

# South Norfolk Council

## Private Hire and Hackney Carriage Policy

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## Section 1

### Introduction

1.1 South Norfolk is an attractive rural area situated in the County of Norfolk. The District consists of several market towns including Diss and Wymondham and a number of parishes. The District has a railway station on the main Norwich - London and Norwich – Midland routes. Greatly improved trunk and main roads and an extensive network of local roads enable easy access to all parts of the District. A map of the district can be found in Appendix A.

### Aims and objectives of Licensing

- 1.2 The licensing of hackney carriage and private hire drivers, vehicles and operators aims to secure the following objectives:
- All licensed drivers/proprietors and operators are ‘fit and proper’.
  - Ensure the protection of public safety and the environment.
  - All licensed vehicles are fit for use, roadworthy and maintained to the highest standard at all times.
  - Encourages the use of vehicles that are accessible to persons who have disabilities.
  - Provides first-class customer experience, promoting a high standard to those who live in, work in or visit the area.

### The Councils Role in Taxi Licensing

- 1.3 The Council is responsible for licensing all hire vehicles which operate in South Norfolk district, which are provided with a driver and operated with less than eight passengers.
- 1.4 There are two types of vehicle: public hire vehicles (hackney carriages) and vehicles which are only available by prior booking arrangement (private hire vehicles). Both types of vehicles are generally known as ‘taxis’ by the public.
- 1.5 Before any vehicle is licensed, it must be tested at one of the Council’s five approved MOT garages, of which more information can be found on our [website](#). The test covers the vehicles mechanics, general appearance which includes the comfort for passengers and the reliability of any meter if fitted.
- 1.6 The Council is responsible for the licensing of both classes of drivers of both classes of vehicle. Within the scope of the legislation, the Council ensures that all drivers are ‘fit and proper’ persons to be licensed, by carrying out checks on an applicant’s background.
- 1.7 The Council issues combined driver’s licences to all successful applicants, which enables the holder to drive either a hackney carriage or a private hire vehicle, provided that these are licensed by this authority.

- 1.8 As part of ensuring drivers are suitable for the job, the Council carries out enhanced Disclosure and Barring Service (DBS) checks. For more information, visit the Disclosure & Barring Service [website](#).
- 1.9 The Council is also responsible for taking enforcement action against drivers, vehicles and operators it has licensed, if they fail to comply with the licensing conditions and regulations. Enforcement covers offences related to drivers' behavior, the condition of the vehicles and the investigation of complaints made against any licence holder.
- 1.10 The Council may grant or issue licences as well as having the power to suspend or revoke licences and take Court action if necessary against any offending licence holder.
- 1.11 Licensing and enforcement is carried out by Council officers who have been approved as 'Authorised Officers' for that purpose.

### **Accessibility**

- 1.12 There are a small number of licensed wheelchair accessible vehicles available in South Norfolk.
- 1.13 Sections 165 and 167 of the Equalities Act 2010 requires drivers of designated wheelchair accessible taxis and private hire vehicles:
- Carry the passenger while in the wheelchair;
  - Not to make any additional charge for doing so;
  - To carry the wheelchair, if the passenger chooses to sit in a passenger seat;
  - To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - To give the passenger such mobility assistance as is reasonably required.

The Act then goes on to define mobility assistance as assistance:

- To enable the passenger to get into or out of the vehicle
  - Enabling the passenger to get in and out of the vehicle while in a wheelchair;
  - To load the passenger's luggage into or out of the vehicle;
  - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 1.14 A list of all wheelchair accessible vehicles will be maintained in accordance with section 167 of the Equalities Act 2010 on the Licensing Team webpage. This list will be periodically updated based on the details given at the time of vehicle licensing.

## **Hackney Carriage**

1.15 It is possible to hire these vehicles from a taxi rank or hail them in the street. In addition, a Hackney Carriage can work as a Private Hire Vehicle and may also be booked over the phone, by visiting the vehicle's operating base, by booking online or booking through app based technology. These will have a white plate fixed to the rear of the vehicle and a small internal plated securely fixed to the inside of the front windscreen.

## **Private Hire Vehicles**

1.16 These vehicles can only be hired by pre-booking over the phone, by visiting the vehicle's operating base, by booking online or booking through app based technology. These will have a yellow plate fixed to the rear of the vehicle and a small internal plated securely fixed to the inside of the front windscreen.

## **Hackney Carriage/Private Hire Driver Licences**

1.17 The Council will take into account all convictions, police cautions, driving convictions, complaints of unacceptable conduct/behaviour, breach of licence conditions and other convictions obtained during the course of a Licence, in accordance with the convictions policy (Appendix C)

1.18 When such circumstances occur, the application may be referred to a Panel of the Licensing, Appeals and Complaints Committee.

