



BEDFORD BOROUGH COUNCIL

## Taxi and Private Hire Licensing Policy Contents

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***All references to “taxi” should read as the legal term “Hackney Carriage” as defined by Section 38 of the Town Police Clauses Act 1847***

## Part 1 Introduction

### 1.1 Powers and duties

1.1.1 This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which place on Bedford Borough Council (“the Council”) the duty to carry out its licensing functions in respect of taxis and private hire vehicles.

### 1.2 Policy objectives

1.2.1 Taxis and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport, providing an on-request door-to-door service in various circumstances, including where public transport may not be available or for those with mobility difficulties.

1.2.2 In setting out its policy, the Council seeks to promote the following objectives:

- (i) Public safety- Safeguarding and promoting the welfare of children and vulnerable persons.
- (ii) The protection of the environment;
- (iii) Ensuring an efficient and effective taxi and private hire provision
- (iv) Promoting the health and safety of drivers, vehicle safety and comfort and access
- (v) The prevention of Crime and Disorder
- (vi) To provide and maintain a professional and respected taxi and private hire trade by continued monitoring and improvement of standards of service.

1.2.3 The aim of the licensing process, in this context, is to regulate the taxi and private hire trade in order to promote the above objectives. It is the Council’s wish to facilitate professional and responsible businesses, which display sensitivity to the wishes and needs of the general public, whilst maintaining the current high standard of service provision.

1.2.4 When considering this policy, the Council has tried to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

### 1.3 Departure from the policy

1.3.1 In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out therein.

1.3.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits with regard to the licensing objectives. However, it is likely that departures from policy will be restricted to exceptional

circumstances, not used to circumvent the reasonable requirements of the policy.

#### 1.3.3 Substantial departure from policy

Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so must be given. The officer with delegated responsibility under the Council's Constitution for Licensing matters may authorise a departure from the policy in accordance with this section if he/she considers it necessary in the specific circumstances and will advise Councillors of such decisions.

#### 1.3.4 Minor departure from policy

Where an applicant is able to demonstrate that a minor departure from this policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the officer with delegated responsibility under the Council's Constitution for Licensing matters may authorise a licence to be issued.

### 1.4 Policy duration

1.4.1 This policy will be kept under review and amended as and when necessary to reflect changes in legislation, case law, statutory guidance and best practice.

1.4.2 Administrative amendments to this policy (required by virtue of legislative changes, revised statutory guidance, a Council restructure or administrative procedural changes) may be made by the officer with delegated responsibility under the Council's Constitution for Licensing matters. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.

1.4.3 The policy will be periodically reviewed to ensure it remains fit-for-purpose and either amended where necessary or approved for continuation by the General Licensing Committee.

1.4.4 Minor amendments to the policy may be authorised by the officer with delegated responsibility under the Council's Constitution for Licensing matters in consultation with the Chair of the General Licensing Committee and the group spokespersons.

For the purposes of this section, a minor amendment is any amendment that does not fall within section 1.4.2 above or section 1.4.5 below.

1.4.5 In the event of any significant amendment to the policy, a full public consultation will be undertaken prior to consideration by the General Licensing Committee who may amend the policy as it deems appropriate.

For the purpose of this section, a significant amendment is defined as one that:

- will have significant financial impact on applicants, licence holders or the public

- will have a significant procedural impact on applicants, licence holders or the public
- may not be perceived by the trade or the public to be consistent with the policy objectives set out in section 1.2 above.

## Part 2 Vehicles

### 2.1 Limitation of numbers

2.1.1 The Council currently has a limit on the number of taxis which may be licensed within the Borough. The cost of any further 'unmet demand' survey would need to be borne by the existing licence holders.

2.1.2 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

### 2.2 Specifications and conditions

2.2.1 Licensing authorities have a wide range of discretion over the types of vehicle that they can licence as taxis or private hire vehicles and The Best Practice Guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible.

2.2.2 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a taxi or private hire vehicle licence. Taxi and private hire vehicles provide a necessary service to the public; however, it is appropriate to set standards for the external and internal condition of the vehicle, provided that the standards are reasonable and proportionate. Part 2 of this policy sets out the Council's minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications. This specification will need to be met prior to licensing and maintained throughout the duration of the licence. This will be achieved by attaching the following licence condition to all taxi and private hire vehicle licences:

*"This licence is granted subject to compliance with the Council's Taxi and Private Hire Licensing Policy vehicle specification requirements (Part 2 of the policy) throughout the duration of the licence period."*

### 2.3 Accessibility

2.3.1 The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that,

*"Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible."*

- 2.3.2 It is arguable that different accessibility considerations should apply between taxis and private hire vehicles in that taxis can be hired in the street or at a rank, by the customer dealing directly with a driver, whereas private hire vehicles can only be booked through an operator.
- 2.3.3 The Council considers it particularly important that a person with a disability should be able to hire a suitable accessible vehicle with the minimum delay or inconvenience. Having an acceptable proportion of accessible taxis and private hire vehicles available helps ensure that this is possible; therefore, the Council will actively encourage the licensing of sufficient accessible vehicles and have regard to the requirements of the Equality Act 2010 and any subsequent equalities legislation.
- 2.3.4 Section 167 of the Equality Act 2010 allows the Council to designate accessible vehicles as subject to the requirements of the Act making it a criminal offence to refuse a passenger with a wheelchair or charge an additional fare. In support of the Council's desire to provide accessible transport for those with disabilities, all wheelchair accessible taxis and private hire vehicles will be designated for this purpose.
- 2.3.5 Drivers who, for medical reasons, are unable to accept wheelchair passengers or assistance dogs are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of appropriate medical evidence. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle at all times whilst licensed as a taxi or private hire vehicle. In the absence of a medical exemption certificate from the Council, it would be a criminal offence for any taxi or private hire driver to refuse to carry an assistance dog, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog or wheelchair.
- 2.4 Environmental considerations
- 2.4.1 The Council has given careful consideration to the recommendation in the Best Practice Guidance that, in the interests of the environment, tougher emissions standards should be introduced for all licensed vehicles and considers its responsibility in protecting the environment to be a predominant factor within licensing policy, particularly given the Council's declaration of a climate emergency.
- 2.4.2 That said, the Council believes that its requirement for all new vehicles to meet Euro 6 emission standards (or such other standards as the Committee may determine from time to time), coupled with its six-monthly testing requirements for **all** vehicles, is sufficient not to require tougher emission standards for licensed vehicles.
- 2.4.3 Clearly emissions from taxis and private hire vehicles could be further reduced through education and raised awareness of environmental issues. Simple measures such as:
- (i) better and more frequent vehicle maintenance and servicing; and

- (ii) switching off engines when stationary or idling, particularly at taxi ranks, can make a significant environmental impact considering the number of licensed vehicles.

2.4.4 The Council will seek to strike an appropriate balance between protecting the environment and ensuring sufficient transport provision in the Borough. The Council is particularly aware that many elderly and/or vulnerable residents are dependent on taxis and private hire vehicles to undertake essential journeys, i.e. shopping, social interaction and medical appointments. Additionally, taxis and private hire vehicles are an essential part of the transport infrastructure for many other persons, particularly school children and those without their own means of transport.

#### Idling

2.4.5 All taxi and private hire vehicles MUST switch off engines when stationary; NO vehicle is to be idling at any time particularly at taxi ranks, when parked and whilst awaiting / dropping-off passengers. This will have a significant positive environmental impact considering the number of licensed vehicles within Bedford Borough. An exception is allowed during periods of cold weather where the vehicles is not within 100 metres of a school, nursery or medical establishments; Engines may be run solely for the purpose of ensuring that the driver is able to stay warm when no other facilities are available and should only be run for the minimum time necessary to maintain a reasonable level of comfort.

#### Environmentally friendly fleet

2.4.6 The Council is aware of the Government's intention to introduce a ban on the sale of new petrol, diesel and hybrid cars in the UK by 2030.

2.4.7 The Council will carry out additional research and identify whether the Council should adopt a requirement that from the 1 January 2028 all new or replaced vehicles must be ultra-low emission vehicles (ULEVs).

2.4.8 If this policy was adopted existing vehicles licensed prior to 1 January 2028 will be able to continue to be licensed until such time as they are replaced at which point, they will be considered a new vehicle and must comply with section 2.4.7 above.

2.4.9 The definition of ULEV will be the Government's published list of ULEVs.

#### Other assistance

2.4.10 The Council will continue to encourage applicants and licence holders to change to cleaner, low emission vehicles by researching and promoting Central Government schemes offering subsidies and/or other help-to-buy alternatives for more

environmentally friendly vehicles.

## 2.5 Maximum age of vehicles

2.5.1 The Best Practice Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not licence vehicles may be arbitrary and disproportionate. The limits set by the Council are considered necessary and proportionate to promote public safety and the other objectives of this policy, however, it is accepted that a greater frequency of testing may be appropriate for older vehicles.

2.5.2 When first licensed by the Council, Saloon Vehicles must be less than seven (7) years old and for MPV's and Wheelchair accessible vehicles ten (10) years old from the date of first registration.

2.5.3 Taxis and private hire vehicles may be licensed until such time that the vehicle cannot comply with the Council's testing requirements (see section 2.6).

## 2.6 Vehicle testing

2.6.1 In order to comply with the Council's vehicle testing requirements a vehicle must obtain a current MOT pass certificate and a current Certificate of Compliance pass certificate from the Council's testing facility..

2.6.2 Vehicles that are less than 3 years old will be exempt from producing a current MOT pass certificate but will be required to obtain a Certificate of Compliance pass certificate.

2.6.3 All vehicles over 3 years old will be required to present the vehicle for a MOT Test and submit the pass certificate 6 months into the Licence Period.

2.6.4 The licence of any vehicle, which fails its testing requirements will be automatically suspended until such time as the vehicle has been re-examined and the necessary pass certificates obtained. The Council will retain the vehicle licence plate until such time as the inspection requirements are met.

### MOT advisories

2.6.5 With public safety being a significant objective of this policy, the Council expects licensed vehicles to be of the highest possible standard. Accordingly, any MOT advisory relating to tyres or brakes must be rectified before a licence is granted. The Council also reserves the right to extend this requirement to other MOT advisories where they deem it necessary for the protection of the public.

## Accident damage

- 2.6.6 With the safety of the public being a predominant factor of this policy all vehicles involved in an accident, however minor, will be required to submit the vehicle for inspection. Upon inspection following an accident, any vehicle that would fail to meet the vehicle testing requirements (section 2.6.1) will be automatically suspended until such time as the vehicle has been re-examined and the necessary approval given.
- 2.6.7 In the case of only cosmetic damage following inspection by a Licensing Compliance Officer, a timescale for repair will be set by the Council at the end of which the vehicle must be re-presented to the Council's Licensed Vehicle Testing Depot for a compliance test. If the vehicle is not presented for re-inspection by the prescribed date, or the vehicle fails the inspection, it will be automatically suspended until such time as the vehicle meets the Council's Certificate of Compliance test requirements. Normally, the period will be set at 1 month for minor failures, however, a shorter period of any length may be set where the vehicle is considered to be in a particularly poor condition and it would not be reasonable to expect members of the public to accept the standard of the vehicle.
- 2.6.8 In addition to the above testing requirements, the Council will undertake its own unannounced programme of inspections between formal testing dates.

## 2.7 Vehicle type

- 2.7.1 Left-hand drive vehicles will not be considered suitable for licensing, save for stretch limousines which will be subject to the specification requirements detailed in Appendix E. This is to ensure that passengers travelling in the front passenger seat are able to exit the vehicle directly onto the footway rather than directly into the carriageway.
- 2.7.2 The Council is aware of its duty under the Equality Act 2010 to ensure that there is sufficient provision of wheelchair accessible taxis and private hire vehicles. It is equally aware that many persons who travel in wheelchairs prefer to travel in a saloon vehicle as opposed to a purpose-built wheelchair accessible vehicle (WAV).
- 2.7.3 The Council will endeavour to ensure that a suitable percentage of the licensed vehicles are purpose-built wheelchair accessible vehicles and that all other vehicles have sufficient space to carry a folding wheelchair. The requirement for a proportion of private hire vehicles required to be accessible for wheelchair users will be kept under review and this aspect of the Policy may be revised by the Committee from time to time following public consultation.
- 2.7.4 Taxis  
All vehicles for new taxi licence applications must be white in colour and either:
- (i) a 'London' type taxi, or
  - (ii) a suitable wheelchair accessible vehicle, approved by the Council

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There is currently no requirement for Private Hire Vehicles to be wheelchair accessible. The majority of private hire vehicles that are wheelchair accessible primarily focus on providing schools transport. The Council will in consultation with both the licensed trade and the disability groups seek to assess if there is unmet demand and if so how changes to this policy could increase availability.

- 2.7.5 It is the responsibility of the drivers and operators to ensure that the Council holds a current contact email address. The Council will accept no claims of being disadvantaged from drivers or operators not receiving an email.

#### Renewal applications

- 2.7.6 Once licensed as a wheelchair accessible vehicle, a taxi or private hire vehicle can only be replaced with a wheelchair accessible vehicle.

#### Vehicle type approvals

- 2.7.7 Licensed vehicles shall ordinarily have European Community Whole Vehicle Type Approval (see <http://www.dft.gov.uk/vca/vehicletype/index.asp>) and be compliant with the relevant Road Vehicles (Construction and Use) Regulations in effect at the time of application.
- 2.7.8 In the absence of European Community Whole Vehicle Type Approval, or if a vehicle has been modified in any way since manufacture, vehicles can be considered for licensing that have:
- (i) National Small Series Type Approval (see <http://www.dft.gov.uk/vca/vehicletype/index.asp>), or
  - (ii) Individual Vehicle Approval (see <http://www.dft.gov.uk/vca/vehicletype/index.asp>)

However, Individual Type Approval will not be accepted:

- (a) where the seatbelts fitted to the vehicle are not those fitted by the manufacturer and tested in accordance with the vehicle's original type approval, or
- (b) where the vehicle has been fitted with seating/wheelchair tracking which may invalidate the original type approval for any seats fitted to the vehicle except where suitable evidence is provided by the applicant(s) that this is not the case.

#### All vehicles

- 2.7.9 All taxi and private hire vehicles must:
- (i) be capable of carrying not less than four (4) nor more than eight (8) passengers;
  - (ii) have no damage affecting the structural safety of the vehicle;
  - (iii) not have been written off for insurance purposes at any time (with the exception of vehicles written off under Category N (has sustained no structural damage) and which have been repaired tested and certificated to the satisfaction of the

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- Council);
- (iv) have sufficient means by which any passenger in the vehicle may communicate directly with the driver;
  - (v) be maintained in sound and roadworthy condition at all times;
  - (vi) serviced in accordance with manufacturer's recommendations.

## 2.8 Signage

### Taxis

- 2.8.1 The identifying plate issued in respect of the licensed hackney carriage shall be securely fitted at the rear exterior of the carriage in such a manner as to be plainly visible at all times when the carriage is being used, and in such manner as to be easily removable by an authorised officer of the Council or a Police Constable.
- 2.8.2 The general sign (A6 in size) issued in respect of the licensed hackney carriage shall be affixed to the near side of the front windscreen so that the words "Bedford Taxi" are plainly and distinctly visible from the exterior of the carriage and the contact details for the Licensing Team of the Council are visible to passengers carried in the vehicle.
- 2.8.3 The proprietor(s) of the licensed hackney carriage shall supply and fit on the vehicle a roof sign and an interior windscreen sign bearing the words "For Hire", such latter sign to be illuminated at all times when the vehicle is plying for hire. Unless the vehicle is a purpose built London Style Cab, or otherwise has an integrated roof sign to the satisfaction of the Council's (Delegated Officer), the roof sign must be of 24" width bearing the words "Borough of Bedford – TAXI" in black lettering on a yellow background.
- 2.8.4 The vehicle to which this licence relates will be able to carry a passenger in a wheelchair (including providing for the passenger to board and alight in the same wheelchair) and the exterior non-glass areas of the vehicle will be white in colour.
- 2.8.5 The vehicle shall have signs affixed and maintained on the nearside and offside front or rear doors as supplied by the Council which will state "Bedford Taxi".

