Licensing Appeals and Complaints Committee

Thursday 19 October 2017

1:30pm, Council Chamber
South Norfolk House, Cygnet Court,
Long Stratton, Norwich, NR15 2XE

If you have any special requirements in order to attend this meeting, please let us know in advance

Large print version can be made available

Contact Sue Elliott on 01508 533869 or democracy@s-norfolk.gov.uk
Members of the Licensing Appeals and Complaints Committee

Councillors:

Cllr D Goldson (Chairman)
Cllr W Kemp (Vice Chairman)
Cllr J Amis
Cllr V Bell
Cllr M Dewsbury
Cllr C Gould
Cllr P Hardy
Cllr J Hornby
Cllr C Kemp
Cllr K Mason Billig
Cllr T Palmer
Cllr A Pond
Cllr J Savage
Cllr J Wilby
Cllr K Worsley

This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the chairman and ensure it is done in a non-disruptive and public manner. Please review the Council’s guidance on filming and recording meetings available in the meeting room.
Agenda

1. To report apologies for absence;

2. To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to Section 100B (4) (b) of the Local Government Act, 1972; [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]

3. To receive Declarations of Interest from Members;  
(Please see attached - page 4)

4. To confirm the minutes of the meetings of the Licensing Appeals and Complaints Committee held on 22 February 2017 and 16 June 2017;  
(attached – page 5)

5. Private Hire and Hackney Carriage Policy and Conditions 2017;  
(report attached – page 10)
DECLARATIONS OF INTEREST AT MEETINGS

Members are asked to declare any interests they have in the meeting. Members are required to identify the nature of the interest and the agenda item to which it relates.

• In the case of other interests, the member may speak and vote on the matter.
• If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed.
• If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.
• Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.
• In any case, members have the right to remove themselves from the meeting or the voting if they consider, in the circumstances, it is appropriate to do so.

Should Members have any concerns relating to interests they have, they are encouraged to contact the Monitoring Officer (or Deputy) or another member of the Democratic Services Team in advance of the meeting.
LICENSING APPEALS AND COMPLAINTS COMMITTEE

Minutes of a meeting of the Licensing Appeals and Complaints Committee of South Norfolk Council held at South Norfolk House, Long Stratton on Wednesday 22 February 2017 at 2:00pm

Committee Members Present: Councillors: D Goldson (Chairman) C Gould and V Bell

Officers in Attendance: The Legal Advisor to the Sub Committee (T Eddison) and the Licensing and Enforcement Officers (R Setford and A Tough)

632 MINUTES

The minutes of the meeting held on 4 August 2016 were confirmed as a correct record and signed by the Chairman.

633 EXCLUSION OF THE PUBLIC AND PRESS

It was

RESOLVED: that under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 Schedule 12A of the Act (as amended).
634 APPLICATION FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE

(The applicant was in attendance for this item)

The Chairman welcomed everyone to the meeting and explained the procedure for determining the application.

The Licensing and Enforcement Officer outlined the salient points of her report, explaining the reasons why the application required consideration by the Committee. She explained that the applicant had previously held a licence with SNC, prior to his conviction, but that information detailed on the previous licence was no longer available, due to the Council’s Data Retention Policy.

The applicant addressed the panel and outlined the circumstances leading to his conviction in 2013, explaining that he had made a ‘stupid mistake’ during a period of financial hardship. He advised that he had repaid the full amount of compensation awarded and had served his time in prison, as detailed in the report.

Both the applicant and the Licensing and Enforcement Officer responded to a number of questions from members, after which the licensing officers and the applicant left the meeting whilst members determined the application. They were then readmitted to the meeting, and the Chairman announced the decision.

RESOLVED: that a licence be granted for a period of one year from April 2017 after which, subject to officer approval, the applicant would be permitted to apply for an extension to this term.

The meeting concluded at 2.30pm

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Chairman
LICENSING, APPEALS AND COMPLAINTS COMMITTEE

Minutes of a meeting of the Licensing, Appeals and Complaints Committee of South Norfolk Council held at South Norfolk House, Long Stratton on Friday 16 June 2017 at 10.00 am.

Committee Members Present: Councillors D Goldson (Chairman), V Bell, J Savage and J Wilby

Apologies: P Hardy

Officers in Attendance: Mr L Parker – Solicitor npLaw, the Housing Options Senior Case Advisor (D Neville) and the Housing Options Officer (D Lawson)

Also in Attendance: Mr F Tom – Social Services

637 MINUTES

The Minutes of the last meeting of the Licensing, Appeals and Complaints Committee, held on 8 May 2017, were agreed and signed by the Chairman.

638 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: that under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 Schedule 12A of the Act (as amended).

639 REVIEW OF HOUSING DECISION

(The appellant was not in attendance).

The Chairman welcomed Mr Tom and the housing officers to the meeting. Mr Tom advised the Panel that he had spoken to the appellants the previous day and that, although they had indicated that they would try to attend the meeting, they felt that the review should be postponed so that their legal representative, who was in court, could be in attendance. Officers advised that they had spoken to Mr Popkin, the legal adviser from Shelter, who clarified that he was not in court but that he did not intend to attend the review and instead had forwarded a written submission, which had been circulated previously to members of the Panel.
The Panel considered the request to postpone the review but concluded that, as the date had already been changed to suit the appellants and because it had been made clear to all parties that the review would still proceed if they did not attend, they would conduct the review in the absence of the appellants.

The Chairman outlined the process to be followed for the appeal, noting that Mr Tom was in attendance as the appellants’ Social Worker.