## **Referral to Panel of Licensing, Appeals and Complaints Committee**

1.19 If an applicant or a driver is referred to the Committee, they will be notified in advance in writing of the date and time of the hearing. A copy of the Committee report will also be forwarded to the applicant/driver. The applicant/driver may bring representatives along to the Committee hearing. These may be a legal representative, a friend or member of their family, or a work colleague, who may assist them during the course of the Committee meeting and speak in support of them.

## **How to make a complaint**

1.20 To make any complaint regarding a licensed driver or vehicle please make your complaint by emailing or writing to the Council's Licensing Team using the contact details below.

[licensingteam@s-norfolk.gov.uk](mailto:licensingteam@s-norfolk.gov.uk)

South Norfolk House, Cygnet Court, Long Stratton, Norwich NR15 2XE

## Section 2

### 2 Private Hire and Hackney Carriage Drivers Policy

2.1 On application for a Combined Private Hire and Hackney Carriage driver licence (combined licence) (either a new application or a renewal), the applicant must comply with the following;

1. All applicants/drivers must present a full UK current driving licence issued by the DVLA or a licence from an EEA (European Economic Area) or EU state and the licence must have been held for at least 12 months;
2. It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence. At initial application, if the Private Hire and Hackney Carriage driver is under the age of 65, he/she must be medically examined by a qualified medical practitioner at a practice where the Doctor has access to the applicant's full medical record. At initial application and up to the age of 65, frequency of medical examinations will be indicated by the qualified medical practitioner. From the age of 65, frequency of medical examinations will be annually.
3. Any applicant must be medically examined by a qualified medical practitioner at a practice where the Doctor has access to the applicant's full medical record and the applicant/driver must be considered fit enough to meet at least the standards required for the grant of a Group 2 driving licence as required by the Driver Vehicle Licensing Agency (DVLA). Shorter licences may be issued for medical reasons. If there is a change in a driver's medical fitness to drive a vehicle, they must notify the Licensing Team within 3 days of becoming aware of the change in circumstances.
4. A first-time applicant, or an applicant whose previous licence expired more than 28 days previously, must produce a certificate issued by a South Norfolk Council approved provider (a list of which can be found on our [website](#)) confirming that they have taken and passed a Driving Assessment for Taxis and Private Hire Vehicles. The applicant will be required to provide their own vehicle in which to complete the test. This will be implemented for new licensed holders. Existing licensed drivers will not have to complete the test, unless the renewal period of their licence exceeds a 28-day period or at the authorised officers request.
5. An enquiry shall be made of the DVLA to establish the validity of any applicant's UK driving licence and any motoring convictions recorded against them, to confirm that the applicant is a fit and proper person to hold, or continue to hold, a combined licence. The applicant will be required to authorise the Council to make such enquiries.
6. The Council will not issue a combined driver licence unless the individual has a right to work in the UK. All applicants must provide documentation to prove that they have the right to work in the UK. The Council will use a right to work check sheet which is provided by the Home Office – A 'Right to work Checklist' providing a list of valid documentation. An application from a person who cannot provide the necessary documentation will be refused.

7. Any applicant's criminal record shall be checked via the Disclosure and Barring Service (DBS) at enhanced level. The applicant will be required to complete the necessary forms for the purpose. If a Criminal Records check with the DBS is not applicable, the applicant must provide a certificate of good conduct or equivalent from every country where the applicant has been resident during the previous 5 years. Where the applicant is unable to provide the relevant certificates of good conduct, their application will be referred to the Committee for consideration of the application on its own merits;
  8. All convictions including cautions must be disclosed. The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2003 amends the Rehabilitation of Offenders Act 1974 and provides that in the case of taxi and Private Hire Vehicle drivers, convictions can never become spent. Therefore, the Council when considering whether an applicant is a fit and proper person to hold a combined licence, must consider any relevant convictions, in particular the weight to be placed upon those convictions taking into account the nature of the offence and the date of the conviction;
  9. Any applicant must make a declaration as to any criminal or motoring convictions recorded or pending against him/her in order to confirm that the applicant is a fit and proper person to hold a combined licence;
  10. The DVLA licence must cover the appropriate category for the vehicle being driven i.e. Class C1 for stretched limousines;
  11. All drivers must have attained a minimum age of 21 before the date of application for the combined driver licence.
- 2.2 A combined licence shall be valid for a standard term of three years, unless the licence is issued for a shorter period by an authorised officer or following a determination by the Committee.
- 2.3 Drivers must notify the Licensing Team of any penalty points received in respect of their DVLA driving licence within seven days of receiving the points. If a driver receives a number of points within a short period of time they may be brought before the Council's Committee for a possible suspension/revocation of their combined licence. Each case will be considered on its own merits.
- 2.4 Any driver whose DVLA driving licence has been suspended or revoked will automatically have their combined driver licence suspended or revoked by an authorised officer. Depending on the circumstances, the driver may be required to appear before the Committee for consideration of the future of their combined licence.

