

# **West Suffolk Council Hackney Carriage and Private Hire Conditions Policy Handbook**

Portfolio holder:	
Document author:	Licensing Department
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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 is able to 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 handbook 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 handbook 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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## Introduction

West Suffolk Council licences the following:

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

The relevant legislation includes:

- Local Government (Miscellaneous Provisions) Act 1976
- The Town Police Clauses Act 1847
- Public Health Act of 1875.

All vehicle drivers are required to comply with the council's conditions and also with general motoring legislation.

The council aims to promote public safety and confidence in the hackney carriage and private hire trades by maintaining the highest possible standards. All licensed drivers are expected to conduct themselves in a professional and courteous manner at all times.

With the cooperation of the trade the council will seek to achieve this aim by:

- Ensuring that all hackney carriages and private hire vehicles are mechanically maintained to a high standard and regularly inspected.
- Ensuring that all hackney carriage and private hire vehicle drivers are fit and proper persons to act as such.

Information provided to the licensing officers will be used for health, safety and licensing purposes. Information may be used for other council functions, where this is permitted by law. The council is registered under the Data Protection Act 1998 for these purposes.

The council is under a duty to protect the public funds it administers, and to this end may use the information you provide for the prevention and detection of fraud. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

## Licensing Department contact details

West Suffolk Council, West Suffolk House, Western Way, Bury St Edmunds IP33 3YU  
and

Council Offices, College Heath Road, Mildenhall IP28 7EY

Tel: 01284 758050

Email: [licensing@westsuffolk.gov.uk](mailto:licensing@westsuffolk.gov.uk)

Web: [www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk)

The normal office hours are 8:45am to 5pm Monday to Friday. Appointments are required if you need to see an Officer, otherwise documents and forms can be left with

customer services in reception. Please allow 14 days for your applications to be processed.

## Payment of licence fees

Payments can be made in the following ways:

- By cheque (payable to West Suffolk Council)
- By debit card or credit card
- Online through our application portal\*

## Definitions

Term	Definition
the council	West Suffolk Council
the district	
proprietor	
hackney carriage	the area of the council in which you are licensed with
vehicle	means the person or persons named in the licence as the proprietor of a hackney carriage or private hire vehicle.
the licensee	the individual(s) who is/are named on a licence granted by the council
private hire vehicle	a motor vehicle constructed or adapted to seat fewer than nine passengers other than a hackney carriage, which is provided for hire with the services of a driver for the purpose of carrying passengers.
operate	in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle
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

## Hackney carriage and private hire drivers

New applicants can apply for a combined driver's badge. The combined badge allows you to drive both private hire and hackney carriage vehicles.

All new drivers must complete the mandatory Level 2 Certificate in Taxi and Private Hire Driving (or similar qualification) prior to applying for a licence.

### How to submit your application

Please refer to the guidance notes for step by step instructions on the application process and the convictions policy. These can be found on our council Website [http://www.westsuffolk.gov.uk/Business/Regulation\\_and\\_Licensing/Licensing/Taxi\\_licensing/upload/Guidance-Notes-Drivers-SEBC-Jan-2017-V2.pdf](http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/Guidance-Notes-Drivers-SEBC-Jan-2017-V2.pdf)

[https://www.westsuffolk.gov.uk/Business/Regulation\\_and\\_Licensing/Licensing/Taxi\\_licensing/upload/Taxi-Licensing-Criminal-Convictions-Policy.pdf](https://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/Taxi-Licensing-Criminal-Convictions-Policy.pdf)

Make sure that all the questions on the application form are completed and submit with all original supporting documents and the correct fee. Payment should be made by card or cheque made payable to West Suffolk Council.

You can submit your completed application to our council offices which are open Monday to Friday 8.45 am to 5pm.

**Please note:** All documents must be originals; photo copies are not acceptable. Where applicable the applicant must provide, at their own expense, a written English translation of relevant documents/certificates, together with documentary proof that the translation is correct.

1. Applications may be referred to the Licensing and Regulatory Sub-Committee for consideration. You will be invited to attend the Licensing and Regulatory Sub-Committee meeting to speak in support of your application.
2. Where an applicant, at the time of application has not reached 21 years of age the application will be referred to the Licensing and Regulatory Sub-Committee for determination.
3. A driver's licence usually lasts for three years, although it may be issued for a lesser period at the council's discretion.