### Private Hire vehicles

- 2.8.6 A Private Hire Vehicle must be fitted with a roof sign which shall be of a design approved in writing by Bedford Borough Council and shall comply with the following specifications as set out in sub-paragraphs below:
- 2.8.7 The dimension of the roof sign shall be a minimum of 600mm in length and a maximum of 620mm in length. The depth of the sign shall be a minimum of 140mm and a maximum of 160mm. The minimum height of the sign shall be 160mm and the maximum height 180mm.
- 2.8.8 The roof sign shall comprise a green background to the front, top and sides with black lettering only. The rear of the sign shall be black in colour showing red lettering only.

- 2.8.9 Front Elevation  
The front elevation of the sign shall include in descending order the operator's trading name and telephone number and the words "ADVANCE BOOKINGS ONLY". The operator's trading name and telephone number must be in letters and numbers respectively, the height and width of each letter or number must not exceed 40mm; followed by the wording "ADVANCE BOOKINGS ONLY" which must be in letters of not less than 25mm in height and width.
- 2.8.10 Side Elevations  
The word "PLATE" and Licence number must be displayed on the left and right side elevations of the roof sign. The word "PLATE" must be in letters not less than 17mm in height and the Licence number must be in letters not less than 28mm in height and width.
- 2.8.11 Rear Elevation  
The rear elevation of the roof sign shall include the following in descending order:  
The words "private hire vehicle" in letters not less than 28mm in height and width followed by the words "LICENSED BY BEDFORD BOROUGH COUNCIL TO CARRY X PASSENGERS". The letters must be a minimum of 17mm both in height and width. "X" must be substituted by the specified number of persons to be carried as stated in the Private Hire Vehicle Licence.
- 2.8.12 The word "PLATE" must be displayed on the right side of the roof sign when viewed from the rear of the vehicle and must be in lettering of not less than 20mm in height and width. The Licence number must be in numbers not less than 30mm in height and width.
- 2.8.13 The registration number displayed on the vehicle must be displayed at the rear of the roof sign and be preceded by "REG NO." and must be in letters and numbers not less than 20mm nor greater than 25mm in height and width.
- 2.8.14 Nothing other than words and figures specified in these conditions shall appear or be displayed on the roof sign.
- 2.8.15 The letters and figures displayed on the roof sign must be maintained in a legible condition at all times.
- 2.8.16 The roof sign must be displayed on the roof of the vehicle at all times whilst the vehicle is licensed by Bedford Borough Council as a Private Hire Vehicle. If the Private Hire Vehicle licence is suspended or revoked for any reason the licensee shall remove the roof sign forthwith.
- 2.8.17 A private hire vehicle must display Council-approved signage on both front doors of the vehicle stating that the vehicle is only able to undertake pre-booked journeys. Any private hire vehicle not meeting the requirements of this section will be automatically suspended until such time as the requirements are met and the suspension has been removed by a licensing officer.

## 2.9 Livery

2.9.1 The Council believes that the requirements of this policy ensure that taxis and private hire vehicles are easily distinguishable and that there is no current requirement for specific vehicle livery.

2.9.2 However, the Council will keep the issue of livery under review and if it believes that livery would be of benefit to the public, then a public consultation will be undertaken prior to any livery being introduced.

## 2.10 Licence plates

2.10.1 For the avoidance of doubt, a licensed vehicle is always a licensed vehicle including when being used for private purposes. At all times when a vehicle is licensed as a taxi or private hire vehicle, unless an exception has been granted, the vehicle must display the licence plate provided by the Council, securely fixed externally in a prominent position on or above the rear bumper of the vehicle. Plates attached by magnets must not be removed at any time, including when the licensed driver is not working, save for when parked overnight outside the driver's home.

2.10.2 The licence plates must be clearly identifiable and legible to the public at all times.

2.10.3 Exemption to the requirements of signage may be given to private hire vehicles on receipt of a written request to the officer who has delegated responsibility for Licensing matters. Licensed vehicles which would normally qualify for such an exception are vehicles used for executive hire, corporate contracts, or work of a similar nature. In order to qualify for exemption:

- (i) a written letter of exemption issued by the Council must be carried in the vehicle at all times;
- (ii) the licence plate must be carried in the vehicle at all times;
- (iii) the vehicle must be undertaking the nature of work for which the exemption was granted. If any of these three criteria is not met, the normal signage requirements will apply.

For the avoidance of doubt, vehicles that are used for a combination of 'exempt' work and normal private hire work will be required to display external licence plates at all times when the exemption does not apply.

## 2.11 Advertising

2.11.1 Any advertisement on the front door panels or rear of the vehicle must be restricted to the name, logo or insignia, telephone number, social media or other contact details of the owner or operator of the vehicle. No other advertisement is permitted on the front door

panels or rear of the vehicle.

- 2.11.2 Advertising of any other business is permitted on the rear passenger doors of the vehicle.
- 2.11.3 Internal advertisements are permitted on the windscreen or rear window but must be:
- (i) no more than ten (10) centimetres in height,
  - (ii) positioned so that they do not obstruct the driver's view in any way, and
  - (iii) be restricted to the name, logo or insignia, telephone number, Social Media or other contact details of the owner or operator of the vehicle.
- 2.11.4 For the purpose of this section, the display of 'no smoking' signage as required by legislation or signage indicating that the vehicle is able to convey passengers in wheelchairs (provided that the vehicle has been manufactured or properly adapted for that purpose) is not considered to be advertising.
- 2.11.5 All advertisements shall be in good taste and contain no material that may be considered to be offensive to any section of the community.
- 2.11.6 The owner of any vehicle displaying an advertisement that does not conform to this section of the policy will be required to remove the offending advertisement. Until such time as the offending advertisement has been removed, the vehicle licence will be suspended.
- 2.11.7 Any advertising or signage on a private hire vehicle must not include the words "taxi", "cab", "taxi" or "for hire", save for the word "taxi" being part of the company name.
- 2.12 Seating in multi-passenger vehicles
- 2.12.1 The Council will licence vehicles for seating arrangements of up to eight (8) passengers where all licensing requirements are satisfied.
- 2.12.2 For MPV occasional seats will not be included in the number of licensed seats. Where vehicles are fitted with additional fixed seating all of the following measurements will need to be met to allow the seat to be counted towards capacity for all licensed vehicles:
- *Minimum 350 MM wide at the narrowest point of the seat.*
  - *Headroom 870 MM minimum, measured from the top of the seat squab to the roof lining.*
  - *Legroom 180 MM minimum measured from the rear of the B pillar to the front of the seat squab .For vehicles with three rows of seats, seats in the 3<sup>rd</sup> row, the measurement is taken from the back of the seat in the 2<sup>nd</sup> row to the front of the seat squab in the 3<sup>rd</sup> row, with the backrest in the vertical position and the 2<sup>nd</sup> row seat meeting the measurement from the B pillar.*

## 2.13 Doors

2.13.1 All licensed taxis or private hire vehicles must have at least three side-opening passenger doors, which must be easily opened from the inside and the outside.

2.13.2 All vehicles must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door. Third row seats must be accessible without the need to tilt seats, unless the measurements in 2.12.2 are met.

## 2.14 Tyres

2.14.1 The licensed vehicle must be fitted with either all radial or all cross-ply tyres, including the spare wheel, the tread required for all tyres is a minimum of 2.5mm. All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturer's Specification.

2.14.2 Run-flat tyres and 'space-saver' tyres are acceptable on licensed vehicles provided they conform to the Original Manufacturer's Specification.

2.14.3 If a 'space-saver' spare tyre is used on a licensed vehicle, it must only be for completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space-saver' spare tyre is being used on the vehicle.

2.14.4 All tyres on licensed vehicles must have a date code, and tyres more than 10 years old are not acceptable.

2.14.5 Original Manufacturer's Specification 'tyre repair kits/compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards. If a 'tyre repair kit/compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit/compressor' is being used on the vehicle.

## 2.15 Drivers' vehicle mirrors

2.15.1 External rear view mirrors must be fitted to both sides of all licensed vehicles.

2.15.2 All licensed vehicles must have an internal rear-view mirror appropriately fitted in accordance with appropriate legislation and/or manufacturers' specification.

## 2.16 Passenger comfort

2.16.1 There must be sufficient space between the seat cushions and the lowest part of the roof, and the front and back seats, to safely accommodate the driver and passengers in reasonable comfort. (See measurements at 2.12.2)

## 2.17 Seats

- 2.17.1 Passenger seats must allow a reasonable width per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle.
- 2.17.2 Unless the Original Manufacturer's Specification states otherwise, the front seat of the vehicle next to the driver will be regarded as a seat for one (1) passenger only.
- 2.17.3 Smaller seats in the rear of multi-passenger vehicles will ordinarily be deemed not suitable for carrying passengers.

## 2.18 Seatbelts

- 2.18.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.
- 2.18.2 In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with.
- 2.18.3 No operator or drivers are to supply children's car seats for the use of any passengers. Should the parent/guardian of the child wish for a child to be seated in a car seat, the parent/guardian must:
  - supply the seat
  - install the seat
  - remove the seat at the end of the journey.

Under no circumstance is the driver to assist in the fitting of the seat or securing the restraint on the child.

The use of a child seat in a contracted home to school transport journey will be exempt from the above requirements as long as the operator/ driver can show documentation that confirms that a Risk Assessment / Travel Care Plan has been carried out by the Council's in-house Client Transport Compliance team. The car seat utilised will be provided by the operator of the contract, fitted using the manufacturer's guidelines and the client restrained by staff who have been trained and hold a current Client Transport Authorisation

## 2.19 National Flags

- 2.19.1 On the occasion of major sporting or non-sporting events (for example, a world cup, coronation, royal wedding, etc.) a maximum of two (2) national flags may be flown on a licensed vehicle. The flags must be of a size and manufacture that will not obstruct the driver's view in anyway, nor endanger the safety of other road users or pedestrians. All flags are flown at the proprietor's own risk.

## 2.20 Ventilation

- 2.20.1 Windows must be provided to all passenger compartments along with adequate means of opening and closing not less than one (1) window on either side of the vehicle in both the front and rear passenger compartments. The front compartment is the seat(s) next to the driver and the rear compartment is the seats behind the driver.
- 2.20.2 Rear passenger windows must be capable of being opened by passengers when seated unless air conditioning is available, in which case the air conditioning must be operated by the driver upon request.
- 2.20.3 In adverse weather conditions, for example rain, the driver is entitled to refuse to open windows in order to protect the interior of the vehicle provided suitable air conditioning is in operation.

## 2.21 Luggage

- 2.21.1 Adequate storage for passenger luggage must be available and all luggage carried must be suitably secured in place without obstructing any emergency exits.
- 2.21.2 In order for a vehicle to be licensed, there must be sufficient boot space to:
  - (i) carry luggage for the numbers of persons the vehicle is licensed to carry; and
  - (ii) carry a foldable wheelchair (folded width 265 mm height 680 mm length 670 mm)
- 2.21.3 If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle, it must be fitted with a guard-rail or manufacturer's specification compartment cover to prevent luggage from entering the rear passenger compartments.

## 2.22 Maintenance and condition of the vehicle

- 2.22.1 The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:
  - (i) be free of large and/or sharp-edged dents,
  - (ii) be free of visible rust,
  - (iii) be free of unrepaired accident damage,
  - (iv) have uniform paintwork equivalent to that applied by the manufacturer, and be maintained in an acceptable state of cleanliness. No scratch should penetrate to the base coat.
  - (v) Not have more than 8 stone chips visible on a bonnet /grill that has not penetrated to the metal or more than 4 stone chips that have penetrated to the metal.

- (vi) Not have more than 8 stone chips on any panel including door edges provided that the base coat has not been penetrated
- (vii) Not have more than 4 stone chips on any panel where the base coat has been penetrated to the metal.
- (viii) Not have a single dent of more than 80 mm, or more than 3 dents of not more than 20mm in any one panel.
- (ix) Not have more than 4 scratches and/or abrasions of more than 50mm in length in any one panel provided that the base coat has not been penetrated.
- (x) Not have dull, faded paintwork which has lost its gloss finish or paint mismatch to the panel(s), when viewed at ground level from a distance of one metre and taken from a customer's perspective. .
- (xi) No insecure or missing body panel, trim, step accessory.
- (xii) No Evidence of poor repairs and / or paint finish to a repaired panel (s) including runs and overspray to adjoining panels/trim when viewed at ground level from a distance of one metre and taken from the customers's perspective.

2.22.2 The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:

- (i) be free of all stains to the upholstery,
- (ii) be free of all splits and tears to the seats,
- (iii) be maintained in an acceptable state of cleanliness, and
- (iv) provide seats functioning in accordance with the Original Manufacturers' Specification.

2.22.3 For the avoidance of doubt, any vehicle that would not pass a Certificate of Compliance inspection or a MOT must not be used until such time as the requirements of the Certificate of Compliance and MOT testing can be met.

2.22.4 All vehicles must have a fire extinguisher and first aid kit that is in date within in the vehicle. When submitting the vehicle for inspection at the Councils Licensed Vehicle Testing Depot the fire extinguisher and first aid kit must be placed on the front passenger seat for inspection.

2.22.5 Where a vehicle fails the test under points 2.22.1 or 2.22.2 a timescale for repair will be set by the Council at the end of which the vehicle must be re-presented to the Council's Licensed Vehicle Testing Depot for a compliance test. If the vehicle is not presented for re-inspection by the prescribed date, or the vehicle fails the inspection, it will be automatically suspended until such time as the vehicle meets the Council's Certificate of Compliance test requirements. Normally, the period will be set at 1 month for minor failures, however, a shorter period on any length may be set where the vehicle is considered to be in a particularly poor condition and it would not be reasonable to expect members of the public to accept the standard of the vehicle.

2.23 Modifications

2.23.1 No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without compliance with road traffic legislation, section 2.7 of this policy, insurance requirements, and written approval for the change(s) from the Council.

2.24 Dual plating

2.24.1 The Council will not normally grant a taxi or private hire vehicle licence for any vehicle already licensed by another licensing authority.

2.25 Communications devices

2.25.1 All two-way radio equipment must be of a type currently approved by, and fitted securely in accordance with guidelines published by, the Radio Communications Agency.

2.25.2 The use of radio scanning devices is prohibited, and such devices must not be fitted or carried in the vehicle.

Personal digital assistants (PDA), or similar

2.25.3 The use of a PDA or smart phone communication/mapping devices is permitted however they must be fitted where all passengers have an unobstructed view but must not be in a position to distract the driver.

2.25.4 Should the PDA/or smart phone display a fare this must be calibrated in accordance with the approved Council fare tariff and match the display on the fitted meter at all times.

For private hire vehicles the pre-agreed fare should be displayed on the PDA/smart phone device.

2.26 Meters

### Taxis

2.26.1 An approved taximeter must be fitted in all taxis and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure. All taximeters must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation.

2.26.2 By 1 June 2022, all licensed taxi must comply with the following requirements:

An approved calendar taximeter must be fitted in all taxis and:

- (i) must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure,
- (ii) must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation,
- (iii) must be set at the correct date and time at all times throughout the period of the vehicle licence.

2.26.3 The Council recognises the impact of creating unnecessary paper waste and recognises that digital smart technology is widely available offering a receipt facility. The Council also acknowledges the use of such technology is beneficial to passengers, drivers and operators alike.

2.26.4 The taximeter shall be positioned so that the display on the face of the meter may clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and also at any time at the request of the hirer.

2.26.5 When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.

2.26.6 An official copy of the Council's fare tariff must be securely attached and displayed on the dash board in front of the passenger seat at all times. The fare tariff document will be emailed to individual taxi drivers when a grant or renewal of a plate is completed. It is the driver's responsibility to ensure the tariff is printed and to ensure that it is visible to passengers.

