 years on renewal. They also proposed that the standards of appearance conditions should be an indicator as to the condition that the vehicle should be kept in throughout the duration of the License. At the previous meeting, it was suggested that this was impractical and would prevent people from being able to become drivers. Officers suggested that the proposed policy be amended so that vehicles were no older than 7 years when first licensing and no older than 12 years on renewal. It would also be possible to apply for a one year extension annually.

Councillors stated that the phase in period was too short, as it was suggested that it was phased in during 2014. It was suggested by one Councillor that mileage may be a better measure than age of the vehicle. It was stated that the quality of vehicles and safety in vehicles had increased in newer models. There had also previously been issues with drivers clocking the mileage in the vehicles.

Proposed Policy 9 proposed that there should be a strengthening of the checks involved to receive an executive plate. This proposed policy was agreed at the previous meeting, but some amendments were considered by the Task and Finish Group. It was noted that the overall number of executive plates may drop. As a result of this, it may be necessary to look at increasing the fees at the next fee consultation.

At the previous meeting, it was suggested that Private Hire vehicles with executive plates may have lower insurance than those without executive plates. The Licensing Officer had contacted two insurance companies regarding this, and was advised that they would require evidence of dispensation from the licensing authority for chauffeur insurance. Chiltern District Council would not issue dispensation certificates and therefore none of the drivers would be eligible for this insurance rate.

Proposed Policy 11 proposed that there be a minimum size for taxi roof signs and a removal of any alternative to the word 'taxi'. Councillors suggested that the Council should have a stock where the drivers could purchase them from. It was stated that all of the roof signs that had been seen by the licensing department complied with the new proposed regulations and therefore it would not be profitable for the Council to supply these.

Proposed Policy 12 proposed a new non-standard private hire vehicle category to cater for limousines and novelty vehicles. It was noted that one of the garages that carried out compliance checks for private hire and hackney carriages in the district would be able to carry out compliance checks for limousines. Wycombe District Council's policy regarding limousines and novelty vehicles was discussed; the new policy is based around Wycombe's policy as well as reviewing numerous other Authorities policies and local conditions. It was agreed that a policy would be welcomed at Chiltern District Council.

The meeting ended at 8.13 pm

CHILTERN DISTRICT COUNCIL

**NOTES of the Meeting of the
TAXI POLICY TASK AND FINISH GROUP
held on 6 JUNE 2013**

PRESENT: Councillor P N Shepherd - Chairman

Councillors: N L Brown
C H Spruytenburg

APOLOGIES FOR ABSENCE were received from Councillors D G Meacock and H A Trevette

7 DECLARATIONS OF INTEREST

There were no declarations of interest.

8 NOTES OF THE LAST MEETING

The notes of the last meeting held on 6 March 2013 were agreed as a correct record.

9 POLICY ON LICENSING

The eleven proposed changes that had been previously considered by the Taxi Policy Task and Finish Group were discussed, together with how they had been reflected in the Hackney Carriage and Private Hire Policy. This policy would also be considered by the Licensing and Regulation Committee on 13 June 2013.

Proposed Policy 1 proposed that all new and existing drivers would be required to attend a Passenger Assistant Training Scheme (PATS) disability awareness course. It was stated that it would be recommended that all new drivers complete the course prior to their license being granted, and that all existing drivers would be required to complete this training every four years. This would cost a maximum of £45 every four years.

The trade have stated that, while they agree that new applicants should be required to complete this course, they do not think that existing drivers should have to. The Councillors noted that the original suggestion was that the training should be completed every three years, but this was adjusted in line with Buckinghamshire County Council's policy. It was also noted that a number of the drivers were licensed for home to school transport and they would have to complete this training to continue with this function.

The trade argued that the training would cost a considerable amount of money. Councillors stated that £45 every four years was not excessive.

The training that the drivers would have to undertake would be classroom style with an instructor rather than computer based.

Proposed Policy 2 recommended that where a hackney carriage driver applied to obtain a private hire license, or vice versa, no additional medical would be required. This was agreed by Members and the trade.

Proposed Policy 3 proposed that a reduction of 25% on the vehicle license fee for any vehicle that falls within Band A, B or C for road tax purposes. This was agreed by the trade. One Councillor requested that, for the meeting of the Licensing and Regulation Committee, information be provided as to the amount of vehicles that currently would benefit from this policy.

Proposed Amendment 4 proposed additional guidelines in relation to the relevance of past convictions to assist in decision making and strengthening the relevance of conditions. Councillors were advised that the wording on the application form had been amended to 'have you ever had a Private Hire or Hackney Carriage driver's license refused, suspended or revoked'. Wording had also been included to allow information to be shared with other bodies that administer public funds.

