

West Suffolk Council Hackney Carriage and Private Hire Licensing Policy

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Foreword

You play an important role in the success of our local economy. More than 10 million visits are made to West Suffolk every year with visitors spending over £500 million. Many will use taxis or private hire vehicles during their stay and their experience of your service will form part of their lasting impression of the area. It could make the difference as to whether they decide to come back, and whether they recommend West Suffolk to their friends.

West Suffolk is a rural area and many of our residents will rely on taxis or private hire vehicles simply to get out to the shops, doctors, and hospital appointments, or to visit friends and family.

We also have a rich mix of evening entertainment with people enjoying a night out at restaurants, the cinema, theatre, the Apex, or the summer evening races in Newmarket to mention a few. You play a vital role in ensuring that they are able to get home safely after an evening out. In doing this you ensure that this huge part of our successful economy can continue to thrive.

So, it is important that, as drivers and as ambassadors for our area, your service and your vehicles are of the highest quality. The standards outlined in this policy are about ensuring the safety of passengers as they are taken from A to B, that both the vehicle and the driver are fit to be on the road, and about protecting the integrity of your trade.

We hope that you will see this policy as a positive step to assure a professional service that you, your council and your customers will continue to value so dearly.

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1. Introduction

West Suffolk Council is responsible for the licensing and enforcement of the following private hire and hackney carriage vehicle trades within its district:

- Hackney carriage and private hire vehicle drivers
- Hackney carriage vehicles
- Private hire vehicles
- Private hire operators.

This policy and the appendices detail how the licensing of drivers, vehicles and operators will be undertaken by the council. The policy has immediate effect and will be applied to all existing licences and new applications.

The council reserves the right to review and if necessary, reverse any decision if information comes to light that identifies the initial decision as being incorrect.

In developing this policy, the council has had regard to the following:

- Local Government (Miscellaneous Provisions) Act 1976
- The Town Police Clauses Act 1847
- Public Health Act 1875
- Guidance on the Rehabilitation of Offenders Act 1974 – dated March 2014
- Disclosure Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders – 2013
- Taxi and PHV Licensing Criminal Convictions; Policy, Local Government Regulation, Sept 2010
- Equalities Act 2010 (as amended by Taxi and Private Hire Vehicles (Disabled Persons) Act 2022
- Regulators Code 2014
- Road traffic acts
- Crime and Disorder Act 1998
- Health Act 2006
- Data Protection Act 2018
- The Department of Transport "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance"
- Jay Report into Child Sexual Exploitation (CSE) in Rotherham
- The Serious Case Review into Child Sexual Exploitation in Oxfordshire
- West Suffolk Council Enforcement Policy
- Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades 2018
- HM Government's Department for Transport Statutory Taxi and Private Hire Vehicle Standards published in July 2020
- other relevant legislation

In this document the term council means West Suffolk Council, its scheme of delegation and decision-making framework as set out in the council's constitution.

Scope

- 1.1 This policy sets out the process for applying for a private hire or hackney carriage driver, operator, and vehicle licence; the requirements to hold a licence; the conditions to be adhered to, and the grounds for and process by which the council may take action against a licence.

- 1.2 Notwithstanding the existence of this policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.
- 1.3 Nothing in this policy will prevent an applicant or licence holder from requesting that the licensing authority considers the individual merits of their case and give reasonable consideration to departing from its policy. Such request may be made to, or before, the Licensing Sub-Committee or council officers as deemed appropriate in the circumstances of the case.
- 1.4 This policy will provide the licensing authority and council officers who are required to administer the licensing function with appropriate guidelines within which to act.
- 1.5 The policy shall be kept under review and revised as appropriate and, in any event, not less than five years from the date of its last adoption.
- 1.6 The policy does not override the legal requirements embodied in any legislation in force at the time of adoption or as may be enacted after the adoption of this policy. Any changes in licensing requirements will be followed by a review of the licences already issued.

Policy statement

- 1.7 The council recognises the important role that private hire and hackney carriage vehicles play in enabling people to travel around the districts and while doing so act as ambassadors for their council. In promoting these licensing aims and objectives the council will expect licence holders to continuously adhere to the high standards outlined within this policy. This will help to portray a positive image of both the council and the licensed trade.
- 1.8 The principal purpose of private hire and hackney carriage vehicle Licensing is to protect the public and promote public safety. West Suffolk Council will ensure that all individuals that determine whether a licence is issued will have undertaken sufficient training. West Suffolk Council will adopt and carry out the private hire and hackney carriage licensing functions with a view to promoting the following:
 - The protection of the public
 - Safeguarding children and the vulnerable
 - The prevention of crime and disorder
 - The safety and health of the public and drivers
 - Vehicle safety and suitability.

The protection of public, safeguarding children and the vulnerable, and the prevention of crime and disorder by:

- raising awareness amongst licensees of issues of safeguarding children and the vulnerable
- operating rules, conditions, and disciplinary processes
- vetting, training, and monitoring of licences
- commitment to work with the police, neighbouring authorities, and other relevant agencies

- an expectation that licensees will treat all customers, members of the public and authorised licensing officers with respect and courtesy at all times.

The safety and health of the public and licensees by:

- consideration of history of convictions, cautions, formal warnings, arrests, complaints, and information received from partner agencies and other local authorities
- knowledge of the relevant council topography
- health and fitness of licensees
- relevant safeguarding training
- a relevant professional driving qualification.

Vehicle safety and suitability by:

- standards of vehicles
- regular testing of vehicles including roadside checks
- location of ranks
- provision of wheelchair accessible vehicles.

Principles, process, delegation and decisions

- 1.9 The licensing authority aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders, including the provision of advice and guidance.
- 1.10 The council has delegated its Licensing function to the council's Licensing and Regulatory Committee and further delegated authority to the Licensing and Regulatory Sub-Committee and to authorised officers of the council who will determine applications and licensing decisions in accordance with this policy.
- 1.11 While officers and the relevant committees will, in the majority of cases, follow the policy, there may be specific circumstances that require a departure from the policy. In such circumstances, the reasons for departing from the Policy will be made clear.
- 1.12 The Licensing Sub-Committee is made up of a selection of members from the Licensing Committee. Three members will sit on hearings to deal with new applications, re-licence applications and reviews of licences that are referred directly by officers. members, when determining applications for a licence, or reviews of a licence, will have regard to hackney carriage and private hire legislation, this policy and any other relevant legislation, legal case law and other relevant council policies.
- 1.13 The licensing authority has the power to refuse to grant licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions.
- 1.14 Any decision to refuse to grant or suspend or revoke a licence or any decision relating to this policy will be determined by officers through the scheme of delegation. The applicant will have a right of appeal to the magistrates' court.
- 1.15 Following the determination of an application by the licensing authority, the applicant will receive a copy of the decision in writing. The written decision will

be issued as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

- 1.16 Parties aggrieved by a decision of the licensing authority have a right of appeal. This must be lodged with the relevant court in accordance with the relevant statutory provisions.

Fees

- 1.17 There is a statutory power for the licensing authority to charge fees associated with the hackney and private hire licensing regime. The fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the regulation of and enforcement work in relation to the hackney carriages and private hire trades.
- 1.18 The appropriate fee should accompany any application or renewal made.
- 1.19 Licences surrendered prior to their expiry, or licences that are suspended or revoked will not be entitled to a refund of any of the fee.

Background and definitions

- 1.20 The Local Government (Miscellaneous Provisions) Act 1976 as amended and the Town Police Clauses Act 1847 is the legislative framework for the hackney carriage and private hire licences.

This policy applies to hackney carriage and private hire drivers, hackney carriage vehicles, private hire vehicles and private hire operators.

Term	Definition
the council	West Suffolk Council
the district	The area of the council in which you are licensed
proprietor	The person or persons named on the licence as the proprietor of a hackney carriage or private hire vehicle. The person or persons have a commercial interest in the vehicle.
hackney carriage	A vehicle constructed or adapted to transport members of the public that has no more than eight seats for passengers, which is licensed to ply for hire. A hackney carriage may stand at designated taxi ranks and/or be hailed in the street by members of the public. A hackney carriage may also undertake pre booked journeys
the licensee	The individual(s) who is or are named on a licence granted by the council and who have undertaken certain tests and checks. Only a licensed driver can drive a licensed vehicle.
private hire vehicle	A vehicle licensed to carry no more than eight passengers and must be booked in advance through a licensed private hire operator. A private hire vehicle cannot ply for hire or use any designated taxi ranks.

Term	Definition
operator	These are required to take and record bookings for private hire vehicles. Bookings must be recorded and records be made available for inspection within the specified timescales.
driver's licence	If the term driver's licence is used, for the purposes of this handbook, it will generally mean a licence granted by the council for the driving of a council licensed vehicle (unless stated otherwise as a DVLA licence).
plate or internal plate	The licence plates issued by the council to identify a vehicle which has been licensed by it in accordance with the provisions of Section 48 of the act.
Licensing and Regulatory Sub-Committee	Members of the Licensing and Regulatory Committee conducting quasi-judicial hearings to determine applications or review of a licence.

2. Hackney carriage and private hire drivers

- 2.1 This licence allows a person to drive a licensed vehicle, whether it is a hackney carriage or a private hire vehicle. The council issues a joint hackney carriage and private hire driver (combined driver) licence. Licences shall be issued for a maximum period of three years but can be granted for a lesser period if deemed appropriate. The only exceptions to this are those applicants whose right to remain or work in the UK is less than the three-year period. In such cases the licence can only be issued for the same period as the leave to remain or right to work allows.
- 2.2 All applicants must satisfy the council that they are a fit and proper person to hold a driver's licence. Once the licence has been granted, they must remain a fit and proper person throughout the duration of the licence. The fitness and propriety of the licence holder will be monitored and assessed throughout the licence period. Where licence holders have broken any licence condition, or any complaints and/or criminal behaviour are brought to the attention of the council the licence holder may be subject to enforcement action. This may result in the revocation of a licence.
- 2.3 All applicants for a driver's licence must act with honesty and integrity and ensure all information that is provided is correct and up to date. Throughout the application process the applicant must provide and disclose all necessary information in a timely manner. This includes information relating to previous convictions, warnings, cautions, arrests, or any current or pending criminal investigations being undertaken, as well as any civil actions, injunctions or other factors which may bring into question the suitability of the applicant. Failure to do so will have a negative impact on the assessment of the application and may result in the licence being refused.
- 2.4 The process for applying for a driver's licence is provided in [Appendix B](#). It is essential that all applicants understand and are familiar with this process prior to application to ensure that information requested is provided within the specified timescales. Failure to do so may result in the application being refused.

The fit and proper person test

2.5 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that all applicants and licence holders are, and remain, fit and proper to hold a licence. There is no legal definition of what constitutes a fit and proper person for the purposes of private hire and hackney carriage vehicle licensing. However, the council must be satisfied, based on the information provided, that the applicant or licence holder is suitable to hold a licence and the public will be safe with the licence holder.

2.6 In determining whether a person is fit and proper to hold a licence, the council is effectively asking the following question for a driver:

'Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'

And for a proprietor:

'Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence'.

2.7 If the answer to the question is an unqualified 'yes', then the applicant or licence holder can be considered to be fit and proper. If there are any doubts in the minds of the council, then further consideration will be given as to whether the applicant or licence holder should hold a licence.

2.8 If there is any doubt as to the suitability of the applicant or licence holder the council will undertake any checks and apply any process necessary to ensure that licences are not issued or held by unsuitable persons. It is important to note that applications and any issues with current licence holders are dealt with on a case-by-case basis and as such it is not possible to detail an exhaustive list of all checks or requirements that may be asked of the applicant or licence holder in order to satisfy these criteria, but any decision will be transparent and relayed to the applicant or licence holder.

2.9 The council will consider a number of factors when determining if an individual is a fit and proper person:

- criminality
- driving history
- driving ability
- right to work
- medical history
- standard of verbal and written English
- any previous licensing history
- anything else that may bring into question the applicants' suitability to hold a licence.

A more detailed, but non-exhaustive list, is provided in [Appendix A](#).

- 2.10 In addition, the council will consider any further information provided by other agencies including the Police, neighbouring authorities, child and adult safeguarding boards and county councils that may have a bearing on the fit and proper standard of the individual.
- 2.11 The council may at any time throughout the duration of the licence access the DVLA records of the applicants to ensure their driving meets the requirements of this policy. DVLA checks will take place every 6 months or at any other time as necessary. You will be required to provide a check code upon request. Licence conditions in [Appendix B](#) require all licensed drivers to notify the licensing authority within 48 hours of any DVLA penalty points issued or any other driving offence. Failure to do so will result in the licensed driver receiving council penalty points, under the Penalty Point Scheme (see [Appendix E](#)).
- 2.12 In submitting an application to the council for a driver's licence, the applicant will be required to sign certain disclosures relating to the application form and their information. Details contained within the application may be shared with other agencies including but not limited to the Police, Immigration and HM Customs and Excise. In addition, declarations must be signed that allow for the applicants Driver and Vehicle Licensing Agency (DVLA) record to be reviewed throughout the duration of the licence, alongside their Disclosure and Barring Service (DBS) record through the online update service. The council retains and shares information in accordance with information sharing agreements and the Data Protection Act 2018.
- 2.13 An applicant will not be considered to be a fit and proper person to hold a licence if there is any evidence that the applicant has been dishonest in making the application or it can be evidenced that an applicant or an existing licence holder has misled, or attempted to mislead, the council (officers or elected members of the licensing committee) during any part of the application process or with the administration of the licence throughout its duration.
- 2.14 Any form of insulting, abusive or threatening behaviour towards any member of the council or contracted staff will be considered in the application process as to whether the applicant is a fit and proper person to hold a licence.

Disclosure and Barring Service (DBS)

- 2.15 A criminal record check for any potential or current driver is essential and is an important safety measure to protect public safety, by ensuring that an applicant is a fit and proper person. All applicants will be required to undergo an Enhanced Disclosure including checks of the children and adult barred lists through the Disclosure and Barring Service. This will list information on all live and spent convictions (subject to DBS filtering rules), police cautions and other relevant information. Details of the DBS application process can be found within [Appendix B](#) as part of the application process.
- 2.16 Private hire and hackney carriage drivers are included as 'exceptions' within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. All applicants (both new and re-licence) must declare on the application form all convictions, cautions, informal warnings, fixed penalty notices, driving offences, civil actions, county court judgements, arrests and any on-going criminal, civil or traffic related investigation. It is essential that **all** information is declared regardless of the date of convictions, cautions and so on. If applicants are unsure about what the above means, please contact the council. Failure to

disclose this information on the application form will bring into question the integrity and honesty of the applicant. All existing licence holders must notify the council of any convictions or cautions received during their licence period as stated in the licence conditions. Failure to do so may result in suspension or revocation of the licence.

- 2.17 Applicants are responsible for the costs of obtaining a DBS certificate. It is a licence condition that applicants sign up to the DBS online update service and on the grant of a licence, the licence holder must maintain the subscription. The subscription costs are the responsibility of the applicant or licence holder and permission must be given to the council to undertake checks of the DBS status. The update service will be used to monitor the criminal record of the licence holder. Checks will take place every 6 months or at any other time as necessary and can also be used at the time of re-licence. If no changes have been recorded on the DBS certificate a full DBS check will not be required.
- 2.18 In order to sign up to the online service the applicant must register for the service within the specified time period, as dictated by the DBS service. Upon re-licence the applicant will need to provide the council with their original certificate in order for the update service to be checked.
- 2.19 DBS certificates can be obtained through West Suffolk Council's provider. You may obtain a DBS through another provider if you wish to do so, however the correct DBS must be obtained and the applicant must sign up to the Update Service.
- 2.20 A licence will not be issued without the appropriate enhanced DBS certificate.

Applicants with residency periods outside of the UK

- 2.21 Where an applicant has spent three months or more continuously outside the United Kingdom since the age of 18, evidence of a criminal record check from the country or countries visited covering the duration overseas will be required. For stays longer than three months outside of the UK, a certificate of good conduct is required to be authenticated by the relevant embassy.

Right to work in the UK

- 2.22 All applicants must provide evidence of their right to work in the UK. This is required for the first application and all re-licence applications.
- 2.23 Driver licences must not be issued to people who are illegally present in the UK, who are not permitted to work in the UK, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.
- 2.24 Licensing authorities must discharge this duty by either carrying out a manual document-based check or a check using the Home Office online checking service. The check must be performed when the applicant applies for a licence. As part of your application, you will be required to provide documentation that evidences your right to work in the UK.
- 2.25 There are two ways to provide your right to work in the UK:

Option one: Provide within your application one of the original documents or combination of documents as set out in [An employer's guide to right to work checks: 6 April 2022 \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

Option two: Provide within your application a share code allowing the authority to carry out an online check using the Home Office online checking service available on [GOV.UK – Prove your right to work to an employer](#)

Convictions, cautions and driving offences

2.26 Where convictions, cautions and driving offences have been declared by the applicant or disclosed on the DBS Certificate or DVLA records, the council must ensure that it is satisfied that the applicant is a fit and proper person to hold a licence. The council will refer to the Hackney Carriage and Private Hire Vehicle Licensing Criminal Convictions Policy for guidance which can be found in [Appendix A](#) and have regard to the DfT Best Practice Guidance and other statutory guidance.

West Suffolk tests

2.27 There are a number of requirements which must be satisfied before a new driver application can be considered. All tests must be completed at the applicant's own cost.

2.28 All new applicants are required to pass the councils theory assessment test and document check. The applicants driving licence and right to work in the UK will be checked at this time. The purpose of the test is to ensure that the applicant has sufficient knowledge in:

- the Highway Code
- taxi legislation
- maths
- local geography and routes

2.29 All new drivers are also expected to take and pass a practical driving assessment provided by a council approved provider equivalent to a Driving Standard Agency test for taxi and private hire drivers.