2.26.7 The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the fare tariff for the hire of taxis. For the avoidance of doubt, the taximeter should not be started until the passenger is in the vehicle ready to commence the journey.

2.26.8 In the event of such a journey commencing in but ending outside the Borough, there may be charged for the journey such fare as was agreed before the hiring was effected. If no such agreement was made, then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of taxis.

2.26.9 On occasions, a journey will commence during one tariff period and end within another tariff period. For the avoidance of doubt, the tariff that is in operation at the time of the commencement of a journey must remain throughout that journey.

Private hire

- 2.26.10 Private hire vehicles are not required to be fitted with a taximeter however where a taximeter or other device for recording fares is fitted, it must be of a type approved by the Council.
- 2.26.11 Private hire operators must agree the cost of the journey with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed. If the operator intends to use the taximeter to calculate the fare, they must seek agreement from the passenger(s) at the time of accepting the booking, including the agreed point at which the meter would be engaged.

#### Taxis and private hire

- 2.26.12 By 1 June 2022 all licensed taxis and private hire vehicles must have the ability to enable passengers to pay by credit or debit card. The system must be capable of providing the option to the passenger to supply a receipt to an email address or alternative communication for a receipt.
- 2.26.13 Licence holders are reminded that they are data handlers when dealing with personal information such as names, addresses, email addresses and telephone numbers and must comply with the requirements of data protection regulations and GDPR. Breaches of data protection regulations may impact on the ability to hold a licence with the Council.

#### 2.27 Trailers

- 2.27.1 Trailers may only be used with the prior approval of the Council and then subject to the following requirements:
- (i) the driver's DVLA driving licence must cover the categories that allow the towing of trailers,
  - (ii) the trailer must at all times comply with all requirements of road traffic legislation and the current Road Vehicles (Construction and Use) Regulations,
  - (iii) the vehicle insurance must include cover for towing a trailer,
  - (iv) trailers must not be left unattended anywhere on the highway,
  - (v) a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use;
  - (vi) trailers must display an identical licence plate to the licensed vehicle,
  - (vii) trailers cannot be used on a taxi rank and should only be used for specific pre-booked journeys, not whilst plying for hire.

#### 2.28 Disability access

- 2.28.1 In the case of all licensed vehicles which are built or adapted for disabled passengers, the design of the vehicle should ordinarily ensure that any wheelchair is loaded from the side rather than the rear of the vehicle. Whilst the Council prefer vehicles to be loaded

from the side it is aware that rear-loading vehicles better suit certain types of motorised wheelchair, therefore each vehicle will be assessed on its own merits.

- 2.28.2 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:
- (i) access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus,
  - (ii) internal wheelchair anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit,
  - (iii) a suitable restraint must be available for the occupant of a wheelchair.
  - (iv) access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper,
  - (v) ramps and lifts must be securely stored in the vehicle before it may move off,
  - (vi) access ramps and/or lifts must be maintained in full working order at all times when the vehicle is available for hire.
- 2.28.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307).
- 2.28.4 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to safely load and convey wheelchair bound passengers.
- 2.28.5 At any time when a wheelchair accessible vehicle is unable to carry passengers in a wheelchair or with other disabilities, either due to a mechanical fault or driver incapacity, the vehicle will automatically be suspended and should not be used to carry passengers until full wheelchair and other disability access is available.
- 2.29 Vehicles powered by liquid petroleum gas (LPG)
- 2.29.1 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice.
- 2.29.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that a reasonable amount of space shall remain free for the stowage of passenger luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.
- 2.30 Tinted windows

2.30.1 Original vehicle specification manufacturer tinted windows are permitted. For non – original manufacturer glass the rear windscreen of any vehicle shall not have been treated so that less than 68% of light is transmitted through it, nor the rear passenger compartment side windows of any vehicle so that less than 68% of light is transmitted through them, unless the following criteria can be met:

- (i) the vehicle is licensed as private hire vehicle only, and is used exclusively for Chauffeur work
- (ii) the vehicle is a stretched limousine vehicle,
- (iii) the vehicle will not be engaged at any time for the carriage of school children,
- (iv) an exemption has been applied for in writing and granted prior to submission of the vehicle for a compliance test.

A tolerance of 5% is allowed in respect of the requirement for 68% light transmission.

A tint film is not acceptable.

This section does not preclude or supersede any requirements provided for in any relevant legislation relating to road traffic vehicles.

## 2.31 Insurance

2.31.1 There shall be a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1972, throughout the duration of the vehicle licence including appropriate cover for taxi or private hire (as applicable).

2.31.2 Certificates of Insurance or cover notes that do not provide appropriate cover for a minimum of the first calendar month of a licence period will not be accepted by the Council. Failure to comply with this requirement will preclude a licence from being issued.

2.31.3 Where a cover note is provided as part of a licence application, a full Certificate of Insurance must be provided prior to the expiry of the cover note.

2.31.4 The registered owner of the licensed vehicle shall ensure that it is adequately insured to the satisfaction of the Council and all relevant legislation at all times that it is available for the carrying of passengers. In the absence of appropriate insurance, the licensed vehicle cannot be used for the carrying of passengers.

2.31.5 As case law has established that a vehicle licensed as a taxi or private hire vehicle remains a licensed vehicle at all times until the licence expires or is surrendered, only appropriately licensed taxi or private hire drivers may drive the vehicle. The Council will not, therefore, accept any Certificate of Insurance that includes persons that do not hold a valid taxi or private hire driver licence (as appropriate) for the vehicle.

## 2.32 Change of ownership

- 2.32.1 Any change to the person(s) or company named on a vehicle licence must be notified to the Council within fourteen (14) days of such change.
- 2.32.2 When the holder of a vehicle licence wishes to transfer the licence to another person, they must notify the Council, in writing, using the prescribed application form and paying the appropriate fee before such change takes place. Transfer of the licence will not be granted until such time as the prescribed procedure has been completed and a new vehicle licence has been issued.
- 2.33 Inspection
- 2.33.1 All taxi and private hire vehicles must be available for inspection, at any location within the Borough, at all times when requested by an Authorised Officer of the Council or a Police Officer.
- 2.33.2 All vehicle documentation must be produced within twenty-four (24) hours, or such other time as specified, when requested by an Authorised Officer of the Council or a Police Officer.
- 2.34 Unauthorised use
- 2.34.1 The proprietor of a taxi or private hire vehicle shall not allow the vehicle to be driven and/or used for hire by any person who does not hold an appropriate current taxi or private hire driver licence issued by the Council.
- 2.34.2 For the avoidance of doubt, case law has established that once licensed as a taxi or private hire vehicle, the vehicle remains a licensed vehicle at all times until the licence expires, is surrendered, is suspended or is revoked. Even if a licensed vehicle is being used for private purposes, it must still meet all the requirements of a licensed vehicle, for example displaying a licence plate, complying with all requirements of this policy and being driven by a licensed driver.
- 2.35 Intended use (taxis only)
- 2.35.1 One of the Council's licensing policy objectives is public safety and licensing authorities' enforcement powers are generally restricted to their own borough. It therefore follows that it would not ordinarily be in the public interest to grant a licence for a taxi that intended to operate predominately or wholly outside of Bedford Borough. Whilst a Bedford Borough licensed taxi would not be able to ply for hire or park on ranks in other districts/boroughs, it could operate by means of pre-bookings or by accepting work from a private hire operator.
- 2.35.2 This section of the policy is not intended to be a restraint of trade, indeed applicants may make applications to any local authority in whose district/borough they intend to ply for hire, its intention is to retain local control and protect the public. Each

application will be determined on its own merits, however, the Council would only expect licences to be granted for vehicles operating significantly or predominately outside of Bedford Borough under exceptional circumstances.

## 2.36 Accident reporting

- 2.36.1 In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a taxi or private hire vehicle causing damage materially affecting:
- i) the safety, performance or appearance of the vehicle, or
  - ii) the comfort or convenience of the passengers,
- must be reported to the Council as soon as reasonably practicable, and in any case within seventy-two (72) hours of the occurrence thereof.
- 2.36.2 To ensure public safety, the Council requires all accidents to be reported to them as soon as reasonably practicable, and in any case, within twenty-four (24) hours of the accident. An extension to this time period may be granted if the driver is under arrest or hospitalised.
- 2.36.3 In the case of an accident occurring on a Council non-working day an email is to be sent to [licensing@bedford.gov.uk](mailto:licensing@bedford.gov.uk) which will be considered as reporting the accident within the required time period.
- 2.36.4 Following an accident or damage to a licensed vehicle, if it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected immediately at the Council's Licensed Vehicle Testing Depot, to determine its fitness for continued use. If the Council's Vehicle Testing Depot determines that the vehicle is fit for continued use, a timescale for any cosmetic repairs will be determined by the inspecting officer.
- 2.36.5 The Council may suspend the use of a licensed vehicle until it is suitably repaired and conforms to the Council's testing requirements.

### Temporary vehicles

- 2.36.6 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided:
- (i) the damage to, or defect in, the vehicle has been reported to the Council within the required time frame.
  - (ii) an application is made in the prescribed manner for a temporary vehicle licence,
  - (iii) the replacement vehicle meets the requirements of this policy and is suitable to be used for hire purposes,
  - (iv) the vehicle licence plate is returned to the Council Offices
- 2.36.7 A temporary replacement vehicle will be licensed for a maximum period of one (1) month or the time needed for the repair of the vehicle, whichever is shorter.
- 2.36.8 In exceptional circumstances, a further maximum one (1) month temporary replacement

vehicle will be licensed when repairs have not been completed. Upon the expiry of any additional temporary replacement vehicle under this section, no further extension will be permitted.

2.36.9 Once the original vehicle has been repaired it must be inspected at the Council's Licensed Vehicle Testing depot prior to it being used as a licensed vehicle to ensure it meets the Council's testing requirements. The original licence plate will only be returned once the Council has approved the use of the vehicle and the temporary replacement vehicle licence plate has been returned to the Council.

## 2.37 Security/CCTV

2.37.1 The taxi and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance and CCTV cameras can be a valuable deterrent. That said, mandatory CCTV is not a requirement as the Council considers this a matter best left to the judgement of the owners and drivers themselves. If CCTV is installed in a vehicle, it will be incumbent upon the operator to handle relevant data gathered in an appropriate and secure manner.

## 2.38 Protective screens

2.38.1 For reasons of driver personal safety, or during national emergency circumstances such as a public health pandemic, the use of protective screens between the driver and passengers will only be permissible subject to Council approval.

2.38.2 The principles of the specification for a protective screen are:

- Screen fixings  
It is important that the screens are secure, the screen needs to be assessed against suitability for the specific vehicle type so as not to prevent the successful operation of any side air bags.
- Air-conditioning  
The fitting of a protective screen is no reason for the air conditioning system not to be used. This doesn't preclude the ability for passengers to be able to open the vehicle windows to ensure adequate ventilation and fresh air circulation.
- Insurer approval  
Proof would be needed from the car insurance provider that the screen is acceptable under the current certificate of insurance.
- Number of passengers  
The number of passengers that the vehicle is licensed for is a maximum number based on the seating availability. If a screen is fitted and no passengers are allowed

to travel in the front seat, the maximum number of passengers would automatically be reduced by the unavailable seating without the need to issue a new plate. For example, a normal saloon vehicle licensed for 4 passengers would automatically be reduced to 3 passengers if the front seat was not available, 4 passengers would not be permitted to travel in the rear.

- Payment facility  
The screen should allow provision for payments to be made either by card or cash.
- Regular cleaning  
Drivers should clean the protective screen regularly to maintain the high standards of vehicle cleanliness required by this policy.

#### Additional requirements for national pandemics such as coronavirus

If the virus is not an airborne virus and is transmitted via droplets projected by a cough or sneeze onto a hard surface or a person then:

- (i) the screen does not need to be airtight; and
- (ii) there appears to be no reason why the air conditioning system shouldn't be used. During a pandemic it is more important than normal that passengers should be able to open the vehicle windows to ensure adequate ventilation and fresh air circulation.

Ideally cash transactions should be avoided during a pandemic and contactless card payments are the preferred payment method.

In order to ensure effectiveness of a protective screen, drivers should clean the passenger compartment, screen and door handles after every journey.

2.38.3 Until written approval has been received from the Council, a protective screen must not be used in a licensed vehicle.

2.38.4 Once written approval has been given, no modification can be made to the protective screen without further written approval by the Council.

#### 2.39 Stretch limousines

2.39.1 Stretch limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretch limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag/hen parties and children's birthday parties.

2.39.2 For the purposes of this policy, a stretch limousine is defined as follows:  
"A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that:

- (i) is capable of carrying up to but not exceeding 8 passengers;
- (ii) save for this policy could not currently be licensed by the Council as a private hire vehicle; and
- (iii) is not a decommissioned military or emergency service vehicle.”

2.39.3 Any stretch limousines capable of carrying eight (8) passengers or less which are offered for private hire do require a licence from the Council. In accordance with the Best Practice Guidance, all applications to licence stretch limousines as private hire vehicles will be treated on their own merits. Any stretch limousine capable of carrying more than eight (8) passengers requires licensing by the Traffic Commissioners as a public service vehicle.

2.39.4 Any stretch limousine approved for licensing as a private hire vehicle will be subject to specification set out in Appendix E, which will be attached as conditions to all limousines licensed as a private hire vehicle.

2.39.5 It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine. If a limousine is to be provided whereby part of the booking includes “free alcohol”, the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed.

#### 2.40 Funeral and wedding vehicles

2.40.1 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

2.40.2 A vehicle does not need to be licensed whilst it is being used in connection with a wedding. For clarity, the exemption applies only to services directly relating to the wedding service itself, for example transporting the bride and/or groom to the wedding service, from the service to the reception and from the service/reception to home. Transporting the married couple to other locations such as the airport would be considered to be licensable activity.

#### 2.41 Courtesy cars

2.41.1 The Council takes the view that vehicles, which are used as “courtesy cars”, i.e. for transporting customers to and from garages, airports, hotels and night-clubs, without charge but with an obvious business benefit, are likely to need to be licensed under the private hire licensing scheme. Whilst there may not be a separate charge for using the vehicles, they are being supplied with a driver for a specific purpose which is likely to result in a ‘business benefit’, for example a customer using that particular business as opposed to one that doesn’t offer the same transport service.

#### 2.42 Ambulances and other patient transport

2.42.1 All ambulances meeting the following requirements will be exempt from private hire vehicle licensing:

“vehicles constructed to original manufacturer’s specification and equipped and used for the carriage of sick, injured or disabled people with a permanent rear compartment and means of conveying passengers in a recumbent position together with an attendant seat for use by accompanying medical professionals, readily identifiable as a vehicle used for the carriage of such people by being marked “Ambulance” on both sides.”

2.42.2 Other patient transport services provided by either Primary Care Trusts or voluntary organisations are likely to require licensing as private hire vehicles.

#### 2.43 Voluntary sector transport

2.43.1 The Council will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.

2.43.2 The Council is of the view that licensing requirements apply where it can be proven that the business obtains a benefit or are using drivers whose services go beyond that of mere social kindness. In all such circumstances, the business and/or driver will be contacted by the Council to consider the specific circumstances of the service provided.

#### 2.44 Miscellaneous

2.44.1 The proprietor of a taxi or private hire vehicle shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose.

2.44.2 Nothing in this policy shall be interpreted as overriding the provisions of:

- (i) the Town Police Clauses Act 1847, as amended,
- (ii) the Local Government (Miscellaneous Provisions) Act 1976, as amended,
- (iii) or any other relevant legislation.

## Part 3 Drivers

### 3.1 Licences

3.1.1 The statutory and practical criteria and qualifications for a private hire driver are broadly identical to those for a taxi driver. The sections below, therefore, apply equally to private hire and taxi drivers unless otherwise stated.