As previously discussed, violence offences had been placed under different classifications. The policy advised that for applicants convicted of some offences, such as murder, their application would normally be refused. For serious offences, such as arson and kidnapping, the policy stated that 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 other violent crimes, such as common assault, the policy required five years free from conviction, or at least five years must have passed since the completion of the sentence, whichever is longer. The Councillors were asked to consider whether the offences had been placed in the correct classification. The classifications can be found on page 26 of the policy. The Councillors were of the view that the offences were in the correct categories.

The Task and Finish Group was asked whether the Committee would like to increase the length of time required to be free from conviction for serious offences. Members noted that the length of time relating to freedom from convictions in the proposed policy would be a considerable jump from the current policy. However they were of the view that these timescales were reasonable.

The Committee advised that, for each of the classifications, the length of time required to be free from conviction was a minimum requirement and that a sub-committee could request a longer period of time to pass. Members requested that this be made obvious in the document.

It was questioned whether driving without insurance should be treated as a traffic offence or a dishonesty offence. A dishonesty offence would be treated more seriously. It was felt that a separate paragraph relating to insurance offences should be added to the policy to reflect the seriousness of this particular offence. Councillors stated that it was important to be strict about this kind of offence. It was suggested that for an isolated insurance offence an application should not be accepted for 3 years, and that a licence would be unlikely to be granted if there were more than one offence in the last 10 years. One Councillor questioned what action would be taken if it were reported to the Council that someone was driving a taxi or private hire vehicle without

being licensed. Members were advised that this would be an offence of the operator if they had been subbing to unlicensed vehicles. If the driver were licensed but was driving an unlicensed vehicle they would have their license considered by the sub-committee. If an operator were involved, they would also have their license considered by a sub-committee, and it could be suspended or revoked.

It was suggested that for an isolated insurance event an application should not be accepted for 3 years, and that a license would be unlikely to be granted if there were more than one offence in the last 10 years.

A section regarding police cautions was to be added. If a person were to accept a caution they would be accepting guilt of an offence, and as such their application would be treated as though they had been convicted of an offence.

It was noted that the policy on driving under the influence of alcohol and drugs now included driving under the influence of medication as well as illegal drugs. There is a separate section in the policy relating to the possession and/or supply of illegal drugs.

The policy included a section on touting and plying for hire, but did not currently refer to other offences under the taxi licensing legislation. Such offences could include overcharging of fares and refusing to carry disabled passengers. Councillors suggested that one offence should incur a 12 month period where an application would not be considered, and more than one licensing offence conviction in the last 5 years would lead to an application not being considered for 3 years. The title of this section is to be altered accordingly.

Proposed Policy 5 proposed the introduction of a system called 'monitoring of contraventions' that would enable the licensing team to deal with contraventions more effectively and timely. This trade has not been supportive of the potential introduction of this policy. Since consultation with the trade, several changes were made to the policy, including the changing of points to a red and amber card system, and ensuring that offences that have been dealt with by the police would not be included in this system. The Council would only investigate the contraventions they witnessed or that were reported to them by members of the public. Serious offences would lead to a driver having their license considered by the sub-committee. A contravention would be kept on the system for 12 months. If a driver received 4 amber cards or 1 red card in a 12 month period the license would be considered by the sub-committee.

The card system would act as a trigger to bring someone before the sub-committee. It would also decrease Officer time spent on contraventions. One Councillor questioned whether the failure to wear or display badge should include guidelines that the badge be visible from the backseat. Councillors were advised that the legislation states that it must be worn, but that most policies say that the badges must be worn or clearly displayed. It was also questioned whether drivers should be able to use a handheld radio while driving. It was stated that this took as much concentration as a mobile phone, and would be held in a similar way. It was thought that this would be a

distraction and should be prohibited. Councillors agreed that the contraventions were classified correctly.

Proposed Policy 6 proposed a requirement for a 'certificate of good conduct' for new applicants that have lived in the UK for less than 5 years or had been abroad for a considerable length of time. At a previous meeting it was also agreed that existing drivers should produce a 'certificate of good conduct' if they had been out of the country for 9 months or more. The trade had asked whether a system would be put in place to enable applicants to provide the Council with this document. The Council would not be putting a system in place, but systems were in place at the Embassies. This was general practice amongst Licensing Authorities and would bring Chiltern District Council in line with neighbouring authorities. The document would need to be provided in English, and the applicant would be responsible for the cost of translation if the certificate was produced in any other language.