2.30 All new drivers are also required to attend and successfully complete a Level 2 Certificate in the Introduction to the Role of Professional Taxi and Private Hire Driver provided by West Suffolk College prior to submitting their applications. The course content includes the following:

- Health and safety in the taxi and private hire work environment
- Road safety when driving passengers in a taxi or private hire vehicle
- Professional customer service in the taxi and private hire industry
- Taxi and private hire vehicle maintenance and safety inspections
- The regulatory framework of the taxi and private hire industry
- Taxi and private hire services for passengers who require assistance
- Routes and fares in the taxi and private hire vehicle industries
- Transporting of parcels, luggage and other items in the taxi and private hire industries
- Transporting of children and young persons by taxi or private hire vehicles (safeguarding).

- 2.31 Drivers applying to re-licence must undertake a refresher course prior to the grant of their new licence. This is to ensure that applicants and licensed drivers are receiving the most up to date information at the time of the application.

The refresher training will need to be completed every three years prior to re-licence and the course can be completed up to three months prior to the licence. [West Suffolk College – Find your perfect course](#)

- 2.32 Drivers of wheelchair accessible vehicles must also hold a Driver and Vehicle Standards Agency (DVSA) approved practical disability awareness course.
- 2.33 A certain level of oral and written English language proficiency is necessary in order to successfully complete these tests. If a driver fails on the basis of language deficiency, an additional language course is available.

fitness assessments

- 2.34 It is essential the licensed drivers are in good health and meet the requirements of Group 2 Standards of Medical Fitness as stated by the DVLA ([GOV.UK - General information: assessing fitness to drive](#)). Licensed drivers are expected to carry passengers' luggage and shopping, will drive on the road for longer periods than most car drivers and may have to assist disabled passengers. The council must therefore be satisfied that the applicant or licensed driver is fit enough to undertake these tasks. Any pre-existing medical condition must be disclosed and be under control to the satisfaction of a General Practitioner (GP) and the council.
- 2.35 Applicants must submit to the council the supplied medical form (available on the website <https://www.westsuffolk.gov.uk/Business/Licensing-and-regulation/Licensing/taxi-licensing/index.cfm>) completed by a GP who has access to the applicant's full medical records electronically or on paper at the time of their examination. Where certain conditions are noted by the GP, additional medicals or an alternative frequency may be required. The medical is valid for four months from the date of the assessment.
- 2.36 A Group 2 medical will be required for all new applicants. A Group 2 medical will be valid up to the applicant's 45th birthday. Thereafter, a further Group 2 medical will be required every five years at each of the following birthdays: 45, 50, 55, 60, 65. The medical will then be required every year thereafter. On occasions, this may result in medicals being required more frequently than every 5 years. For example – If first application is made at the age of 47, the next medical will be due at age 50. The council will not accept Medics on Wheels Group 2 Medicals at any time.
- 2.37 Licensed drivers must notify this licensing authority and their medical practitioner of any deterioration in their health which may affect their ability to drive or complete their tasks as a licensed driver. The local authority must be notified within 48 hours. This licensing authority expects licensed drivers to be responsible and not continue driving following any deterioration in their health, or any health problems which could endanger the lives of the general public. Where the licensing authority is in any doubt as to the medical fitness of the applicant, further medical examinations may be required to be undertaken. Any costs relating to these additional assessments shall be paid for by the applicant.

- 2.38 No medical fitness assessment form will be accepted where the person completing the form does not have access to the applicant's full medical records.

Medical exemptions

Assistance dogs

- 2.39 All licensed drivers are under a legal duty to carry guide, hearing and any other assistance dogs in their vehicles without any additional charge to the passenger. A licensed driver may only refuse to do so where he or she has a medical exemption. A medical exemption may be granted by the licensing authority where the licensed driver has provided detailed medical evidence that shows a medical condition will be aggravated by exposure to dogs. If the medical exemption is granted, then the licensed driver will be issued with an exemption certificate and a notice of exemption. The notice must be displayed in the vehicle by fixing it in a prominent position facing outwards on the dashboard.
- 2.40 When hired to carry a guide dog, the owner should be asked where they would prefer their dog to be.
- 2.41 Most dogs are trained to lie in the front passenger foot well between the feet of their owner. If the vehicle is fitted with front and side air bags, it is essential that the dog is lying down at all times. Licensed drivers must inform the owner accordingly. Assistance dogs are trained not to move and will not harm a licensed driver in any way.
- 2.42 If the front foot well is not large enough to accommodate the dog, the owner should be advised to travel in the rear of the vehicle with the dog in the foot well behind the front passenger seat. The seat should be pushed forward to make room for the dog.

Disabled passengers

- 2.43 All licensed drivers are under a legal duty to provide mobility assistance to disabled passengers. A licensed driver may only refuse to do so where he or she has a medical exemption. A medical exemption may be granted by the licensing authority where the licensed driver has provided detailed evidence that assistance cannot be provided on medical grounds, or the persons physical condition makes it impossible or unreasonably difficult for the person to comply with those duties. If the medical exemption is granted, then the licensed driver will be issued with an exemption certificate and a notice of exemption. The notice must be displayed in the vehicle by fixing it in a prominent position facing outwards on the dashboard.

3. Private hire and hackney carriage vehicle licences

- 3.1. The procedure for applying for a private hire vehicle or hackney carriage vehicle licence is detailed in [Appendix C](#). New vehicle licence applications can only be submitted for vehicles no more than five years old.

- 3.2. In order for an application to be considered the applicant must submit the appropriate application form and listed documentation: [West Suffolk Council – Taxi licences](#)
- 3.3. Incomplete application forms, incorrect fees or supporting documentation that does not conform will result in the application being rejected. Only when a complete application has been provided will the assessment process begin.

DBS checks for vehicle proprietors

- 3.4. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure the vehicle is maintained in accordance with the conditions of the vehicle licence.
- 3.5. A basic DBS check is required annually for all vehicle proprietors. If the proprietor holds a current driver licence with the authority, a basic DBS check will not be required. Should the individual cease to hold a driver licence with the authority, a basic DBS certificate would be required immediately.

Insurance

- 3.6. All insurance documents for the vehicle to be licensed must be provided with all the other relevant information at the time of application. In order to satisfy the council that appropriate insurance is in place for the vehicle, the following is required:
 - A valid certificate of insurance or cover note. This must confirm that insurance is in place for each driver of the vehicle and specify that it is covered for its use as a hackney carriage or private hire vehicle
 - A hackney carriage vehicle requires insurance to cover public hire
 - A private hire vehicle requires insurance to cover private hire and hire and reward
 - A cover note will be accepted and the licence issued on the understanding that a certificate of insurance will be presented as soon as possible.
- 3.7. All insurance dates are noted on the council system at the time of application and follow ups will be undertaken to ensure the vehicle is appropriately insured. Where a new insurance certificate has not been submitted to the council for that vehicle it will be deemed to have no insurance and the licence suspended until such time as an appropriate insurance document is provided and penalty points will be issued to the licence holder.

Vehicle specifications

- 3.8. The council has set down a number of specifications that a vehicle to be licensed as a private hire or hackney carriage vehicle must comply with.

The specifications for private hire and hackney carriage vehicles are detailed in [Appendix C](#).

Licensed vehicle conditions

- 3.9. Conditions are imposed on all operator, driver and vehicle licences and the council is empowered to impose any conditions that are considered reasonably

necessary in the granting of a licence. The conditions will be attached to the licence upon issue and are detailed in [Appendix C](#). All applicants will be expected to have read and understood these conditions, any breach of the conditions will result in penalty points being issued or the licence suspended or revoked.

Identification of vehicles as a private hire vehicle or hackney carriage

3.10. All vehicles must clearly indicate to the public that the vehicle is licensed. The public must be able to clearly distinguish the difference between a private hire and hackney carriage vehicle. No signs, stickers or insignia shall be added or attached to the vehicle unless in compliance with council requirements. The vehicle licence conditions in [Appendix C](#) provide detail on the following:

- The position or location of the licence plates
- The position of permanent door signs
- Required wording for the door signs and roof lights
- Requirements to display certain notices in the vehicles

Tyres

3.11. It is essential that the tyres on all licensed vehicles are in good condition. All tyres must conform to the following requirements:

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre. (Please be aware that this is a more stringent standard than the MOT test)
- Tyre fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
 - be compatible with the types of tyres fitted to the other wheels
 - not have any lump, bulge or tear caused by separation or partial failure of the structure
 - not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord
 - not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle or tyre manufacturer's recommended pressure.
- All replacement tyres fitted to licensed vehicles must be new (that is not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company or contractor. Vehicle proprietors are required to retain invoices or receipts to show that any tyre that is purchased meets this requirement.
- The fitting of part worn tyres to licensed vehicles is not permitted.
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

Accidents or incidents

- 3.12. If at any time, a licensed vehicle is involved in any kind of accident or incident, involving damage to their vehicle, other vehicle(s) or any property and injury* to any person or animal regardless of how minor or who was at fault, the driver must inform the council of the accident or incident within 72 hours; this must be done in writing. An incident report form is available on our website ([West Suffolk Council – Taxi licences](#)) and must be completed and submitted to the council by email along with photographs of the damage within 24 hours of reporting the accident or incident. Except in exceptional circumstances when the report must be made as soon as possible after the accident or incident. An example of an exceptional circumstance would be that the driver is incapacitated due to the accident or incident and physically unable to make the notification. (Please note whiplash will be regarded as an injury.)
- 3.13. Following an accident or incident to a licensed vehicle an authorised officer of the council shall review the extent of the damage to determine whether the vehicle is fit for continued use or requires suspension. If the vehicle is fit for continued use but requires repair the timescale for this repair must be agreed with an authorised officer of the council. If the vehicle is not deemed fit for continued use, the vehicle will be suspended until such time as a full compliance test is passed by one of the council's approved garages and documentation submitted to the council.
- 3.14. A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided:
1. the damage to, or defect in, the vehicle has been reported
 2. an application is made in the prescribed manner
 3. the replacement vehicle meets the requirements of the council's policy

Meters

- 3.15. All hackney carriages must be fitted with an approved meter. This forms part of the vehicle test. Meters must be calibrated to the tariff set by the council. Full requirements are included in [Appendix C](#).

Taxi ranks

- 3.16. Excessive idling of engines is not permitted on taxi ranks.

Environmental considerations

- 3.17. The council fully supports the use of vehicles that use cleaner environmentally friendly fuels, such as hybrid or electric vehicles.
- 3.18. Emissions from taxis and private hire vehicles could be reduced by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks. This is something which is highlighted in the conditions. Drivers are reminded that it is an offence to leave the engine running on any motor vehicle that is stationary on a road, other than if it is due to an enforced stoppage of traffic.

4. Additional provisions for private hire vehicles only

Advertisements

- 4.1 Private hire vehicles are not permitted to park on taxi ranks. Private hire vehicles are not permitted to pick up or set down passengers on a taxi rank. Where private hire drivers are found to be using a taxi rank, penalty points may be issued.

Executive hire (vehicle licence plate exemption)

Section 75(3) Local Government (Miscellaneous Provisions) Act 1976

- 4.2 The Local Government (Miscellaneous Provisions) Act 1976 requires that a council must issue a private hire vehicle plate with an identity plate or disc and the proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the council. The act also gives a district council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle. Each application for a dispensation will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licensed vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centres of large towns.
- 4.3 Exemptions will not be granted as a matter of course. A clear case for the exemption will have to be made by the proprietor in writing. Each application for exempt status will be considered on its own merits and there is no right of appeal against a decision by the Local Authority to refuse to grant under s75(3) Local Government (Miscellaneous provisions Act) and the only direct means of challenge would be judicial review.
- 4.4 In determining an application, it will normally be the status of the passenger and the executive of the work that will indicate whether or not the dispensation should be granted. The vehicle must be of a high standard. Application forms are available from the council.
- 4.5 Any vehicle proposed to be used for executive hire must be licensed as a private hire vehicle. Vehicles used for this purpose must meet all the requirements for private hire vehicles. An application for a discreet plate must be made and approved by the council. A discreet plate means that the vehicle does not need to display the same number of signs that a standard vehicle is required to do. However, the private hire windscreen identification plate issued by the council must be displayed within the front nearside of the windscreen at all times and legible from outside the vehicle. The driver must have in the vehicle a copy of a letter from the council confirming that the vehicle does not have to display a standard plate. This must be produced on request to an authorised officer or police officer. Licences will be conditioned to reflect any restrictions that the council feels necessary.
- 4.6 Drivers of executive vehicles must complete the licensing application process in the same way as any other licensed driver.

- 4.7 Applicants wishing to apply for a discreet plate must satisfy the following council requirement:
- a. The type of work undertaken is 'executive' in nature. This would mean that the vehicle is used specifically for clients that for security reasons would not want the vehicle to be identifiable. Documentary evidence of contracts will be required.
- 4.8 Applications for exemption will be made to the licensing authority in writing by a person holding a private hire operator's licence issued by the council. The application must be accompanied by documentation to evidence compliance with point above.
- 4.9 Vehicles with discreet plates must never be used for day-to-day private hire work.
- 4.10 The types of work that will not be considered for the grant of an exemption include but is not limited to:
- council 'school contract' work
 - journeys to airports, seaports or railway stations, unless part of a journey covered by an exemption
 - theatre journeys or sporting events unless stipulated on the exemption
 - 'hen' and 'stag' nights.

5. Private hire vehicle operators

- 5.1. The private hire vehicle operator is responsible for all persons employed, sub-contracted or used in the course of the private hire vehicle business. The operator must undertake sufficient checks to be satisfied that only suitable drivers are used (and continue to be used) in the course of the business.
- 5.2. The private hire vehicle operator licence is not transferable and the person to whom it is issued must display it in a prominent position at each business premises recorded on the licence. The licence must be displayed at all times during the duration of the licence, so as to be on view to members of the public, except on such occasions as the licence is presented to the council for amendment or if it is required to be produced for inspection by an authorised licensing officer of the council or a Police officer.

Requirement for a private hire vehicle operator licence

- 5.3. A licensed private hire vehicle can only be despatched to a customer by a licensed private hire vehicle operator. The operator licence requires the operator to ensure all its private hire vehicle drivers are licensed by the same council along with their vehicles.
- 5.4. A private hire vehicle operator may sub-contract work to operators licensed in other districts if unable to fulfil a booking with its own licensed drivers. Accurate records of any sub-contracting must be kept by the operator and be available for inspection on request. A private hire vehicle operator can also despatch work to any hackney carriage licensed by the same council.

- 5.5. Applications for a private hire vehicle operator licence must be made on the council application form, with the appropriate fee and the applicant must undergo a Basic Disclosure Barring Service (DBS) check. If the applicant is a limited company, a DBS will be required for all directors and secretaries. A basic DBS will need to be undertaken annually and the operator's licence will be suspended if this not done. If the operator is a driver, they will be checked six-monthly as part of their drivers licence and annually thereafter for the duration of the operator's licence should they cease to be a driver.
- 5.6. Applications will only be granted where the council is satisfied that the applicant is a fit and proper person to hold a private hire vehicle operator licence. In determining whether a person is fit and proper to hold a licence, the council is effectively asking the following question:
- “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”**
- 5.7. In order to determine the applicant's fitness, the following will be considered:
- criminal record (including convictions, cautions, warnings and reprimands)
 - factors such as demeanour, general character, non-criminal behaviour, honesty and integrity
 - previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by either council)
 - business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices and so on).
- 5.8. In addition, the council will also consider further information sources such as the Police (including abduction notices), children and adult safeguarding boards, other licensing authorities and statutory agencies.
- 5.9. If an application is received from a person that is not a driver licensed by the council, the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service. Enhanced DBS certificates will not be accepted.
- 5.10. The council will grant operator licences for a period of five years. A licence will only be granted for less than 5 years in exceptional circumstances.
- 5.11. The council will not grant a licence to an operator whose premises are located outside of West Suffolk. 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.

Insurance

- 5.12. Every operator shall put in place public liability insurance for the premises that are to be licensed (for premises that are open to the public). Where the operators directly employ the licensed taxi drivers employer's liability insurance must also be in place. Evidence of these insurances must be provided as part of the application.

Conditions

- 5.13. The council has the power to impose conditions on an operator licence and will do so upon issue. A copy of the operator conditions is provided in [Appendix D](#).
- 5.14. Additional conditions may be added to a licence when it is deemed necessary by the council. Failure of the operator to adhere to the conditions of the licence will lead to enforcement action which may include the issuing of penalty points, suspension or revocation of the licence or prosecution.

Operator responsibility

- 5.15. The council expects licensed operators to work with the council and to support the aim of improving safety and safeguarding. Operators must alert the council to any concerns as to public safety or safeguarding and failure to do so will call into question the fitness and propriety of the operator to hold a licence.

6. Driver, vehicle and operator licence conditions and application process

- 6.1. Conditions are attached at the time of the issuing of the relevant licence. These conditions are available to view in Appendices B, C and D and are available on our website. Applicants and licence holders must be aware of these conditions and adhere to them at all times throughout the duration of the licence. Failure to do so may result in penalty points being issued which could result in the suspension or revocation of the licence.
- 6.2. The application process for driver, vehicle and operator licences can be found in Appendices B, C and D respectively.

7. Enforcement, compliance and complaints

- 7.1 The purpose of licensing the taxi trade is to protect the public and promote public safety. The council will utilise all legislative powers available to ensure the public are protected.
- 7.2 Legislation relating to a licensing regime and the conditions of licence designed to protect public safety are of no value unless they are correctly enforced by the licensing authority. In pursuance of the objective to encourage responsible hackney carriage and private hire businesses, the authority shall operate a firm but fair disciplinary and enforcement regime.
- 7.3 Complaints from the public and or any routine enforcement that identify significant breaches of conduct will be subject to investigation by officers.
- 7.4 The council has adopted an overarching enforcement policy to ensure that enforcement is efficient, targeted, proportionate and transparent. The enforcement policy is available on the council's website. Any enforcement action taken will be in accordance with the council's enforcement policy. [West Suffolk Council - More policies, strategies and plans](#)

- 7.5 The licensing authority will share information with other agencies in respect of potential illegal activities and other agencies and authorities may perform checks or take enforcement action within West Suffolk area.