### **South Norfolk Penalty Point System**

- 2.5 Penalty points can be imposed on the drivers, operators and proprietor of Private Hire and Hackney Carriage Vehicles. This system is designed as an aid to ensure continued public safety and to give the individual concerned a chance to rectify any relatively minor breaches of licence conditions without the need to resort straight to suspension, revocation or prosecution. The intention is to encourage all drivers to apply high standards during day to day driving activities, in particular to comply with the requirements of the licensing conditions.

2.6 If an individual concerned accrues a total of 9 points within a 3-year period then he/she will automatically be referred to Committee to show just cause why their licence should continue. Individuals may also be brought before the Committee at the discretion of the authorised officer.

2.7 The full penalty point system can be found in Appendix B.

### **Fees**

2.8 Applications with all the relevant supporting documentation will not be accepted without the appropriate fee. Payment must be made by either cheque or credit/debit card.

### **Safeguarding Awareness & Conduct**

2.9 The Council has introduced a Safeguarding Code of Conduct, which can be found in Appendix D. In order for the Council to establish whether an applicant is fit and proper, the applicant must provide evidence of attending a safeguarding awareness session approved by South Norfolk Council. (Details on approved courses can be found on our website.)

## **Section 3**

### **3 Private Hire and Hackney Carriage Vehicle Policy**

#### **All Vehicles**

- 3.1 South Norfolk Council will not grant or renew a licence unless satisfied that the vehicle is suitable to be a licensed vehicle, is safe and comfortable and in a suitable mechanical condition.

#### **Duration of Licence**

- 3.2 A licence for a vehicle will be granted for one year, until the vehicle reaches seven years old at which point, the vehicle licence will be granted six-monthly.

#### **Insurance**

- 3.3 A vehicle must have a current certificate of insurance to cover Hire and Reward.

#### **Road Tax**

- 3.4 There should be a valid road tax for the vehicle.

#### **Age**

- 3.5 Drivers should consider the age of their vehicle when applying for a licence. South Norfolk Council suggested a vehicle should not exceed five years of age; however, an older vehicle may be licensed if it passes the Councils mechanical test.
- 3.6 Once a vehicle exceeds seven years of age the vehicle will be considered for licensing subject to passing a six-monthly vehicle mechanical test.

#### **Exceptions to Age Requirement**

- 3.7 The exceptions to this are:

Stretched Limousines - the Authority will not licence or re-licence this type of vehicle if it is more than 10 years old.

#### **Vehicle Specifications:**

- 3.8 The vehicle shall have four side opening doors or three side opening doors and a tailgate or rear door(s) which is easily accessible and may be opened from the inside of the vehicle.
- 3.9 All newly presented vehicles in the case of any minibus or people carrier-type vehicle with three or more rows of seating will need to ensure they have clear and unobstructed access to back-row seating at all times. This may require the removal of any seat adjacent to the nearside door of the passenger compartment of the vehicle.



- 3.10 No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat, to facilitate them entering or exiting the vehicle. Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety. This will only apply to newly presented vehicles and not to existing licensed vehicles.
- 3.11 The vehicle must be right-hand drive.
- 3.12 The vehicle must have EU Type Approval.
- 3.13 If 3.12 cannot be satisfied, then the vehicle must have a Department for Transport Certificate of Single Vehicle Approval.
- 3.14 The vehicle must have seats with a minimum width of not less than 408mm (16 inches) per person.
- 3.15 The vehicle shall be fitted with appropriate seatbelts to the front and rear seats of the vehicle. The number of seat belts fitted to the vehicle, as a minimum, shall correspond with the number of passengers the vehicle is licensed to carry plus the driver.
- 3.16 All wheelchair accessible vehicles shall be equipped with properly mounted fittings for the safe securing of a wheelchair and a passenger seated in it, when carried in the vehicle. The Licensing Authority reserves the right to require further examination and certification to confirm the safety of the vehicle.
- 3.17 If a mechanical hoist is fitted to the vehicle this will require a LOLER (Lifting Operations and Lifting Equipment Regulations 1998) inspection every six months by the manufacturer or his approved agent and a certificate/report must be produced to that effect.
- 3.18 The seat layout, legroom, headroom and seated comfort of the vehicle will be assessed by an authorised officer upon inspection of the vehicle at the Council's offices. Each application will be considered on its own merits. Should the authorised officer determine that the vehicle is not appropriate for use as a Private Hire Vehicle or Hackney Carriage, or the dimensions of the vehicle are not sufficient to seat the specified number of passengers, the vehicle may be refused for licensing or the number of passengers permitted in the vehicle may be reduced. The safety and comfort of the passenger will be paramount. It is therefore advised that proprietors check the Council's website for more information.