Proposed Policy 7 and 8 proposed that a vehicle should be no older than 4 years at initial application and no older than 10 years on renewal. This was objected to by the trade, as they thought this was unreasonable. This was altered during previous meetings of the Taxi Policy Task and Finish Group, and was amended so that vehicles were no older than 7 years when first licensing and no older than 12 years on renewal. It was also made possible to apply for a one year extension annually. This extension would require a visual inspection by one of the approved garages which would incur a £25 fee. It was noted that other local authorities also had policies regarding the age of vehicles, and the policy proposed by Chiltern District Council would be less strict than other authorities.

Proposed Policy 9 proposed that there should be a strengthening of the checks involved to receive an executive plate. It was stated that most of the drivers who applied to have an executive plate did so to allow them to not have door stickers. However, several vehicles with executive plates had placed advertising on the outside. The proposed policy stated that drivers with an executive plate must be smartly dressed at all times when working as a licensed driver and have no advertising on or in the vehicle. It was noted that the trade did not want a description of what smart dress should entail.

Proposed Policy 11 proposed that there be a minimum size for taxi roof signs and a removal of any alternative to the work 'taxi'. It was noted that when checks were carried out all roof signs were compliant of this new policy. This was agreed by the trade and Members.

Proposed Policy 12 proposed a new non-standard private hire vehicle category to cater for limousines and novelty vehicles. This was included on page 109 of the policy. The Council currently did not have a policy regarding this, but had been approached several times by applicants to see if their vehicles could be licensed at Chiltern District Council. It was stated that if they were licensed by this Council then there would be some control over the vehicles.

It was agreed by Members to formally notify the taxi trade that the policy would be discussed at the meeting of the Licensing and Regulation Committee on Thursday 13 June 2013.

It was noted that the policy included a clause that allowed it to be further amended without consultation.

The meeting ended at 4.23 pm

CHILTERN DISTRICT COUNCIL

Director of Planning and The Environment
Gill Gowing DipTP., MBA., MRTPI

HEAD OF HEALTH AND HOUSING

Martin Holt BSc., MCIEH

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INVESTOR IN PEOPLE

Minutes of Hackney Carriage and Private Hire policy feedback session – 11.04.2013

Attendees

Masud Ahmed
Umar Hayat
Qaiser Mahmood
Cllr Shepherd
Cllr Trevette
Cllr Brown
Ben Coakley
Donna Harrison

Cllr Shepherd welcomed everyone and advised that the meeting was to discuss the proposed amendments to the HC and PH policy, taking into account the consultation responses received and discussions at the consultative meeting on 20.09.12 and the Licensing & Regulatory Committee meeting on 29.11.2012.

Each point was discussed separately with regard to the initial proposed policy, feedback received, discussions that had taken place between Officers and Members in the Task and Finish meetings and any proposed revision to the policy. It was stressed that any revisions made to the proposed policy were a result of the feedback received during the consultation period. Members and Officers had discussed the feedback in great detail and it was hoped that the representatives present could see that their views have been taken into consideration and the feedback incorporated, where possible, into the new proposed policy. Following on from this session, it is proposed to take the proposed policies to the Licensing and Regulatory Committee for discussion and decision.

Proposed policy 1 – All new and existing drivers be required to attend a disability awareness training session.

All new drivers to attend Passenger Assistant Training Scheme (PATS) disability awareness course (specific modules). PATS training to be conducted by BCC at a cost of £45, to be held in Aylesbury or High Wycombe. Currently working to see if we could hold it in Amersham and whether this may reduce the cost.

Training to be completed every 4 years, A licensee that has undertaken PATS training, including all drivers that work on school contracts for BCC, will already have completed the training and have refresher training every 4 years.

This was agreed by those present. All new drivers to complete the training as part of the application process. Existing drivers to complete the training as part of their renewal. A lead in time to be agreed (potentially a year after the policy is approved by Council?). If a licensee has already completed the appropriate PATS modules they would not be required to complete it until 4 years had passed.

Proposed policy 2 – Removal of the requirement for a current licensee to have to undertake a separate medical should they apply for a different drivers badge (i.e HC driver applying for PH drivers badge and vice versa).