Enforcement penalty points

- 7.6 The council operates an internal penalty points scheme.
- 7.7 Where breaches of the conditions of any licence (drivers, vehicle or operator) are determined by the council, penalty points may be issued. Details of the penalty point's scheme can be found in [Appendix E](#).
- 7.8 The scheme is a way of formalising warnings being issued to licence holders. Every licence holder will know what penalty points are attributed to the different types of breaches. Greater penalty points are issued for the condition breaches that are the most serious.
- 7.9 The penalty points are issued per incident and are cumulative. If one incident has resulted in several breaches of the licence conditions the points issued may reach a trigger level that would require further action against the licence. This could result in suspension, the length of suspension being a minimum of one day for each infringement incurred.
- 7.10 All authorised licensing officers are authorised to operate the scheme and issue points accordingly.

Suspension or revocation of a licence

- 7.11 Where a driver, vehicle or operator fails to meet the conditions of their licence, action may be taken by an authorised licensing officer or the police to suspend the licence until they meet the required standard.
- 7.12 A driver's licence may be suspended or revoked with immediate effect, delegated to the appropriate nominated officer for a driver where it is in the interests of the public safety to do so as pursuant to Section 52 of the Road Safety Act 2006. The driver may appeal this decision to the magistrates' court, but this will not affect the suspension starting with immediate effect.
- 7.13 Where a vehicle is found to be suffering defects (whether mechanical or cosmetic) and is no longer fit to be licensed, an authorised officer of the council or police may serve a Section 68 Notice under the Local Government Miscellaneous Provisions Act 1976. The notice will require the proprietor of the vehicle to make it available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or Police officer is so satisfied. Provided that, if the authorised officer or constable is not so satisfied before the expiration of a period of two months, the said licence shall, by virtue of this section, be deemed to have been revoked and subsections (2) and (3) of section 60 of this act shall apply with any necessary modifications. A Section 68 Notice may also result in penalty points being issued.

Refusal to issue a licence

- 7.14 Where an applicant has failed to provide all relevant information or documentation or has failed to comply with any of the requirements needed to grant a licence, the application is incomplete and will be rejected until such time the information is provided.

Prosecution of licence holders

- 7.15 The licensing authority will have regard to the Regulators Compliance Code, Code for Prosecutors, DfT Best Practice Guidance and its own enforcement policy when considering whether or not to prosecute a licence holder for a relevant offence.

Appeals

- 7.16 Information on any right of appeal will be issued when a decision is made on any enforcement action, where that right of appeal exists.

Service requests and complaints

- 7.17 The council has a duty to investigate complaints made by members of the public or partner agencies and any such complaint will be logged as a service request and investigated.
- 7.18 In determining the most appropriate course of action the council will have regard to the evidence collated, the credibility of both the licence holder and the complainant.
- 7.19 The council operates a complaints process should any person be unhappy with the service received from the council. Details can be found on the council website: [West Suffolk Council – Comments, compliments and complaints](#)

8. Information and data sharing

- 8.1 In the interests of protecting public funds, the council reserve the right to use any information or data submitted as part of an application, administration or compliance and enforcement process for the prevention and detection of fraud and crime.
- 8.2 The council may share your information internally and we reserve the right to check the information you have provided for accuracy and to detect crime. We may share your information with other statutory and regulated authorities or if it is required by law. Other parties may include the Department for Work and Pensions, The Home Office, The Police, the DVLA, HM Revenues and Customs, Immigration and Border Agency, and other local authorities.
- 8.3 The council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3) on all driver refusals and revocations. The database provides a mechanism for licensing authorities to share details of such individuals and data is retained on NR3 for 25 years. The information provided is limited to name, date of birth, address and contact details, national insurance number, driving licence number, decision taken, date of decision and date decision effective.

- 8.4 All applications for a new licence or re-licence will automatically be checked on the NR3 database. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it.
- 8.5 Any requests from other authorities for data provided to the NR3 database will only be provided in accordance with this policy and our data protection policies. Further details can be found on our privacy notice website page.
- 8.6 Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger where there is indication that there is a public protection risk.
- 8.7 Information is passed on at charge, or exceptionally arrest, rather than on conviction, which may be some time after, allowing appropriate measures to be put in place.
- 8.8 A decision to refuse or revoke a licence, if the individual is thought to present a risk of harm to a child or vulnerable adult, will be referred to the Disclosure and Barring Service. The council maintains arrangements with the Police whereby said referral is made by the Police on the council's behalf.

9. Appendices

Appendix A – Hackney Carriage and Private Hire Licensing Criminal Convictions Policy

1. Introduction

- 1.1 This document provides existing and prospective licensed drivers, vehicle proprietors and operators with clarity as to West Suffolk Council's requirements as the licensing authority, with respect to convictions and their effect on whether or not licence(s) will be granted and or retained.
- 1.2 As the basis of this convictions policy, this licensing authority adopts the proposals of the Institute of Licensing which, in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG), and the National Association of Licensing and Enforcement Officers (NALEO), in April 2018 published 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades': These proposals were reiterated by HM Government's Department for Transport in the annex 'Assessment of Previous Convictions' to its 'Statutory Taxi and Private Hire Vehicle Standards' published in July 2020, where they are stated as the minimum standards that should be applied by licensing authorities. Any future amendments or updates from the Institute of Licensing or HM Government in these respects will be afforded similar credence, and similarly are adopted by this licensing authority.
- 1.3 Drivers and operators cannot be granted a licence unless the licensing authority is satisfied that they are a "fit and proper person" to hold that licence.
- 1.4 As there are no statutory criteria for vehicle licences, licensing authorities have absolute discretion over whether or not to grant hackney carriage or private Hire vehicle licences.
- 1.5 "Fit and proper" means that the individual, or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership, is "safe and suitable" to hold the licence.
- 1.6 In determining safety and suitability, the licensing authority is entitled to take into account all matters concerning that applicant or existing licence holder. This is not simply concerning a person's behaviour whilst working in the hackney carriage or private hire trade and is far wider than simply criminal convictions or other evidence of unacceptable behaviour, with the entire character of the individual being considered. This can include, but is not limited to, the individual's attitude and temperament.
- 1.7 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A Caution is regarded in exactly the same way as a

conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

1.8 The overriding aim of the licensing authority is to protect the safety of the public.

1.9 The licensing authority is concerned to ensure:

- that a person is a fit and proper person
- that the person does not pose a threat to the public
- that the public are safeguarded from dishonest person
- the safeguarding of children and young persons and vulnerable adults.

1.10 The West Suffolk Council Constitution and Licensing and Regulatory Committee will delegate powers to officers. Where officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee. In such cases, the Director of HR, Governance and Regulatory Services, who can delegate this to the Service Manager, or Food Safety and Licensing Manager, shall consult with the Chair or Vice-Chair and one other member of the committee on whether they consider it appropriate to refer the matter to the sub-committee, or whether the matter should be delegated for officers to determine. While officers and the committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the committee or officer may depart from the guidelines.

1.11 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

2. General policy

2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where there are many or continuous offences which may show a pattern of offending and unfitness.

2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but will be expected to:

- a. Remain free of conviction for an appropriate period, and
- b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.3 **Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction** [Nottingham City Council v. Mohammed Farooq (1998)].

3. Appeals

3.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he or she is a fit and proper person to hold such a licence has a right to appeal to the magistrates' court within 21 days of the

notice of refusal (Local Government Miscellaneous Provisions Act 1976, s 77 (1)).

4. Powers

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application or licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 4.3 In this policy the term 'disqualification' refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

5. Consideration of disclosed criminal history

- 5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant of a hackney carriage and private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:
- how relevant the offence(s) are to the licence being applied for
 - how serious the offence(s) were
 - when the offence(s) were committed
 - the date of conviction
 - sentence imposed by the court
 - whether they form part of a pattern of offending
 - any other factors that might be relevant.
- 5.2 Existing holders of drivers' licences are required to notify the licensing authority in writing within forty-eight hours of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Licensing Department.
- 5.4 Applicants applying for the grant of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

- 5.5 More information about the DBS can be found on their website at: [GOV.UK – Disclosure and Barring Service](https://www.gov.uk/government/organisations/disclosure-and-barring-service)
- 5.6 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.
- 5.7 Checks will be made of the children and adult barred lists in addition to an enhanced DBS check. In the interest of public safety, a licence will not be issued to any individual who appears on either barred list.
- 5.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 5.9 Each application will be considered on its own merits, and applicants and licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it will be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

6. Crimes resulting in death

- 6.1 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.

7. Exploitation

- 7.1 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 abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

8. Offences involving violence against the person

- 8.1 Where an applicant has a conviction for an offence of violence against the person, 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.

9. Possession of a weapon

- 9.1 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.

10. Sex and indecency offences

- 10.1 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, 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.

11. Dishonesty

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

12. Drugs

- 12.1 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.
- 12.2 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 five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

13. Discrimination

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

14. Motoring convictions

- 14.1 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
- 14.2 Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

15. Drink driving or driving under the influence of drugs

15.1 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 seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

16. Using a hand-held device whilst driving

16.1 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 five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

17. Other motoring offences

11.1 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.

18. Outstanding charges or summonses

18.1 If the individual is the subject of an outstanding charge or summons their application may be put on hold until proceedings are concluded or the licence may be refused. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be made at committee.

18.2 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. (Road Safety Act 2006, s 52, 2A and 2B)

19. Non-conviction information

19.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include serious violent offences and serious sex offences.

19.2 In assessing the action to take, the safety of the travelling public must be the paramount concern.

20. Cautions

11.1 A Caution is regarded in exactly the same way as a conviction.

21. Insurance offences

21.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he or she has been free of conviction for three years; however strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted.

21.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire driver's licence. An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for three years.

22. Overseas residents

22.1 Where an applicant has spent three months or more continuously outside the United Kingdom since the age of 18, evidence of a criminal record check from the country or countries visited covering the duration overseas will be required. For stays longer than three months outside of the UK, a certificate of good conduct is required to be authenticated by the relevant embassy.

23. Licences issued by other licensing authorities

23.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

Appendix B - Licensed driver application process

It is the council's responsibility to license all drivers, vehicles and operators to ensure the public receive a safe and reliable service.

1. New drivers

1.1 There are a number of requirements which must be satisfied before an application can be considered:

- You must have held a full UK drivers' licence for a minimum of 12 months which shows your current address.
- You must be able to demonstrate that you have the right to live and work in the United Kingdom.
- You must satisfy us that you are a 'fit and proper person' to hold a driver's licence. This is a wide-ranging requirement covering previous convictions, cautions, motoring offences, health and any other such matters as the council considers appropriate. If you have any concerns regarding convictions, please contact our Licensing Department.

2. Stage One – Driver theory assessment

2.1 The first step in obtaining a driver's licence is to pass a theory assessment. You must bring with you your driving licence. The assessment is booked through West Suffolk college.

- The assessment consists of a written test. The questions will cover subjects such as the Highway Code, taxi legislation, maths, local geography, and routes.
- Your driving licence will be checked.

Upon passing the test, you will be issued with a pass certificate which must be produced when you make your full application (please see check list on the application form).

To book your place for stage one, please book your place via the website [West Suffolk college - Find-a-course](#) or contact 01284 716246. You can also book your driver assessment and complete them both at the same time.

3. Stage Two - Practical driver assessment

3.1 All new drivers must pass a practical driving assessment equivalent to a Driving Standard Agency test for taxi and private hire drivers. West Suffolk College are offering the test and you can book a place by visiting [West Suffolk College – Taxi driving practical assessment](#). It can be completed at the time of your theory test.

3.2 Other providers are available and acceptable, but the test must have been taken within 12 months of the completion of all stages of the application process.

- [Priority Driver Training – Taxi Driver assessments](#)
- [ROSPA - Training](#)
- Institute of advanced motorists [IAM RoadSmart](#)

- [Total Driving – Taxi and PHV Driver training and assessment](#)

3.3 Drivers of Wheelchair accessible vehicles **must also** have a DVSA approved practical disability awareness course (DSA previously). The certificate of attendance must be presented to the council on application of their licence. To book your course contact [DMP Training – Book a course](#) or phone 01359 408090.

4. Stage Three – completing your Level 2 Certificate

Level 2 Certificate - Introduction to the Role of the Professional Taxi and Private Hire Driver

- 4.1. All new drivers are required to pass this qualification before they apply for a three-year licence.
- 4.2. This course is available at West Suffolk College and will be delivered over two full days by the College. You will need to pass the assessment before the certificate is awarded.

Follow this link for information on the course content and how to book: [West Suffolk College - Find a course](#) and search for 'driver'

Course content

- 4.3. Course content may be subject to change depending on legislation or other factors but currently includes the following units:
- Health and safety in the taxi and private hire work environment
 - Road safety when driving passengers in a taxi or private hire vehicle
 - Professional customer service in the taxi and private hire industry
 - Taxi and private hire vehicle maintenance and safety inspections
 - The regulatory framework of the taxi and private hire industry
 - Taxi and private hire services for passengers who require assistance
 - Routes and fares in the taxi and private hire vehicle industries
 - Transporting of parcels, luggage and other items in the taxi and private hire industries
 - Transporting of children and young persons by taxi or private hire vehicles (safeguarding).

5. Stage 4 - Completing your application form

5.1. Before we will consider your application, you must submit to the council electronically the appropriate application form and listed supporting documentation: [West Suffolk Council - Driver's licence application \(hackney carriage and private hire\)](#). Incomplete applications will not be accepted.

Issue of licence

5.2. Once your application has been processed, you will be contacted with an appointment where you will be required to bring original documentation for verification by an authorised officer. Photocopies etc are not acceptable. Where applicable the applicant must provide, at their own expense, a written English

translation of relevant documents or certificates, together with documentary proof that the translation is correct.

6. Right to a licence or right to work checks for drivers

[GOV.UK – Guidance for licensing authorities to prevent illegal working in the taxi and private hire sector in the UK](#)

Driver licences must not be issued to people who are illegally present in the UK, who are not permitted to work in the UK, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.

Licensing authorities must discharge this duty by either carrying out a manual document-based check or a check using the Home Office online checking service. The check must be performed when the applicant applies for a licence. As part of your application, you will be required to provide documentation that evidences your right to work in the UK.

There are two ways to provide your right to work in the UK:

- Option one: Provide within your application one of the original documents or combination of documents as set out in Annex A of the Employer's Guide. [GOV.UK - An employer's guide to right to work checks: 6 April 2022 \(accessible version\)](#)
- Option two: Provide within your application a share code allowing the authority to carry out an online check using the Home Office online checking service available on [GOV.UK – Prove your right to work to an employer](#)

7. DVLA Validation Check Code – 'View Driving Licence Code'

7.1. This allows the council to check your driving licence status, issue number and validity dates, vehicle codes and disqualifications or penalties.

7.2. Driver consent is captured through a unique 'check code' generated by the driver using DVLA View Driving Licence Service: [GOV.UK – View or share your driving licence information](#). The code generated must be valid for at least 14 days on the date you apply for your licence. The code must be submitted with your application form.

7.3. Please submit the code or the results sheet with your application, as this will speed up the process. Please write the code clearly making sure upper- and lower-case letters are clear and easy to distinguish.

7.4. DVLA checks will take place every 6 months or at any other time as necessary. You will be required to provide a check code via email upon request.

8. Medical examinations

8.1. A Group 2 medical will be required for all new applications. The council follows the DVLA Group 2 medical guidelines for the purposes of hackney carriage and private hire licensing.

- 8.2. A Group 2 medical will be required for all new applicants. A Group 2 medical will be valid up to the applicant's 45th birthday. Thereafter, a further Group 2 medical will be required every five years at each of the following birthdays: 45, 50, 55, 60, 65. The medical will then be required every year thereafter. On occasions, this may result in medicals being required more frequently than every 5 years. For example – If first application is made at the age of 47, the next medical will be due at age 50. The council will not accept Medics on Wheels Group 2 Medicals at any time. The medical is valid for four months from the date of the assessment
- 8.3. Where the licensing authority feels it is appropriate, further medical examinations may be required to be undertaken. Any costs relating to these additional assessments shall be paid for by the applicant.
- 8.4. Medical forms are obtainable from the council website [West Suffolk Council – Taxi licences](#), and completed forms must be submitted at application.
- 8.5. Licensed drivers must notify this licensing authority and their medical practitioner of any deterioration in their health which may affect their ability to drive or complete their tasks as a licensed driver. The Local Authority must be notified within 48 hours. This licensing authority expects licensed drivers to be responsible and not continue driving following any deterioration in their health, or any health problems which could endanger the lives of the general public.

Medical conditions

- 8.6. You must tell DVLA if you have a driving licence and:
 1. you develop a 'notifiable' medical condition or disability
 2. a condition or disability has got worse since you got your licence

Notifiable conditions are anything that could affect your ability to drive safely. They can include:

1. epilepsy
2. strokes
3. other neurological and mental health conditions
4. physical disabilities
5. visual impairments

Please note: You could be fined up to £1,000 if you don't tell DVLA about a condition that might affect your ability to drive safely. You could also be prosecuted if you have an accident.

When notifying the DVLA, you are advised to make them aware that you hold a Taxi Driver Licence for which Group II Medical Standards must be met.

9. Insulin treated Diabetes

- 1.1 Drivers with insulin dependent diabetes are required to hold a DVLA C1 category Group 2 licence (that is one issued after 1 January 1998). This licence must be produced to the council annually for inspection. The council may request additional information from your consultants to confirm medical fitness.