3.1.2 The Council requires that separate driver licences be ordinarily held in respect of taxi and private hire vehicles. The Council will offer drivers of either discipline the other type of driver licence (known as a 'dual licence') for an administrative cost only, providing all licensing requirements are satisfied.

### 3.2 Age and experience

3.2.1 A licence will not be granted to anyone who has not held a full driving licence, issued in accordance with the Road Traffic Act 1972 (as amended), for a period of at least twelve (12) months immediately prior to the application.

3.2.2 An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must obtain a full UK driving licence within twelve (12) months of the issue of the taxi or private hire driver licence. Where this requirement is not satisfied, the taxi or private hire driver licence will be automatically suspended pending compliance. This policy requirement is to ensure appropriate regulation of any penalty points issued by the courts in relation to road traffic offences. The Council considers this to be an integral part of the 'fit and proper person' test.

### 3.3 Driver Suitability Assessment

The Council's Driver Suitability Assessment process is designed to ensure that applicants have a good understanding of Taxi/Private Hire law, Safeguarding, Council Policy and the English language prior to receiving a licence.

The assessment is divided into sections and will involve a meeting with an officer who will ask approximately 30 questions over a 60-minute period. Whilst the pass mark is 80% the tester does have discretion to fail an applicant regardless of this score based on public safety grounds.

3.3.1 A suitability test pass is only valid for a period of six (6) months. If a driver licence has not been granted within a period of six (6) months following the successful pass, a further suitability test pass will be required prior to a licence being granted.

3.3.2 Further details of the respective tests are set out in Part 5 of this policy.

### 3.4 Driving proficiency and qualifications

3.4.1 The Council believes that as a profession, taxi and private hire drivers have a special responsibility for the safe transportation of fare paying passengers. The Council has made it a mandatory requirement for all new applicants to take and pass the Taxi Driver Assessment Test, this test is carried out by the Blue lamp Trust and applicants can make a booking at [www.bluelamptrust.org.uk](http://www.bluelamptrust.org.uk)

3.4.2 If the officer who has delegated responsibility for licensing matters, when considering enforcement action related to driving standards, decides that a licence holder's driving standard calls into question their ability to remain a licensed driver, they may require the driver to pass a suitable driving assessment.

### 3.5 Medical examination

- 3.5.1 In order to promote the Council's public safety licensing objective, it will be a requirement to produce a medical assessment from a registered medical practitioner confirming the applicant/licence holder's fitness to drive if:
- (i) The applicant is a new driver (irrespective of age) or
  - (ii) at age 45 (certificate must be produced every 5 years) until the age of 65 when the medical assessment must be done annually
  - (iii) The applicant/licence holder has a health condition that may impact upon their ability to drive a taxi or private hire vehicle

Applicants may still apply for a three-year licence, however, must produce further medical certification annually or at a shorter period where recommended by the medical practitioner.

For existing licence holders, requirement (ii) will take effect from the time they next apply to renew their licence.

- 3.5.2 The medical assessment required by this section must:
- (i) be completed on the Council's prescribed medical form (available on the Council website),
  - (ii) be completed by a registered general medical practitioner,
  - (iii) less than six (6) months old at the licence start date,
  - (iv) contain an assessment of fitness to drive based on the DVLA Group 2 Medical Standards for Vocational Drivers.

If required to obtain a medical certificate, the applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, the confidential assessment must be submitted to the Council accompanied by any relevant supporting documentation.

- 3.5.3 Holders of current PSV and/or HGV Licences, where the holder is able to produce proof of a current medical assessment, will not be required to undergo a further medical examination provided the requirements of subsection 3.5.2 are met.
- 3.5.4 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities. For the avoidance of doubt, the following medical conditions must be notified to the Council as soon as reasonably practicable, however, this list is not exhaustive:
- (i) any heart-related condition
  - (ii) any eyesight related condition
  - (iii) diabetes (Type 1 or Type 2)
  - (iv) epilepsy
  - (v) sudden attacks of giddiness or fainting
  - (vi) conditions causing excessive daytime sleepiness such as sleep apnoea
  - (vii) alcohol or drug dependency
  - (viii) mental or psychological disorders
  - (ix) any national or worldwide virus that impacts on public safety e.g. coronavirus
  - (x) any other condition that may affect the ability to drive

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo further medical assessment by a Doctor appointed by the Council, at the applicant's own expense.

### 3.6 Medical exemption certificates

#### 3.6.1 Carriage of wheelchairs: medical exemption certificates

Given that the main reasons for a taxi or private hire vehicle driver to request a medical exemption are likely to be back or muscle-related injuries, which are not likely to be conducive to driving for long periods, the Council expects the number of drivers likely to be eligible for an exemption to be low.

Drivers will need to provide medical evidence to support their application. Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist/consultant medical practitioner and the Council will require evidence of the condition to be provided from them.

#### 3.6.2 Carriage of assistance dogs: medical exemption certificates

The main reasons a taxi or private hire vehicle driver may wish to apply for a medical exemption are:

- i) if they have a condition such as severe asthma, that is aggravated by contact with dogs;
- ii) if they are allergic to dogs; or
- iii) if they have an acute phobia to dogs.

The Council therefore expects the number of drivers likely to be eligible for an exemption to be very low.

Drivers will need to provide medical evidence to support their application. If a driver has severe asthma or a known allergy to dogs, they are likely to have a medical history and an appropriate medical specialist should hold relevant information about their condition. If a driver has a chronic phobia to dogs, the Council would expect this to be supported by a report from a psychiatrist or clinical psychologist before a driver is granted an exemption. Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist/consultant medical practitioner and the Council will require evidence of the condition to be provided from them.

### 3.6.3 Suitable medical professionals: medical exemption certificates

Examples of suitable medical professionals include, but are not limited to:

- i) medical specialist/consultant;
- ii) specialist nurse (for example, an asthma nurse); or
- iii) the Council's nominated independent doctor.

In exceptional circumstances, where no other alternatives are available, the Council may consider evidence from the applicant's General Practitioner. The applicant will be responsible for all costs associated in the provision of the necessary medical evidence.

## 3.7 Disclosure & Barring Service (DBS) disclosures

3.7.1 A DBS check on a driver is seen as an essential safety measure in assessing whether or not an applicant is suitable to hold a licence, therefore an Enhanced Disclosure provided by the Disclosure & Barring Service is required for all applicants, whether new or renewal applications.

3.7.2 The Rehabilitation of Offenders Act 1974 does not apply to applications for both taxi and private hire driving licences; therefore applicants are required to disclose all convictions, including those that would normally be regarded as spent.

3.7.3 It is a requirement that all drivers register their DBS with the DBS update service and maintain registration throughout the period of their licence by paying the annual registration fee. This allows the Council to undertake periodic checks throughout the licence period, and on renewal, to ensure that the applicant/licence holder continues to meet the 'fit and proper' person test.

3.7.4 When performing an online check, if the Council establishes that there has been a change to the DBS that has not been notified to the Council, the driver will be automatically suspended until such time as a new DBS has been obtained and registered with the online checking service.

3.7.5 When performing an online check, if the Council establishes that the online registration has not been maintained, the driver will be automatically suspended until such time as a new DBS has been obtained and registered with the online checking service.

3.7.6 In the case of applicants with less than five (5) years residence in the UK, a Certificate of

Good Conduct will be required from the relevant Embassy in addition to an Enhanced DBS Disclosure covering their time in the UK. All Certificates of Good Conduct must be translated into English by an accredited translator and accompanied by a declaration to that effect.

The Council is bound by rules of confidentiality and will not divulge information obtained to any third party. The applicant for a DBS certificate will be sent a certificate to their home address and will need to provide the certificate to the Council which does not receive a copy. Once the Council has obtained the necessary information from a DBS certificate, no information from the DBS will be retained by the Council however periodic online checks may be made during the licence period.

### 3.8 Relevance of convictions and cautions

3.8.1 In relation to the consideration of convictions and cautions recorded against applicants, the Council will adopt the guidelines set out in Appendix B of this policy.

3.8.2 Appendix B does not stand alone and is part of the overall consideration of 'fit and proper' defined in Appendix A.

### 3.9 Convictions during period of licence

3.9.1 Where offences resulting in conviction are committed by licensed drivers in the course of their business or otherwise, it is important, in the interests of consistency and transparency, that a procedure should be in place to consider what effect this should have on their taxi or private hire driver's licence.

3.9.2 Driver's licence holders, are required to notify the Council within 48 hours of an arrest and release, charge and conviction of any criminal or motoring offence during the period covered by their existing licence.

3.9.3 The Council will conduct periodic checks of individual DBS records at any time during the licence period using the online checking service. Should any new information be discovered that has not been notified to the Council, the individual driver may face disciplinary action in accordance with Appendix G.

### 3.10 Safeguarding training

3.10.1 The Council acknowledges the importance of safeguarding training for all licensed drivers regarding vulnerable adults and children as they are in a position to witness potential victims of abuse or exploitation.

3.10.2 It is a mandatory requirement for every licensed taxi/private hire/dual driver to attend the safeguarding awareness training delivered by the Council's nominated provider.

### 3.11 Right to work

All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time-restricted, in which case further proof will be required to demonstrate continuity of right to work. Further information is available in Appendix F.

### 3.12 Conditions of licence

3.12.1 The Council is not permitted to attach conditions to a taxi driver's licence, however, it is empowered to attach such conditions to a private hire driver's licence as are considered necessary.

3.12.2 For consistency, conditions will not be attached to driver licences. However, the Council considers continued compliance with this policy as an essential requirement of the 'fit and proper' person test defined in Appendix A. Failure to comply with all policy requirements is likely to result in enforcement action in accordance with Part 6 of this policy.

### 3.13 Driver code of conduct

3.13.1 Adopting a Driver Code of Conduct for taxi and private hire licence holders serves to promote the Council's licensing objectives in respect of the taxi and private hire trades; the standards expected of licence holders are detailed in Appendix C. This Code of Conduct is an integral part of the 'fit and proper' assessment.

### 3.14 DVLA licence checking

3.14.1 In order to ensure that the Council has a driver's complete driving history, thus enabling a fully informed decision to be made in respect of an application, the Council may check the DVLA database for all new and renewal driver applications. The application form includes a section where the applicant signs to give their consent for this check.

3.14.2 Any anomalies between the DVLA record and the applicant's driving licence will be brought to the attention of the DVLA and the Police.

### 3.15 Taxis accepting work from private hire operators

3.15.1 A private hire operator is able to pass work to a taxi irrespective of where the taxi is licensed. On that basis, taxis are able to accept work from national private hire operators such as Uber, Ola, etc.

### 3.16 Driver Safety and Respect

- 3.16.1 The Council expects that taxi and private hire drivers and operators should be able to go about their business without concern for their personal safety and are entitled to be treated with courtesy and respect at all times.
- 3.16.2 Where drivers or operators are considered to be at risk of abuse, intimidation, threats or physical harm the Council supports the rights of the individual, their employer and the taxi or private hire operators to take all reasonable and lawful measures to minimise the risk to drivers and operators.
- 3.16.3 Where drivers or operators are subject to abuse, intimidation, threats or physical harm the Council supports the rights of the individual, their employer and the taxi or private hire operators to take all reasonable and lawful actions to seek redress.

## **Part 4 Private Hire Operators**

### **4.1 Requirements and obligations**

- 4.1.1 Any person who operates a private hire service utilising one or more private hire vehicles must apply to the Council for a Private Hire Operator Licence. A private hire vehicle may only be dispatched to a customer by a private hire operator who holds a private hire operator licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- 4.1.2 A private hire operator must ensure that every private hire vehicle has a current private hire vehicle licence and is driven by a person who holds a current private hire driver licence. All three licences, private hire operator, private hire vehicle and private hire driver, must be issued by the same licensing authority.
- 4.1.3 It is for the Council to decide whether the applicant is a 'fit and proper person' to hold a private hire operator licence.

### **4.2 Disclosure & Barring Service (DBS) disclosures**

- 4.2.1 Private hire operators cannot be required to produce an Enhanced DBS disclosure therefore a Basic Disclosure from the Disclosure & Barring Service, or a certificate of good conduct from the relevant embassy for overseas applicants, is considered appropriate in promoting the policy objectives. A reference covering the applicant's financial record and/or business history may also be considered appropriate in addition to these requirements in some instances.
- 4.2.2 Before an application for a private hire operator licence will be considered, the applicant must provide a current (less than 3 months old) Basic DBS Disclosure of Criminal Convictions, or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current taxi or private hire driver licence with the Council will be exempt from this requirement.

### **4.3 Private hire management and staff**

- 4.3.1 The Council is aware that all persons involved in the management and staffing of private hire operator businesses have access to sensitive information that may impact on public safety. Unless the business is able to demonstrate to the Council that they have already undertaken appropriate DBS checks on their management and staff, the following sections will apply upon grant and renewal of private hire operator licences.
- 4.3.2 All private hire operators will be subject to a basic DBS disclosure unless they are already registered with the DBS online checking service as a driver. In the case of a company being the licence holder, all directors of the company will be required to provide a basic DBS disclosure.

4.3.3 Any person involved in the operation of a private hire business with access to sensitive information, for example office managers and call handlers, will be required to provide the private hire operator with a basic DBS disclosure. The cost of the DBS will be the responsibility of the private hire operator.

4.3.4 The private hire operator must keep a register of both drivers and staff who take bookings and dispatch vehicles and their DBS details which must be made available to the Council upon request and as part of the application (grant and renewal) process.

#### 4.4 Conditions

4.4.1 The Council has power to impose such conditions on a private hire operator licence as it considers reasonable, necessary and proportionate. The following conditions will be attached to all private hire operator licences issued by the Council:

“This licence is granted subject to compliance with the requirements of Part 4 of the Council’s Taxi and Private Hire Licensing Policy throughout the duration of the licence period.”

#### 4.5 Public liability insurance

4.5.1 It is considered appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public. Before an application for a private hire operator licence is granted, the applicant must either produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed or sign a declaration that their premises is not open to the public.

#### 4.6 Licence duration

4.6.1 The Council will ordinarily issue a successful applicant for a private hire operator licence with a five-year licence from the date of grant, subject to the power to grant a licence for a shorter period of time should this be appropriate in the circumstances.

#### 4.7 Address from which an operator may operate

4.7.1 Upon the grant of a private hire operator licence, the Council will specify on the licence the address from which the operator may accept bookings and dispatch vehicles. This address will ordinarily be the address stated on the application form.

4.7.2 The operator must notify the Council in writing of any proposed change of address during the period of the licence in order that the Council can consider its suitability. The operator may not change operating address until such time as the change has been approved in writing by the Council. The operator must also provide proof of public liability insurance for the new premises or sign a declaration that their new premises is not open to the public prior to the change being approved.

- 4.8 Operating bases outside the borough of Bedford
- 4.8.1 The Council will not normally grant a private hire operator licence for an operating base that is outside the Borough of Bedford. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade as the operator may apply to the local authority responsible for the location of the proposed operating base.
- 4.9 Operating bases inside Bedford Borough
- 4.9.1 A private hire operator licence issued by the Council will be required for any operator with an operating base that is inside the Borough of Bedford. Accordingly, all vehicles and drivers operating from that base will require appropriate licences issued by the Council. This is to ensure that proper regulation and enforcement measures may be taken by the Council and that all vehicles operating within Bedford Borough meet the Council's policy objectives.
- 4.10 Right to work
- 4.10.1 All applicants will be required, prior to the grant of a licence, to demonstrate their right to work in the UK. Once this requirement has been satisfied, further proof will not be required unless the right to work is time-restricted, in which case further proof will be required to demonstrate continuity of right to work. Further information is available in Appendix F.
- 4.11 Gaming machines
- 4.11.1 Operators that provide a waiting facility for members of the public and/or drivers should be aware that they cannot make gaming machines available for use. This action would be a criminal offence under the Gambling Act 2005 and may give rise to doubts regarding the operator's suitability to hold a licence.
- 4.12 Sub-contracting of private hire bookings
- 4.12.1 Legislation now allows for a licensed private hire operator to sub-contract a booking to another licensed private hire operator, whether in the same Borough or not. Both operators must be licensed within the area in which their operating base is located and should record details of the booking in the normal way.
- 4.12.2 All three licences (operator, driver and vehicle) must still be issued by the same local authority. For example, an operator licensed to operate in Area A and Area B cannot take a booking in Area A and use a vehicle and driver licensed in Area B. They can however sub-contract the booking to the operating base in Area B using a vehicle and driver licensed in Area B.