### **Vehicle Test Standards**

- 3.19 The Authority will not grant/renew a vehicle licence unless the applicant can supply proof that it has passed the Council Vehicle Mechanical Test and, at the same time, the vehicle has been certified roadworthy to MOT standard and has a current MOT certificate completed within the last month (except where the vehicle is over seven years old and is being tested at the six monthly intervals). Vehicles of a class that are not subject to 'EU Type approval' and are being tested for the first time will be additionally tested to ensure tyres and any other

aspect of the vehicle are as safe and mechanically sound as possible for the passenger.

- 3.20 Costs of such testing must be paid by the person wishing to license the vehicle. In addition, the history of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.
- 3.21 A vehicle may require re-examination, when the licence has been in force for six months. This will be the case for all vehicles exceeding seven years of age from the date of first registration.
- 3.22 A vehicle which fails an inspection/safety check during the term of a licence with South Norfolk Council will have the fault(s) rectified and the vehicle re-inspected within two months of the original inspection. Failure to do so will lead to the automatic revocation of the vehicle licence.
- 3.23 A vehicle may be inspected by an authorised officer or a police officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give an unfit vehicle notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the authorised officer or police officer is so satisfied. If the authorised officer or police officer is not satisfied within two months of the initial inspection the Vehicle licence shall be deemed revoked. An authorised officer or police officer may permit other persons to examine the vehicle on their behalf (e.g. VOSA).

### **Exterior Bodywork and Wheel trims**

- 3.24 The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Wheel trims must be fitted to all road wheels where part of the manufacturer's original specification.

### **Upholstery/roof and floor coverings**

- 3.25 All upholstery, roof and floor coverings shall be clean and in a well-maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim.

### **Fittings**

- 3.26 Fittings should be well maintained and in working order. Fittings include: litter containers, clocks, interior lights, sun blinds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fittings where the vehicle is to be licensed to carry wheelchair bound passengers

### **Registration Document or Bill of Sale**

- 3.27 For initial applications, you will need to provide the original V5C (vehicle registration document). From then onwards, the V5C will only need to be produced if the vehicle has had modifications and a new V5C has been issued. A bill of sale for that vehicle may be produced if the V5C is not available but the

bill must include the date of first registration and the original V5C document must be produced within one calendar month.

### **Insurance Certificate**

3.28 All applicants must produce a valid insurance policy and schedule or cover note covering the vehicle for Private Hire and/or Hackney Carriage work. Emailed copies of insurance documents are acceptable if your insurance company's original email is forwarded to the Licensing Team ([licensingteam@s-norfolk.gov.uk](mailto:licensingteam@s-norfolk.gov.uk))

### **Vehicle Inspection/MOT**

3.29 You will need to provide a current MOT test certificate. Vehicles that are under a year old from the date of first registration do not require an MOT test certificate. All vehicles licensed by this Authority require inspection at an approved testing station (a list of approved garages can be found on the vehicle application form and on our website).

### **Seating Plan**

3.30 For initial applications, you will only need to provide a seating plan of the vehicle if the vehicle will carry more than 4 passengers.

### **Fire Equipment**

3.31 A fire extinguisher shall be securely fixed and within an easy accessible position capable of being reached by the driver without delay.

### **Vehicles Powered by Liquefied Petroleum Gas (LPG)**

3.32 Any vehicle proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must be entered on the UKLPG Vehicle Register confirming that the LPG installation is safe and conforms with the Association's Code of Conduct.

3.33 The vehicle must display on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.

3.34 LPG vehicles must undergo additional servicing annually by a person competent in LPG powered vehicles.

### **Tinted Windows**

3.35 Tinted windows must comply with the Road Vehicles (Construction & Use) Regulations which specify the minimum levels of light that must pass through the windscreen and front side windows. The limits are:

- The light transmitted through the windscreen must be at least 75%; and
- The front side windows must allow at least 70% of light to be transmitted through them.

### **Unfit Vehicle Notices**

- 3.36 These will be issued by authorised officers and police officers where vehicle defects give cause for concern.
- 3.37 Immediate Unfit Notices may be given if the vehicle appears to be unsafe to carry members of the public. Once a Notice is issued the vehicle must not be used for hire with immediate effect. The vehicle must be presented to an authorised officer of the Council once the faults have been rectified. Only after this will the Notice be lifted and the vehicle can then be used for hire.
- 3.38 Alternatively, a Deferred Notice may be issued. The vehicle may continue to be used on the road for the time specified on the Notice, however any works required by the Notice must be completed within the specified time. When the faults are rectified the vehicle must be presented to an authorised officer. If, following inspection, the Officer is satisfied that the works have been completed, the Notice will be lifted.
- 3.39 If an Immediate Unfit Notice is not lifted within two months, the vehicle licence will be revoked.