The Housing Options Senior Case Adviser and the Housing Options Officer outlined the Council’s case and advised the Panel of the events leading to their decision that the appellants had intentionally made themselves homeless.

Members considered the written submission from Shelter which sought to provide sufficient grounds to persuade the Panel to overturn the decision of officers. In considering the written submission, the Panel noted the three key points, identified by Shelter, as areas for discussion, as follows:

1. The allegations of abusive language and threatening words towards the neighbours had never been tested in court;

2. The injunction instructing the appellants to remove vehicles from their home was complied with within two weeks;

and

3. The appellant believed that the breaches to the tenancy agreement were due in part to his perceived mental health condition which caused him to have temporary aberrations.

In response, officers provided the Panel with details of the injunction which had been served on the appellant and it was noted that this referred to several points in addition to the requirement for vehicles to be removed from the property, including three points relating to anti-social behaviour. It was suggested that, as the injunction had been served, all points including those of anti-social behaviour, had been tested in court. It was also noted that although the appellants had removed the vehicles within two weeks of the injunction, these were replaced at a later date. When considering the appellant’s statements regarding his mental health, it was noted that this was not corroborated by any medical evidence and that his behaviour had been continuous over a period of time rather than in temporary aberrations.

Members considered these key points along with the written correspondence from the appellant, Shelter and officers contained within the agenda papers. After responding to several questions, Mr Tom and the officers left the meeting whilst the application was determined. They were then re-admitted and the Chairman announced the decision.

It was then:

RESOLVED: that, considering the written correspondence from the appellant and the written submission from Shelter, together with evidence from the Council’s officers, the Panel concluded that the Council had reached the correct decision that the appellants had made themselves intentionally homeless.
(The meeting closed at 11.55 am)

____________________
Chairman
Private Hire and Hackney Carriage Policy and Conditions 2017
1. Introduction/Background

1.1 South Norfolk Council is responsible for the licensing of Combined Hackney Carriage/Private Hire Drivers, Hackney Carriage and Private Hire Vehicle Proprietors and Private Hire Operators within the district. The role of the Licensing service is recognised as an important council function in ensuring the public are safe and receive good customer service with professional drivers, who are ‘fit and proper’ and in vehicles which are fit for use.

1.2 The Local Government (Miscellaneous Provisions) Act 1976 enables local authorities to adopt policies in relation to hackney carriage and private hire licensing. South Norfolk Council currently has a policy entitled Hackney Carriage and Private Hire Vehicle Condition, which was adopted in 2010. The Private Hire and Hackney Licensing Service is cost neutral to the council.

1.3 In 2016/17, we licensed 198 Hackney Carriages, 99 Drive Hire Vehicles and 120 drivers with a combined licence.

2. Current Position/Findings

2.1 The Taxi Policy was reviewed in 2007, with minor amendments being made in 2010. Since 2010, there have been many changes in national guidance such as Safeguarding, and improvements in vehicle safety and environmental standards which should be reflected in an updated policy.

2.2 The policy has been reviewed to ensure it is in line with other neighbouring authorities and with guidance on best practice for licensing of taxis.

3. Proposals

3.1 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.
Encourage 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.

3.2 Therefore, it is proposed that a number of changes should be made to our current policy, which will support these objectives, as well as creating a consistent approach, similar to our neighbouring authorities which will support potential collaborative working in the future. Throughout the policy, the aim has also been to ensure we support our digital transformation agenda, by providing applicants with information through digital means, avoiding where possible face to face contact. This is being supported further with the current service review in the area.

3.3 Attached to this report are a number of appendices:
- A – Private Hire and Hackney Carriage Policy
- B – Private Hire and Hackney Carriage Conditions
- C – Hackney Carriage Byelaws

3.4 The table below provides an overview of the main proposed changes/additions to the policy, and the reasoning behind the changes.

3.5 At present, we have one FTE who administers taxi licensing. It is not proposed that any policy changes proposed will impact on the current workload or capacity need.
<table>
<thead>
<tr>
<th>Key change</th>
<th>Reason for change</th>
</tr>
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</table>
| 6-monthly testing for vehicles over 7 years of age | Need to raise the safety and environmental standards of vehicles within South Norfolk.  
Provide a first-class service to people who live, work or visit South Norfolk.  
To increase consistency of vehicle licensing within Norfolk |
| Vehicles will require 6-monthly vehicle mechanical test and MOT once the vehicle exceeds the age of 7 years. This will be completed by one of the Councils approved garages. |
| Seating arrangements                           | To be consistent with neighbouring authorities.                                    |
| All new 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 will not apply to existing licensed vehicles. | Neighbouring authorities request that seats are removed to enable passengers to gain access/egress and that a passenger should not have to move or climb over a seat to do so.  
Increase public safety in case of a vehicle collision as customers will be more able to exit the vehicle. |
| Frequency of medical examinations for new/licenced drivers | It is good practice for medical checks to be made on each driver before the initial grant of a licence. This will ensure the driver is a ‘fit and proper’ person and ensure the safety of the members of public. |
| 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.

**Frequency:**
- 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.

**Convictions Policy**

**Introduction of a Convictions Policy**, based on LGA Guidance. A copy of which can be found in the Policy document in Appendix A.

Guidance suggests that a policy is vital as it makes it clearer for applicants to know what considerations will be considered in relation to their application. This will improve public safety and clearer definition for new applicant’s, existing licensed drivers and Members’.

**South Norfolk Council Penalty Points system.**

Introduction of a penalty points system to act as a deterrent for non-compliance with licensing conditions.

To increase consistency of licensing authorities within Norfolk

This is designed as an aid to ensure continued public safety and to give the individual concerned a chance to rectify minor breaches of licence conditions.