There were no objections, this was supported by the consultees and Members, this can now be put before the L & R Committee for approval

Proposed policy 3 – A reduction of 25% on the vehicle licence fee for any vehicle that falls within Band A, B or C for road tax purposes

There were no objections, this was supported by the consultees and Members, this can now be put before the L & R Committee for approval

Clarification on advertising – the purpose of the amendment was to control false/misleading/illegal advertising material that included the Council's name/logo

All advertising will require approval by the Council. Private Hire are not able to use the word 'taxi' in any advertising material. The Council's logo must not be used on any advertising material. A charge of £10 will be made per batch of advertising submitted for approval

Proposed policy 4 – Amendment to the wording on the application form/s

The wording on the application form to be amended to; 'have you ever had a Private Hire or Hackney Carriage drivers license refused, suspended or revoked' and 'with this and other Local Authorities' from the current; 'The information you give on this form is confidential. It will be held on computer under the Data Protection Act 1998. This Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form, within this authority for the prevention and detection of fraud or the promotion of public safety. We may also share this information with other bodies administering public funds, again with the purpose of preventing and detecting fraud. You are required to answer all questions, those that are not applicable leave blank.'

The application form is to be amended to make it clearer to applicants that all cautions and convictions need to be declared regardless of how long ago they were or if the Council are already aware of them.

Revision to the rehabilitation periods for convictions.

Most of the offences will be moved from 3 years free of conviction to 5 years free of conviction in line with other Authorities

Proposed policy 5 – Introduction of a points based system for offences

Instead of a penalty points system introduce 'monitoring of contraventions' amber/red card scheme.

The monitoring of contraventions is deemed to be an effective way to monitor those who are continually breaching the policy/regulations/legislation, e.g. not displaying their licence plate.

If the Police deal with an offence, e.g. issue points on the license etc. the licensing team will not also issue a card via the monitoring of contraventions so there will be no double jeopardy. It is only designed for Officers to deal with issues they witness or investigate

If a licensee obtains a red card or 4 amber cards within a 12 month period they will be referred to a Licensing Sub-Committee who will decide if they are a fit and proper person to hold a licence and could consider taking no action, issuing a warning, issuing a suspension, revoking the licence etc.

After 12 months the card will be filed but no longer considered, this is to be trialled for a 1 year period

Proposed policy 6 – Requirement for a police report for new applicants that have lived in the UK for less than 5 years

Any applicants that have not lived in the UK for 5 years prior to application will be required to obtain a certificate of good conduct from their embassy in addition to the enhanced CRB form. Current licensees who are out of the country for 9 months or more will also be required to obtain this certificate (exceptional circumstances will be considered by the Licensing Office)

Proposed policy 7 and 8 – Requirement that vehicles may be no older than 4 years at initial application and no older than 10 years on subsequent renewal, and that the 'standards of appearance' conditions should be an indicator as to the condition that the vehicle should be kept in throughout the duration of the licence.

Taking into consideration the feedback from the consultation, it is proposed to amend the age of vehicles to less than 7 years when first licensed (instead of the initial proposed 4 years). Current vehicles can be licensed up to 12 years of age (instead of 10 as first proposed).

It is also proposed to introduce a policy to allow an additional annual licence once the vehicle is 12 years of age for vehicles that are in good mechanical condition and the bodywork and interior are free of damage and in good/clean condition. After 12 years, to apply for a one year additional licence the licensee must submit a request in writing 1 month before the expiry date, a Certificate of Compliance must have been issued within the last 3 months from an approved garage and it must have passed a visual inspection from one of our approved garages (for which there will be a nominal charge)

Proposed policy 9 – Strengthening the checks involved to receive an executive plate

It is proposed to introduce a policy that vehicles with executive/small plates cannot have any advertising on or in their vehicle, they must also be smartly dressed. There was a general discussion regarding the standard of dress,

Members advised the trade representatives to consider whether they would like to discuss the introduction of a dress code.

Proposed policy 10 – Remove the requirement for licensees to notify the Council when have booked the MOT/CofC

Consultees and Members are happy for the proposal to be put before L & R committee for approval

Proposed policy 11 - Minimum size for taxi roof signs and removal of any alternative to the word "TAXI".

Policy to be introduced over a 3 year period (for existing licensees). Introduction of minimum sign dimensions of 10" long, 5" deep and 4" high, no maximum dimensions to be introduced. The word TAXI only in 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. It was noted that the Licensing Officer had discussed this with drivers and had measured a number of roof signs currently on Hackney Carriage vehicles and all of them met the dimensions above

Other comments/discussions

There was a general conversation with regard to touting/plying for hire at particular areas including The George in Chalfont St Peter and Winkers Nightclub. Officers and Members are aware of the concerns raised and will be taking steps to monitor and address the situation, including a program of enforcement activities.