### **Advertising on outside of vehicle**

- 3.40 South Norfolk Council will allow advertisements to be placed upon a vehicle subject to the following:
- a) The proprietor of a licensed vehicle shall not display or permit to be displayed on the vehicle any sign or advertisement whatsoever unless written permission has been obtained from the Council.
  - b) Advertising is to be limited to the back-door panels of licensed vehicles. Advertising on parts of the vehicle in addition to the back-door panels may be considered but only after prior written approval of the Council has been given. However, no advertising will be permitted on the windows of the vehicle.
  - c) All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Council reserves the right to require the licensee to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.
  - d) No advertisement will be permitted that relates to or advertises alcohol, nudity, gambling, smoking materials or anything of a political nature.
  - e) The same advertising must be displayed on the nearside and offside doors of vehicles.
  - f) Any advertising may cover both back doors.
  - g) Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.
  - h) In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire" the use of which will not be permitted.

3.41 The Council reserves the right to withdraw any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.

### **Licence Plate Content**

3.42 The internal licence plate shall be fixed and displayed inside the front windscreen on the passenger side of the vehicle in the top left hand side of the vehicle and must not be obstructed.

3.43 The external licence plate shall be securely fixed and displayed outside and on the rear of the vehicle on or immediately above or immediately below the bumper in such a position as not to obstruct the vehicle registration and shall be clearly visible during daylight.

3.44 The licence plate issued by the Authority will include the following information:

- a) Licence Number
- b) Registration Number
- c) Licence expiry date
- d) Number of passengers
- e) Details of the issuing Licensing Authority

### **Dual Plating**

3.45 Dual Plating will not be permitted where different requirements of design, age or other local conditions apply.

## **Private Hire Vehicles**

### **Roof Signs**

3.46 By written application to the Licensing Team, the proprietor may request permission to permanently fix an illuminated roof sign or roof bar to a Private Hire Vehicle. The roof sign or roof bar must be to the specification required by the council and have the words 'Pre-Booked Only' on both or all sides of the sign or bar. The Private Hire Vehicle once fitted with the roof sign or roof bar must be presented for inspection at the Council, prior to the vehicle being used for private hire purposes, to certify that the roof sign or roof bar is to the required specification and correctly fixed. Private Hire Vehicles are permitted to use bus lanes and bus gates providing an approved roof sign/bar has been fitted to the roof of the vehicle.

### **Vehicle Licence**

3.47 South Norfolk Council may suspend, revoke or refuse to renew a Private Hire Vehicle Licence on the following grounds:

- a) Vehicle is unfit for use as a licensed Private Hire Vehicle;
- b) The proprietor or driver has committed an offence under, or failed to comply with the provisions of the relevant Acts;
- c) Any other reasonable cause

3.48 The Council must give notice of the grounds for doing so within fourteen days

3.49 An applicant for a South Norfolk Council Private Hire Vehicle licence has a right of appeal to a Magistrates' Court if aggrieved by any condition attached to a licence or by a refusal to grant a licence, or by a decision to suspend, revoke or refuse to renew a vehicle licence. This appeal must be implemented within 21 days of receipt of the notice.

### **Stretched Limousines**

3.50 A "stretched limousine", is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture.

3.51 The conditions will apply in addition to the Authority's standard conditions for Private Hire Vehicles and take account of the fact that stretched limousines will:

- ▀ travel generally at slower speeds than normal taxis;
- ▀ be easily recognisable by the hirer;
- ▀ be heavier and considerably longer than standard cars;
- ▀ be adapted or converted by someone other than the original manufacturer.

3.52 The minimum width of a passenger seat is 408mm (16 inches). In the case of an 'L' shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

3.53 In the case of a stretched limousine, or American stretched limousine, where the vehicle has been constructed or adapted to seat up to 8 passengers, originals of the following documentation will be required by the Council before an initial application for a vehicle licence can be considered:

- a) Completed importation documentation where applicable and individual vehicle
- b) approval (IVA) certificate confirming that the vehicle has been adapted to carry
- c) no more than eight passengers. Please note a Minister's Approval Certificate is not acceptable.
- d) Proof the 'stretch' was performed by the manufacturer or by a Coachbuilder approved by the vehicle manufacturer i.e. American Limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.
- e) DVLA Registration Document (V5).
- f) Valid Certificate of Insurance, with cover for hire and reward.
- g) Current MOT test certificate issued by an approved MOT Testing Station specifically equipped to test stretched limousines.
- h) Where applicable, confirmation that the vehicle is safe and has been entered on the UKLPG Vehicle Register in the case of vehicles converted to run on LPG.
- i) Valid Road Tax.