Allows for South Norfolk Council to focus on drivers who breach conditions so we can improve standards of poorer performing licence holders.
<table>
<thead>
<tr>
<th><strong>Driving Standards Test</strong></th>
<th>Allows for greater evidence to show whether a licence holder is a ‘fit and proper’ person.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improved public safety and driving standards by introduction of third party driving standard tests.</td>
<td>To improve public safety and ensure drivers are competent to drive.</td>
</tr>
<tr>
<td>This will be implemented for new licensed holders. Existing licensed drivers will not have to complete the test, unless the renewal period of their license exceeds a 28-day period or at the authorised officers request.</td>
<td>To increase consistency of licensing authorities within Norfolk</td>
</tr>
<tr>
<td>This will reduce the number of enquiries we receive from drivers who do not want to take the test, or who have failed the test in a neighbouring authority.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Safeguarding</strong></th>
<th>To increase consistency of licensing authorities within Norfolk</th>
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</thead>
<tbody>
<tr>
<td>Introduction of a requirement for applicants to provide evidence of attending an approved safeguarding awareness training session. In line with this, we are also proposing to introduce a Safeguarding Code of Conduct which outlines the key safeguarding points applicants need to be aware of.</td>
<td>To increase consistency of licensing authorities within Norfolk</td>
</tr>
<tr>
<td>To improve public safety and give licence holders information which could help protect vulnerable groups</td>
<td></td>
</tr>
</tbody>
</table>
3.6 It is proposed that we will consult with the taxi trade within South Norfolk for eight weeks to ensure the policy review is open and transparent. It is also proposed we will organise a consultation focus group of drivers and operators to review the proposed changes. The consultation will allow those interested to make comment upon the draft policy, prior to its implementation.

4. Risks and implications arising

4.1 If we do not implement Section 165 and 167 of the Equalities Act 2010, we will not be complying with the details of the Act which may result in reputational risks.

4.2 The Council is able to recover the reasonable costs of taxi licensing. The fee associated for each licence application should reflect the cost of administering the licence. A review of taxi application fees will need to be undertaken to ensure the procedural changes made by the taxi policy are reflected.

<table>
<thead>
<tr>
<th>Disabled Access</th>
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</thead>
<tbody>
<tr>
<td>Providing additional guidance and requirements under Sections 165 and 167 of the Equalities Act 2010 to ensure private hire and hackney carriages are accessible to those with disabilities.</td>
</tr>
<tr>
<td>To reduce discrimination towards vulnerable groups</td>
</tr>
<tr>
<td>It has been suggested by the Department of Transport that all authorities adopt s165 and s167 to ensure that all drivers comply with this legislation and to ensure that there is no discrimination</td>
</tr>
</tbody>
</table>
5. Recommendation

5.1 The Committee agrees to the content within the proposed draft Policy and Conditions (Appendix A-C).

5.2 The Committee agrees to a consultation period of eight weeks.

5.3 The Committee agrees to implement Sections 165 and 167 of the Equalities Act 2010.

6. Next Steps

- Complete 8-week consultation, to be completed before Christmas.
- Review feedback from consultation and consult the Licensing Committee on any resulting changes (December 2017/January 2018)
- Implement policy changes (February 2018)
South Norfolk Council

Private Hire and Hackney Carriage Policy

CONTENTS

1. Introduction/Purpose of Licencing
2. Private Hire and Hackney Carriage Drivers Policy and Application Process
3. Private Hire and Hackney Carriage Vehicle Policy
4. Private Hire Operator Policy

Appendix A - Map of South Norfolk Area
Appendix B - Penalty Points System
Appendix C - South Norfolk Convictions Policy
Appendix D – Safeguarding Code of Conduct
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 Council's 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 licenses 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 license holder.

1.10 The Council may grant or issue licenses 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 Licenses

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
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 license (combined license) (either a new application or a renewal), the applicant must comply with the following;

1. All applicants/drivers must be in possession of a full driving licence issued by the DVLA or a licence from an EEA or EU state and that 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). Group 2 licences must be renewed every 5 years or at age 45 whichever is the earlier until the age of 65 when they are renewed annually without an upper age limit. 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 license 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 license 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 limousines;

11. All drivers must have attained a minimum age of 21 before the date of application for the combined driver license.

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 license. South Norfolk Council suggested a vehicle should not exceed five years of age; however, an older vehicle may be licenced 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 and MOT.

Exceptions to Age Requirement

3.7 The exceptions to this are:

- 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 new 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 new 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 Councils website for more information.

3.19 Should the authorised officer determine that the vehicle is not appropriate for use, 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.

**Vehicle Test Standards**
3.20 The Authority will not grant/renew a vehicle licence unless the person examining it has confirmed 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. 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.

3.21 Costs of such testing must be paid by the person wishing to licence the vehicle. In addition, the history of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

3.22 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.

3.23 A vehicle which fails an inspection/safety check during the currency 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.

3.24 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**

3.25 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**

3.26 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**

3.27 Fitting should be well maintained and in working order. Fitting include: litter containers, clocks, interior light, 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 fitments where the vehicle is to be licensed to carry wheelchair bound passengers.

**Registration Document or Bill of Sale**
3.28 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 a calendar month.

**Insurance Certificate**

3.29 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)

**Vehicle Inspection/MOT**

3.30 You will need to provide a current MOT certificate. Vehicles that are under a year old from the date of first registration do not require an MOT 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**

3.31 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**

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

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

3.33 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.

3.34 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.

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

**Tinted Windows**

3.36 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

3.37 These will be issued by Authorised Officers and Police Officers where vehicle defects give cause for concern.

3.38 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.