10. Disclosure and Barring Service (enhanced criminal records check DBS)

- 10.1. The council is obliged to be satisfied that any licensed driver is fit and proper to hold a driver licence and the enhanced disclosure is one of our means of establishing this. Applicants will need to obtain an enhanced DBS disclosure under the category of 'other workforce – taxi licensing'
- 10.2. The DBS has an update service which you are required to subscribe to. For more guidance on the update service, and how to apply, visit: [GOV.UK – DBS update service: guide for applicants](#)
- 10.3. When you subscribe to the DBS Update Service, and you have an enhanced DBS under the category 'other workforce – taxi licensing' and you can provide your original certificate, the council can use the Update Service to check your status. If there is any change to the status, a new Enhanced DBS will be required. DBS checks will take place six monthly or at any other time as necessary. You will be required to grant permission for the council to perform these checks.
- 10.4. If you have not previously subscribed to the DBS Update Service, or have the incorrect DBS check, a DBS certificate can be obtained from First Advantage by following the instructions below.
- 10.5. Where an applicant has spent three months or more continuously outside the United Kingdom since the age of 18, evidence of a criminal record check from the country or countries visited covering the duration overseas will be required. For stays longer than three months outside of the UK, a certificate of good conduct is required to be authenticated by the relevant embassy. Right to a licence and right to work checks for drivers.

11. Registration with First Advantage

- 11.1 To be able to sign in and complete the disclosure application, you first need to register at [Registration Step 1 - Online Criminal Records Check | Online Disclosures](#)

To self-register use the following:

- PIN: 168952
- User word: Drive

You will be sent an activation email, follow the instructions in the email to create your password. Now you will be able sign in whenever you like and complete your DBS application online. You will then be required to subscribe to the DBS update service.

12 Verification of ID documents

- 12.1. Your ID documents will need to be verified at a Post Office. The nearest Post Office to you, offering this service can be found during the application process.
- 12.2. In order to have your ID verified, you must print out the ID verification form and take this to the Post Office, along with the ID documents you have listed.

- 12.3. If you do not have the required ID documents, please contact the licensing team.

13. First Advantage contact details

- 13.1 Helpdesk: 0115 969 4600
Email: support@onlinedisclosures.co.uk

14. How to submit your application

- 14.1. Once you have received your DBS certificate, passed your driving test, attended the relevant college courses and obtained your medical, you should prepare your application by getting all the required documents together
- 14.2. Make sure that all the questions on the application form are completed and submit with all required supporting documents. Your completed application should be submitted electronically to licensing@westsuffolk.gov.uk. Once a completed application is received, the Licensing team will contact you for payment.
- 14.3. We do not accept incomplete applications under any circumstances.

Please note: We are required by law to protect the public funds we administer. We may share information provided to us with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

15. Re-licence applications

- 15.1 An electronic reminder will be sent out to the last contact details we hold for drivers two months prior to the expiry date of licences.

If for any reason you do not receive a reminder, it remains your responsibility to make sure a re-licence application is received in plenty of time and at least 28 days prior to the expiry of your licence.

Before we will consider your application, you must submit to the council electronically the appropriate application form and listed supporting documentation. [West Suffolk Council – Taxi licences](#)

Please note: Where applicable the applicant must provide, at their own expense, a written English translation of relevant documents or certificates, together with documentary proof that the translation is correct.

It is an offence to drive a licensed vehicle without the appropriate licence, for which the maximum fine is £1,000. If you allow your licence to lapse, any subsequent application will be treated as a new application.

16. DVLA Validation Check Code – ‘View Driving Licence Code’

- 16.1 As per new driver application.

17. Medical examinations

- 17.1 The council follows the DVLA Group 2 medical guidelines for the purposes of hackney carriage and private hire licensing.

You will be contacted electronically when you are due a medical and the form is available on the website. If for any reason you do not receive a reminder, it remains your responsibility to make sure a medical is completed prior to the expiry of the current medical.

Where the licensing authority feels it is appropriate, further medical examinations may be required to be undertaken. Any costs relating to these additional assessments shall be paid for by the applicant.

18. Disclosure and barring service (criminal records check)

- 18.1 As per new driver application.

A subscription to the DBS update service must be made when making a new application. This means that all drivers must be subscribed by July 2023.

19. How to submit your application

- 19.1 As per new driver application at point 14.
We do not accept incomplete applications under any circumstances.

Please note: We are required by law to protect the public funds we administer. We may share information provided to us with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

20. Licensed driver conditions – applies to all drivers

- 20.1 The driver must at all times, when driving a licensed vehicle for hire or reward, wear the driver's badge issued by the council in a prominent visible place on the outer clothing. The badge must be clearly visible to passengers and made available on request.
- 20.2 The driver's badge remains the property of the council. The badge must be returned to the council immediately if the licence is suspended, revoked or expired.
- 20.3 Hackney carriage and private hire vehicles must not be driven by unlicensed drivers under any circumstances, the only exception being a qualified person testing a licensed vehicle or its taximeter.
- 20.4 The driver of a hackney carriage or private hire vehicle shall submit the original private hire vehicle driver's licence to their employer (private hire vehicle operator) before commencing employment as a driver of a private hire vehicle. The employer (private hire vehicle operator) shall retain the original private hire vehicle driver's licence until such time as the driver ceases to be so employed.
- 20.5 Drivers must at all times when the vehicle is being driven for hire be clean and smartly dressed. Drivers must maintain a high standard of personal hygiene and dress in clothing and footwear suitable to the public service, which is clean,

tidy and inoffensive. Flip-flops, cropped shorts and tight-fitting vest tops are not considered professional attire.

20.6 The driver must not at any time behave in an abusive, aggressive or threatening manner to any passenger, officer of the council or any officer authorised by the council.

20.7 Private hire vehicle drivers shall not:

- a. park the vehicle on any hackney carriage stand for any reason
- b. stand or ply for hire or offer the private hire vehicle for immediate hire while on a road or other public place, or
- c. accept an offer for the immediate hire of the private hire vehicle while the driver or the vehicle is on a road or other public place unless the offer is first communicated to him by his or her private hire operator. (In this condition 'road' means any highway and any other road to which the public has access).

20.8 The driver shall take all reasonable steps to ensure the safety and welfare of all passengers driven by him or her.

20.9 Drivers must at all times when working with vulnerable passengers comply with the below detailed safeguarding principles set out on our website:

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. Vulnerable passengers include children, elderly persons or somebody with learning difficulties. In addition, an individual should be considered vulnerable if they do not fall within one of the above categories, but whose condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol).

The following safeguarding principles aim to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the hackney carriage or private hire trade. The following safeguarding principles must be complied with and embedded into driver working practice:

- Drivers must carry photo ID at all times and wear it in accordance with the conditions of the licence.
- A lone vulnerable passenger must not be transported in the front passenger seat of the vehicle.
- The driver or operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver or operator must not undertake the journey.
- Drivers should always ask if a vulnerable passenger needs help and should not make assumptions.
- Drivers must remain professional at all times and should not:
 - touch a person inappropriately
 - make offensive or inappropriate comments (such as the use of swearing, sexualised or discriminatory language)

- behave in a way that may make a passenger feel intimidated or threatened
- attempt to misuse personal details obtained via the business about a person; these standards are equally applicable when working with vulnerable and non-vulnerable passengers.
- Drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so). If a driver or operator is concerned about the safety, welfare or behaviour of a vulnerable person, the driver must report this to the police by telephoning 101 (or in appropriate cases by calling 999).

If a driver or operator is concerned about someone else's conduct, they should report any concerns to the Council's Licensing Department, licensing@westsuffolk.gov.uk, Police (101) or Crimestoppers (0800 555111)

- 20.10 Where a vehicle is constructed or adapted for the transportation of disabled persons, the driver shall convey the disabled passenger and any aids including assistance animals, (such animals to be carried free of charge), unless the driver has a council dispensation displayed in the vehicle, or an exemption certificate. Drivers must afford reasonable help to a disabled passenger to aid getting in and out of the vehicle and to or from any building if requested. Medical exemption can be applied for.
- 20.11 The driver will ensure that all plates, labels and stickers supplied by the council are displayed and legible at all times. The licence plate must be securely attached to the rear of the vehicle.
- 20.12 The driver will only take refreshment in the vehicle at times when it is parked and not in service.
- 20.13 The driver will turn any entertainment off or down at the request of any passenger.
- 20.14 Licensed drivers must carry a reasonable quantity of luggage when requested by any passenger. Licensed drivers must afford all reasonable assistance with passenger luggage and shopping as may be required when loading and unloading. Licensed drivers must, following the setting down of passengers, ascertain if any property belonging to the hirer(s) has been left in the vehicle and if not immediately able to return any such property, must deliver the item to the local police station within 24 hours, unless an alternative arrangement has been made with the owner of the property.
- 20.15 Licensed drivers must, when aware that the vehicle has been hired to be in attendance at an appointed time and place, or when otherwise instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at the appointed time and place unless delayed or prevented by sufficient cause. The driver must take the shortest available route to the destination unless an alternative route is requested by the passenger whilst observing all relevant highway and traffic laws.

- 20.16 Licensed drivers must at all times when driving a licensed vehicle ensure the vehicle is clean, roadworthy and well maintained and meets the council's vehicle licence conditions.
- 20.17 Throughout the duration of the licence, licensed drivers must notify the council in writing within forty-eight hours providing full details of any convictions, cautions, informal warnings, fixed penalty notices, driving offences, civil actions, county court judgements, arrests and any on-going criminal, civil or traffic related investigation.
- 20.18 The driver must surrender his licence to the council immediately if they receive a driving ban through a conviction.
- 20.19 Throughout the duration of the licence, licensed drivers must notify the council **in writing** within forty-eight hours (unless they are medically considered too unwell to do so within this timeframe, then a seven-day timeframe applies) providing full details of any:
- a. material change to their medical condition since their most recent Group 2 medical submitted to the council
 - b. change of their address
 - c. change in their operator.

Failure to notify the council of the above will result in enforcement action being taken.

- 20.20 If at any time, a licensed vehicle is involved in any kind of accident or incident, involving damage to their vehicle, other vehicle(s) or any property and injury to any person or animal regardless of how minor or who was at fault, the driver must inform the council of the accident or incident within 72 hours; this must be done in writing. An incident report form is available on our website ([West Suffolk Council - Taxi licences](#)) and must be completed and submitted to the council by email along with photographs of the damage within 24 hours of reporting the accident or incident. Except in exceptional circumstances when the report must be made as soon as possible after the accident or incident. An example of an exceptional circumstance would be that the driver is incapacitated due to the accident or incident and physically unable to make the notification. (Please note: whiplash will be regarded as an injury.)
- 20.21 The driver must not:
- a. use any two-way radio equipment unless an appropriate licence from the Office of Communications is held by the operator and available for inspection
 - b. use any scanning equipment
 - c. use a mobile phone whilst driving as per the current legislation
 - d. carry any other person in the vehicle without the express consent of any other passengers carried in the vehicle
 - e. provide any alcoholic drinks within the vehicle unless there is an appropriate licence in place

Duty to carry guide dogs and assistance dogs

- 20.22 Drivers must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the

driver has a Medical Exemption granted by the council and the Notice of Exemption is displayed in the approved manner by it being fixed in a prominent position facing outwards on the dashboard.

- 20.23 Any animal belonging to or in the custody of any passenger should remain with that passenger and may be conveyed in the front or rear of the vehicle.
- 20.24 Drivers hired to carry a guide dog must ask the owner where he or she would prefer the dog to be. Most dogs are trained to lie in the front passenger footwell between the feet of the owner. If the vehicle is fitted with front and side air bags, it is essential that the dog is lying down at all times. Drivers must let the visually impaired person know that this applies.
- 20.25 If the front foot well is not large enough to accommodate the dog, the guide dog owner must be advised to travel in the rear of the vehicle with the dog in the footwell behind the front passenger seat. The seat should be pushed forward to make room for the dog

Duty to assist disabled passengers

- 20.26 Section 164 of The Equality Act 2010 as amended by The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022, imposes duties on drivers of hackney carriage or private hire vehicles which have been hired by or for a disabled person, or by another person who wishes to be accompanied by a disabled person.

This section does not impose duties on a driver if the vehicle is designated (included in a list of wheelchair accessible vehicles) or the disabled person is in a wheelchair (provision for this is covered below).

The duties are:

- a. to carry the passenger
- b. if the passenger is in or has with them a wheelchair, to carry the wheelchair
- c. if the passenger has with them any mobility aids, to carry the mobility aids ('mobility aids' means any item the passenger uses to assist with their mobility but does not include a wheelchair, or an assistance dog)
- d. to take such steps as are reasonable to ensure that the passenger is carried in safety and reasonable comfort
- e. to give the passenger such mobility assistance as is reasonably required ('mobility assistance' means assistance to enable the passenger to get into or out of the vehicle, to load the passenger's luggage, wheelchair or mobility aids into or out of the vehicle)
- f. not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).

- 20.27 The driver of a taxi or private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.

Duty to assist disabled passengers in wheelchairs

- 20.28 Designated wheelchair accessible vehicles are those listed by the council under section 167 of the Equality Act 2010 as being a 'wheelchair accessible vehicle' (a list can be obtained on request).

Section 165 of the Equality Act 2010 places a duty on the driver of a designated wheelchair accessible hackney carriages and private hire vehicles to:

- carry the passenger while in the wheelchair
- not to make any additional charge for doing so
- if the passenger chooses to sit in a passenger seat to carry the wheelchair
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort, and
- to give the passenger such mobility assistance as is reasonably required
- not to make, or propose to make, any additional charge for complying with a duty mentioned in paragraphs (a) to (e).

A driver of a designated taxi or designated private hire vehicle commits an offence by failing to comply with a duty imposed on the driver by this section.

Fares

20.29 Licensed drivers must not, if driving a licensed vehicle fitted with a taximeter, cause the fare to be cancelled or concealed until the hirer has had the opportunity of examining it and has paid the fare.

20.30 Licensed drivers must not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter, and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

20.31 Licensed drivers must, if requested by the hirer, provide a written receipt for the fare paid. The receipt must bear the name and address of the proprietor of the vehicle together with the badge number of the driver.

20.32 The driver must complete any mandatory training as directed by the council.

20.33 The driver must not smoke tobacco a similar substance, or e-cigarettes or vaping cigarettes in the vehicle at any time.

Disclosure and Barring Service online update service and online DVLA System

20.34 Licensed drivers must subscribe to the Disclosure and Barring Service (DBS) online update service. Any costs associated with maintaining this subscription must be met by the licensed driver.

20.35 Licensed drivers must give permission for the council to undertake checks of their DBS and DVLA status every six months, or at any other time as necessary. The councils will use the DBS online update service to monitor the criminal record of licensed drivers.

Appendix C - Vehicle application process and conditions

1. Application process for new vehicles

- 1.1 Any vehicle which is not currently licensed as a hackney carriage or private hire vehicle with the council, no matter how recently the licence lapsed, will be treated as a new vehicle application and must meet the requirements of a new vehicle.
- 1.2 New licence applications can only be submitted for vehicles no more than five years old upon application.
- 1.3 Applicants for a new licence for a hackney carriage or private hire vehicle must submit the relevant application and supporting documents. Please visit the website for the relevant application form: [West Suffolk Council – Taxi licences](#)

3. Re-licence application process

- 3.1. Applicants with a current vehicle licence, who wish to re-licence their vehicle must submit the relevant application and supporting documents a minimum of 28 days prior to the expiry of the licence.
- 3.2. A reminder letter will be emailed to proprietors two months prior to the expiry date of the licence. If no email address has been provided, a reminder letter will be posted to the last address we hold on record
- 3.3. If for any reason you do not receive a reminder, it remains your responsibility to make sure a complete application is received in plenty of time and at least 28 days prior to the expiry of the licence. If the application is not submitted within this time frame, it cannot be guaranteed that your new plates and licence will be issued before the licence lapses. If an application is not received prior to expiry of the licence, any subsequent application will be treated as a new vehicle application and must adhere to the requirements of a new vehicle.

4. How to submit your application

- 3.1 Please submit your application form electronically to licensing@westsuffolk.gov.uk ensuring that the application form is fully completed and all supporting documentation is included.

5. Approved garages

- 4.1 Vehicle inspections (compliance tests) must be completed by a garage approved by West Suffolk Council. A list of approved garages can be found at: [West Suffolk Council - Apply for a Hackney Carriage Vehicle Licence](#).

6. Hackney carriage vehicles

General information

- 6.1. Hackney carriage vehicle licences are issued subject to the vehicle to which they are assigned being mechanically fit and meeting all the requirements of the licence conditions.
- 6.2. The vehicle should not be manufactured or adapted to carry more than eight passengers; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers.
- 6.3. Category A, B, N and S vehicles will not be licensed as a hackney carriage.
- 6.4. Once licensed as a hackney carriage the vehicle remains a hackney carriage until such a time as the licence is surrendered, suspended, revoked, or application for re-licence is refused.
- 6.5. Roof signs must be permanently displayed, even whilst undertaking private hire work or when using for personal use.
- 6.6. Only a licensed driver may drive a hackney carriage at any time, and then only if the vehicle is licensed by the same local authority that issued the driver's licence.
- 6.7. It is a criminal offence to operate a hackney carriage vehicle within its licensed district without having a hackney carriage licence.
- 6.8. The council can grant hackney carriage licences upon application. The council may attach to the grant of a hackney carriage licence such conditions as it deems necessary.
- 6.9. The council may make conditions as to the type of vehicle that can be used for hackney carriage work. These can cover the size, methods of access and egress, colour, number of seats, number of doors and other such specific matters.

7. Vehicle licence conditions - hackney carriage vehicles

The vehicle

- 6.1 The proprietor must ensure that the vehicle is safe, comfortable and suitable in type, size and design for use as a hackney carriage and the vehicle must either be:
 - a. a purpose built taxi which conforms to the 'Conditions of Fitness' for the Construction and Licensing of Motor Taxicabs in London' as prescribed by the 'Public Carriage Office', of any colour, or
 - b. a saloon, hatchback, estate, MPV or minibus type vehicle of any colour.
- 6.2 Sports saloons, drop head coupes, convertibles or touring cars will not be licensed.
- 6.3 Hackney carriage vehicles may use a rank on private land such as a racecourse with the express authorisation of the racecourse or landowner in writing.
- 6.4 A new vehicle must be no more than five years old at the time the application is made to the council for a licence. Any vehicle which is not

currently licensed as a hackney carriage or private hire vehicle with the council, no matter how recently the licence lapsed, will be treated as a new vehicle application, and must meet this age requirement.