## **Hackney Carriages**

### **Restriction on Numbers of Licensed Vehicles**

3.54 South Norfolk Council will not restrict the number of licences that it issues.

### **Roof Signs**

3.55 The Council requires Hackney Carriage vehicles to be fitted with roof-mounted signs.

### **Vehicle Licence**

3.56 South Norfolk Council may suspend, revoke or refuse to renew a Hackney Carriage Vehicle Licence on the following grounds:

- a) The vehicle is unfit for use as a licensed Hackney Carriage;
- b) The proprietor or driver has committed an offence under, or failed to comply with the provisions of the relevant Acts;
- c) Any other reasonable cause

3.57 The Council must give notice of the grounds for doing so within fourteen days.

### **Hackney Carriage Stands**

3.58 To be included upon the resolution of the Council to fix stands for hackney carriages and adopt a scale of fares for the same.

## Section 4

### 4 Private Hire Operator Policy

- 4.1 A Private Hire Operator Licence shall be valid for a period of five years.
- 4.2 The applicant for the grant of a new licence or renewal of an existing licence, will be required to provide a basic disclosure certificate to aid in establishing if an applicant is a suitable person to hold an operator's licence. This is because a Private Hire Operator will be in possession of information on members of the public's whereabouts and will be dealing with the public face to face and/or over the telephone, possibly coming into contact with vulnerable people. If the applicant is a company, a basic disclosure certificate should be obtained for the director and company secretary (if applicable). If the applicant is a partnership, all partners shall provide a basic disclosure certificate. The applicant is required to complete necessary forms for this purpose. Basic disclosures will generally be valid for five years.
- 4.3 If a Private Hire Driver Licence issued by South Norfolk Council is held, an additional basic disclosure certificate will not be necessary. If an applicant has not been resident in the UK for the last five years a certificate of good conduct from the appropriate overseas embassy(ies) may be acceptable in place of a basic level disclosure
- 4.4 The applicant must declare (by means of a form or questionnaire provided for the purpose) any criminal or motoring convictions recorded or pending against them in order to confirm that the applicant is a fit and proper person to hold a licence.
- 4.5 An Operator must ensure that all vehicles operated and drivers working for them are licensed by South Norfolk Council.
- 4.6 An Operator must ensure that Public Liability insurance is held for the Private Hire Operating business to a minimum value of £5,000,000.
- 4.7 An Operator must keep records of bookings and produce these to an Authorised Officer or police officer on request. The content of these will be as prescribed by the Council. Operators are encouraged to retain information such as accessibility requirements of particular passengers wherever possible to assist with future bookings.
- 4.8 The Operator licence must be produced on request of an authorised officer or police officer.

### Alcohol Sales

- 4.9 Alcohol sales made in relation to stretched limousine/Private Hire operations will require the Operator base to be licensed under the Licensing Act 2003. A personal licence holder will also need to be named as Designated Premises Supervisor on the relevant premises licence.





## Appendix B

### Penalty Points System

Infringement	Driver	Proprietor	Operator
Failing to wear a Combined Private Hire/Hackney Carriage badge on their person where it is clearly visible at all times when under hire or available for hire	3		
Failing to notify the Licensing Team, in writing within 7 days, of any points or convictions being imposed	3		6
Failing to notify the Licensing Team, in writing, of a change of address within 7 days	3	3	3
Failure to carry the licensing conditions driving a licensed vehicle	3		
Failing to notify the Licensing Team in writing, of being involved in an accident within 3 working days of the accident occurring	6	6	
Failing to deal with lost property in the correct manner	3	3	
Leaving a vehicle unattended on the rank	3		
Failure to attend the Council Offices when directed by an authorised officer without reasonable excuse	3	3	3
Demanding more than agreed fare	3	3	
Failure to notify the Licensing Team of any change in medical fitness to drive	6		
Failing to attend at appointed time and place without sufficient cause	3	3	
Failure to produce a valid insurance certificate/cover note within 7 days of request		3	3
Not having an appropriate Fire Extinguisher in the vehicle that is readily accessible to the driver		3	
Failure to display any Plates, Signs or Notices required by South Norfolk Council		3	
The issue of an Unfit vehicle notice for any reason other than for an accident		3	
Private Hire Operator failing to maintain their records in the correct format			3
To smoke or permit passengers to smoke in a licensed vehicle.	3	3	3

## Appendix C



### Convictions Policy

1. The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a 'fit and proper' person to hold a Hackney Carriage and/or Private Hire vehicle licence.
2. Each case shall be decided on its own merits, whilst having regard to this policy, the provisions of Rehabilitation of Offenders Acts and amendments and the protection of the public. Hackney Carriage and Private Hire drivers are expected to be persons of trust and therefore the principal considerations of any case will be whether the property or well-being of the public may be at risk.
3. The licensing authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.

### Powers

4. Sections 61 and 62 of the Local Government Miscellaneous Provisions Act 1976, allow the licensing authority to suspend, revoke or refuse to renew a licence if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
5. The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

### Offences

6. Sentences imposed by the Courts reflect the seriousness of an offence and/or a person's past history; for that reason, the Council regards a crime as a 'serious crime' where indicated in this Policy as:

Any offence where the term of sentence passed on conviction is a sentence which is excluded from the Rehabilitation of Offenders Act 1974 by virtue of Section 5 of that Act. That is:

- a) A sentence of imprisonment for life;
- b) A sentence of imprisonment, youth custody, detention in a young offender institution or corrective training for a term exceeding 48 months.
- c) A sentence of preventative detention.