4.12.3 The initial booking must be taken within the area in which the operator is based and the sub-contracted booking must be taken within the area in which the sub-contracted operator is based.

#### 4.13 Standards of service

4.13.1 The operator shall:

- (i) provide a prompt, efficient and reliable service to members of the public,
- (ii) ensure that their office staff act in a civil and courteous manner at all times,
- (iii) ensure that booked vehicles arrive punctually at the appointed place,
- (iv) ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated with adequate seating facilities,
- (v) ensure compliance with legislation regarding the length of employee working hours.

#### 4.14 Records

4.14.1 Booking records shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively, or in an appropriate electronic format.

4.14.2 Prior to each journey, the operator shall record the following particulars of every booking of a private hire vehicle accepted:

- (i) date of the booking,
- (ii) name and address of the hirer,
- (iii) time of pick-up
- (iv) address of the point of pick-up,
- (v) destination,
- (vi) licence number (or other identification) of the driver allocated to the booking,
- (vii) plate number (or other identification) of the vehicle allocated to the booking,
- (viii) fare agreed between the operator and hirer at the time of booking.
- (ix) name of any individual that responded to any booking request
- (x) name of the individual that dispatched the vehicle

4.14.3 The operator shall keep the following records of the particulars of all private hire vehicles operated by them:

- (i) type, make, model, colour and engine size of vehicles,
- (ii) year when the vehicle was first licensed for private hire,
- (iii) vehicle registration numbers,
- (iv) number of seats for passengers,
- (v) owners of the vehicles,
- (vi) insurance details of vehicles,
- (vii) method of charging, i.e. whether or not a meter is fitted,
- (viii) private hire vehicle plate number.

4.14.4 The operator shall keep the following records of the particulars of all drivers of private hire vehicles operated by them:

- (i) driver's name, address and call sign,
- (ii) date employment commenced,
- (iii) date employment ceased,
- (iv) any change of address, including the date the address changed
- (v) any illness, disability or condition which may affect the driver's ability to safely carry out his duties,
- (vi) expiry date of Taxi and Private Hire Licence
- (vii) expiry date of DVLA Licence

4.14.5 All records maintained by the operator shall be kept for at least twelve (12) months after entry and shall be produced for inspection, on request, by any Authorised Officer of the Council or any Police Officer.

#### 4.15 Complaints

4.15.1 The operator shall notify the Council in writing of any complaints concerning a contract for hire arising from their business that they feel prudent to do so, for example for their own protection against frivolous or vexatious complaints or allegations of misconduct against a driver. Such notification must include the action taken, or proposed, as a result of the complaint.

#### 4.16 Disclosure of convictions

4.16.1 The operator shall, within 24 hours, notify the Council in writing of any arrest and release , conviction or fixed penalty imposed on them during the period of duration of their operator licence. If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners receives a conviction or fixed penalty.

#### 4.17 Private hire insurance

4.17.1 The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by them under the operator licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

#### 4.18 Private hire driver licences

4.18.1 The operator shall ensure that every driver engaged by them has obtained a private hire driver licence from the same licensing authority which issued the private hire operator licence. The operator shall use their best endeavours to ensure that all drivers have a badge issued by the Council and that the drivers wear the badge at all times whilst available for hire.

#### 4.19 Planning consent

4.19.1 To operate a private hire business from home, planning permission may be required. A

private hire operator licence will not be granted without evidence that either planning permission has been issued for the premises concerned, or planning permission is not required for the limited use proposed.

#### 4.20 Safeguarding training

- 4.20.1 The Council acknowledges the importance of safeguarding training for all private hire operators regarding vulnerable adults and children as they are in a position to witness potential victims of abuse or exploitation.
- 4.20.2 As from 01 June 2021, it is a mandatory requirement for all private hire operators to attend the safeguarding awareness training delivered by the Council's nominated supplier.
- 4.20.3 If the private hire operator is an individual that has attended safeguarding training as a current licensed driver, there will be no requirement to attend as a private hire operator.
- 4.20.4 If the private hire operator is a company, any person involved in the day-to-day management of the business will be required to attend safeguarding training as part of all grants and renewals.
- 4.20.5 All private hire operators are required to attend the mandatory training as part of every licence grant or renewal.
- 4.20.6 Failure to attend safeguarding training will preclude a licence being granted or renewed until such time as the training requirement has been fulfilled.
- 4.20.7 All private hire operators, new or existing, are permitted to attend the mandatory safeguarding training up to three (3) months prior to the grant or renewal of a licence.
- 4.20.8 Private hire operators will be expected to demonstrate to the Council, upon request, safeguarding training that they have arranged for all staff that may have contact, in person or orally, with the public.

## Part 5 Application Procedure

### 5.1 General

- 5.1.1 This part of the policy is intended to give an indication of the application process relating to all application types. In line with its commitment to smarter ways of working, the Council reserves the right to make changes to the administrative process provided that the focus of the policy objectives is maintained.
- 5.1.2 Where the administrative process is amended, the officer with delegated responsibility for licensing matters may amend this part of the policy in accordance with the delegation set out in subsection 12.2.1

### 5.2 Vehicles

- 5.2.1 An application for a vehicle licence will only be considered complete when all of the following components have been received:
- (i) prescribed application form, fully completed
  - (ii) appropriate fee
  - (iii) V5 registration document
    - (a) which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s);
    - (b) once the V5 has been provided for the grant of a new vehicle licence, it need not be re-submitted with subsequent renewal applications unless the details of the vehicle or registered keeper change.
  - (iv) current valid insurance certificate or cover note
    - (a) the certificate must include the appropriate usage as a taxi or private hire vehicle;
    - (b) the certificate must cover a minimum of one (1) calendar month from the start date of the licence;
    - (c) the certificate must not contain the name(s) of any driver not licensed with the Council;
    - (d) if a cover note is provided, a full certificate of insurance must be provided before the expiry date of the cover note.

### 5.3 Drivers

- 5.3.1 An application for a driver licence will only be considered complete when all of the following components have been received:
- (i) prescribed application form, fully completed
  - (ii) appropriate fee
  - (iii) a current valid full driving licence
  - (iv) Driver Suitability pass (new applicants only)
  - (v) Taxi & Private Hire Driving Assessment Test (Blue Lamp Trust) (new applicants only)
  - (vi) medical certificate (new applicants or renewals where the applicant's current

- medical certificate is more than 5 years old or they are over 65 years old.
  - (vii) proof of right to work in the UK (new applicants and where applicable)
  - (viii) a passport-sized, clear and easily identifiable photograph of the applicant
  - (ix) certificate of attendance at safeguarding training by the Council's nominated supplier
- 5.3.2 All new applicants must obtain the appropriate Driver Suitability Assessment pass, safeguarding training and Taxi and Private Hire Driving Test pass prior to submitting an application with accompanying fee and documentation.
- 5.4 Operators
- 5.4.1 An application for an operator licence will only be considered complete when all of the following components have been received:
- (i) prescribed application form, fully completed
  - (ii) appropriate fee
  - (iii) inspection of the operating premises by a licensing officer
  - (iv) basic Disclosure & Barring Service (DBS) disclosure(s) in accordance with section 4.2 above
  - (v) safeguarding training attendance in accordance with section 4.20 above
- 5.5 Submitting and collecting documentation
- 5.5.1 Application forms, appropriate fees and all supporting documentation should be submitted a minimum of 6 weeks prior to the expiry of the previous licence. Incomplete applications may be returned to the applicant for resubmission when complete. A licence will not be renewed without all supporting documentation being received and satisfying the requirements of this policy. It is the licence holder's sole responsibility to ensure they make their application in accordance with this policy.
- 5.5.2 When submitting renewal applications, applicants should be aware that it may take up to ten (10) working days to process and issue a licence once all relevant information and the fee have been received. If a licence has not been issued at the point when an existing licence expires, the licence holder must cease operating until the new licence has been received.
- 5.5.3 Documentation, with the exception of DBS disclosures, should ordinarily be posted to the Council at the address shown on the Council's website; original documentation will be returned to the applicant. Documentation may be left at the Customer Service Centre, however, it will be forwarded to the address on the Council's website and may delay the processing of the application. DBS disclosures should be provided to Licensing as advised at the time.
- 5.5.4 Licence plates and licence badges can be collected from the Designated Council Building by prior arrangement upon production of the existing plate or badge. No plate or badge will be released until such time as the original plate or badge is returned. The new plate or

badge can be displayed immediately.

5.5.5 Paper licences and documentation to be returned to the applicant will ordinarily be included with the plate or badge for collection from the Designated Council Building.

5.6 Driver Suitability and Driving Proficiency test

5.6.1 The Council's Driver Suitability Assessment process is designed to ensure that applicants have a good understanding of Taxi/Private Hire law, Safeguarding, Council Policy and the English language prior to receiving a licence.

The assessment is divided into 6 sections and will involve a meeting with an officer who will ask 30 questions over a 60-minute period. Whilst the pass mark is 80% the tester does have discretion to fail an applicant regardless of this score based on public safety grounds.

A suitability test pass is only valid for a period of six (6) months. If a driver licence has not been granted within a period of six (6) months following the successful pass, a further suitability test pass will be required prior to a licence being granted.

5.6.2 The Council believes that as a profession, taxi and private hire drivers have a special responsibility for the safe transportation of fare paying passengers. The Council has made it a mandatory requirement for all new applicants to take and pass the Taxi Driver Assessment Test, this test is carried out by the Blue Lamp Trust and applicants can make a booking at [www.bluelamptrust.org.uk](http://www.bluelamptrust.org.uk)

5.7 Disclosure & Barring Service (DBS) disclosures

5.7.1 No application for a taxi or private hire driver licence will be considered without an enhanced DBS disclosure satisfying the requirements of this policy.

5.7.2 The Council requires applicants to register with the online DBS update service. This will enable the Council to check an existing DBS annually during the term of the licence (and at any other time as appropriate) and upon each renewal, only requiring a new DBS disclosure if the existing DBS has changed.

5.8 The consideration of applications

5.8.1 Upon receipt of a completed application form, including the fee and all supporting documentation, the Council will consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are provided.

5.8.2 In order for an application to be considered as a renewal application, the fully completed application form and correct fee must be received prior to the expiry date of the previous licence. Accompanying documentation can then follow as it becomes available. Failure to comply with this requirement will ordinarily result in the applicant

having to re-apply as a new applicant and meet all the requirements of this policy in respect of new applications.

5.8.3 Unsuccessful applicants will be informed of the Council's reasons for the refusal and their right of appeal against the Council's decision to the Courts.

5.9 Return of licence plates and licence badges

5.9.1 All licence plates and licence badges remain the property of the Council and must be returned:

- (i) at the point of collection of any renewed plate or badge,
- (ii) upon written request within seven (7) days of such a request,
- (iii) within seven (7) days of expiry (when not renewed) or surrender,
- (iv) immediately upon suspension, revocation or surrender,
- (v) when a vehicle is off the road as it does not meet the Council's testing requirements,  
or
- (vi) when a temporary replacement vehicle plate is issued

5.9.2 A licence plate and a licence badge signify the existence of a current valid licence but are not licences in their own right, therefore, there is no reason why a renewed licence plate or licence badge cannot be displayed from the point of receipt.

5.9.3 Renewed licence plates and licence badges will only be issued therefore upon the return of the existing plate or badge at the point of collection. In exceptional circumstances, where licence plates or licence badges are posted to the licence holder, the existing plate or badge must be returned within seven (7) days of receipt.

## Part 6 Disciplinary and Enforcement Measures

- 6.1 Enforcement
- 6.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the taxi and private hire vehicle trade. In pursuing its objective to encourage responsible taxi and private hire businesses, the Council will operate a proportionate disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so. Where defects are such that use of a vehicle needs to be immediately prohibited, livelihood interference is inevitable.
- 6.1.2 Primarily, all enforcement action will be based upon the seriousness of the breach and the possible consequences arising from it. Enforcement action will not normally, therefore, constitute a punitive response to minor technical contraventions of legislation. Repeated minor technical contraventions, however, will be subject to appropriate action.
- 6.1.3 Enforcement action must always be consistent, proportionate and reasonable whilst ensuring that the public receive adequate protection. Determination of the appropriate enforcement action may consider, but will not be limited to, the following:
- (i) seriousness of any offence(s);
  - (ii) driver's or operator's past history;
  - (iii) consequence of non-compliance;
  - (iv) likely effectiveness of the various enforcement options;
  - (v) risk to the public.
- 6.1.4 The Council will ensure that its enforcement is reasonable, transparent and proportionate.
- 6.1.5 The Council will consider reports of offences or breaches of this policy from any other licensing authority or enforcement body such as the police or civil enforcement officers. Evidence from these authorities or bodies will be given appropriate weight as though the evidence were provided by a Council licensing officer.
- 6.2 Penalty points scheme
- 6.2.1 In order to ensure compliance with the Council's Taxi and Private Hire Licensing Policy and to monitor licence holders' ability to fulfil the 'fit and proper' test, a penalty points system will be utilised as described in Appendix D. This will serve both as an early warning system to licence holders who fail to meet the Council's required standards and as a consistent and transparent method of enforcement.
- 6.2.2 The adoption of the Penalty Points System will not, however, compromise the Council's ability to enforce breaches of statute or the Council's Taxi and Private Hire Licensing

Policy in the Courts, should an offence necessitate such action.

### 6.3 Referrals to the officer with delegated responsibility for licensing matters

6.3.1 Whilst the day to day enforcement of taxi and private hire licensing, including the issuing of penalty points, is a function carried out by licensing officers under the supervision of the Manager for Service Applications, serious disciplinary matters will be referred to the Chief Officer with delegated responsibility for licensing matters. Serious disciplinary matters will include, but are not limited to:

- (i) an accumulation of twelve (12) or more penalty points as detailed in Appendix D;
- (ii) refusal to carry a passenger without good reason;
- (iii) unlawful plying for hire;
- (iv) more than one offence of touting for business;
- (v) insurance offences;
- (vi) overcharging; and
- (vii) any conviction relevant to Appendix B.

6.3.2 The Chief Officer with delegated responsibility for licensing matters will consider the impact of transgressions of the law, or an accumulation of penalty points, on the fitness of an individual to hold a taxi or private hire licence and take appropriate action.

### 6.4 Appearances before the Chief Officer with delegated responsibility for licensing matters

6.4.1 Where the Chief Officer with delegated responsibility for licensing matters is considering disciplinary and/or enforcement action against an individual or company, the process detailed in Appendix G will apply.

6.4.2 The Chief Officer with delegated responsibility for licensing matters may decide to take one or more of the following actions:

- (i) no action;
- (ii) informal action (verbal or written warnings or penalty points);
- (iii) require the presentation of driving licences or other specified documentation at the Council Offices;
- (iv) use statutory notices (s68 stop notices, etc.);
- (v) suspend a licence;
- (vi) revoke a licence;
- (vii) authorise a fixed penalty notice (where appropriate);
- (viii) authorise a simple caution;
- (ix) authorise prosecution action;
- (x) refer the matter to the General Licensing Sub-Committee for determination
- (xi) other appropriate action as deemed necessary, including any combination of the above.

### 6.4.3 Alternative to enforcement action for first time smoking offences

To support the initiatives of NHS Bedford, in addition to offering health benefits to

offenders, first time smoking offenders may be offered a fixed period of time, at the Council's discretion, to attend an official 'stop smoking' course.