- 6.5 From 2025 vehicles must be no older than 15 years, except electric/zero emission vehicles for which there is no maximum age.
- 6.6 Liquid petroleum gas (LPG) LPG conversions are subject to council approval prior to any conversion work taking place.

The vehicle must:

- 6.7 at all times throughout the period of licensing be in such a condition so as to fully comply with all relevant statutory requirements (including the council's conditions)
- 6.8 have an engine of cubic capacity of which is capable of enough power to carry the amount of passengers it is licensed for including bags or cases.
- 6.9 be a right-hand drive vehicle
- 6.10 have, at least four doors in addition to any rear door or tailgate; in the case of MPV or Minibus type vehicles nearside and offside sliding side access doors are allowed
- 6.11 be equipped with seat belts of an acceptable type in respect of every seat which can be used for the carriage of passengers
- 6.12 if an estate, hatchback or MPV or minibus type vehicle, be fitted with a suitable guard rail or other device of a type approved by the council to prevent luggage entering the passenger area
- 6.13 be fitted with either all radial or all cross-ply tyres including the spare wheel if manufactured with one fitted. An in-date tyre sealant repair kit marked with the vehicle plate number must be present if vehicle is not manufactured with a spare wheel. Tyres with embedded nails, and so on, are not acceptable; they must be replaced, not repaired. The minimum tread depth will be 2mm and wear will be even.
- 6.14 have adequate space for the legs of passengers seated on the rear seat of the vehicle when both the front passenger and driver's seats are adjusted to the position nearest to the rear passenger seat.
- 6.15 for a continuous seat, the length of the seat needs to be a minimum of 48 inches to be licensed for three passengers.
- 6.16 the vehicle shall not be in excess of 5334mm (210 inches) in length.

The driver of the hackney carriage will:

- 6.17 proceed with reasonable speed to and station the vehicle on a rank
- 6.18 if a rank, at the time of the driver's arrival is full, will proceed to another stand or return when the rank has space

- 6.19 on arriving at a rank, the driver will station the vehicle behind the other vehicles facing the same direction. The driver will direct passengers to the vehicle at the front of the rank ready for hire
- 6.20 the driver of the first or leading hackney carriage on the rank must be ready for hire and be hired by any person
- 6.21 not charge any fare higher than that on the taximeter unless stated on the fare card that is, extra persons or soiling charges. Selecting unauthorised extras on the tariff will be deemed as overcharging to which the driver will face penalties.

The proprietor will:

- 6.22 keep all parts of the vehicle, its fittings and equipment both internal and external (including mechanical equipment) in an efficient, safe and clean condition and shall comply at all times with all relevant statutory requirements
- 6.23 provide an in date efficient fire extinguisher suitable for use in a motor vehicle, which must be safely carried in such a position as to be readily available for use at all times. It must be permanently marked with the vehicle plate or registration number. A sign must depict where the equipment is kept.
- 6.24 not allow modifications to be made to the standard factory-built vehicle without prior consent of the licensing authority
- 6.25 make sure that every driver employed by them to drive a hackney carriage is acquainted with, understands and observes the conditions attached to that particular vehicle licence and the statutory provisions relating to all such hackney carriage vehicle licences
- 6.26 make sure that there is no smoking or vaping in their licensed vehicle at any time (even when it is not being used for hire or reward). Proprietors must ensure that at least one sign showing the red 'NO SMOKING' symbol is prominently displayed

Taximeters

- 6.27 A taximeter must be fitted to all hackney carriage vehicles. The vehicle will be fitted with a taximeter that is calendar facilitating and it must comply with the following requirements:
- 6.28 The taximeter must be programmed or calibrated and set to the council's table of hackney carriage fares as may be in operation at that time. Failure to keep the taximeter up to date with the current council's table of fares may result in the vehicle licence being suspended.
- 6.29 All taximeter installation, maintenance or programming must be carried out by persons approved by both the taximeter manufacturer or their agents and that any work is in accordance with the manufacturer's instructions and the Council's taximeter schedule.
- 6.30 When a taximeter has been installed in a vehicle or any alterations or corrections made to the programme, a certificate must be completed by the person doing this. A copy of the certificate must be sent to the council's offices

by the taxi agent with immediate effect. A copy of the certificate must be given to the vehicle proprietor and the taximeter agent must also retain a copy.

- 6.31 Each taximeter is assigned a serial or other unique number applicable to that particular taximeter only, and that number should be capable of being displayed on the taximeter screen.
- 6.32.1 No tariffs other or greater than those currently fixed by the council shall be displayed on the face of the taximeter.
 - 6.32.2 Must be fitted so that all letters and figures on the meter can be clearly visible to any person travelling in the vehicle.
 - 6.32.3 The taximeter must be fixed to the vehicle with seals so that no unauthorised person can alter or tamper with the meter without the seal being broken.
 - 6.32.4 Vehicles with improperly sealed meters will not be licensed. The meter must be used for all journeys including those booked through a private hire operator.
 - 6.32.5 A current fare or tariff card as issued by the council showing the full table of hackney carriage fares shall be clearly and visibly displayed within the vehicle at all times. This tariff card must be legible and not concealed by the driver.
 - 6.32.6 The dial of the taximeter must be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, and also at any other time at the request of the hirer.
 - 6.32.7 The Measuring Instruments (Taximeters) Regulations 2006 applies to all meters fitted.

Roof sign or for hire sign

- 6.32 The vehicle must be fitted with a sign on the roof bearing the word 'TAXI' in black lettering to the front and rear. The words 'FOR HIRE' shall appear on either side of the word 'TAXI'. The sign shall be illuminated in **yellow** to the front and **red** to the rear. The roof sign must be not less than 18 inches and not exceeding 36 inches in length. Roof signs must be permanently displayed, even whilst undertaking private hire work or personal use.
- 6.33 In cases where the roof sign has a minimum base of 60cm (24ins) the rear face of the sign may be used to display the proprietor's business name and/or telephone number with the written approval of the council. The words 'TACSI' or 'TAKSI' must not be used. Third party advertising is not permitted without prior approval from the council.
- 6.34 A separate For Hire sign will be fitted to the vehicle where the roof sign does not bear the words For Hire.
- 6.35 There must be an electrical connection to both the roof and for hire signs causing both signs to be capable of being illuminated. Illumination must be capable of being visible during the day and at night.
- 6.36 The illumination should automatically be extinguished when the taximeter is engaged. Any illumination must not contravene any statutory requirement.

Licence plates and signs

- 6.37 Every vehicle must have:
- a. the plate issued by the council displayed securely on the **outside** rear of the vehicle (and not inside the rear window)
 - b. the double-sided internal plate issued by the council displayed **inside** the front windscreen and visible to passengers inside the vehicle as well as outside the vehicle
 - c. door signs on nearside and offside front doors displaying the word 'TAXI'

Advertisements, signs, notices

- 6.38 The vehicle shall be free from any sign or notices except as may be required by any statutory provision or allowed by these conditions.

Advertisements are permitted on the exterior of hackney vehicles only. Front doors may carry the contact details of the proprietor. Rear doors may carry commercial advertising. A single product or service may be advertised at any one time. The advert must be suitable for a vehicle in public service and considered by the council to be in-offensive. The advert shall be no larger than 30cm x 60cm.

- a. The sign must be approved by an authorised licensing officer before being put into use.
- b. The sign must be displayed on both sides of the vehicle.
- c. The sign may contain the name of the company and the telephone number but must incorporate the words, West Suffolk Council.

Passengers

- 6.39 The proprietor or driver of the vehicle must not carry a greater number of persons than that specified on the licence. Babies and young children of whatever age are persons for the purpose of the licence.

First aid kit

- 6.40 There must be provided and maintained in good working order in the vehicle at all times when it is in use or available for hire a suitable first aid kit containing appropriate first aid dressings including sterile bandages and plasters that are in date. The kit must be marked with the plate or registration number and there must be a sign depicting where the kit is kept within the vehicle.

Tyres

- 6.41 It is essential that the tyres on all licensed vehicles are in good condition. All tyres must conform to the following requirements:
- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre. (Please be aware that this is a more stringent standard than the MOT test)

- Tyre fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
 - be compatible with the types of tyres fitted to the other wheels
 - not have any lump, bulge or tear caused by separation or partial failure of the structure
 - not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord
 - not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle or tyre manufacturer's recommended pressure.
- All replacement tyres fitted to licensed vehicles must be new (that is not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company or contractor. Vehicle proprietors are required to retain invoices or receipts to show that any tyre that is purchased meets this requirement.
- The fitting of part worn tyres to licensed vehicles is not permitted.
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

Window glass

6.42 Window glass should be kept clean to give a clear view both into and out of the vehicle. Tinted windows, which prevent clear vision into vehicle are not permitted. Only factory fitted tinted glass will be acceptable which must meet the requirements of the Road Vehicles (Construction and Use) Regulations 1986. Under no circumstances will stick on style tinting be permitted.

Multi passenger vehicles (MPVs)

6.43 This refers to vehicles licensed to carry more than four but less than nine passengers.

6.44 The number of passengers which the vehicle is licensed to carry will in all cases be subject to the discretion of the council.

6.45 The vehicle must have an engine of cubic capacity of which is capable of enough power to carry the number of passengers it is licensed for including bags or cases.

6.46 Access to every passenger seat must be unobstructed and be easily accessible to passengers without the need for seats to be removed and without the need for more than one passenger to move.

6.47 There must be adequate, secure storage space for all passengers' luggage preferably within the vehicle. The arrangements for storing luggage must not obstruct access to the vehicle exits or affect passenger comfort.

6.48 If when the vehicle is fully occupied there is insufficient space within the vehicle for storage of luggage, then a roof rack may be fitted providing that:

- a. the luggage is stored in a purpose-built luggage carrier, and
- b. that the roof load does not exceed the maximum weight recommended by the vehicle manufacturers.

Wheelchair accessibility

- 6.49 The council will not grant a licence to those vehicles that load wheelchairs containing occupants into the rear of the vehicle using ramps.
- 6.50 Vehicles using either a hydraulic or an electric powered tail lift to load wheelchairs and passengers into the rear of the vehicle are exempt from the above condition.
- 6.51 Passengers, regardless of any disability, must be able to get in and out of the vehicle with reasonable ease and travel within it safely and with reasonable comfort while remaining seated in their wheelchair, if so required.
- 6.52 The wheelchair user must on request be able to transfer to a vehicle seat.
- 6.53 The vehicle must display a sign depicting the universally recognised disabled logo on the door where the passenger will be loaded.

Entry to the vehicle

- 6.54 Any doorway used to load wheelchair users must provide adequate height and width to allow passengers to be loaded whilst seated in their wheelchair.
- 6.55 Any steps, either fixed or retractable, must be permanently secured at the point of entry.
- 6.56 The surface of all steps must be slip resistant. Step nosing must be designed to minimise risk of tripping and must be in a contrasting colour.
- 6.57 Steps must be fitted in such a manner that the vehicle cannot be driven off while the step is deployed and, in a position, where it extends beyond the vertical line of the bodywork.
- 6.58 Handrails or handholds must be provided at passenger entrances as an aid when entering or exiting the vehicle.
- 6.59 The surface of every handrail or handhold must contrast in colour from the surrounding surfaces and be of a slip resistant finish.
- 6.60 Any ramp must provide a surface of at least 750mm wide and shall have a minimum safe working load of 250kg. The ramp must not exceed 1,700mm in length.
- 6.61 When in use the ramp must be securely located at the point of wheelchair entry. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use.
- 6.62 Channel ramps must not be used. However, ramps which fold are permitted providing the ramp is rigid when deployed.
- 6.63 The surface of all ramps must have a slip resistant finish.

- 6.64 All outer edges must be clearly marked in a contrasting colour.
- 6.65 Provision must be made for the safe storage of the ramp when not in use.

Wheelchair within the vehicle

- 6.66 The wheelchair user must travel in a space designated for that purpose.
- 6.67 The area required for the wheelchair must be of sufficient size to allow a wheelchair to be moved from outside the vehicle into the designated space without excessive manoeuvring.
- 6.68 Wheelchair users must either face forwards or backwards whilst travelling in the vehicle.
- 6.69 All wheelchairs must be securely fastened.
- 6.70 Passengers occupying a wheelchair must be provided with a seat belt.
- 6.71 The vehicle must not be driven until both the wheelchair and its occupant have been properly and securely fastened in the vehicle by means of appropriate restraining devices.
- 6.72 Any unoccupied wheelchair must be properly secured so that it cannot cause injury to passengers when the vehicle is moving.
- 6.73 A non-slip material must be used for the surface of the flooring in the designated wheelchair space.
- 6.74 In addition, the proprietor of every vehicle licensed to carry passengers seated in wheelchairs shall make sure:
- a. That all drivers of such vehicles have an approved DVSA practical wheelchair accessible training course. (The certificate of attendance must be presented to the council).
 - b. That any additional equipment such as clamps, ramps and belts, required to cater for wheelchair passengers are carried at all times and are in a fit and serviceable condition.
 - c. That the driver is familiar with the operation of and the functionality of all devices designed to help passengers to get in and out of the vehicle, all drivers should be trained in the use of all relevant belts and other restraint and locking mechanisms.

Trailers

- 6.75 Only vehicles licensed by the council to carry six, seven or eight passengers are permitted to tow a trailer.
- 6.76 A trailer may only be used for the purpose of conveying the luggage of fare paying passengers whilst they are being conveyed within the vehicle and for no other purpose. All journeys would be those where the vehicle has been pre-booked.

- 6.77 No trailer may be used in conjunction with either a hackney carriage or private hire vehicle unless that trailer has first been inspected and approved by a West Suffolk vehicle testing station for suitability, safety and compliance with all relevant legislation. Fees are payable for each test and inspection.
- 6.78 While a hackney carriage is towing a trailer, it is not permitted to use a hackney carriage rank.
- 6.79 Advertisements will be allowed to be displayed on the trailer, as per vehicle conditions.
- 6.80 A current certificate of insurance must be produced to the council which covers the use of a trailer and the vehicle licensed to tow it. Such insurance must extend so as to cover any luggage carried within the trailer.
- 6.81 Every trailer must comply in all respects with the requirements of EC94/20 type approval and any acts and regulations relating to trailers or parts thereof of which may be in force at the time of licensing.
- 6.82 An additional vehicle licence plate must be displayed on the outside rear of the trailer. This plate must carry the same details as the plate affixed to the rear of the towing vehicle.
- 6.83 The maximum gross weight of any trailer shall not exceed 750kg.

In-car surveillance systems – (CCTV)

- 6.84 Vehicle proprietors may install image recording equipment in licensed vehicles and is deemed to be the data controller.
- 6.85 An approved installer must carry out the installation in accordance with the manufacturer's instruction and the council's conditions.
- 6.86 All image recording equipment must comply with the requirements of current data protection legislation. For the purpose of the General Data Protection Regulation (GDPR), a controller determines the means and purposes of processing personal data. For the purpose of the installation and operation of a CCTV system in taxis and private hire cars, the controller will be the holder of the taxi or licensed vehicle licence and not the driver.
- 6.87 The licence holder will be responsible for ensuring compliance with the requirements of data protection legislation, including the GDPR, and this policy. The controller is legally responsible for the use of all images including breaches of legislation and where a third party processor is used for the remote storage of personal CCTV data and for which the controller retains full responsibility for the processor's actions. More information can be found at: [ICO - Video surveillance \(including guidance for organisations using CCTV\)](#)
- 6.88 Equipment must be installed in such a way that it will not cause injury to the driver or the passengers. Nor should it obscure the view of the road through the windscreen.
- 6.89 Equipment must be secure and not interfere with the safe operation of the vehicle.

- 6.90 All cameras must be installed above the level of the dashboard within the vehicle.
- 6.91 Recorded images must show the date and time the image was captured and identify the vehicle in which the equipment is installed.
- 6.92 There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. Guidance is available with the ICO (Information Commissioners Office). The recommended wording on the sign is as follows:

Passenger notice

This taxi or private hire vehicle is protected by a digital surveillance camera. Any images recorded are held in a secure format and can only be viewed by the licensing authority or the Police.

Vehicle tests and inspections

- 6.93 All vehicles must have inspections carried out at an approved vehicle testing station from the list of approved testers supplied by the council at least twice a year. The first test must be carried out prior to the grant of the licence or re-licence (when a Certificate of Compliance will be issued for six months) and the second test must be carried out prior to the expiry of the Certificate of Compliance issued on passing the first test. The expiry date of the Certificate of Compliance will be:
- six months minus one day from the date of the test (for the first test)
 - the expiry date of the licence period (for the second test).
- 6.94 The vehicle shall be inspected and tested as follows:
- a. prior to the granting of the initial licence or re-licence
 - b. six months after date of the first inspection
 - c. annually when the licence is due for re-licence
 - d. at any other time if so requested by the council up to a maximum of three separate occasions during any one period of 12 months.
- 6.95 Any authorised officer of the council or any Police constable has the power to inspect and test, for the purposes of ascertaining its fitness, the vehicle or any taximeter affixed to the vehicle. If the vehicle or equipment fails such an inspection, written notice may be given on the need for further test or inspection and the licence may be suspended until that date or until any faults are rectified.
- 6.96 All vehicles licensed by the council will be required to hold a valid MOT certificate from 12 months old.

Accidents and incidents

- 6.97 If at any time, a licensed vehicle is involved in any kind of accident or incident, involving damage to their vehicle, other vehicles(s) or any property and injury* to any person or animal regardless of how minor or who was at fault, the driver must inform the council of the accident or incident within 72 hours; this must be done in writing.