3.39 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.

3.40 If an Immediate Unfit Notice is not lifted within two months, the vehicle licence will be revoked.

### Advertising on outside of vehicle

3.41 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 others 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.

3.42 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**

3.43 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.

3.44 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.

3.45 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 Licencing Authority

**Dual Plating**

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

**Private Hire Vehicles**

**Roof Signs**

3.47 By written application to the Licensing Team, the propitiator 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**

3.48 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

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

3.50 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**

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

3.52 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;
- not normally overtake other vehicles;
- 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.

3.53 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.

3.54 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 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.
- f) DVLA Registration Document (V5).
- g) Valid Certificate of Insurance, with cover for hire and reward.
- h) Current MOT certificate issued by an approved MOT Testing Station specifically equipped to test stretch limousines.
- i) 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.
- j) Valid Road Tax.
Hackney Carriages

Restriction on Numbers of Licensed Vehicles

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

Roof Signs

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

Vehicle Licence

3.57 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

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

Hackney Carriage Stands

3.59 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 publics’ 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 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 A

Map of South Norfolk
## Appendix B

### Penalty Points System

<table>
<thead>
<tr>
<th>Infringement</th>
<th>Driver</th>
<th>Proprietor</th>
<th>Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Failing to notify the Licensing Team, in writing within 7 days, of any points or convictions being imposed</td>
<td>3</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Failing to notify the Licensing Team, in writing, of a change of address within 7 days</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Failure to carry the licensing conditions driving a licensed vehicle</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Failing to notify the Licensing Team in writing, of being involved in an accident within 3 working days of the accident occurring</td>
<td>6</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Failing to deal with lost property in the correct manner</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Leaving a vehicle unattended on the rank</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Failure to attend the Council Offices when directed by an authorised officer without reasonable excuse</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Demanding more than agreed fare</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Failure to notify the Licensing Team of any change in medical fitness to drive</td>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Failing to attend at appointed time and place without sufficient cause</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Failure to produce a valid insurance certificate/cover note within 7 days of request</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Not having an appropriate Fire Extinguisher in the vehicle that is readily accessible to the driver</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Failure to display any Plates, Signs or Notices required by South Norfolk Council</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The issue of an Unfit vehicle notice for any reason other than for an accident</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private Hire Operator failing to maintain their records in the correct format</td>
<td></td>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>
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 Regulatory 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 -61 - 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 Regulatory 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 Regulatory 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 Regulatory 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 Regulatory 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 perquisite to obtain a taxi drivers license 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
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 533602.
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.
South Norfolk Council

Private Hire and Hackney Carriage Conditions

CONTENTS

1. Private Hire and Hackney Carriage Driver Conditions
2. Private Hire and Hackney Carriage Vehicle Conditions
3. Private Hire Operator Conditions
1 Private Hire and Hackney Carriage Driver Conditions

Conduct of Driver

1.1 A driver shall:

a) carry a reasonable amount of luggage when requested by any person hiring or seeking to hire a vehicle and give all reasonable assistance in loading and unloading luggage;

b) pay attention to personal hygiene and dress to present a professional image to the public;

c) take all reasonable steps to ensure the safety of passengers;

d) not without the express consent of the hirer eat or drink in the vehicle;

e) not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;

f) when collecting passengers, the driver will not sound the vehicle’s horn but shall make his/her arrival known in person;

g) comply with all reasonable requests of hirers or passengers;

h) anticipate the needs of disabled people who wish to use their services;

i) not use a mobile phone whilst driving the vehicle, unless the usage complies with current legislation;

j) comply with relevant smoke free legislation, including premises and vehicles;

k) drive in a safe manner always and in compliance with all road signage and legal requirements.

Copy of Conditions

1.2 The driver shall at all times when driving a vehicle carry a copy of these conditions and shall make it available for inspection by the hirer or any other passenger upon request.

Change of Address

1.3 Any changes of address must be notified to the Licensing Team in writing/email during the period of the licence, within seven days of the change taking place.
Convictions

1.4 The driver shall notify the Licensing Team in writing of any conviction, caution or driving offence imposed on him/her during the period of the licence within seven days of the conviction.

1.5 In the event of a disqualification from driving, a driver shall immediately inform the Licensing Team and return their driver's badge.

Badges

1.6 The driver shall at all times when driving the vehicle, wear their driver’s badge issued by South Norfolk Council on their person where it is clearly visible. This should not be damaged.

1.7 Upon expiry (without immediate renewal), revocation or suspension of the licence, it must be immediately returned to the Licensing Team.

Driving Licence

1.8 A driver shall produce their DVLA driving licence for inspection by an authorised officer at any point during the period of the licence (within seven days of request).

Medical

1.9 Drivers and any new applicants must comply with the medical requirements as set out in the Private Hire and Hackney Carriage Policy.

1.10 If a medical certificate is not produced when requested, the Council may consider suspension/revocation of a Drivers licence. If there is a change in a Drivers medical fitness to drive a vehicle, they must notify the Licensing Team as soon as possible or no longer than three working days after the change in circumstances.

Driving Standards Test

1.11 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 license exceeds a 28-day period or at the authorised officers request.

Passengers

1.12 The driver shall not convey or permit to be conveyed in a vehicle a greater number of persons than that prescribed in the licence for the vehicle.
1.13 The driver shall not allow there to be conveyed in the front of a vehicle:

   a) any child up to 135cms in height (or their 12th birthday whichever they reach first) unless the correct child restraint is used; or

   b) more than one person above that age.