#### 6.4.4 Alternative to enforcement action when there are driving standards concerns

Where concerns are raised in respect of a driver's standard of driving, the driver may be required to pass an appropriate driving standard assessment at the discretion of the Council. Failure to achieve a pass within a specified period of time will result in the suspension of the driver until such time as a pass is achieved. Where necessary for public safety, a driver may be suspended immediately until such time as a pass is achieved.

#### 6.5 Informal action

6.5.1 Informal action to secure compliance includes offering advice, verbal or written warnings, and the issuing of penalty points.

6.5.2 Informal enforcement action may be appropriate in, but not limited to, the following scenarios:

- (i) the act or omission is not serious enough to warrant formal action;
- (ii) it can reasonably be expected that informal action will achieve future compliance;
- (iii) confidence in the driver or operator is ordinarily high; or
- (iv) the consequences of non-compliance will not pose a significant risk to public safety.

#### 6.6 Suspension

##### 6.6.1 Vehicles

Taxi and private hire vehicles must be kept in an efficient, safe, tidy and clean condition at all times. Compliance with the vehicle specification and conditions of this policy is essential and will be enforced by periodic, random vehicle inspections by the Council. Where it is found that any vehicle is not being properly maintained, a defect(s) notice will be served on the licence holder setting out the defect(s) and the required action.

Where there is a risk to public safety the further use of the vehicle will be suspended until the defects have been remedied. The suspension will not then be lifted until the vehicle has undergone a further test at the Council's nominated testing facility, at the licence holder's expense, and meets the testing requirements of this policy.

##### 6.6.2 Drivers

The Council may exercise its discretion to suspend the operation of a driver's licence for a specified period at the discretion of the Chief Officer with delegated responsibility for licensing matters. Where a licence holder has been referred to the (Chief Officer with delegated responsibility for licensing matters because they have been convicted of a serious criminal offence, or have accumulated twelve (12) or more penalty points under the Council's penalty points system, the Chief Officer with delegated responsibility for licensing matters may order the suspension of the licence for a specified period.

Ordinarily, such action will only be taken where informal action is deemed inappropriate and formal legal action is not proportionate.

Ordinarily, any suspension is held pending the period for appeal expiring or, in the case of an appeal, the appeal being determined. Where necessary for public safety, the officer with delegated responsibility for licensing may determine that a suspension takes immediate effect and is not held pending an appeal.

## 6.7 Section 68 (stop) notices

6.7.1 An Authorised Officer of the Council or a Police Officer may serve notice in writing for a taxi or private hire vehicle, or the taximeter affixed to such a vehicle, to be examined at the Council's nominated testing facility at a time specified in the notice. This notice may only be served if there are concerns as to the condition of the vehicle or the accuracy of the taximeter.

6.7.2 In addition to subsection 6.6.1, the vehicle licence may be suspended until such time as the Council's testing requirements have been complied with if it is deemed necessary for public safety. The suspension notice will remain in force until the issuing officer has issued written confirmation that the Council's testing requirements have been met.

6.7.3 If the issuing officer is not satisfied that appropriate action has been taken to allow the suspension notice to be withdrawn within a period of two (2) months from date of issue, the vehicle licence will be deemed automatically revoked.

## 6.8 Revocation

6.8.1 Where a licence holder has been referred to the Chief Officer with delegated responsibility for licensing matters because they have:

- (i) committed a criminal offence;
- (ii) have accumulated twelve (12) or more penalty points issued under Appendix D and as such do they no longer meet the "fit and proper" test;
- (iii) no longer meet the 'fit and proper' test set out in Appendix A; or
- (iv) for any other reason whereby the policy objectives would not be met, the Chief Officer with delegated responsibility for licensing matters may revoke the licence. Ordinarily, any revocation is held pending the period for appeal expiring or, in the case of an appeal, the appeal being determined. Where necessary for public safety, the Chief Officer with delegated responsibility for licensing matters may determine that a revocation takes immediate effect and is not held pending an appeal.

## 6.9 Refusal to renew

6.9.1 As an alternative to revocation, the Chief Officer with delegated responsibility for licensing matters may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed. The Chief

Officer with delegated responsibility for licensing matters may suspend the existing licence for the remainder of its licence period depending on the individual merits of the case.

6.9.2 Ordinarily, any refusal to renew a licence is held pending the period for appeal expiring or, in the case of an appeal, the appeal being determined. Where necessary for public safety, the Chief Officer with delegated responsibility for licensing matters may determine that the refusal to renew a driver licence takes immediate effect and is not held pending an appeal.

#### 6.10 Simple cautions

6.10.1 The purpose of a Simple Caution as an alternative to prosecution is to:

- (i) deal quickly and efficiently with less serious offences;
- (ii) divert less serious offences away from the Courts; and
- (iii) reduce the likelihood of repeat offences.

6.10.2 In the interests of natural justice, the following criteria must be met before a Simple Caution is administered:

- (i) there must be sufficient evidence of guilt to give a realistic prospect of a conviction;
- (ii) the offender must admit the offence; and
- (iii) the offender must understand the significance of the caution and give informed consent to be cautioned.

6.10.3 Where a person declines the offer of a Simple Caution, it will be necessary to consider taking alternative enforcement action; whilst this would ordinarily mean prosecution, this is not inevitable.

#### 6.11 Prosecution

6.11.1 The decision to prosecute is significant as it may impact on the licence holder's future employability. Generally, the circumstances that may warrant a prosecution include, but are not limited to:

- (i) blatant disregard for legislation and/or this policy, particularly where the economic benefits are substantial
- (ii) when there has been blatant and/or reckless disregard for the safety of passengers or other road users;
- (iii) where there has been repeated breaches of legislation or the requirements of this policy;
- (iv) where a particular type of offence is prevalent and a clear message needs to be sent; or
- (v) where a particular contravention has caused serious public concern.

6.11.2 A decision on whether to prosecute may consider, but is not limited to, the following:

- (i) the seriousness of the offence or contravention;
- (ii) the risk or harm to the public;

- (iii) identifiable victims (including the impact on the victims);
- (iv) failure to comply with statutory notices, warnings, or other enforcement sanctions;
- (v) disregard of public safety for financial reward;
- (vi) the offender's previous history, in particular repeated offences or contraventions;
- (vii) the ability and willingness of witnesses to co-operate;
- (viii) the likelihood of future compliance;
- (ix) the probable public benefit of a prosecution and the importance of the case in establishing precedent or addressing public concern;
- (x) whether other action, such as a Simple Caution or FPN, would be more appropriate or effective.

## 6.12 Complaints against drivers

- 6.12.1 All complaints will be fully investigated, often involving the taking of statements from the complainant, driver and any witnesses.
- 6.12.2 The investigating officer will consider all evidence and mitigating circumstances arising from the investigation before making a recommendation to a senior officer who will reach a decision in accordance with this policy. For the purposes of this paragraph, a senior officer is the investigating officer's immediate supervisor or line manager.
- 6.12.3 The matter may be referred to the General Licensing Sub-Committee for determination.
- 6.12.4 The outcome of any complaint will be advised to the complainant in the form of a written response.

## Part 7 Fares

- 7.1 Taxis
- 7.1.1 Taxi fares, set by the Council, are a maximum and can be negotiated downwards by the hirer. The Council considers it good practice to review the fare scales at regular intervals, and will, therefore, consider the fare scales on an annual basis.
- 7.1.2 When determining the level of fares, consideration will be given to what it is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost-effective service at the times it is needed.
- 7.1.3 The fare for any journey that starts and ends within the Borough of Bedford cannot exceed the metered fare based on the Council's maximum fare tariff. The meter should only be started when the passenger(s) is/are in the vehicle and the journey commences.
- 7.1.4 The fare for any journey that starts or ends outside of the Borough of Bedford can be negotiated prior to the commencement of the journey without using the meter. Unless such an agreement is reached prior to the journey commencing, the fare should comply with the requirements of subsection 7.1.3.
- 7.1.5 The maximum fares currently prescribed by the Council are set out on the Council's website. A table of authorised fares will be provided to each taxi licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.
- 7.1.6 The Council will review the fares tariff on an annual basis, ordinarily with a view to setting a tariff from 1 November each year. The Council will consult with the trade and follow the appropriate procedures detailed in the Local Government (Miscellaneous Provisions) Act 1976.
- 7.1.7 A taxi driver must, if requested by the passenger, provide a written receipt for the fare paid.
- 7.2 Private hire vehicles
- 7.2.1 The fare for a journey in a private hire vehicle must be agreed with the private hire operator at the time of booking. The driver should charge no more than the fare agreed with the operator at the time of booking.
- 7.2.2 The agreement between the hirer and the operator can either be for a fixed monetary sum, or an agreement that the fare will be calculated using the meter within the vehicle. In the case of a metered fare, the starting point for engaging the meter must be agreed at the time of booking.

- 7.2.3 A private hire driver must, if requested by the passenger, provide a written receipt for the fare paid.

## Part 8 Fees

### 8.1 Fee structure

- 8.1.1 The legislation and established case law provides that licence fees should be sufficient to cover the costs of inspecting the vehicles, providing taxi stands, and administering the control and supervision of taxis and private hire vehicles. In simple terms, the Council can only set fees on a 'reasonable cost recovery' basis and cannot make a profit from licence fees when analysed over a typical three-year cycle.
- 8.1.2 Discretionary services that do not fall within the remit of subsection 8.1.1, such as pre-application advice, knowledge testing, DBS appointments, etc. will be charged for separately utilising the same 'reasonable cost recovery' basis. This is to ensure that the cost of these applicant-specific services is not incorporated into the licence fees paid by existing licence holders.
- 8.1.3 The fees currently payable for the grant and renewal of taxi and private hire licences are set out on the Council's website. The fee structure is reviewed annually as part of the Council's budgetary process.

### 8.2 Payments

- 8.2.1 The Council is able to accept payment by debit or credit card, cheques, postal orders or BACS payments. Cheques or postal orders must be made payable to Bedford Borough Council.
- 8.2.2 The Council is unable to accept cash payments.

### 8.3 Refunds and duplicate copies

- 8.3.1 Where the Council receives a request for a duplicate copy of any previously issued licence, an appropriate fee will be paid to cover the associated administrative costs.
- 8.3.2 In the case of a licence that has been suspended, revoked or otherwise ends early due to disciplinary matters, no refund will be made by the Council.

## Part 9 Taxi Stands

### 9.1 Appointed stands (commonly known as ranks)

9.1.1 The Council will periodically review the provision of taxi stands within the Borough. In the event that there is evidence of the need to amend the existing provisions, a full consultation would be undertaken prior to any amendments. Comments are welcomed from either the trade or the public in regards to the suitability of existing provision.

### 9.2 Waiting on stands

9.2.1 It is an offence for any person to cause or permit any vehicle other than a taxi to wait on any stand for taxis. Drivers of taxis may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.

9.2.2 Whilst the law states it is an offence to leave a vehicle unattended on a taxi stand, discretion will be allowed for drivers leaving their vehicles in acceptable circumstances, for example 'comfort breaks'. Leaving a taxi unattended on a stand for any other circumstances, for example shopping, will be dealt with as an offence in accordance with this policy.

### 9.3 Plying for hire

9.3.1 For the avoidance of doubt, the Council does not have a by-law requiring taxis to return to a taxi stand between fares. Taxis can, therefore, park and be available for hire in any position where an ordinary member of the public can lawfully park. Taxis are, however, subject to road traffic regulations and should not park in any position that obstructs the highway, the highway being both the road and the footway.

### 9.4 Restricted use ranks

9.4.1 If the Council introduces restricted use ranks in accordance with section 2.4.10 of this policy, any taxi not meeting the restrictions on use will have to use the existing unrestricted use taxi ranks or park away from the town centre unless collecting pre-booked customers.

## **Part 10 Private Hire and Hackney Carriage Forum**

- 10.1 The Council wishes to encourage discussions between the trade and the licensing authority in order to promote a successful working relationship. To facilitate this aim the Council will host the Taxi and Private Hire Forum that will be open to applications for membership from any licence holder within Bedford Borough.
- 10.2 Membership, terms of reference and work plan will be determined in accordance with prevailing circumstances and further details will be published on the Council's website.

## **Part 11 Right of Appeal**

- 11.1 The Local Government (Miscellaneous Provisions) Act 1976 Sections 48, 52 and 77 detail an applicant's right of appeal.
- 11.2 In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, refuse to renew, suspend or revoke a licence, or impose conditions on a licence, the applicant has a right of appeal to the local Magistrates' Court. The only two exceptions are:
- (i) in the case of a refusal to grant or renew a taxi vehicle licence where the appeal lies directly to the Crown Court, and
  - (ii) the decision to suspend a taxi or private hire vehicle licence under s68 of the 1976 Act against which there is no right of appeal
- 11.3 Any appeal must be lodged at the Court within twenty-one (21) days of the applicant receiving notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.
- 11.4 A further right of appeal against the decision of the Magistrates' Court lies with the Crown Court.

## Part 12 Delegated Powers

- 12.1 Authorised officers
  - 12.1.1 All Officers of the Council, duly authorised under the Council’s Scheme of Delegation and supported by specific written delegations, are responsible for the day to day operation of the Council’s Taxi and Private Hire Licensing Policy.
  - 12.1.2 All Officers of the Council, duly authorised under the Council’s Scheme of Delegation and supported by specific written delegations may issue penalty points in accordance with Appendix D.
- 12.2 Chief Officer with Delegated responsibility for Licensing.
  - 12.2.1 The following powers are specifically reserved to the Chief Officer with Delegated responsibility for licensing (or in their absence, any officer delegated to act in the Chief Officer with Delegated responsibility for Licensing’s absence):
    - (i) the management of the Council’s authorised officers as detailed in subsection 12.1.1,
    - (ii) the authorisation of applications that are compliant with this policy,
    - (iii) minor departures from policy in accordance with subsection 1.3.4,
    - (iv) changes to the administrative process set out in Part 5 of this policy,
    - (v) substantial departures from policy in accordance with subsection 1.3.3,
    - (vi) the issuing of Stop Notices under s68 of the 1976 Act,
    - (vii) suspension or revocation of existing licences
    - (viii) refusal to renew existing licences,
    - (ix) refusal of new applications,
    - (x) any amendments to this policy in accordance with subsection 1.4.2 or 1.4.4
- 12.3 General Licensing Committee
  - 12.3.2 The following powers are specifically reserved to the General Licensing Committee:
    - (i) setting of taxi and private hire licensing fees and charges,
    - (ii) setting of taxi fare tariffs
    - (iii) the ongoing review and amendment of the Council’s Taxi and Private Hire Licensing Policy in accordance with subsection 1.4.3.

## DEFINITIONS

All references in this policy document to the following terms imply the definition below:

Term	Definition
taxi	The word taxi refers to the legal term of hackney carriage as defined within the Town Police Clauses Act 1847
the 1976 Act	the Local Government (Miscellaneous Provisions) Act 1976
authorised Council officer	Any officer of the Council authorised under the Council's Scheme of Delegation as contained within the Constitution
Best Practice Guidance	Best Practice Guidance on Taxi and Private Hire Vehicle Licensing issued by the Department for Transport (dated March 2010)
the Council or the Licensing Authority	Bedford Borough Council
the trade	any holder of a current driver, vehicle or operator licence issued by Bedford Borough Council
the District	The geographical region contained within the boundaries of Bedford Borough Council
Chief Officer with Delegated Responsibility for Licensing	The current post-holder (or the Director of the appropriate service area following any subsequent restructure) or any nominated deputy authorised by the Council's Scheme of Delegation
Tier 3 Manager who has responsibility for licensing	The current post-holder (or the manager of the service area following any subsequent restructure) or any nominated deputy authorised by the Council's Scheme of Delegation
the licence plate or the plate	The vehicle licence plate issued to all vehicles and required to be displayed externally at the rear of all licensed vehicles
this policy	Bedford Borough Council Taxi and Private Hire Licensing Policy
proprietor licence	either a taxi or private hire vehicle licence
Registered medical practitioner	Any person with suitable qualifications in medicine and currently registered with the General Medical Council that is suitably qualified to perform the function of a General Practitioner (Doctor) or higher
driver licence	Any reference to the term driver licence, unless prefixed by DVLA, refers to a taxi or private hire driver's licence (within the context of the specific paragraph) issued by the Council
vehicle licence	Any reference to the term vehicle licence refers to a taxi or private hire proprietor licence (within the context of the specific paragraph) issued by the Council

Hackney carriage (as defined by s 38 of the Town Police Clauses Act 1847)

Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act; and in all proceedings at law or otherwise the term “hackney carriage” shall be sufficient to describe such carriage: Provided always, that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licensed for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act.