- 6.98 An incident report form is available on our website ([West Suffolk Council – Taxi licences](#)) and must be completed and submitted to the council by email along with photographs of the damage within 24 hours of reporting the accident or incident (except in exceptional circumstances when the report must be made as soon as possible after the accident or incident – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification). (Please note: whiplash will be regarded as an injury).
- 6.99 Following an accident or incident to a licensed vehicle an authorised officer of the council shall review the extent of the damage to determine whether the vehicle is fit for continued use or requires suspension. If the vehicle is fit for continued use but requires repair the timescale for this repair must be agreed with an authorised officer of the council. If the vehicle is not deemed fit for continued use, the vehicle will be suspended until such time as a full compliance test is passed by one of the council's approved garages and documentation submitted to the council.
- 6.100 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided:
1. the damage to, or defect in, the vehicle has been reported
 2. an application is made in the prescribed manner
 3. the replacement vehicle meets the requirements of the council's policy

Insurance

- 6.101 The proprietor(s) must ensure that at all times the vehicle is insured to the satisfaction of the council both for the requirements of Part VI of the Road Traffic Act 1988 and for the carriage of fare paying passengers (that is for hire and reward). This shall include third party insurance for personal injuries suffered by passengers.
- 6.102 The proprietor(s) must produce the certificate of insurance or the cover note in respect of the insurance cover for inspection prior to the issue of the licence and each time the certificate of insurance or cover note (if appropriate) is changed, amended, varied, altered or the like.
- 6.103 The council will only accept a certificate of insurance in either the name of the registered keeper of the vehicle or the name of the legal owner of the vehicle.

8. Transfer of licence

- 7.1 If the proprietor(s) of a hackney carriage vehicle licence transfers his interest in the hackney carriage licence to a person other than the proprietor whose name is specified in the licence, they shall within fourteen days after such transfer give notice in writing to the licensing authority specifying the name and address of the person to whom the hackney carriage licence has been transferred.
- 7.2 If a proprietor without reasonable excuse fails to give notice to a district council as provided by subsection (1) of this section they shall be guilty of an offence.

- 7.3 The licence must be transferred with the attached vehicle from one owner to another. This must be done as a complete transaction where the already licensed vehicle is transferred completely with its plate from one person to another.

9. Dual registration

- 8.1 A vehicle licensed as a hackney carriage by any other local authority may not be licensed by the council as a hackney carriage or private hire vehicle within the West Suffolk council district.

10. Re-licence applications

- 9.1 The proprietor(s) shall, at least 28 days prior to the date of the licence's expiry, make a completed application to the council for their hackney carriage vehicle licence. If a complete application for re-licence is not received by the expiry date, the licence will lapse and the vehicle will have to be licensed as a new vehicle and meet the requirements of a new vehicle. It is a criminal offence to ply for hire in an unlicensed vehicle.

11. Change of address

- 10.1 The proprietor(s) shall notify the council in writing of any change of address during the period of the licence, within seven days of such a change taking place. There will be an administrative charge set out in the council's fee list.

12. Disciplinary code

- 11.1 The council has adopted a disciplinary code see [Appendix E](#), which sets out the principles and procedures by which breaches of statutory provisions, or the contravention of any of the council's standard conditions will be dealt with by the council.

13. Inspection of licences

- 12.1 The proprietor(s) shall, at the request of the council, produce for inspection the licence either forthwith or at its licensed council district office, beginning with the day following that on which the request is made.

14. Right of appeal

- 13.1 Nothing in these conditions will remove the right to appeal to a magistrates' court against the council's refusal to grant a licence, or any decision to suspend or revoke a licence, nor against any conditions which may have been imposed on any such licence by the council. Any appeal must be made to the relevant magistrates' court within 21 days of the refusal or decision.

Note: Failure to comply with these conditions may result in the commencement of criminal proceedings and/or in the suspension or revocation of an existing licence, or in the refusal to issue a new licence.

14. Private hire vehicles

General information

- 14.1 Private hire vehicle licences are issued subject to the vehicle to which they are assigned being mechanically fit and meeting all the requirements of the licence conditions.
- 1.1 The vehicle should not be manufactured or adapted to carry more than eight passengers; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers.
- 1.2 Category A, B, N and S vehicles will not be licensed as a private hire.
- 1.3 Once licensed as a private hire vehicle the vehicle remains a private hire vehicle until such a time as the licence is surrendered, suspended, revoked, expired or an application for re-licence is refused.
- 1.4 Only a licensed driver may drive a private hire vehicle at any time and then only if the vehicle is licensed by the same local authority that issued the driver's licence.
- 1.5 It is a criminal offence to operate a private hire vehicle in its own licensed district without having a private hire vehicle licence.
- 1.6 Private hire vehicles are licensed to perform pre-booked work only. Such work must be obtained through a licensed private hire operator. They must not ply for hire, wait on a taxi stand, or form an unofficial rank in public view.
- 1.7 Private hire vehicle includes all types of vehicle, regardless of design, which are used solely for the fulfilling of a pre-booking. The public must not be led to believe that a private hire vehicle is a hackney carriage by its appearance or design. Stickers provided by the council must be displayed on both rear passenger doors advising passengers that the vehicle is to be pre-booked only unless the words 'pre-booked' appear on door signs.

15. Vehicle licence conditions – private hire vehicles

The vehicle:

- 15.1 The proprietor must ensure that the vehicle is safe, comfortable and suitable in type, size and design for use as a private hire vehicle.
- 15.2 The vehicle shall be of any colour and must not resemble a hackney carriage; in particular a 'London type taxi'.
- 15.3 The vehicle shall be a standard saloon, hatchback, estate or MPV or mini-bus type vehicle or be a vehicle constructed or adapted as to facilitate the carriage of a disabled person or persons in a wheelchair within the passenger compartment specifically designed to carry up to but no more than eight passengers.
- 15.4 Sports saloons, drop head coupes, convertibles or touring cars will not be licensed.
- 15.5 A new vehicle must be no more than five years old at the time the application is made to the council for a licence. Any vehicle which is not

currently licensed as a hackney carriage or private hire vehicle with the council, no matter how recently the licence lapsed, will be treated as a new vehicle application, and must meet this age requirement.

15.6 From 2025 vehicles must be no older than 15 years, except electric/zero emission vehicles for which there is no maximum age.

15.7 The council may also consider permitting the licensing of a vehicle which is either:

- a. a classic car being over 25 years old at the time of first application, or
- b. a vintage car being built between 1919 and 1930 inclusive, additional conditions relating to these vehicles may be added to the permit.

15.8 Liquid petroleum gas (LPG) LPG conversions are subject to council approval prior to any conversion work taking place.

16. The vehicle must:

16.1 at all times throughout the period of licensing be in such a condition so as to fully comply with all statutory requirements (including the council's conditions)

16.2 have an engine of cubic capacity of which is capable of enough power to carry the amount of passengers it is licensed for including bags or cases.

16.3 be a right-hand drive vehicle.

16.4 have at least four doors in addition to any rear door or tailgate. In the case of MPV or minibus type vehicles nearside and offside sliding side access doors are allowed.

16.5 be equipped with seat belts of an acceptable type in respect of every seat which can be used for the carriage of passengers.

16.6 be fitted with either all radial or all cross-ply tyres including the spare wheel if manufactured with one fitted. An in-date tyre sealant repair kit marked with the vehicle plate number must be present if vehicle is not manufactured with a spare wheel. Tyres with embedded nails, and so on are not acceptable; they must be replaced, not repaired. The minimum tread depth will be 2mm and wear will be even.

16.7 if an estate, hatchback or MPV or minibus type vehicle, be fitted with a suitable guardrail or other device of a type approved by the council to prevent luggage entering the passenger area.

16.8 have adequate space for the legs of passengers seated on the rear seat of the vehicle when both the front passenger and driver's seats are adjusted to the position nearest to the rear passenger seat.

16.9 for a continuous seat, the length of the seat needs to be a minimum of 48 inches to be licensed for three passengers.

16.10 not be in excess of 5,334mm (210 inches) in length.

17. The proprietor will:

- 16.1 keep all parts of the vehicle, its fittings and equipment both internal and external (including mechanical equipment) in an efficient, safe and clean condition and shall comply at all times with all relevant statutory requirements
- 16.2 provide an in date efficient fire extinguisher suitable for use in a motor vehicle, which must be safely carried in such a position as to be readily available for use at all times. It must be permanently marked with the vehicle plate or registration number. A sign must depict where the equipment is kept.
- 16.3 not allow modifications to be made to the standard factory-built vehicle without prior consent of the licensing authority.
- 16.4 make sure that every driver employed by them is acquainted with, understands and observes the conditions attached to that vehicle licence and the statutory provisions relating to all such private hire vehicle licences.
- 16.5 make sure that there is no smoking or vaping in their licensed vehicle at any time (even when it is not being used for hire or reward). Proprietors must ensure that at least one sign showing the red 'NO SMOKING' symbol is prominently displayed

18. Taximeters

- 17.1 Private hire vehicles are not required by law to be fitted with a taximeter. However, if one is fitted it shall be treated in the same manner as one fitted to a hackney carriage and meet the conditions for meters as below.
- 17.2 The vehicle will be fitted with a taximeter that is **calendar facilitating**. A taximeter must b comply with the following requirements:
 - a. The taximeter must be programmed or calibrated and set to the council's table of hackney carriage fares as may be in operation at that time. Failure to keep the taximeter up to date with the current council's table of fares may result in the vehicle licence being suspended.
 - b. All taximeter installation, maintenance or programming must be carried out by persons approved by both the taximeter manufacturer or their agents and that any work is in accordance with the manufacturer's instructions and the Council's taximeter schedule.
 - c. When a taximeter has been installed in a vehicle or any alterations or corrections made to the programme, a certificate must be completed by the person doing this. A copy of the certificate must be sent to the council's offices by the taxi agent with immediate effect. A copy of the certificate must be given to the vehicle proprietor and the taximeter agent must also retain a copy.
 - d. Each taximeter is assigned a serial or other unique number applicable to that particular taximeter only, and that number should be capable of being displayed on the taximeter screen.
 - e. No tariffs other or greater than those currently fixed by the council shall be displayed on the face of the taximeter.
 - f. Must be fitted so that all letters and figures on the meter can be clearly visible to any person travelling in the vehicle.

- g. The taximeter must be fixed to the vehicle with seals so that no unauthorised person can alter or tamper with the meter without the seal being broken.
- h. Vehicles with improperly sealed meters will not be licensed. The meter must be used for all journeys including those booked through a private hire operator.
- i. A current fare or tariff card as issued by the council showing the full table of hackney carriage fares shall be clearly and visibly displayed within the vehicle at all times. This tariff card must be legible and not concealed by the driver.
- j. The dial of the taximeter must be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, and also at any other time at the request of the hirer.
- k. The Measuring Instruments (Taximeters) Regulations 2006 applies to all meters fitted.

19. Licence plates and signs

18.1 Every vehicle must have:

- a. the plate issued by the council displayed securely on the **outside** rear of the vehicle (and not inside the rear window) unless a section 75 exemption has been applied for and granted
- b. the double-sided internal plate label issued by the council displayed **inside** the front windscreen and visible to passengers inside the vehicle as well as outside the vehicle.
- c. door signs on both sides of the vehicle's front or rear doors displaying the words 'PRE-BOOKED ONLY'

20. Advertisements, signs and notices

19.1 The vehicle shall be free from any sign or notices except as may be required by any statutory provision or allowed by these conditions.

19.2 Advertisements are permitted on the exterior of private hire vehicles only. Front doors may carry the contact details of the proprietor. Rear doors may carry commercial advertising. A single product or service may be advertised at any one time. The advert must be suitable for a vehicle in public service and considered by the council to be inoffensive. The wording must not include the words 'taxi', 'cab', 'for hire' or similar. The advert shall be no larger than 30cm x 60cm.

19.3 The sign must be approved by an authorised licensing officer before being put into use.

19.4 The sign must be displayed on both sides of the vehicle.

19.5 The sign may contain the name of the company and the telephone number but must incorporate the words, 'West Suffolk Council'.

21. Passengers

- 20.1 The proprietor or driver of the vehicle must not carry a greater number of persons than that specified on the licence. Babies and young children of whatever age are persons for the purpose of the licence.

22. First aid kits

- 22.1 There must be provided and maintained in good working order in the vehicle at all times when it is in use or available for hire a suitable first aid kit containing appropriate first aid dressings including sterile bandages and plasters that are in date. The kit must be marked with plate or registration number and there must be a sign depicting where the kit is kept within the vehicle.

23. Tyres

- 23.1 It is essential that the tyres on all licensed vehicles are in good condition. All tyres must conform to the following requirements:
- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre. (Please be aware that this is a more stringent standard than the MOT test)
 - Tyre fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
 - be compatible with the types of tyres fitted to the other wheels
 - not have any lump, bulge or tear caused by separation or partial failure of the structure
 - not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord
 - not have any part of the ply or cord exposed.
 - Tyres must be correctly inflated to the vehicle or tyre manufacturer's recommended pressure.
 - All replacement tyres fitted to licensed vehicles must be new (that is not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company or contractor. Vehicle proprietors are required to retain invoices or receipts to show that any tyre that is purchased meets this requirement.
 - The fitting of part worn tyres to licensed vehicles is not permitted.
 - 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

24. Window glass

- 24.1 Window glass should be kept clean to give a clear view both into and out of the vehicle. Tinted windows, which prevent clear vision into vehicle are not permitted. Only factory fitted tinted glass will be acceptable which must meet

the requirements of the Road Vehicles (Construction and Use) Regulations 1986. Under no circumstances will stick on style tinting be permitted.

25. Multi passenger vehicles (MPVs)

- 25.1 This refers to vehicles licensed to carry more than four but less than nine passengers.
- 25.2 The number of passengers which the vehicle is licensed to carry will in all cases be subject to the discretion of the council.
- The vehicle must have an engine of cubic capacity of which is capable of enough power to carry the amount of passengers it is licensed for including bags or cases.
 - Access to every passenger seat must be unobstructed and be easily accessible to passengers without the need for seats to be removed and without the need for more than one passenger to move. There must be adequate, secure storage space for all passengers' luggage preferably within the vehicle. The arrangements for storing luggage must not obstruct access to the vehicle exits or affect passenger comfort.
- 25.3 If when the vehicle is fully occupied there is insufficient space within the vehicle for storage of luggage then a roof rack may be fitted providing that:
- a. the luggage is stored in a purpose-built luggage carrier, and
 - b. that the roof load does not exceed the maximum weight recommended by the vehicle manufacturers.

26. Wheelchair accessibility

- 26.1 The council will not grant a licence to those vehicles that load wheelchairs containing occupants into the rear of the vehicle using ramps. In some instances, these may be licensed on a case-by-case basis for private hire vehicles only.
- 26.2 Vehicles using either a hydraulic or an electric powered tail lift to load wheelchairs and passengers into the rear of the vehicle are exempt from the above condition.
- 26.3 Passengers, regardless of any disability, must be able to get in and out of the vehicle with reasonable ease and travel within it in safety and reasonable comfort while remaining seated in their wheelchair, if so required.
- 26.4 The wheelchair user must on request be able to transfer to a vehicle seat.
- 26.5 The vehicle must display a sign depicting the universally recognised disabled logo on the door where the passenger will be loaded).

Entry to the vehicle

- 26.6 Any doorway used to load wheelchair users must provide adequate height and width to allow passengers to be loaded whilst seated in their wheelchair.

- 26.7 Any steps, either fixed or retractable, must be permanently secured at the point of entry.
- 26.8 The surface of all steps must be slip resistant. Step nosing must be designed to minimise risk of tripping and must be in a contrasting colour.
- 26.9 Steps must be fitted in such a manner that the vehicle cannot be driven off while the step is deployed and, in a position, where it extends beyond the vertical line of the bodywork.
- 26.10 Handrails or handholds must be provided at passenger entrances as an aid when entering or exiting the vehicle.
- 26.11 The surface of every handrail or handhold must contrast in colour from the surrounding surfaces and be of a slip resistant finish.
- 26.12 Any ramp must provide a surface of at least 750mm wide and shall have a minimum safe working load of 250kg. The ramp must not exceed 1700mm in length.
- 26.13 When in use the ramp must be securely located at the point of wheelchair entry. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use.
- 26.14 Channel ramps must not be used. However, ramps which fold are permitted providing the ramp is rigid when deployed.
- 26.15 The surface of all ramps must have a slip resistant finish.
- 26.16 All outer edges must be clearly marked in a contrasting colour.
- 26.17 Provision must be made for the safe storage of the ramp when not in use.

Wheelchair within the vehicle

- 26.18 The wheelchair user must travel in a space designated for that purpose.
- 26.19 The area required for the wheelchair must be of sufficient size to allow a wheelchair to be moved from outside the vehicle into the designated space without excessive manoeuvring.
- 26.20 Wheelchair users must either face forwards or backwards whilst travelling in the vehicle.
- 26.21 All wheelchairs must be securely fastened.
- 26.22 Passengers occupying a wheelchair must be provided with a seat belt.
- 26.23 The vehicle must not be driven until both the wheelchair and its occupant have been properly and securely fastened in the vehicle by means of appropriate restraining devices.
- 26.24 Any unoccupied wheelchair must be properly secured so that it cannot cause injury to passengers when the vehicle is moving.

- 26.25 A non-slip material must be used for the surface of the flooring in the designated wheelchair space.

In addition, the proprietor of every vehicle licensed to carry passengers seated in wheelchairs shall make sure:

- a. That all drivers of such vehicles have an approved DVSA (DSA previously) practical wheelchair accessible training course. (The certificate of attendance must be presented to the council).
- b. That any additional equipment such as clamps, ramps and belts, required to cater for wheelchair passengers are carried at all times and are in a fit and serviceable condition.
- c. That the driver is familiar with the operation of and the functionality of all devices designed to help passengers to get in and out of the vehicle, all drivers should be trained in the use of all relevant belts and other restraint and locking mechanisms.