1.14 The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

1.15 The driver, who shall knowingly convey in a vehicle the dead body of any person, shall immediately thereafter notify the fact to the Licensing Team.

1.16 No driver without reasonable excuse shall refuse to carry or refuse assistance to any person with a disability or refuse to carry an assistance dog (without the appropriate exemption certificate).

1.17 No extra fee may be charged for carrying an assistance dog or wheelchair.

Lost Property

1.18 The driver shall, when practicable to do so, search the licensed vehicle for any left property. If any property is found, the it should be taken as soon as possible, within 24 hours, to a police station and left in the custody of the officer in charge after obtaining a receipt for it.

Animals

1.19 The driver shall not convey in a vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle whilst carrying fee paying passengers.

1.20 The driver shall ensure that any animal belonging to/in the custody of any passenger is conveyed in the rear of the vehicle except that an assistance dog accompanying a disabled person may sit in the front of the vehicle provided that the animal is properly trained to sit in the foot well of the vehicle with the disabled passenger.

Accidents

1.21 A driver shall report to the Licensing Team any accident involving a licensed vehicle, as soon as possible within three working days of the accident occurring.

Breakdowns

1.22 In the event of a breakdown during a hiring, the driver shall ensure that passengers have the means to continue their journey.

Trailers
1.23 No licensed vehicle may tow a trailer unless evidence of valid insurance to cover use for hire and reward has been produced to the Authorised Officer. The trailer licence plate must be clearly displayed on the rear of any trailer used, this licence plate being in addition to that at the rear of the vehicle. The contents of such trailer must be secured and covered in a proper manner. Any trailer used must comply with regulations in all aspects and where required the driver must hold the appropriate licence as issued by the DVLA.

**Fare to be demanded**

1.24 The driver shall not demand from any hirer of a vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator.

**Written Receipts**

1.25 If requested by the hirer, the driver shall provide a written receipt for the fare paid.

**Complaints by hirers**

1.26 Where a hirer has, during the course of a hiring, cause to make a complaint it is required that the hirer be given certain information to enable him/her to identify the driver, vehicle and proprietor if they wish to report the matter to the Licensing Team. This information includes the driver’s badge number, the driver’s name and the Vehicle plate number.

**Serving of Notices**

1.27 Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these Conditions in relation to any notices required or authorised by these Conditions to be given or served on the licensee by or on behalf of the Council or any authorised officer.

**Penalties**

1.28 The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act shall be guilty of an offence and liable on summary conviction to a fine. Such action, whether or not resulting in criminal proceedings being taken, may lead to the suspension or revocation of an existing licence or refusal to renew such a licence. Part II of the Act provides that these conditions must be adhered to.

**South Norfolk Penalty Point System**

1.29 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.
1.30 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.

1.31 The full penalty point system can be found in appendix B of the Private Hire and Hackney Carriage Policy.

Safeguarding

1.32 All drivers must be aware of the responsibility with regards Safeguarding of vulnerable groups.

Private Hire Vehicle Driver Conditions

General Prohibitions Under Licence

1.33 South Norfolk council licensed vehicle may only be driven by a South Norfolk Council licensed driver.

1.34 The driver of a vehicle whilst driving or in charge of a vehicle should not:

   a) Tout, solicit, cause or procure any other person to tout or solicit on a road or other public place any person to hire or to be carried for hire in any vehicle;
   b) Ply for hire by offering a vehicle for immediate hire whilst they or that vehicle is on a road or other public place;
   c) Accept an offer for the immediate hire of a vehicle whilst they or that vehicle are on a road or other public place except where the offer is first communicated to the driver in person by telephone or vehicle radio without him/her in any way procuring the offer.

   In this condition "road" means any highway and any other road to which the public has access and includes bridges over which a road passes.

1.35 A South Norfolk Council licensed driver, driving a South Norfolk Council licensed vehicle, may only pursue work derived from a South Norfolk Council licensed operator.

1.36 No driver shall drive a vehicle without the proprietor’s consent.

1.37 When hired to drive to a destination, a driver shall (subject to any directions given by the hirer) proceed to that destination by the shortest available route.
2 Private Hire and Hackney Carriage Vehicle Conditions

Insurance

2.1 A vehicle must have a current certificate of insurance to cover Hire and Reward. The certificate of insurance shall be produced to an authorised officer of the Council for inspection on initial application or renewal of a vehicle licence and whenever required by an authorised officer. It is the responsibility of the proprietor of the vehicle to produce proof of continuous insurance cover.

2.2 If the proprietor fails to produce a certificate of insurance cover on request within seven days of the request to an authorised officer, failure to comply may result in suspension of the vehicle licence.

Fire Equipment

2.3 A fire extinguisher shall securely fixed and within an easy accessible position capable of being reached by the driver without delay. The fire extinguisher should be either a 1kg dry powder or a 1 litre AFFF. Both types should have gauges to show the state of charge and must be manufactured to satisfy relevant BSEN accreditation. The fire extinguisher is to be valid and in date. Once the fire extinguisher has expired it must be replaced immediately.

Advertising on outside of vehicle

2.4 All vehicles must comply with section 3 of the Private Hire and Hackney Carriage Policy.

Signs which must be displayed

2.5 The following signs and notices will be displayed on all vehicles during the currency of the licence:

   a) Notices issued from time to time South Norfolk Council for the information of the traveller.
   b) A sign stating ‘Seat Belt Regulations – Seat belts must be worn’.
   c) The number of passengers and licence number of the vehicle displayed in a clearly visible position.
   d) No smoking signage as required by the appropriate legislation.

Vehicle Inspections

2.6 A vehicle which fails an inspection/safety check during the currency of a licence 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.