- d) A sentence of detention during Her Majesty's Pleasure or for life under section 90 or 91 or the Powers of Criminal Courts (Sentencing) Act 2000, 205(2) or (3) of the Criminal Procedure (Scotland) Act 1975, or a sentence of detention for a term exceeding 30 months passed under section 91 of the said Act of 2000 (young offenders convicted of grave crimes) or under section 206 of the said Act of 1975 (detention of children convicted on indictment) or a corresponding Court-martial punishment; and
  - e) A sentence of custody for life
7. A conviction for a "serious crime" shall not permanently bar an applicant from obtaining a licence but he/she is expected to have remained free of conviction for any criminal offence, other than minor traffic offences, for three to five years from the end of a served sentence for a "serious crime". The circumstances of the offence, the sentence imposed by the Court or the fact an offence is an isolated one, may be sufficient in part in allowing discretion when considering the issue of a licence but the overall protection of the public must remain the paramount issue.
8. Where a person has been sentenced to over 48 months' imprisonment at any one time, the Council regards a sentence of this length as indicating that the offence was very serious. It is unlikely that a licence will be granted or maintained. It must be for a Court to decide the outcome if an applicant with such a history wishes to pursue an appeal against refusal of a licence.
9. If an existing licence holder is convicted of any offence and is sentenced to any term of imprisonment, whether suspended or not, or their name is placed on the Sex Offenders Register, then (unless indicated otherwise below) their licence will be immediately reviewed.

### **Specific types of offences**

#### **a) Minor Traffic Offences**

An applicant whose ordinary driving licence is endorsed with a minor traffic offence, e.g. obstruction, waiting in a restricted street, speeding, etc., shall not be prevented from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's ordinary driving licence, then a Hackney Carriage or Private Hire licence may be granted after its restoration (subject to statutory requirements) but a warning may be issued as to future conduct.

If a driver accrues a number of points within a short period of time, they may be brought before the Council's Licensing, Appeals and Complaints Committee for further consideration of their Private Hire licence. Each case will be considered on its own merits.

#### **b) Major Traffic Offences**

An applicant who has an isolated conviction for reckless driving or driving without due care and attention, etc., will normally be warned as to future driving and advice on the standard expected of Hackney Carriage and Private Hire drivers. More than one conviction for this type of offence within the last three years, will merit refusal and no further application shall be considered until a

period of one to three years free from a conviction of a similar nature has elapsed.

In relation to existing licence holders any conviction for a major traffic offence shall cause their “fit and proper” status to be reviewed by the Licensing, Appeals and Complaints Committee.

**c) Drunkenness with motor vehicle**

A serious view is taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. An applicant who has an isolated conviction may not necessarily be debarred from holding a licence but strict warnings may be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicant's fitness to hold a licence.

At least three years shall elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a medical examination shall be arranged by the Council before the application is entertained. If an applicant is found to be an alcoholic, a period of five years shall elapse after treatment is complete before a further licence application is considered.

In relation to existing licence holders any conviction for drunkenness in a motor vehicle shall cause their ‘fit and proper’ status to be reviewed by the Licensing, Appeals and Complaints Committee.

**d) Drunkenness not in motor vehicle**

An isolated conviction for drunkenness may not debar an applicant or an existing licence holder from obtaining/continuing to hold a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating medical examination (see C above). A warning may be given and/or their “fit and proper” status may be reviewed by the Licensing, Appeals and Complaints Committee or an authorised officer as appropriate.

**e) Drugs**

An applicant with a conviction for any offence where drugs have been used, supplied or stolen shall be required to show a period of at least three years free of conviction from the end of a served sentence before an application is entertained, or five years after detoxification treatment has been successfully completed if he/she has been confirmed as an addict. The fact that a person has a Caution for such an offence, shall indicate that although it is to be taken into consideration when deciding the fitness of an applicant for a licence, it alone should not debar the issue of a licence. In relation to existing licence holders any conviction related to drugs shall cause their “fit and proper” status to be reviewed by the Licensing, Appeals and Complaints Committee.

**f) Violence**

As Hackney Carriage and Private Hire Vehicle drivers maintain close contact with the public, a firm line shall be taken with applicants who have convictions

for grievous bodily harm, wounding or assault. If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will also give serious concern as to whether the person is fit to carry the public. At least three years free of such convictions should be shown before an application is entertained and even then, a strict warning will be administered

#### **g) Sex and Indecency offences**

As licensed drivers often carry unaccompanied and vulnerable passengers, the licensing authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will normally be refused a licence. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adult
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc.
- Indecent exposure
- Soliciting (kerb crawling)
- Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

In some cases, in relation to persons whose name appears on the Sex Offenders Register, a licence application or a current licence would be referred to the Committee for further consideration. Each application will be considered on its merits. It would be for a person aggrieved by a decision of the Council to pursue an appeal to the magistrates' court.