Private hire vehicle (as defined by s 80 of the Local Government (Miscellaneous Provisions) Act 1976)

A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a taxi or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

## APPENDIX A THE DEFINITION OF “FIT AND PROPER”

A.1 The legislation clearly states that the Council may grant a licence only if it is satisfied that the applicant is a ‘fit and proper’ person. This Appendix details the definition of fit and proper used by the Council (section A.4 below) and other factors the Council will consider as part of this determination. Compliance with this policy is an integral part of the fit and proper person test.

A.2 ‘Fit and proper test’

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver’s licence is a ‘fit and proper’ person to be a licensee. When considering whether an applicant or licensee is fit and proper the Statutory Standards suggest posing the following question:

**Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?**

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

Licensing authorities have to make difficult decisions but the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. The Statutory Standards state this means that an applicant or licensee should not be ‘given the benefit of doubt’. If the committee or delegated officer is only “50/50” as to whether the applicant or licensee is ‘fit and proper’, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.”

A.3 In order to further assist in understanding the interpretation of this definition, the Council will be considering issues that assist them in determining whether or not applicants are safe drivers with a good driving record, are mentally and physically fit, are honest, and that they are persons who would not take advantage of their position to abuse, assault or defraud members of the public.

A.4 It should be borne in mind that drivers may carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, persons who are incapacitated from alcohol, lone women and

foreign visitors. Some examples of areas of concern that the Council will consider include, but are not limited to:

- (i) Honesty and trustworthiness  
Drivers often have knowledge that a customer is leaving a property empty; they have opportunities to defraud drunken, vulnerable or foreign persons; or they have opportunities to abuse their position of trust. For example, all passengers would expect to be charged the correct fare for the journey and be given the correct change; they would expect any lost property to be handed over to the police; and they would expect confidentiality to be maintained between themselves and the driver.
- (ii) Professionalism  
Drivers are often subject to unpleasant, abusive or dishonest behaviour, albeit from a small minority of passengers. Although this is clearly unacceptable behaviour, the Council expects drivers to remain professional at all times and unacceptable behaviour by passengers does not excuse in any way aggressive or abusive conduct by drivers. Confrontation should be avoided and all disputes should be resolved through the formal legal channels. Under no circumstances should drivers take the law into their own hands.
- (iii) Good and safe drivingability  
Passengers are paying for a service whereby they expect to reach their chosen destination promptly and safely. Drivers must be fully conversant with all road traffic legislation and this policy and drive in a professional, lawful and safe manner at all times.

## APPENDIX B

### THE RELEVANCE OF CAUTIONS AND CONVICTIONS

#### B.1 General principles

The over-riding consideration for the Council in its determination of applications is the promotion of the licensing objectives detailed within subsection 1.2.2 of this policy, *The statutory standards state that in considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.*

B.1.1 Notwithstanding the existence of this policy, each application will be determined on its own merits against the definition of 'fit and proper' contained within Appendix A.

B.1.2 Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this Appendix is to formulate guidelines, consistent with national guidance, which detail the Council's current stance on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing licences, for taxi and private hire vehicle, driver and operator licences.

B.1.3 If a court has found an applicant guilty of an offence, that person cannot subsequently claim to the Council that they did not commit the offence. If they seek to do so, their representation will not be considered, as this is entirely a matter for the courts. The applicant can, however, offer any mitigating circumstances relating to the offence that they wish the Council to consider.

B.1.4 For the purpose of this policy, the acceptance of a Fixed Penalty Notice will be treated as a conviction. A caution may be treated as a conviction depending on the individual merits and mitigating circumstances of each case.

#### B.1.5 Period free from conviction

Any reference to a period free from conviction relates to the period commencing from either:

- (i) where a custodial sentence has been imposed, from the end of the custodial period; or
- (ii) in any other case, from the date of conviction.

## B.2 History

B.2.1 The Council may take into account an applicant's history as a licence holder with this, or any other, Council. In considering whether or not a person is 'fit and proper' the Council may consider such matters as the applicant's complaint history, their compliance with this policy, their co-operation with licensing officers' requests, and any other reasonable matters.

B.3 The Council has considered both the Department of Transport Statutory Standards and the work of the Institute of Licensing in partnership with the Local Government Association, National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government in how it will assess cautions and convictions.

### B.3.1 Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

### B.3.2 Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

### B.3.3 Offences involving violence

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

### B.3.4 Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### B.3.5 Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

B.3.6 Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

B.3.7 Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

B.3.8 Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

B.3.9 Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

B.3.10 Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

**B.3.11 Other motoring offences**

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

**B.3.12 Hackney carriage and private hire offences**

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

**B.3.13 Vehicle use offences**

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

**B.4 Summary**

**B.4.1** Except in the most serious of circumstances, an applicant having a previous or current conviction will not normally be permanently precluded from obtaining a taxi or private hire driver's licence.

**B.4.2** The Council believes that a person convicted of an offence, who is required to wait for the expiry of a rehabilitation period prior to their application being considered, is more likely to value their licence and ensure that future convictions are avoided.

**B.4.3** The Council considers that there are, however, certain offences that are so serious in nature or frequency that an applicant should be precluded from obtaining or retaining a licence. The Council's over-riding policy objective is to safeguard the safety of the general public by ensuring that all licensed drivers are safe, competent, and are able to maintain their vehicles to an acceptable standard.

- B.4.4 By producing clear and transparent guidelines on the relevance of convictions, the Council is seeking to maintain the high standard of taxi and private hire drivers, proprietors and operators within Bedford Borough.
- B.5 Existing licence holders
  - B.5.1 Any existing licence holder convicted of an offence during the period of their current licence will be subject to the above policy relating to the relevance of convictions as though they were a new applicant. In circumstances where a new applicant would normally have their application refused, an existing licence holder would normally have their licence revoked.
  - B.5.2 Existing licence holders should be aware that if the Council receives notification from the police that a driver is being investigated for an offence that would preclude the grant of a licence or is likely to result in the revocation of an existing licence, their licence will normally be revoked with immediate effect pending the outcome of the investigation.
- B.6 Principles of the Rehabilitation of Offenders Act 1974 (“the 1974 Act”)
  - B.6.1 Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely. The possibility of rehabilitation, and the length of time before rehabilitation occurs, depends on the sentence imposed and not the offence committed. Where a person is sentenced to imprisonment for a period exceeding thirty (30) months, the conviction can never be spent.
  - B.6.2 Despite the above general principles, the Act does not apply to applications for taxi and private hire drivers’ licences. This is because the driving of these vehicles is listed as a “regulated occupation” in relation to which questions may be asked as to the suitability of individuals to be granted a licence.
  - B.6.3 Although the 1974 Act does not prevent any judicial authority, including the Council acting as the licensing authority, from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a ‘fit and proper person’ to hold a licence. The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.
- B.7 Referrals to the Chief Officer with Delegated responsibility for licensing
  - B.7.1 Where the Chief Officer with Delegated Responsibility for Licensing is

considering whether an applicant meets the 'fit and proper' person test, the process outlined in Appendix G will be followed.

## **APPENDIX C DRIVER CODE OF CONDUCT**

- C.1 General responsibilities of a licensed driver
- C.1.1 Licensed drivers shall use their best endeavours to promote the image of the trade by:
- (i) complying with all aspects of this policy,
  - (ii) maintaining their vehicles in a safe and satisfactory condition at all times,
  - (iii) attending punctually when undertaking pre-booked hirings,
  - (iv) assisting passengers entering into and alighting from the vehicle,
  - (v) offering passengers reasonable assistance with luggage, and
  - (vi) behaving in a civil, orderly and responsible manner at all times.
- C.1.2 To avoid nuisance to residents when picking up or waiting for a fare, a licensed driver shall:
- (i) not sound the vehicle's horn illegally to attract the passenger's attention,
  - (ii) keep the volume of all audio equipment to a reasonable level, and
  - (iii) switch off the engine when required to wait.
- C.1.3 Whilst waiting on taxi ranks, in addition to the requirements of subsection C.1.2, a licensed driver shall:
- (i) rank in an orderly manner and proceed promptly along the rank in accordance with rank protocol,
  - (ii) remain in the vehicle, save for alighting to smoke or for comfort breaks, and
  - (iii) ensure that the vehicle is not left idling at any time whilst parked.
- C.1.4 Whilst waiting at private hire operator premises, in addition to the requirements of subsection C.1.2, a licensed driver shall:
- (i) not undertake servicing or repair of vehicles on the highway,
  - (ii) not undertake servicing or repair of vehicles on the premises unless appropriate planning permission has been obtained,
  - (iii) take whatever action is necessary to ensure that the business operation does not cause unnecessary disturbance to residents, and
  - (iv) ensure that the vehicle is not left idling at any time whilst parked.
- C.1.5 Drivers should be aware that they are in a position of significant responsibility, not only ensuring the safety of their passengers, but also the safety of the community as a whole. Any driver becoming aware of any criminal activity, suspected criminal activity, or safeguarding concerns is expected to report the matter to the police at the earliest opportunity.

C.2 Driver dress code

C.2.1 The Council believes that licensed drivers have a responsibility to dress professionally and appropriately whilst undertaking taxi or private hire work to promote confidence amongst members of the public, especially visitors to the District.

C.2.2 The following are deemed to be unacceptable standards of dress for a licensed driver and are not to be worn:

- (i) bare chests,
- (ii) clothing or footwear which is unclean or damaged,
- (iii) clothing printed with wording, logos or graphics which may offend,
- (iv) sports shirts e.g. football, rugby or cricket tops, or track suits with branding for a particular team (generic or sports manufacture branded tracksuits in smart condition are acceptable),
- (v) footwear that prevents the safe operation of the vehicle,
- (vi) headgear such as baseball caps\*, or any headgear that partially or completely conceals the face or the identity of the driver (Religious clothing that does not cover the whole face will be allowable).\*
- (vii) any shorts, other than smart tailored shorts.

\*baseball caps or similar hats may be worn whilst driving where necessary to reduce glare from the sun.

\*\*drivers should wear a face mask where it is a statutory requirement to minimise risk of infection. At times when it is not a statutory requirement, drivers may wear a mask whilst driving, but should ensure their face is uncovered when first greeting the passenger to ensure that the passenger can check that the driver is the person whose photograph is shown on the licence.

This list is not exhaustive and Authorised Officers will assess whether standards of dress are acceptable. If an Authorised Officer deems a driver's standard of dress to be unacceptable, the decision will have effect as though it were included in the above list.

C.3 Driver conduct

C.3.1 The driver shall be respectably dressed, clean and tidy in appearance at all times whilst his vehicle is being made available for hire.

C.3.2 The driver shall at all times, when acting in accordance with the drivers licence granted to them, wear or display such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.

- C.3.3 The driver shall not lend the badge to any other person or cause or permit any other person to wear it.
- C.3.4 On termination or surrender of a driver's licence, the driver shall return the badge to the Council immediately.
- C.3.5 The driver shall behave in a civil, polite and orderly manner at all times and shall take all reasonable precautions to ensure the safety of persons conveyed in, or entering or alighting from, the vehicle.
- C.3.6 The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view, or allow the licence plate to be so defaced as to make any information illegible.
- C.3.7 The driver who has agreed to, 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 such vehicle at such appointed time and place.
- C.3.8 The driver, when hired to drive to a particular destination, shall proceed to that destination by either the shortest available route, or the believed cheapest route considering all known factors such as roadworks, delays, etc.
- C.3.9 The driver shall not convey, or permit to be conveyed, in such vehicle any greater number of persons than the number of persons specified on the Vehicle Licence.
- C.3.10 The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.
- C.3.11 The driver must not solicit, by calling out or otherwise importune any person to hire or be carried for hire.
- C.3.12 The vehicle shall be presented in a clean and tidy condition for each journey and free from any unpleasant odours.
- C.3.13 The driver shall not smoke or 'vape' in a licensed vehicle at any time.
- C.3.14 The driver shall not drink or eat in the vehicle whilst conveying passengers.
- C.3.15 The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any persons, whether inside or outside the vehicle.
- C.3.16 The driver shall not operate the horn as a means of signalling that the vehicle

has arrived.

- C.3.17 Drivers must not use a mobile phone whilst driving unless it is designed for hands-free operation.
- C.3.18 The driver must notify the Council within 48 hours of:
- (i) any criminal conviction, caution, or fixed penalty notice,
  - (ii) any driving endorsement,
  - (iii) any change of medical condition that may impact on the ability to drive, or
  - (iv) any change of name or address whilst the licence is in force.
- C.4 Lost property
- C.4.1 A licensed driver shall diligently search the vehicle periodically for any property which may have been accidentally left therein.
- C.4.2 In the event of lost property being found that is identifiable to a known passenger the driver shall either return the property to the passenger forthwith or contact the passenger to arrange its return.
- C.4.3 Any property found that is not identifiable to a passenger and not subsequently claimed within seven (7) days should be reported to the police and/or left in the custody of a police officer after obtaining a receipt. If advised to do so by the police, the licence holder can retain the property for the period advised by the police or taken to the Council offices.
- C.5 Carriage of animals
- C.5.1 A driver may not carry any animal not belonging to a passenger in a licensed vehicle whilst available for hire or carrying passengers.
- C.5.2 Animals, other than assistance dogs, in the custody of passengers may be carried at the driver's discretion, provided they are restrained in a safe manner.
- C.5.3 Assistance dogs  
A driver must carry assistance dogs when requested to do so by a passenger unless they have been issued with a medical exemption certificate. Assistance dogs include guide dogs for blind or partially sighted persons, hearing dogs for the hard of hearing or deaf persons, and any other assistance dog which assists a disabled person with a physical or mental impairment.
- C.6 Carriages of passengers with wheelchairs
- C.6.1 Passengers with wheelchairs often prefer to travel in normal saloon, estate or

multi-passenger vehicles rather than a specially adapted wheelchair accessible vehicle. In these circumstances, a driver must carry a passenger with a wheelchair unless the vehicle is unable to accommodate the wheelchair within the luggage compartment.

C.6.2 Drivers of wheelchair accessible vehicles must:

- (i) not refuse to carry any passenger with a wheelchair,
- (ii) not charge any additional fare for passengers with wheelchairs,
- (iii) be fully conversant with the correct method of operating all ramps, lifts and wheelchair restraints fitted to the vehicle,
- (iv) ensure that all wheelchairs are firmly secured in the vehicle using an approved restraining system and that the wheelchair brakes have been applied prior to commencing the journey,
- (v) ensure that all ramps, lifts and wheelchair restraints fitted to the vehicle are available in full working order at all times the vehicle is available for hire.

## **APPENDIX D PENALTY POINTS SCHEME**

The Council's objective is to protect the public and ensure that only "fit and proper" individuals are hackney carriage or private hire vehicle drivers, proprietors or operators. It may not always be in the public interest for the Council to prosecute, suspend or revoke for minor or technical offences. Where a Complaint / failure to comply with this policy is upheld the licensee may then be subject to the penalty points scheme for a 2 year period. The Council seeks to address the minority of licensees who consistently fail to adhere to its policies.