2.7 If the inspector of the vehicle is not satisfied as to the fitness of the vehicle they may give written notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be
specification, and the vehicle licence may be suspended until the officer or police officer is so satisfied. If the officer or police officer is not so satisfied within two months of the initial inspection, the vehicle licence shall be deemed revoked.

**Maintenance of Vehicle**

2.8 The proprietor of a vehicle must comply with section 3 of the Private Hire and Hackney Carriage Policy.

**Transfer of licence to new vehicle**

2.9 The proprietor of a licensed vehicle wishing to replace a licensed vehicle with another vehicle may apply to transfer the licence to the new vehicle. The new vehicle will be required to undertake a South Norfolk Council vehicle mechanical test. The proprietor will also be required to produce valid MOT, insurance and vehicle registration documents and pay the prescribed fee. The vehicle must comply with the above conditions as required for a new vehicle licence.

**Transfer of licence following vehicle requiring repairs**

2.10 In the case of a vehicle involved in an accident or sustaining other damage requiring repair, the plate may be temporarily transferred to another vehicle via the process described in the above paragraph. Upon completion of remedial works to the vehicle, the plate may be transferred back. The requisite documents must be provided and the vehicle must complete a further MOT and vehicle mechanical test to establish the safe working condition of the vehicle. Depending on the severity of the damage to the vehicle, an authorised officer may waive the requirement for an MOT and/or vehicle mechanical test. This is at the authorised officer’s discretion.

**Transfer of vehicle**

2.11 Any proprietor transferring a licensed vehicle to a new proprietor must complete the specified application form within fourteen days of the transfer.

**Roof Signs**

2.12 Proprietor must comply with section 3 of the Private Hire and Hackney Carriage Policy in reference to roof signs.

**Trailers**

2.13 Nothing in this section precludes the towing of a trailer or caravan solely for personal use. A trailer or caravan used for such purpose is not required to comply with the following conditions.

2.14 A licensed vehicle will be permitted to tow a trailer subject to the following conditions:
a) The proprietor presents the trailer for a compliance inspection at an approved MOT testing station prior to its first use and again at each inspection of any vehicle on which the trailer is authorised to be used. If found to be satisfactory a permission will be allowed for one year. The trailer shall also be submitted for further inspections as the Council may require;

b) Trailers will not be permitted on vehicles where one of the access/egress routes for the vehicle is via the rear of the vehicle;

c) The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use;

d) The trailer must comply with all aspects of current legislation and is of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle;

e) The trailer must be purpose built and manufactured for the purpose for which it was intended;

f) The trailer must be maintained in a satisfactory condition and comply with all current road traffic legislation requirements;

g) The tow bar and fitting should be of a type approved by the manufacturer of the vehicle and fitted by an approved agent;

h) No advertising will be permitted on any part of the trailer;

i) The trailer shall carry an appropriate spare wheel and correctly inflated spare tyre at all times that it is in use for hire and reward;

j) The trailer must be of a design that when close coupled to the prime mover (the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps;

k) The trailer must be hard bodied and be fitted with securely fastening covers, which can be hard top or canvas tarpaulin type, to prevent the ingress of liquid on to any luggage being carried. The trailer shall be covered at all times whilst in transit;

l) The trailer must be plated by the manufacturer specifying the maximum load to be carried;

m) There must be current insurance which must be produced to an officer on request to prove the vehicle is insured to tow a trailer and that there is adequate cover for the carriage of luggage and/or goods;

n) Suitable insurance cover for the trailer must be held by the Proprietor. A copy of the certificate must be produced to an officer on request;
o) Any defect or damage of any kind occurring on the trailer must be reported to the Council within three working days;

p) A trailer is not permitted on a Hackney Carriage rank;

q) When the approved trailer is used with the licensed vehicle, a South Norfolk Council licence plate should be affixed to the rear of the trailer and made clearly visible;

r) The kerbside weight of the trailer when fully laden should not exceed that determined by the vehicle manufacturer as being the safe towing weight limit;

s) It is the proprietor’s responsibility to ensure that the trailer towed by his vehicle complies with the legislation and licensing conditions;

t) It is the proprietor’s responsibility to ensure the driver towing the trailer holds the appropriate category DVLA licence.

Alteration of Vehicle

2.15 During the currency of the licence, no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without approval of the Council. All vehicles must have four doors or three side opening doors with the exception of purpose built vehicles or specialist vehicles, subject to the approval of the Council.

Change of particulars

2.16 The proprietor shall notify the Council in writing/email of any change in the particulars supplied by him in his application for the vehicle licence including his address during the period of the licence and within seven days of any such change taking place.

Radios

2.17 No citizen band radios may be fitted in any vehicle during the currency of the licence. No radio scanning devices of whatever type or sort may be fitted to, carried in or used in or in the vicinity of any vehicle during the currency of the licence.

CCTV Cameras

2.18 Forward facing CCTV is currently permitted in licenced vehicles. At present, CCTV facing the interior of the vehicle is not permitted. These conditions are therefore subject to change following the introduction of any relevant legislation.

Roof and Boot Racks

2.19 No roof racks, boot racks or boxes may be fitted to any vehicle during the currency of the licence except with the express permission of the Licensing Authority.
Deposit of Drivers Licence

2.20 Where the proprietor of a licensed vehicle employs any other person to drive the vehicle he shall, before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his combined driver licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle which he operates.

LPG Conversions

2.21 A vehicle proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the section 3 of the Private Hire and Hackney Carriage Policy.