27. Trailers

- 27.1 Only vehicles licensed by the council to carry six, seven or eight passengers are permitted to tow a trailer.
- 27.2 A trailer may only be used for the purpose of conveying the luggage of fare paying passengers whilst they are being conveyed within the vehicle and for no other purpose.
- 27.3 No trailer may be used in conjunction with either a hackney carriage or private hire vehicle unless that trailer has first been inspected and approved by a West Suffolk vehicle testing station for suitability, safety and compliance with all relevant legislation. Fees are payable for each test and inspection.
- 27.4 Advertisements will be allowed to be displayed on the trailer, as per vehicle conditions.
- 27.5 A current certificate of insurance must be produced to the council which covers the use of a trailer and the vehicle licensed to tow it. Such insurance must extend so as to cover any luggage carried within the trailer.
- 27.6 Every trailer must comply in all respects with the requirements of EC94/20 type approval and any acts and Regulations relating to trailers or parts thereof of which may be in force at the time of licensing.
- 27.7 An additional vehicle licence plate must be displayed on the outside rear of the trailer. This plate must carry the same details as the plate affixed to the rear of the towing vehicle.
- 27.8 The maximum gross weight of any trailer shall not exceed 750kg.

28. In-car surveillance systems – (CCTV)

- 28.1 Vehicle proprietors may install image recording equipment in licensed vehicles and is deemed to be the data controller.
- 28.2 An approved installer must carry out the installation in accordance with the manufacturer's instruction and the council's conditions.

- 28.3 All image recording equipment must comply with the requirements of current data protection legislation. For the purpose of the General Data Protection Regulation, a controller determines the means and purposes of processing personal data. For the purpose of the installation and operation of a CCTV system in taxis and private hire cars, the controller will be the holder of the taxi or licensed vehicle licence and not the driver.
- 28.4 The licence holder will be responsible for ensuring compliance with the requirements of Data Protection legislation, including the GDPR, and this policy. The controller is legally responsible for the use of all images including breaches of legislation and where a third-party processor is used for the remote storage of personal CCTV data and for which the controller retains full responsibility for the processor's actions. More information can be found at: [ICO - Video surveillance \(including guidance for organisations using CCTV\)](#)
- 28.5 Equipment must be installed in such a way that it will not cause injury to the driver or the passengers. Nor should it obscure the view of the road through the windscreen.
- 28.6 Equipment must be secure and not interfere with the safe operation of the vehicle.
- 28.7 All cameras must be installed above the level of the dashboard within the vehicle.
- 28.8 Recorded images must show the date and time the image was captured and identify the vehicle in which the equipment is installed.
- 28.9 There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. Guidance is available with the ICO (Information Commissioners Office). The recommended wording on the sign is as follows:

Passenger notice

This taxi or private hire vehicle is protected by a digital surveillance camera. Any images recorded are held in a secure format and can only be viewed by the licensing authority or the Police.

29. Vehicle tests and inspections

- 29.1 All vehicles must have inspections carried out at an approved vehicle testing station from the list of approved testers supplied by the council at least twice a year. The first test must be carried out prior to the grant of the licence or re-licence (when a certificate of compliance will be issued for six months) and the second test must be carried out prior to the expiry of the certificate or compliance issued on passing the first test. The expiry date of the certificate of compliance will be:
- six months minus one day from the date of the test (for the first test)
 - the expiry date of the Licence period (for the second test).
- 29.2 The vehicle shall be inspected and tested as follows:
- a. Prior to the granting of the initial licence or re-licence

- b. six months after date of the first inspection
- c. Annually when the licence is due for re-licence
- d. At any other time if so requested by the council up to a maximum of three separate occasions during any one period of 12 months.

29.3 Any authorised officer of the council or any Police constable has the power to inspect and test, for the purposes of ascertaining its fitness, the vehicle or any taximeter affixed to the vehicle. If the vehicle or equipment fails such an inspection, written notice may be given on the need for further test or inspection and the licence may be suspended until that date or until any faults are rectified.

29.4 All vehicles licensed by the council will be required to hold a valid MOT certificate from 12 months old.

30. Accidents and incidents

30.1 If at any time, a licensed vehicle is involved in any kind of accident or incident, involving damage to their vehicle, other vehicles(s) or any property and injury* to any person or animal regardless of how minor or who was at fault, the driver must inform the council of the accident or incident within 72 hours; this must be done in writing.

30.2 An incident report form is available on our website ([West Suffolk Council – Taxi licences](#)) and must be completed and submitted to the council by email along with photographs of the damage within 24 hours of reporting the accident or incident (except in exceptional circumstances when the report must be made as soon as possible after the accident or incident – an example of an exceptional circumstance would be that the driver is incapacitated due to the accident and physically unable to make the notification). (Please note: whiplash will be regarded as an injury).

30.3 Following an accident or incident to a licensed vehicle an authorised officer of the council shall review the extent of the damage to determine whether the vehicle is fit for continued use or requires suspension. If the vehicle is fit for continued use but requires repair the timescale for this repair must be agreed with an authorised officer of the council. If the vehicle is not deemed fit for continued use, the vehicle will be suspended until such time as a full compliance test is passed by one of the council's approved garages and documentation submitted to the council.

30.4 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided:

- 1. the damage to, or defect in, the vehicle has been reported
- 2. an application is made in the prescribed manner
- 3. the replacement vehicle meets the requirements of the council's policy

31. Insurance

31.1 The proprietor(s) must ensure that at all times the vehicle is insured to the satisfaction of the council both for the requirements of Part VI of the Road Traffic Act 1988 and for the carriage of fare paying passengers (that is for hire

and reward). This shall include third party insurance for personal injuries suffered by passengers.

- 31.2 The proprietor(s) must produce the certificate of insurance or the cover note in respect of the insurance cover for inspection prior to the issue of the licence and each time the certificate of insurance or cover note (if appropriate) is changed, amended, varied, altered or the like.
- 31.3 The council will only accept a certificate of insurance in either the name of the registered keeper of the vehicle or the name of the legal owner of the vehicle.

32. Transfer of licence

- 32.1 If the proprietor(s) of a private hire vehicle licence transfers his interest in the private hire licence to a person other than the proprietor whose name is specified in the licence, they shall within fourteen days after such transfer give notice in writing thereof to the licensing authority specifying the name and address of the person to whom the private hire licence has been transferred.
- 32.2 If a proprietor without reasonable excuse fails to give notice to a district council as provided by subsection (1) of this section he shall be guilty of an offence.
- 32.3 The licence must be transferred with the attached vehicle from one owner to another. This must be done as a complete transaction where the already licensed vehicle is transferred completely with its plate from one person to another.

33. Dual registration

- 33.1 A vehicle licensed as a hackney carriage by any other local authority may not be licensed by the council as a hackney carriage or private hire vehicle within the West Suffolk council district.
- 33.2 A vehicle licensed as a private hire vehicle by any other local authority may be licensed by the council as a private hire vehicle within the West Suffolk Council district, if the council in its absolute discretion thinks fit.

34. Re-licence applications

- 34.1 The proprietor(s) shall, at least 28 days prior to the date of the licence's expiry, make application to the council for a re-licence of their private hire vehicle licence. If a complete application for re-licence is not received by the expiry date, the licence will lapse and the vehicle will have to be licensed as a new vehicle and must meet the requirements of a new vehicle. It is a criminal offence to ply for hire in an unlicensed vehicle.

35. Change of address

- 35.1 The proprietor shall notify the council in writing of any change of address during the period of the licence, within seven days of such a change taking place. There will be an administrative charge set out in the council's fee list.

36. Disciplinary code

- 36.1 The council has adopted a disciplinary code see [Appendix A](#), which sets out the principles and procedures by which breaches of statutory provisions, or the contravention of any of the council's standard conditions will be dealt with by the council.

37. Inspection of licences

- 37.1 The proprietor shall, at the request of the council, produce for inspection the licence either forthwith or at its licensed council district office, beginning with the day following that on which the request is made.

38. Right of appeal

- 38.1 Nothing in these conditions will remove the right to appeal to a magistrates' court against the council's refusal to grant a licence, or any decision to suspend or revoke a licence, nor against any conditions which may have been imposed on any such licence by the council. Any appeal must be made to the relevant magistrates' court within 21 days of the refusal or decision.

Note: Failure to comply with these conditions may result in the commencement of criminal proceedings and/or in the suspension or revocation of an existing licence, or in the refusal to issue a new licence.

39. Stretch limousines used as private hire vehicles

- 39.1 These conditions made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a vehicle adapted by lengthening the wheelbase of a standard, factory-built vehicle. For the purpose of these conditions the vehicle is classed as a 'special events vehicle'. They apply in addition to the authority's standard conditions for private hire vehicles.

Guidance notes

- 39.2 A 'stretch limousine' is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. For the purpose of these conditions, it will be restricted to carrying up to, but not exceeding, eight passengers.
- 39.3 An 'American stretch limousine' is a stretch limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.
- 39.4 The licensing of any vehicle will be dependent upon the council being satisfied that the vehicle is suitable in size, type and design for use as a private hire (special events) vehicle.
- 39.5 In making a judgement of a vehicle's suitability the council will consider its age, mechanical condition, mileage, appearance, bodywork condition and safety features. When presented for licensing the first time the vehicle must have either European Whole Vehicle type approval or UK Low Volume type approval, or Single Vehicle Approval [to be replaced by the Individual Vehicle Approval (IVA)] test.

- 39.6 The SVA or IVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads.
- 39.7 The council will at its discretion consider licensing 'American stretch limousines' provided that conversion works have been carried out under the Ford Qualified Vehicle Modifier (QVM) or the Cadillac Master Coachbuilder (CMC) programmes.
- 39.8 It will be the vehicle proprietor's responsibility to obtain all necessary documentation to support the provenance of the vehicle to the satisfaction of the council. All relevant approval certificates, including the American certification must be provided to the council. It should be noted that a Minister's Approval (MAC) Certificate is not on its own acceptable.
- 39.9 The maximum length of the 'stretch' shall not exceed 120inches or 3,048mm.
- 39.10 The council may at its absolute discretion consider licensing vehicles that are left-hand drive (that is the steering wheel being on the near side), have some side-facing seats, and have tinted glass.

Conditions

- 39.11 No external fitting will be permitted other than an aerial to receive radio or other transmissions.
- 39.12 Alcohol may not be sold on a moving vehicle. Any alcohol sold as part of the hire agreement can only be sold under an appropriate premises licence. No person, under the age of 18 years, being conveyed in a stretch limousine shall be allowed to consume alcohol.
- 39.13 A proprietor shall ensure that the vehicle is and remains at all times throughout the period of licensing in such a condition so as to comply with all current standard conditions made by West Suffolk council in relation to private hire vehicle licences. In addition, vehicles must comply fully with all relevant statutory requirements and be operated in accordance with the conditions made by West Suffolk Council in relation to private hire vehicle operator's licences.
- 39.14 All limousines shall be subject to mechanical test and inspection at intervals no greater than 26 weeks during the currency of the licence. Such test and inspection is in addition to Ministry of Transport testing (MOT) and must be at a testing station approved by the council to carry out such tests and inspections. It should be noted that such tests and inspections may have to be carried out at premises operated by the Vehicle and Operator Services Agency (VOSA).

40. Vehicle licence plate exemptions (Section 75)

40.1. Conditions:

1. Vehicles granted a plate exemption waiver shall be used only for prestige type hirings and shall not be used for standard private hirings. Vehicles

- must not display logos or identification or telephone numbers which may indicate that they are used as a private hire service.
2. The operator receiving a booking for a plate exempted vehicle shall provide the hirer with details of the vehicle registration number and the name of the driver, prior to the hiring commencing. Bookings must be recorded and kept available for inspection for at least 12 months.
 3. The private hire windscreen identification plate issued by the council shall be displayed within the front nearside of the windscreen at all times and legible from outside the vehicle.
 4. The driver's badge shall be available for inspection by an authorised officer of the council, a police officer or by the hirer of the vehicle, on request.
 5. The council's agreement to a plate exemption is required to be carried within the vehicle at all times and to be available for inspection by an authorised officer of the council, a police officer or by the hirer of the vehicle, on request.
 6. The driver of a plate exempted vehicle shall wear professional business attire.
 7. The hirer shall not have the facility to settle accounts and/or tender direct payment to the driver by any means. Cash transactions are not allowed. Payment may only be made, either before or after the journey, direct to the operator or their accounting system.
 8. The driver and passenger front side window glass and the front windscreen must be clear. Tinted windows can be fitted to the side and rear window glass of the vehicle provided that they comply with the current legislation and allow in the correct amount of light.
 9. No alcoholic drink shall be sold or purchased in or from the vehicle.

Appendix D - Private hire vehicle operator's licence

1. Operator requirements

- 1.1. A private hire operator (PHO) licence is required to take bookings and dispatch private hire vehicles to customers. Licences are issued to an individual, individuals or companies. The licences cannot be transferred to another person(s). The operating base may be amended subject to a fee provided the new address is within district and the required documents can be provided such as updated insurances. All bookings taken for private hire vehicles must be done through their licensed PHO booking office, known as the 'operating base'. PHO booking offices can operate from either home addresses or public offices.
- 1.2. Operators must ensure that the drivers they utilise are fit and proper to carry out the bookings and are appropriately trained for their role. Operators should be able to demonstrate how they will achieve this by way of a policy to include any training (or checks) provided by the operator, customer service company policies and practices, including disability awareness.
- 1.3. Operators may outsource bookings and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.
- 1.4. If an operator subcontracts a booking to another licensed operator, both operators must keep a record of the booking. The operator who accepted the initial booking remains fully responsible for that journey even though it has been subcontracted to another licensed operator. The initial operator must record what checks they made to ensure that the operator they passed the booking onto is correctly licensed.
- 1.5. Regardless of which operator fulfils the booking, the operator can only dispatch a vehicle licensed by the same authority that licenses the operator and driven by a driver also licensed by that same authority.
- 1.6. Customers who book through a West Suffolk operator would expect a vehicle and driver also licensed by this authority. The conditions and standards applied by this authority may be of a higher standard than some other local authorities, as such the subcontracted vehicle and driver may not meet the customer's expectations.
- 1.7. The customer has the choice of which operator they book through. This means that the customer may choose an operator licensed by a neighbouring authority, known as cross border hiring. The legislation permits these bookings and the council cannot get involved in these private hire contracts. Operators should aspire to ensure that their drivers and vehicles provide the highest standard of service, so that they are the operator of choice.
- 1.8. Operators need to be aware of their obligations when it comes to data protection. Where data bases containing personal information, such as records of bookings are maintained electronically or if they have CCTV, they are required to be registered with the Information Commissioners Office (ICO). Further information including a self-assessment, can be found on the following links:

- [ICO – Data protection fee](#)
- [ICO – Registration – self assessment](#)
- [ICO – Video surveillance \(including guidance for organisations using CCTV\)](#)

- 1.9. Operators must ensure they have all the correct insurances in place for the vehicles and drivers they utilise. Those who provide a waiting area for clients must ensure that they have valid public liability insurance.
- 1.10. To operate a private hire taxi company, you'll need to apply for planning permission to ensure that if your business is run from home, it will not cause nuisance or obstruction to your neighbours.

2 The application process

- 2.1. All applicants, existing licence holders, part owners or other persons with an interest in an operator's licence are required to show that they are fit and proper persons to hold such a licence.
- 2.2. Applications for a private hire vehicle operator licence must be made on the council application form, with the appropriate fee and the applicant must undergo a Basic Disclosure Barring Service check. If the applicant is a limited company a DBS and fit and proper test for directors and secretaries. The council will then decide whether the applicant is a fit and proper person to hold an operator licence. The council will grant operator licences for a period of five years. A licence will only be granted for less than five years in exceptional circumstances. A basic DBS will need to be undertaken annually and the operator's licence will be suspended if this not done. If the operator is a driver, they will be checked six-monthly as part of their drivers' licence and annually thereafter for the duration of the operator's licence should they cease to be a driver.
- 2.3. It is the licence holder's responsibility to apply to re-licence in time. Operators who wish to re-licence must submit the relevant application and supporting documents a minimum of 28 days prior to the expiry of the licence.
- 2.4. A reminder letter will be emailed to proprietors two months prior to the expiry date of the licence. If no email address has been provided, a reminder letter will be posted to the last address we hold on record.
- 2.5. If for any reason you do not receive a reminder, it remains your responsibility to make sure a complete application is received in plenty of time and at least 28 days prior to the expiry of the licence. If the application is not submitted within this time frame, it could result in your business ceasing to operate until such time as the new licence is granted.
- 2.6. If you are a new operator wishing to apply for a licence to operate private hire vehicles, please visit [West Suffolk Council – Taxi licences](#) to download an application form.

3. Safeguarding

- 3.1 Safeguarding training is required for a private hire operator who has not already undertaken the training as a licensed driver (within the last three years). A new private hire operator (all persons named on the private hire

operator licence) is required to undertake, at their own cost, the half day college-based course which will be based upon safeguarding, disability awareness and exploitation. Private hire operators should be just as much aware of these issues as a licensed driver. Existing private hire operators (who are not licensed drivers) will be required to complete the half day course during the three months before the expiry of their licence. The licence will not be issued if this training is not completed. [West Suffolk College - Find your perfect course](#)

- 3.2 If you are an existing licensed private hire operator, not a licensed driver, and you have had your licence issued or renewed during the two years prior to 1 January 2023, you will be required to undertake this course by 1 June 2023.

4. Right to work in the UK

- 4.1 All applicants must provide evidence of their right to work in the UK. This is required for the first application and all re-licence applications.
- 4.2 Operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work in the UK, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.
- 4.3 Licensing authorities must discharge this duty by either carrying out a manual document-based check or a check using the Home Office online checking service. The check must be performed when the applicant applies for a licence. As part of your application, you will be required to provide documentation that evidences your right to work in the UK.
- 4.4 There are two ways to provide your right to work in the UK:
- Option one: Provide within your application one of the original documents or combination of documents as set out in Annex A of the Employer's Guide. [GOV.UK - An employer's guide to right to work checks: 6 April 2022 \(accessible version\)](#)
 - Option two: Provide within your application a share code allowing the authority to carry out an online check using the Home Office online checking service available on [GOV.UK - Prove your right to work to an employer](#).
- 4.5 Operators will be required to bring original documents on collection of the licence, and these will be verified by an officer.