The penalty points scheme will operate as follows:

- D.1 Before penalty points are issued, there must be sufficient evidence to prove, on the balance of probabilities, the offence or breach of licensing requirements. The issuing of penalty points is not a formal sanction in its own right; it is merely an open and transparent method of how a driver will be assessed in terms of the 'fit and proper person' test. The points system is predominately an internal management tool for ensuring that drivers who repeatedly contravene regulations and/or this policy are referred to the Tier 3 Manager with responsibility for licensing to consider whether or not they continue to meet the fit and proper person requirements of Appendix A. As part of that referral, the driver's penalty offences will be re-considered in light of any mitigating circumstances the driver wishes to be considered.
- D.2 Points issued to either a proprietor or driver will be confirmed in writing within ten (10) working days from the discovery of the contravention or the conclusion of an investigation into a complaint, whichever is the later.
- D.3 If a driver, proprietor or operator accumulates twelve (12) or more points within a period of two (2) years from the date they are imposed, they will be required to attend a disciplinary hearing with the General Licensing Sub Committee, where the appropriate action will be taken in accordance with this policy.
- D.4 More than one accumulation of penalty points in excess of the twelve (12) point threshold in any two (2) year period is likely to result in the officer with delegated responsibility for licensing revoking a licence due to the person failing to satisfy the 'fit and proper person' test as defined in Appendix A.
- D.5 Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. If the "live" period is extended or a

written warning given, however, the points will remain "live" for the normal two -year period.

- D.6 Even though penalty points have been issued by an Authorised Officer of the Council, if it is subsequently found that the driver has previously been issued with penalty points, or has been formally cautioned, for similar offences, the Council reserves the right to cancel the penalty points and deal with the matter in accordance with the provisions of Part 6 of this policy. The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this policy.
- D.7 In assessing whether penalty points are appropriate to address the concerns raised, the enforcing officer will have regard to matters such as, but not limited to:
- (i) previous warnings
  - (ii) previous penalty point offences
  - (iii) mitigating circumstances
  - (iv) seriousness of the misconduct
  - (v) effect of the misconduct on the passengers, public or other drivers
  - (vi) the likelihood of the misconduct being repeated
  - (vii) acceptance of the misconduct/remorse for their actions
  - (viii) co-operation with any investigation
- D.8 The decision to award penalty points will be taken by a team leader or manager with responsibility for Licensing, the licensee will have the right to request a review of the decision. The review will be carried out by a Chief Officer with responsibility for licensing.

## SCHEDULE OF PENALTY POINTS

Misconduct	Points
Behaving in a rude, abusive, offensive, or obstructive manner or failing to be civil whether to Customers, Council Staff other Licence holders or members of the public	8
Rudeness towards, failure to co-operate with or obstruction of a council officer	10
Failing to ensure the safety of a passenger entering, alighting or whilst conveyed in a licensed vehicle	10
Failing to provide reasonable assistance with a passenger's luggage	4
Failing to allow an assistance dog to travel in the passenger compartment with the passenger	10
Failing to assist a passenger with an assistance dog to enter or alight the vehicle	10
Failing to assist a passenger in a wheelchair to enter or alight the vehicle	10
Eating whilst conveying passengers	3
Smoking or vaping in a licensed vehicle at any time	6
Failing to display the current fare tariff card prominently within a taxi	4
Failing to display the specified door sign on a private hire vehicle	4
Displaying an advertisement on a licensed vehicle contrary to this policy or without Council consent (where required)	5
Failing to advise of a relevant medical condition as required by this policy	10
Failing to provide a receipt when requested or when required by this policy	4
Failing to notify the Council of a change of name and/or address	3
Failing to advise the Council of an accident as required by this policy	4
Failing to ensure the exterior and/or interior of the licensed vehicle is maintained in a clean, sound and roadworthy condition	8
Failing to display the external licence plate in accordance with the requirements of this policy	10
Failing to display the internal licence plate	6
Conducting a conversation on a hands free device during the journey	4
Knowingly giving false information to passengers	6
Failing to collect pre-booked passengers or failing to arrive at a pre-booked location at the agreed time without reasonable excuse	6
Failure to comply with the no idling requirements of this policy	4
Failure to WEAR a driver badge	6
Unnecessarily prolonging a journey	10
Travelling less than the lawful distance for an agreed fare	6
Waiting/parking in parking bays without a valid parking ticket	4
Waiting/parking on a loading bay, disabled bay or bus stop	4
Waiting/parking on yellow lines or a footway	4
Parking a Private Hire Vehicle in a Designated Hackney Carriage Rank	4
Carrying persons other than the hirer without the hirer's consent	6
Driver leaving a taxi unattended on a rank	3
Any other behaviour or misconduct not specified above (investigating officer to determine the number of points based on the nearest comparable offence above)	3 - 12

## **APPENDIX E**

### **ADDITIONAL CONDITIONS FOR LICENSING STRETCH LIMOUSINES**

- E1 Left-hand drive limousines will be permitted as private hire vehicles.
- E2 Sideways facing seating will be permitted in limousines providing that it conforms to all relevant road traffic vehicle legislation.
- E3 All limousines licensed as private hire vehicles must hold a valid Individual Vehicle Approval Certificate and be fitted with tyres of appropriate size and grade for that Approval.
- E4 All limousines licensed as private hire vehicles must obtain six-monthly test certificates showing that the vehicle has satisfied the standards of the appropriate MOT Class. The vehicle licence holder is responsible for sourcing a garage approved to carry out such tests and providing documentation attesting to the garage's compliance with the Council's vehicle testing requirements.
- E5 All limousines licensed as private hire vehicles must:
- (i) reduce their seating capacity to a maximum of eight (8) passengers,
  - (ii) not carry more than eight (8) passengers, including children, at any time,
  - (iii) not carry passengers in any seats in the driver's compartment,
  - (iv) ensure that any advertising of the limousine states the maximum seating capacity.
- E6 Seatbelts complying to all relevant legislation must be fitted to all forward and rear facing seats and must be worn by passengers at all times the vehicle is in motion. There is no legal requirement for seatbelts to be fitted on sideways facing seats, however if they are fitted they must be worn by passengers at all times the vehicle is in motion.
- E7 If alcoholic drinks are to be provided in the vehicle:
- (i) an appropriate licence under the Licensing Act 2003 must be in effect,
  - (ii) alcohol may only be sold whilst the vehicle is stationary,
  - (iii) whilst the vehicle is in motion, all receptacles containing alcohol shall be securely stored,
  - (iv) if any occupants of the vehicle are below the age of eighteen (18) years old, the vehicle must not contain any alcohol,
  - (v) all drinking receptacles used in the vehicle must be made of shatterproof glass, plastic or polycarbonate.
- E8 The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the youngest passenger

in the vehicle.

- E9 Limousines licensed as private hire vehicles are not permitted to carry luggage within the passenger compartment of the vehicle.
- E10 Limousines licensed as private hire vehicles must carry a safety hammer capable of being used to break the window glass of the vehicle. The hammer must be securely located within the driver's compartment.
- E11 Limousines that are licensed private hire vehicles may only be booked from and dispatched by a licensed private hire operator and driven by a licensed private hire driver; all three licences must be issued by the same licensing authority.

## **APPENDIX F RIGHT TO WORK**

F.1 From 1 December 2016, the Council is under a new legal duty to ensure that driver and operator licences are only issued to applicants who have lawful immigration status and the right to work in the UK. By law, the Council cannot issue a licence to any applicant that does not satisfy this requirement. This change of law applies to all applicants regardless of where they were born, how long they have lived in the UK and, if they already hold a driver or operator licence, how long they have held that licence.

F.2 All applicants will need to attend the Council Offices where a council officer will check your original valid documentation evidencing your right to work in the UK (this can be arranged at the same time as attending for a Driver Suitability Assessment test or a DBS appointment). You must attend in person and bring evidence of your right to work in the UK. Only certain types of documentation are acceptable.

(i) For applicants who are British citizens

All you need to provide is a British passport confirming you are a British Citizen. If you do not have a British passport you can produce any of the other documents contained within List A.

(ii) For applicants who are not British citizens but have no restrictions on their right to work in the UK

All you need to provide is any of the other documents contained within List A.

(iii) For applicants who have restrictions on their right to work in the UK

You will need to produce any of the documents contained within List B. If your documentation proves a right to work that expires prior to the normal licence expiry date, your licence will only be granted for the period we have proof of a right to work.

If you have a VISA that confirms your right to reside in the UK but it is attached to an expired passport we cannot accept this as proof. You will need to apply to the Home Office to obtain a check code so that we may check your status online. Once a valid application to the Home Office has been confirmed, a six-month licence can be granted to allow time for the Home office to process the application.

You must bring original documentation (not a photocopy) and it is your responsibility to make sure you can provide acceptable forms of documentation.

The council officer will check that your documentation is acceptable based on either List A or List B (depending on your circumstances), check that the

document is an original and relates to the person providing it, and take a photocopy for Council records.

- F.3 If the documentation you provide demonstrates that you have a permanent right to work in the UK (from List A) you will not be required to produce documentation for future applications.

In other cases, you will be required to provide your documentation when you next apply to renew your licence so that your right to work can be verified again at that point in time.

F.4 List A – acceptable documents to establish a continuous statutory excuse

- (i) A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK
- (ii) A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen
- (iii) A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
- (iv) A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- (v) A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
- (vi) A birth or adoption certificate issued in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
- (vii) A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
- (viii) A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

F.5 List B Group 1 where a time-limited statutory excuse lasts until the expiry date of permission to enter or permission to stay

- (i) A current passport endorsed to show that the holder is allowed to stay

- in the UK and is currently allowed to do the type of work in question.
- (ii) A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
  - (iii) A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 2 – documents where a time-limited statutory excuse lasts for 6 months

- (i) A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service
- (ii) A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
- (iii) A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules **together with a Positive Verification Notice** from the Home Office Employer Checking Service.
- (iv) An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice** from the Home Office Employer Checking Service
- (v) A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

## **APPENDIX G**

### **REFERRALS TO CHIEF OFFICER WITH DELEGATED RESPONSIBILITY FOR LICENSING**

- G.1 Extent of this appendix
- G.1.1 This Appendix will apply to all referrals to the Chief Officer with delegated responsibility for licensing for:
- (i) determination of an application
  - (ii) departures from policy
  - (iii) consideration of fit and proper person test
  - (iv) suspensions and revocations
  - (v) any enforcement sanction
- G.1.2 Ordinarily, there is a right of appeal to the Courts in relation to decision made under section G.1.1 (i) to (v).
- G.1.3 Additionally, the Council has its own internal complaints process if an applicant/licence holder feels aggrieved at the administration of the licensing process. Further information is available on the Council's website.
- G.2 General principles
- G.2.1 The general principles of this Appendix are to ensure that all applicants and licence holders have a fair hearing balanced against the need to ensure the promotion of the licensing objectives, in particular public safety.
- G.2.2 Each referral will be considered on its own merits against the principles detailed in G.2.1, however, the Council reserves the right to amend the processes detailed below should the merits of the particular referral warrant an alternative process.
- G.3 Consideration of applications (grants and renewals)

#### Vehicles

- G.3.1 The Chief Officer with delegated responsibility for licensing will consider all available information provided with the application against the requirements of this policy.
- G.3.2 The applicant will be entitled to provide the Chief Officer with delegated responsibility for licensing with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with the Chief Officer with delegated responsibility for licensing if that Chief Officer believes it

would assist with the determination.

- G.3.3 If a licensing officer wishes to inspect the vehicle the applicant may be requested to attend an appointment at the Council Offices for that purpose only.
- G.3.4 Failure to attend any appointment at the request of a licensing officer can be considered as part of the determination process.

#### Drivers

- G.3.5 Where the Chief Officer with delegated responsibility for licensing is considering whether an applicant meets the 'fit and proper' person test, the applicant will be entitled to provide the licensing service with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with either the Chief Officer with delegated responsibility for licensing or the General Licensing Sub-committee if the Chief Officer with delegated responsibility for licensing believes it would assist with the determination.
- G.3.6 Prior to attending the meeting, the applicant will be provided with a case summary containing all the information necessary for the Chief Officer with delegated responsibility for licensing / General Licensing Sub-Committee to make a determination. The case summary will be provided to the applicant at least five (5) working days prior to the meeting.

#### Private hire operators

- G.3.7 When the licensing officer is considering whether an applicant meets the requirements of this policy, the applicant will be entitled to provide the licensing officer with any written mitigating circumstances. All new applications for a Private Hire Operator's Licence will be referred to the General Licensing Sub-Committee for determination.
- G.3.8 Prior to attending the meeting, the applicant will be provided with a case summary containing all the information necessary for the General Licensing Sub-Committee to make their determination. The case summary will be provided to the applicant at least five (5) working days prior to the meeting.

- G.4 Enforcement sanctions, including revocation and suspension

#### Vehicles

- G.4.1 Where the Chief Officer with delegated responsibility for licensing is

considering disciplinary and/or enforcement action against an individual or company, the individual or company will be entitled to provide the Chief Officer with delegated responsibility for licensing with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with the Chief Officer with delegated responsibility for licensing or the General Licensing Sub-Committee if the Chief Officer with delegated responsibility for licensing believes it would assist with the determination.

- G.4.2 If the licensing team wishes to inspect the vehicle the licence holder may be requested to attend an appointment at the Council Offices for that purpose only.
- G.4.3 Failure to attend any appointment can be considered as part of the determination process.
- G.4.4 In cases where the vehicle presents a risk to public safety or the taximeter is not correctly configured, a licensing officer may serve a s68 suspension notice until such time as the Chief Officer with delegated responsibility for licensing can consider the case.

#### Drivers

- G.4.5 Where the Chief Officer with delegated responsibility for licensing is considering disciplinary and/or enforcement action against an individual, the individual will be entitled to provide the Chief Officer with delegated responsibility for licensing with any written mitigating circumstances. Where appropriate, the individual may be requested to attend a meeting with the Chief Officer with delegated responsibility for licensing or the General Licensing Sub-Committee if the Chief Officer with delegated responsibility for licensing believes it would assist with the determination.
- G.4.6 If the Chief Officer with delegated responsibility for licensing is considering suspension or revocation as an option, the individual will ordinarily be offered the opportunity to attend a meeting with the Chief Officer with delegated responsibility for licensing or the General Licensing Sub-committee. The opportunity of a meeting may be waived in cases including, but not limited to:
  - (i) risk to the public by delaying a decision
  - (ii) all evidence being considered has been provided by the individual
  - (iii) the individual has received a caution/conviction/motoring offence that would ordinarily preclude them from holding a licence by virtue of Appendix B

G.4.7 Prior to attending a meeting with the Chief Officer with delegated responsibility for licensing or the General Licensing Sub-Committee, the individual will be provided with a case summary containing all the information necessary for the Chief Officer with delegated responsibility for licensing to make their determination. The case summary will ordinarily be provided to the individual at least five (5) working days prior to the meeting. The period of five (5) days may be reduced in cases where the Chief Officer with delegated responsibility for licensing believes that there would be a risk to the public of an unnecessary delay.

Private hire operators

G.4.8 Where the Chief Officer with delegated responsibility for licensing is considering disciplinary and/or enforcement action against an individual or company, the individual or company will be entitled to provide the Chief Officer with delegated responsibility for licensing with any written mitigating circumstances. Where appropriate, the applicant may be requested to attend a meeting with the Chief Officer with delegated responsibility for licensing or the General Licensing Sub-Committee if the Chief Officer with delegated responsibility for licensing believes it would assist with the determination.

G.4.9 If the Chief Officer with delegated responsibility for licensing is considering suspension or revocation as an option, the individual or company will ordinarily be offered the opportunity to attend a meeting with the Chief Officer with delegated responsibility for licensing. The opportunity of a meeting may be waived in cases including, but not limited to:

- (i) risk to the public by delaying a decision
- (ii) all evidence being considered has been provided by the individual or company

G.4.10 Prior to attending a meeting with Chief Officer with delegated responsibility for licensing, the individual or company will be provided with a case summary containing all the information necessary for the Chief Officer with delegated responsibility for licensing to make the determination. The case summary will ordinarily be provided to the individual or company at least five (5) working days prior to the meeting. The period of five (5) days may be reduced in cases where the Chief Officer with delegated responsibility for licensing believes that there would be a risk to the public of an unnecessary delay.