Hackney Carriage Vehicle License Conditions

2.22 The Proprietor should comply with following terms and conditions:

   a) Proprietor shall ensure the number of this Licence to be fixed and displayed on the vehicle at all times during which the vehicle is being used as a Hackney Carriage, such number to be displayed by means of internal and external plates as issued by the Council;
   b) the internal plate shall be fixed and displayed inside the vehicle so it is clearly visible to a passenger being conveyed in the vehicle;
   c) the external license plate shall be fixed and displayed outside and on the rear of the vehicle either immediately above or immediately below the bumper so that the vehicle’s registration mark is not obscured, with the particulars facing outwards and in such a manner and place that the Licence Plate is clearly visible by daylight from the road at the rear of the vehicle.

2.23 The South Norfolk Council roundels should be fixed in a permanent position to the rear passenger doors or the rear panels of the vehicle.

2.24 If the inspector of the vehicle is not satisfied as to the fitness of the vehicle they may give written 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 officer or police officer is so satisfied. If the officer or police officer is not so satisfied within two months of the initial inspection, the hackney licence shall be deemed revoked.

2.25 A vehicle must have a current certificate of insurance to cover Hire and Reward. The certificate of insurance shall be produced to an authorised officer of the Council for inspection on initial application or renewal of a Hackney Carriage licence and whenever required by an authorised officer. It is the responsibility of the proprietor of the vehicle to produce proof of continuous insurance cover.

2.26 The Proprietor shall not display from the vehicle any sign or advertisement whatsoever unless approved by the Council.
2.27 The foregoing provisions of this Condition shall not apply to a sign or notice
displayed on or from the vehicle which is prescribed by or under any enactment or
subsequent conditions.

2.28 Sub-sections (2) and (5) of Section 233 of the Local Government Act 1972 shall
have effect and are incorporated in these Conditions in relation to any notices
required or authorised by these Conditions to be given or served on the Proprietor
by or on behalf of the Council or by an Authorised Officer.

2.29 The Proprietor of a Hackney Carriage provided with a taxi-meter not fitted with
a flag or other device bearing the words ‘TAXI’ or ‘FOR HIRE’ shall cause the
carriage to be provided with a sign so constructed as to comply with the following
requirements:

a) the sign shall bear the words ‘TAXI’ or ‘FOR HIRE’ in plain letters at least
   one and a half inches in height;

b) the sign shall be capable of being so operated that it indicates clearly and
   conveniently to persons outside the carriage whether or not the carriage is
   for hire.

2.30 The Proprietor shall maintain a list of the names and addresses of all persons
employed or otherwise used by him for the purposes of driving
the vehicle, and
shall make the list available for inspection by the Council on demand and shall on
request, inform the Council of the contents of such list.

2.31 The Proprietor shall not assign or in any way part with the benefit of the licence.
If they wish
to transfer interest in the vehicle to any other person they shall give
notice to the Licensing Team in writing/email within seven working days, specifying
the name and address of the person to whom the vehicle is to be transferred.

2.32 A Hackney Carriage that is mechanically unable to proceed shall not remain
on a stand longer than is necessary to call for assistance.

2.33 The fare charged shall be for the hire of the Hackney Carriage and there shall
be no extra charge for luggage.

2.34 The Hackney Carriage shall be so constructed or adapted as to be capable of
carrying a reasonable quantity of luggage.

2.35 The Hackney Carriage shall display upon the roof, a sign which states ‘TAXI’ or
‘FOR HIRE’. The sign required by this Condition shall be capable of being
illuminated internally in such manner that the words ‘TAXI’ or ‘FOR HIRE’ are
illuminated at all times when the vehicle is plying for hire. The Proprietor of the
Hackney Carriage shall maintain so far as is reasonably practicable such sign in
efficient working order at all times.

2.36 The Proprietor shall within seven days, disclose to the Council in writing details
of any conviction imposed on him (or, if the proprietor is a company or partnership,
on any of the directors or partners) during the period of the Licence.
2.37 The Proprietor of a Hackney Carriage shall not convey, cause, permit or suffer to be conveyed in the vehicle a greater number of persons than the number of persons specified in the licence issued in respect of that vehicle.

2.38 The Proprietor of a Hackney Carriage who shall knowingly convey or permit to be conveyed in the vehicle, the dead body of any person, shall immediately thereafter notify the fact to the Council.

**Private Hire Vehicle Licence Conditions**

**Identification Plate**

2.39 The yellow plate or grey in the case of Executive vehicles, which identifies the vehicle as a Private Hire Vehicle and is required to be exhibited on a Private Hire Vehicle by virtue of Section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976, shall be securely fixed to the rear of the vehicle and in such a manner as to be able to be removed by an authorised officer of the council or a police constable.

2.40 A smaller internal licence plate, issued by South Norfolk Council, must also be securely fixed to the windscreen of the vehicle so that the vehicle may be identified from the front as well as the rear. South Norfolk Council roundels must be fixed in a permanent position and be displayed on the exterior of the rear passenger doors or the rear panels of the vehicle.

**Return of Identification Plate**

2.41 On suspension, revocation or expiry of a Private Hire Vehicle licence the Council will require the Proprietor to return the identification plates within seven days and any authorised officer of South Norfolk Council or any police officer is entitled to remove the plate from the vehicle and retain it.

**Limousine Conditions**

2.42 These conditions shall apply in addition to the Council’s standard conditions for Private Hire Vehicles.

2.43 The vehicle should be tested every six months and comply with the following:

a) The vehicle shall not be over ten years old.

b) The vehicle shall be equipped with a minimum of four road wheels and a full sized spare wheel.

c) The vehicle shall be equipped with tyres, braking systems and suspension designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed.

d) The Maximum Gross Weight of the vehicle will be assessed by the Local Authority to ensure it will not be exceeded when carrying passengers.

e) All seats shall be fitted with seat belts which must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.
f) The maximum length of the stretch conversion (measured between the rear edge of the front door and the front edge of the rear door) shall not exceed 3048mm/120”.

g) The vehicle must not be fitted with a two-way radio system.

h) Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.