Extract of Policy	Comments
<p>Seat Belts: When driving the vehicle the Licensee shall wear a seat belt at all times.</p>	<p>It was believed that this is unnecessarily excessive because it is over and above the statutory requirement for taxi drivers.</p> <p>Enter in the policy that we recommend drivers have their seat belt on at all times but we will not make this a condition.</p>
<p>Requirement to carry/produce Byelaws: The Licensee shall at times when driving the Vehicle carry with him or her a copy of the licence, byelaws 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.</p>	<p>The necessity to carry byelaws in the vehicle was questioned.</p> <p>Unable to change the byelaws as it is a long and expensive process but have it minuted that Licensing Officers will not actively enforce this byelaw</p>

[Redacted]

From: [Redacted]
Sent: 21 May 2013 15:35
To: Donna Harrison
Cc: [Redacted]
Subject: FW: Reponse by the CDDA

Hi Donna

Referring to the my previous email to you.

In order to eliminate the risk of any kind of misunderstanding or confusion about my words on the POLICY 5,7,8 I feel I should clarify my comments. Trade is not in favor of these changes so please deal with the mentioned policy numbers as trade does not agree with proposed changes.

Response to rest of the policy stays same as my previous email.

Regards

[Redacted]

From: [Redacted]
To: [Redacted]
Subject: Reponse by the CDDA
Date: Fri, 17 May 2013 16:09:41 +0100

Hi Donna

As trade agree with most of the policy proposed but there are only few things which trade disagree with and they are

POLICY 1: we agree with the the condition for the new driver but why a existing drivers has to do the course every 4 years and there is a £45 unnecessary cost involved on the divers.

POLICY 2: trade feels that as a hackney driver ones knowledge is tested more then private hire driver and if a driver needs to down grade to private hire from hackney then it should be easier to do so. we agree with the proposal if its for a private hire wants to upgrade to hackney

POLICY 3: AGREE

POLICY 4: AGREE

POLICY 5: the response to this one is not different then comments already in the document.

POLICY 6: is there a system in place with embassies to obtain such license?

POLICY 7,8: the response to this one is not different then comments already in the document.

POLICY 9: just need to get some clarification on this one does the change of dress code effects only the executive plate drivers?

POLICY 10: AGREE

POLICY 11: AGREE

Regards

[Redacted]

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CHILTERN DISTRICT COUNCIL

www.chiltern.gov.uk/taxi

Hackney Carriage and Private Hire Policy

FINAL FOR APPROVAL

Final Produced June 2013

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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, though 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's 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 not 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.

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.

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)								

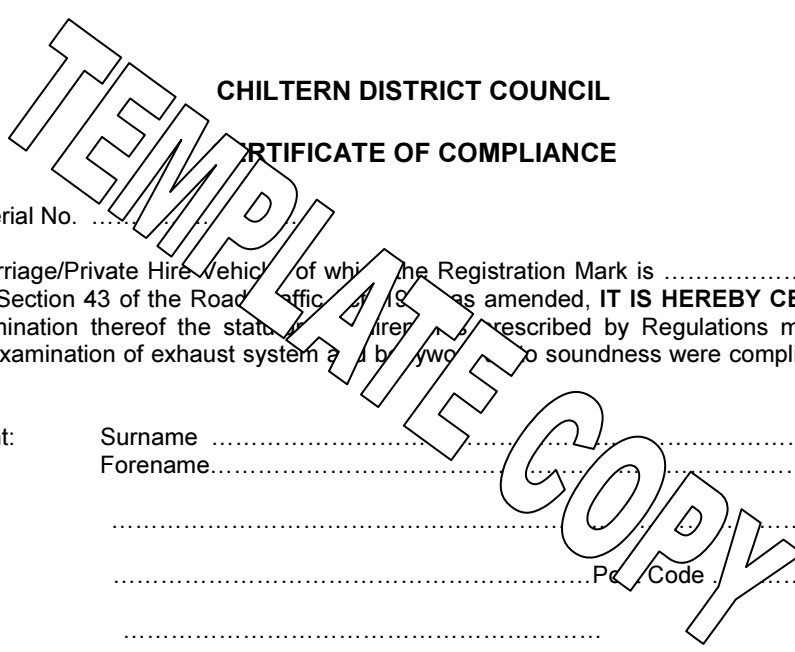
58	* Chiltern Private Hire Door signs (if licensed) * n/a small external gold plate				
59	External licence plate (if licensed)				
Wheelchair Facilities					
60	Wheelchair restraints condition				
61	Wheelchair restraints operational				
62	Disabled person's seatbelt, operational, condition				
63	Ramps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

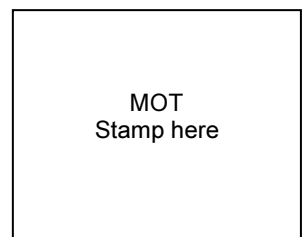
Address:
 Post Code

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.