#### **h) Further Offences of Indecency**

An applicant who has convictions or cautions for offences of Indecent Exposure or any other sexual offences under the Sexual Offences Act 2003 not previously detailed above, shall not be automatically debarred. Each application must be considered on its merits. If the conviction relates to an offence against children, then the offence shall be considered as if it were a "serious crime".

In relation to existing licence holders any conviction relating to further offences of indecency shall cause their "fit and proper" status to be reviewed by the Licensing, Appeals and Complaints Committee.

#### **i) All Other Crimes**

An applicant who has convictions for criminal offences, where sentences of less than those previously detailed are imposed, or where they have received (regardless of what sentence is imposed) a suspended sentence, fine, absolute

or conditional discharge, Community Service Order, Probation Order, Restraining Order, disqualification of driving licence or imposition of penalty points or any Binding Over Order or the acceptance of a Simple or Conditional Caution but a significant period of time has elapsed since conviction, will have their application treated on its own merits.

In relation to existing licence holders any conviction relating to other offences shall cause their “fit and proper” status to be reviewed by the Licensing, Appeals and Complaints Committee.

## Appendix D



### Safeguarding Code of Conduct

Private Hire Vehicle and Hackney Carriage Drivers (referred to in this document as Drivers) are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its Licensing Team and Committees, must ensure that all Drivers are 'fit and proper' to undertake their work as Drivers and that they also act as ambassadors for the Council. It is essential that the Council and Drivers work together in order to ensure members of the public are treated with dignity and respect and that any concerns about the welfare of passengers is reported. Drivers are required as a prerequisite to obtain a taxi drivers licence to attend South Norfolk Council Approved Safeguarding Training.

On occasion, Drivers may become aware of, or have suspicions that, their passengers are the victim of abuse, neglect or exploitation, either sexual or otherwise, or at risk of becoming a victim. In addition, Drivers themselves may be accused of misconduct or inappropriate behaviour through the possible misinterpretation of the Driver's actions or conversation.

Therefore, South Norfolk Council has introduced this Code of Conduct which is aimed at protecting both passengers and Drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately as well as minimising the risks for Drivers.

Drivers are expected to comply with this Code of Conduct. Failure to do so may result in the Driver being referred to the Licensing, Appeals & Complaints Committee. In the event of a repeated and/or serious failure to comply, Drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the Code does not override any obligations enshrined in legislation, licence conditions or contractual obligations, such as County Council contracts.

Drivers should:

- Act in a professional manner at all times
- Treat passengers and other road users with respect
- Keep relationships with passengers on an appropriate, professional basis
- Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity

And be aware of:

- The safety and well-being of passengers
- The importance of the use of appropriate language
- The vulnerability of children and adults
- Passengers with special needs
- Any instruction given about the care or first aid requirements of a passenger
- Personal beliefs and standards, including dress and religion
- Passengers misreading situations
- The use of social networking sites such as Facebook and Twitter. These are public websites and therefore passengers conveyed may access a Driver's



profile. Drivers should ensure the appropriate privacy settings are used to avoid passengers viewing their social media profiles

Drivers should never:

- Become over-friendly or unprofessional in any way with passengers or engage in any form of inappropriate relationship, infatuation or show favouritism
- Administer medication unless a specific request has been made by the hirer
- Photograph or video passengers in their care unless used in compliance with data protection legislation and any relevant Codes of Practice issued by the Home Office or Information Commissioner's Office
- Engage with passengers through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games (other than for clear and obvious business connections)
- Phone or send text messages to passengers other than directly concerning the hiring of their vehicle
- Swear, make personal or humiliating comments, or tell inappropriate jokes in person or by any other means e.g. social media
- Offer cigarettes or gifts of any sort
- Smoke or allow passengers to smoke in any vehicle
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer
- Show passengers videos or pictures on their mobile phone or any other electronic device

### **Safeguarding:**

If a Driver has concerns or suspects abuse, neglect or exploitation of a passenger then these concerns should not be ignored. The safeguarding of children and vulnerable adults is everybody's responsibility. Remember that your information could help a vulnerable child or adult.

If a Driver is working in accordance with a Norfolk County Council contract, then documents and guidance procedures issued by that Council should be followed in addition to any training received by the Driver.

Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have:

Action to be taken if you have concerns:

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on 999 (or 112 from a mobile telephone).
- If you are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation but it is not of an urgent matter, please call South Norfolk Council Licensing Team on 01508 533633.
- If you would prefer to speak to the police on a non-urgent matter, then call them on 101 and follow the directions for Norfolk Constabulary.