2.44 Children under the age of 16 years shall not be carried in a stretched limousine unless accompanied by the parent or guardian of at least one of the children.

2.45 A limousine will not be permitted to tow a trailer.
3 Private Hire Operator Conditions

3.1 These conditions are pursuant to the Local Government (Miscellaneous Provisions) Act 1976.

a) An Operator shall record details of every private hire booking (including all contract bookings) made by him/her. This includes all bookings made by any relevant app based technology. The following information shall be recorded in an easily retrievable method (e.g. computer database or page numbered log) before the commencement of each journey, and shall include the following:

I. the date and time of each booking;
II. how the booking was received, e.g. telephone, personal call, app based technology or email;
III. the time of pick-up;
IV. where journey was from and to;
V. the name and address of the hirer;
VI. the Private Hire licence plate number of the vehicle allocated the booking;
VII. the name of the driver allocated the booking.

b) The records shall be kept for a period of three years, or such longer period as is required by an Authorised Officer of the Council.

c) The records shall be produced, on request, to any Police Officer or Authorised Officer of the Council.

3.2 An Operator shall maintain at his premises details of all vehicles operated by him, which shall include the following:

I. the Private Hire licence plate number;
II. the vehicle registration number;
III. the name and address of the proprietor of the vehicle;
IV. the name(s) and address(es) of the driver(s) of the vehicle(s);
V. the badge number(s) of the driver(s).

3.3 The above records shall be produced on request to any Authorised Officer of the Council or Police Officer.

3.4 No operator shall invite or accept a Private Hire Vehicle booking or control or arrange a journey to be undertaken by a Private Hire Vehicle without first making available the charge for the hire of the vehicle to the person making the booking. The charge may be notified in writing or verbally.

3.5 The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times. This includes the following:

a) Ensuring that when a Private Hire Vehicle has been hired to attend at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, attend punctually at the appointed time and place.
b) Keeping clean, adequately heated, ventilated and lit any premises which the operator provides to which the public has access, whether for the purpose of booking or waiting.

c) Ensuring that any waiting area provided by the operator has adequate seating facilities.

d) Ensuring that any telephone facilities and communication equipment provided are maintained in a sound condition and that any defects are repaired promptly.

e) The operator shall not permit any person who is drunk, or is behaving in a disorderly manner to remain upon the premises in respect of which the operator licence is in force.

3.6 An Operator shall undertake to ensure that all drivers and vehicles owned, controlled or operated by them shall be licensed and comply with all the conditions of their driver licence and/or Private Hire Vehicle licence.

3.7 Operators must comply with Sections 165 and 167 of the Equalities Act.

3.8 The Equality Act 2010 makes it an offence for a private hire operator to fail or refuse to take a booking for a Private Hire Vehicle;

a) if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and

b) the reason for the failure or refusal is that the disabled person will be accompanied by his assistance dog.

3.9 This will not apply in the case of an owner operator who has obtained a medical exemption certificate from the Council under the provisions of the Equality Act 2010 and the associated guidance from the Department for Transport. This certificate may only be issued following a medical examination and the provision of appropriate evidence by a medical practitioner. It is also an offence for the operator to make any additional charge as a result of the need to carry an assistance dog.

**Change of Address**

3.10 The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.

**Change of Proprietor**

3.11 The operator shall notify the Council in writing of any change of operator details. This includes, in the case of a partnership, any changes to the partners involved, or in the case of a limited company, a change to any of the principle stake-holders in the company.
Convictions

3.12 The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him (or if the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

Penalties

3.13 The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act shall be guilty of an offence and liable on summary conviction to a fine. Such action, whether or not resulting in criminal proceedings being taken, may lead to the suspension or revocation of an existing licence or refusal to renew such a licence. Part II of the Act provides that these conditions must be adhered to.
South Norfolk Council Hackney Carriage Byelaws

1 Hackney Carriage Byelaws

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the council of South Norfolk with respect to hackney carriages in South Norfolk.

Interpretation

Throughout these byelaws “the Council” means South Norfolk Council and “the district” means the District of South Norfolk.

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

1. 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.

2. A proprietor or driver of a hackney carriage shall:
   a) 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; and;
   b) 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 service;
   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; and
i) 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.

4. 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:

a) 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 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 time as well as for 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; and
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 the hiring; and

c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

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

   a) proceed with reasonable speed to one of the stands appointed by the Council;
   b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
   c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
   d) from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

8. The 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 that purpose.

9. The driver of a hackney carriage shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at the appointed time and place.

11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in the vehicle a greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage. For the purposes of this byelaw two children under the age of 10 shall be regarded as one person and children under the age of 3 shall not be reckoned.

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 shall, when requested by any person hiring or seeking to hire the vehicle:

   a) Convey a reasonable quantity of luggage;
   b) afford reasonable assistance in loading and unloading; and
   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 and time 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. The driver of a hackney carriage shall ensure that any statement of rates of fares currently in force in the District of South Norfolk shall be displayed at all times and 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 use for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages.

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 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 the nearest police station and leave it in the custody of the officer in charge of the office on his giving a receipt for it.

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.

The common seal of South Norfolk District Council was hereunto affixed this ninth-day of January 1987 in presence of the Head of Central Services.