5. Tax conditionality

New tax requirements for applications to certain licences are being put in place by the Government. The tax check should only take a few minutes every few years and it is simple to confirm that someone is appropriately registered for tax.

Existing licence holders will be required to complete a tax check from 4 April 2022 for re-licence of the following:

- combined hackney carriage and private hire driver's licence
- private hire vehicle operator licence.

The tax check can be completed on GOV.UK, through a Government Gateway account [GOV.UK - Complete a tax check for a taxi, private hire or scrap metal licence](#)

When the tax check is complete, a code will be issued. This code must be given to the council. The licence application or renewal will not be processed until the tax check is completed and the code provided.

The council will not have access to any information about tax details, they will only receive confirmation from HMRC that the tax check is completed.

More information about the tax check can be found at:

- [GOV.UK - Tax check factsheet](#), or
- [GOV.UK - Complete a tax check for a taxi, private hire or scrap metal licence](#)

Existing licence holders are encouraged to visit this website as soon as possible to ensure they understand the requirements before their licence is due for renewal. (This affects licences due for renewal from 4 April 2022 onwards.)

6. Disabled passengers: duties of operators of private hire vehicles

As per Section 167A of The Equality Act 2010 as amended by The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022:

1. the operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle if:
 - a. the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
 - b. the reason for the failure or refusal is:
 1. that the passenger has a disability, or
 2. to prevent the driver of the private hire vehicle being made subject to a duty which would otherwise be imposed on the driver by section 164A, 165 or 165A.
2. The operator of a private hire vehicle commits an offence by making, or proposing to make, an additional charge for the carrying out of any duty imposed on the driver of the private hire vehicle under section 164A, 165 or 165A.
3. A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

7. Assistance dogs

As per Section 170 of The Equality Act 2010 as amended by The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022

1. an operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle:

- a. if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
 - b. the reason for the failure or refusal is:
 1. that the disabled person will be accompanied by an assistance dog, or
 2. to prevent the driver of the private hire vehicle being made subject to a duty which would otherwise be imposed on the driver by this section.]
2. The operator, or driver of a private hire vehicle, commits an offence by making or proposing to make, an additional charge for carrying an assistance dog which is accompanying a disabled person.
 3. The driver of a private hire vehicle commits an offence by failing or refusing to carry out a booking accepted by the operator:
 - a. if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
 - b. the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog.
 4. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

8. Conditions

8.1 Private hire vehicle operators must keep records in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Prior to the commencement of each journey, the operator (or in their absence, a responsible member of staff) shall record details of every private hire booking made. The following information shall be recorded in an easily retrievable method (page numbered written log in a bound book or computer database) before the commencement of each journey which enables examination and audit. Records to be kept shall include the following:

- The date and time of receipt of each booking
- Name of the person taking the booking
- How the booking was received,
- Date and time booking received
- Time, pick-up point and destination
- The fare quoted for the booking
- The name of the hirer
- Contact details of hirer (address and phone number)
- Date and time a driver was allocated the booking and who despatched the booking
- Identity of the driver and vehicle including the private hire licence plate number of the vehicle allocated the booking.

The records shall be kept for at least 12 months. The records shall be produced, on request, to any authorised officer of the council or police officer.

8.2 An operator shall maintain at his premises details of all vehicles operated by him or her, which shall include the following:

- Vehicle details

- Make and model
- Vehicle owner
- Council plate number
- Vehicle registration number
- Fleet number or call sign (if issued). If a call sign is allocated for a temporary period, a record must be kept of the relevant dates and the vehicle and driver:
 - name and address of the proprietor of the vehicle
 - name(s) and address(es) of the driver(s) of the vehicle(s)
 - badge numbers of the driver(s)
- Copy of the vehicle licence
- Copy of the insurance certificate or cover note
- Copy of the vehicles most recent MOT certificate.

In all cases, all records must be kept for at least 12 months and made available on request to any authorised officer of the council or police officer.

- 8.3 The operator's licence must be held within the council area where the operator has their office or home address in the case of an owner-driver. Anyone who wishes to operate in more than one area is required to hold an operator's licence with the local authority in each of those areas. No operator shall invite or accept a private hire vehicle booking or control or arrange a journey to be undertaken by a private hire vehicle without first making available the charge for the hire of the vehicle to the person making the booking.
- 8.4 The operator shall ensure that when a private hire vehicle has been hired, the vehicle shall, unless delayed or prevented attend punctually the appointed time and place.
- 8.5 Operators must be satisfied that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. Operators must maintain a register of all staff that will take bookings or dispatch vehicles.
- 8.6 Operators must have a policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.
- 8.7 Operators must evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.
- 8.8 DBS certificates provided by the individual should be recently issued when viewed. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.9 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate

itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

- 8.10 Operators may outsource booking and dispatch functions but cannot pass on the obligation to protect children and vulnerable adults. Operators must evidence that comparable protections are applied by the company to which they outsource these functions.
- 8.11 Operators must be registered with the Information Commissioner.

9. Standard of service

- 9.1 The operator must at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall in particular ensure that:
- a. when a vehicle has been hired to attend at an appointed time and place, the vehicle shall attend punctually unless delayed or prevented by sufficient cause. Where possible, the operator should contact the customer and inform him/ her of any delay
 - b. premises provided by the operator, either for waiting or booking, shall be kept clean, adequately heated, ventilated and well-lit with adequate seating provided
 - c. any telephone facilities and radio equipment are maintained in a sound condition
 - d. any complaints received by the operator shall be referred in writing to the council, together with any action taken
 - e. the operator shall ensure, without prejudice to any other liabilities imposed under the Local Government (Miscellaneous Provisions) Act 1976 that all vehicles and drivers owned, controlled or operated in association with the operator shall observe and perform the conditions of their licence
 - f. all vehicles operated by the operator shall be maintained in a satisfactory and roadworthy condition

Additionally:

- g. the council will hold the proprietor or operator of a private hire vehicle responsible for the general condition and roadworthiness of the vehicle(s), and for ensuring that drivers are familiar with all conditions, legislation and byelaws regulating the operation of vehicles
 - h. in certain instances therefore the proprietor or operator may be subject to enforcement action as a result of an offence committed by the driver of their vehicle.
- 9.2 It is the operator's responsibility to ensure that all drivers and vehicles owned, controlled or operated by them shall be licensed and comply with all the conditions of their drivers licence and or private hire vehicle licence.
- 9.3 The use of a driver who holds a PCV licence and the use of a PSV such as a minibus to undertake a private hire booking should not be permitted without the informed consent of the booker. If a larger vehicle is required, it must be explained to the booker that the driver will not be checked in the same way as a PH driver.

- 9.4 In relation to condition 6.1. d) above, each operator shall keep a record of all complaints made to him/her or his/her agents or managers in a bound book or computerised system relative to any aspect of the operators business or persons at that time working with or employed by that operator. The complaints book shall be kept for a period of 12 month and shall be produced, on request, to any police officer or authorised officer of the council.

10. Insurance

- 10.1 The operator must keep a copy of all cover notes and certificates of insurance issued to the drivers/proprietors. The dates shown on such documents must show continuation of cover throughout the period that the vehicle is working in connection with the operator. When a 'block' policy is held by the operator, a full list of all vehicles and drivers covered should be kept for at least one year past the expiry date of the insurance. The insurance document should show:
- a. name and address of insurance company (and broker if applicable) insuring the use of the vehicle
 - b. date of commencement of any policy of insurance and of any cover notes issued with policy and cover note numbers relating to the use of the vehicle
 - c. date of expiry of the policy and of any cover notes issued
 - d. persons entitled under the terms of the policy to drive the vehicle and details of any limitations as to use (for example private hire or public hire).
- 10.2 Change of address (including any address from which an operator conducts their business), full details must be notified to the council within seven days of such a change taking place.
- 10.3 The operator shall within 48 hours disclose to the council in writing full details of any conviction imposed on him/her during the period of the licence.

11. Door signs or advertisements

- 11.1 An operator shall not include in his or her trading title, or in any advertising whether in publication or by the display of notices or by means of a circular, or business card, any reference to 'taxi' or 'cab'.
- 11.2 Should an operator wish to provide drivers or proprietors with door advertising panels (other than those issued by the council) the below procedure must be followed:
- a. the sign must be approved by an authorised licensing officer before being put into use
 - b. the sign must be displayed on both front doors of the vehicle
 - c. the sign may contain the name of the company and the telephone number but must incorporate the words, 'West Suffolk Council. private hire vehicle. This vehicle must be pre-booked.'
 - d. the sign must not show the word 'TAXI' or nor any other word of similar meaning or appearance which may be taken to indicate that the vehicle is a hackney carriage. provide drivers with door advertising panels other than our approved ones.

Note: The council may suspend, revoke or refuse to grant the operator's licence if any of these conditions are not complied with.

Appendix E - Hackney carriage and private hire disciplinary code

1. The Town Police Clauses Act 1847 and The Local Government (Miscellaneous Provisions) Act 1976 provides that where the statutory provisions relating to those who hold licences under the above legislation are breached, or the conditions attached by the council to any licence granted by it are contravened, then the council may suspend, revoke or refuse to grant such licence.
2. The council has adopted a disciplinary code, which sets out the principles and procedures by which such contraventions will be dealt with by the council. Any matter considered under this policy must also be dealt with in accordance with the council's corporate enforcement policy.
3. The purpose of the scheme is to provide a formalised stepped enforcement plan against licence holders who commit offences which is balanced, consistent and transparent. It allows us to record offences, to maintain a record of driver behaviour and conduct and in so doing helps us to consider whether the driver is a fit and proper person if their behaviour, actions or misdemeanours are in breach of our required standards.
4. Licensees who fail to comply with statutory provisions or any other of the council's licensing requirements will have appropriate action taken against them. Depending on the nature of the contravention such action may take the form of:
 - a. a verbal warning
 - b. written warning
 - c. awarding of penalty points
 - d. suspension or revocation of licence
 - e. prosecution
5. The primary objective of our penalty points scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.
6. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations. In making a judgement whether to issue penalty points, the officer assesses the severity of a complaint, the accumulation of complaints, and the timeframes in which they are received. Each incident, complaint, breach or infringement against a driver should be considered on the individual circumstances of each case alongside our policy.
7. Where appropriate the council's licensing officer has discretion to give a verbal warning for a first offence in any category. Any subsequent offences will be subject to penalty points or higher in accordance with the scheme.
8. Where it is suspected that a licensee has breached statutory provisions, has contravened any of the council's standard conditions or has been convicted of a criminal offence, whether it be for driving or motoring, or something totally unconnected with driving or motoring the council will:

- a. carry out appropriate investigations
 - b. invite the licensee to respond to the allegation
 - c. inform the licensee of the outcome of the investigation.
9. Where penalty points are awarded by an authorised officer for the council, the licensee will be given 14 days in which to appeal in writing to the council's Director of HR, Governance and Regulatory Services, who can delegate the investigation to either the Service Manager, Regulatory Services or the Commercial, Environmental Health and Licensing Manager. If no appeal is lodged within that period, penalty points in accordance with the notice will be recorded against the licensee and endorsed on their record.
 10. Penalty points will be deemed as spent three years after the date on which they were recorded.
 11. Where a licensee incurs 12 penalty points or more in any three year period the matter will be reported to the relevant officer. In such cases, the Director of HR, Governance and Regulatory Services, who can delegate this to the Service Manager, or Food Safety and Licensing Manager, shall consult with the Chair or the Vice-Chair and one other member of the committee on whether they consider it appropriate to refer the matter to the sub-committee, or whether the matter should be delegated for officers to determine. This report will recommend that the licence be suspended, the length of suspension being a minimum of one day for each point incurred. Once a period of suspension has been served, all penalty points relating to the period of suspension will be set back to zero but can be considered in future disciplinary hearings if deemed relevant.
 12. In circumstances where the council's authorised officer having given due consideration to the facts of the case is of the opinion that the imposition of penalty points may not be appropriate, a licensee may be required to appear at a meeting of the Licensing and Regulatory Sub-Committee. Such instances would include but not exclusively:
 - a. breaches of insurance conditions (licensed private hire vehicles applying for hire)
 - b. a conviction for reckless driving or driving without due care and attention
 - c. failure to disclose a conviction (non-vehicle related).
 13. Appearance before the Licensing and Regulatory Sub-Committee could result in suspension, revocation or refusal to grant a licence.
 14. Any person whose licence is suspended, revoked or refused in this way may appeal to the magistrates' court against the council's decision. Appeals must be lodged with the magistrates' court within 21 days of notification of that decision.
 15. Any vehicle presenting itself for testing in a defective condition will be subject to suspension under Section 68. A Section 68 Notice may also result in penalty points being issued.

List of breaches for which penalty points can be awarded

Ticks indicate potential recipients of penalty points. Please note certain offences or breaches may result in drivers, proprietors or operators receiving penalty points. Points may be awarded to one or several persons depending upon the nature of the offence or breach; however each case must be determined on its own merits. Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

Driving offences dealt with by other means, such as fixed penalty tickets, or by court conviction do not fall into the scope of the penalty points scheme normally; however, there may be occasions when such convictions will attract penalty points, an example being shown in 43, above, (use of hand-held device whilst driving).

Offence or breach of condition	Penalty points	Recipient
1. Providing false or misleading information on licence application form or failing to provide relevant information.	6	Driver Operator Vehicle proprietor
2. Failure to notify, in writing, the council of change of address within 48 hours.	3	Driver Operator Vehicle proprietor
3. Failure to report, in writing, within 72 hours an accident or damage to a licensed vehicle, which would cause the vehicle to breach licence condition.	4	Driver
4. Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence.	6	Vehicle proprietor
5. Failure to notify within 48 hours, in writing, a change in medical circumstances.	6	Driver
6. Failure to notify the council, in writing, of any criminal offences, whether they be for driving or motoring or for something totally unconnected within 48 hours during period of current licence	6	Driver Operator Vehicle proprietor
7. Refusal to accept hiring without reasonable cause for example, drunk, or rude customer.	12	Driver Operator
8. Unreasonable prolongation of journeys or any misconduct regarding the charging of fares.	6	Driver Operator
9. Using unlicensed vehicle or vehicle without insurance.	12	Driver Operator Vehicle proprietor
10. Failure to produce relevant documents within timescale when requested by an Authorised Officer.	4	Driver Operator Vehicle proprietor

Offence or breach of condition	Penalty points	Recipient
11. Unsatisfactory condition of vehicle interior or exterior.	6	Driver Operator Vehicle proprietor
12. Failure to undergo the Interim Compliance Test.	6	Vehicle proprietor
13. Failure to provide proof of insurance cover when requested.	6	Driver Operator Vehicle proprietor
14. Failure to produce Hackney Carriage or Private Hire vehicle for testing when required.	4	Vehicle proprietor
15. Using a vehicle subject to a suspension order issued by an Authorised Officer or a Police Officer.	12	Driver Operator Vehicle proprietor
16. Using a vehicle for which the licence has been suspended or revoked.	12	Driver Operator Vehicle proprietor
17. Carrying more passengers than stated on the vehicle licence.	9	Driver
18. Failure to display external and internal licence plate or signs as required.	4	Driver Operator Vehicle proprietor
19. Carrying an offensive weapon in the vehicle.	12	Driver
20. Failure to carry suitable fire extinguisher.	4	Driver Operator Vehicle proprietor
21. Displaying unsuitable or inappropriately sited signs or advertisements in or on the vehicle.	3	Driver Operator Vehicle proprietor
22. Failure to use authorised roof light.	4	Driver
23. Using a non-approved or non-calibrated taximeter	6	Driver Vehicle proprietor
24. Obstruction of an authorised officer or Police Officer wishing to examine a licensed vehicle.	12	Driver Operator Vehicle proprietor
25. Evidence of smoking or vaping in vehicle.	3	Driver Operator Vehicle proprietor
26. Evidence of food or drink in vehicle.	3	Driver Operator Vehicle proprietor
27. Plying for hire by Private Hire drivers.	12	Driver

Offence or breach of condition	Penalty points	Recipient
28. Displaying any feature on or using a private hire vehicle that may suggest that it is a taxi.	6	Driver Operator Vehicle proprietor
29. Failure to carry an assistance dog without requisite exemption.	12	Driver Operator Vehicle proprietor
30. Driver not holding a current DVLA licence.	12	Driver
31. Failure to wear driver's badge.	4	Driver
32. Unsatisfactory appearance of driver.	3	Driver
33. Failure to observe rank discipline.	3	Driver
34. Failure to issue receipt on request.	6	Driver Operator
35. Failure to return licence, badge or plate immediately following expiry, revocation or suspension of such licence.	6	Driver Operator Vehicle proprietor
36. Unsatisfactory behaviour or conduct of driver.	12	Driver
37. Failure to give assistance with loading or unloading luggage to or from any building or place.	6	Driver
38. Failure to display fare card.	3	Driver Vehicle proprietor
39. Failure to carry legal spare wheel and tools or inflation device.	4	Driver Vehicle proprietor
40. Failure to attend punctually at appointed time and place without sufficient cause.	4	Driver Operator
41. A licensed vehicle with a defective tyre.	4 per tyre	Driver Operator Vehicle proprietor
42. Driving while using a hand-held device.	9	Driver
43. Failure to maintain proper records of private hire vehicle.	3	Driver Operator Vehicle proprietor
44. Failure to keep or produce records of private hire bookings or other documents required to be kept or produced.	6	Operator
45. Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day.	4	Operator
46. Failure to produce on request records of drivers work activity.	4	Operator

Offence or breach of condition	Penalty points	Recipient
47. Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3	Driver Operator Vehicle proprietor
48. Breach of any other offence or condition.	3-12	Driver Operator Vehicle proprietor