## Licensed driver conditions – applies to all drivers

1. The applicant must be properly authorised to drive motor cars holding either a Group A or Category B licence issued by the DVLA, this includes EU and Northern Irish licences as defined in the Road Traffic Act 1988. The applicant must have held a **full** national driving licence for a period of 12 months.
2. Drivers will note the provisions of the conditions relating to licensed vehicles. It is important that drivers ensure that the vehicles they drive comply with the said conditions.
3. The council has a disciplinary code, 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. Serious breaches could result in suspension or revocation of your licence.
4. Every driver of a licensed vehicle is required to be licensed, the only exception being a qualified person **testing** a licensed vehicle or its taximeter.
5. A person acting as the driver of a licensed vehicle without a valid licence, commits a criminal offence, as does the proprietor who actually employs the unlicensed driver.
6. The council will not grant a driver's licence unless satisfied that the applicant is a fit and proper person to hold a driver's licence for licensed vehicles.
7. The council may suspend, revoke or refuse to renew a driver's licence if since the licence was granted the driver has:
  - a. been convicted of an offence involving dishonesty, indecency or violence,
  - b. been convicted of an offence under, or has failed to comply with, the provisions of the 1847 and 1976 acts, or
  - c. for any other reasonable cause.
8. Licensed drivers are required to hand their licences to the proprietor of the licensed vehicle they drive.
9. 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/her private hire operator. (In this condition 'road' means any highway and any other road to which the public has access).
10. The driver shall take all reasonable steps to ensure the safety and welfare of all passengers driven by him/her.
11. 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.

12. The driver will treat all members of the public with courtesy and respect.
13. The driver will ensure that all plates, labels and stickers supplied by the council are displayed and legible at all times.
14. The driver will display his badge at all times when working so that it's visible to members of the public.
15. The driver will only take refreshment in the vehicle at times when it is parked and not in service.
16. The driver will turn any entertainment off or down at the request of any passenger.
17. The driver will carry a reasonable quantity of luggage when requested by any passenger. Drivers must offer all reasonable assistance to load and unload luggage.
18. The driver will check the vehicle for any lost property between each fare, report any lost property to the police at the earliest opportunity.
19. The driver must be punctual and 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. The driver will carry a copy of the conditions at all times when the vehicle is in service and make it available to members of the public on request.
21. When carrying any animal at the request of a passenger, ensure that provision is made to ensure the safety of the animal, passenger and the driver.
22. The driver must ensure the vehicle is maintained in a clean and satisfactory condition at all times.
23. The driver must notify the council **in writing** within seven days:
  - a. of any criminal offence for which they have been convicted
  - b. of any disqualification from driving they have received
  - c. of any endorsement on their DVLA licence for a motoring offence
  - d. of any material change to their health since their most recent Group 2 medical submitted to the council
  - e. of any change of their address
  - f. of any change in their operator
  - g. of any accident involving the vehicle whilst they were driving.

24. 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
- f. drivers are expected to be smart and clean in appearance at all times. They 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.

25. The driver must not refuse assistance dogs. Reported refusals will result initially in disciplinary action according to our disciplinary and points guidance. Repeated refusal may result in the driver being prosecuted.

Drivers can apply to the council for an assistance dog exemption certificate. A medical exemption report must come from the driver's own registered GP, for example; severe allergies or asthma related to animals. The driver must display the medical exemption as per council instructions and allow passengers to inspect the exemption on request.

26. The driver must not refuse disabled or wheelchair users. Wheelchair users must be charged the same as non-wheelchair users. Reported refusals or overcharging will result initially in disciplinary action according to our disciplinary and points guidance. Repeated offences may result in the driver being prosecuted. An exemption can be applied for under medical grounds. Please contact the council for more details.

<https://www.gov.uk/government/news/law-change-demands-equal-treatment-for-disabled-taxi-users>

27. The driver must surrender his licence to the council within seven days if they receive a driving ban through a conviction.

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

29. The driver must not smoke or vape in a licensed vehicle, even when it is not being used for hire or reward.

# Private hire vehicle operator's licence

## Guidance notes

1. It is a criminal offence to operate a private hire vehicle within the council's district without having a private hire vehicle operator's licence.
2. The council can grant private hire vehicle operators' licences upon application to a fit and proper person.
3. The council may attach to the grant of a licence such conditions as it may consider reasonably necessary.

## Conditions

1. An operator shall record details of every private hire booking made. The following information shall be recorded in an easily retrievable method (page numbered log or computer database) before the commencement of each journey and shall include the following:
  - The date and time of each booking
  - How the booking was received, that is, telephone or personal call
  - The time of the pick up
  - Where the journey was from and to
  - The name of the hirer
  - The private hire licence plate number of the vehicle allocated the booking.

The records shall be kept for one year or such longer period if stated by the council.

The records shall be produced, on request, to any police officer or authorised officer of the council

2. An operator shall maintain at his premises details of all vehicles operated by him/her, which shall include the following:
  - the private hire plate number
  - vehicle registration number
  - 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).

The above records shall be produced on request to any authorised officer of the council or Police officer.

3. The operator's licence must be held with the council in whose area the operator has the 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. The licensing authority will not usually grant an operator's licence for an operator with an operating base 10 miles outside the authority's area.

4. No operator shall invite or accept a private hire vehicle booking or control or arrange a journey to be undertaken by a private hire vehicle without first making available the charge for the hire of the vehicle to the person making the booking.
5. 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.
6. The operator shall keep clean, adequately heated, ventilated and lit any premises which the operator provides to which the public have access, whether for the purpose of booking or waiting,
  - a. Make sure that any waiting area provided has adequate seating facilities
  - b. Make sure that any telephone facilities and radio equipment provided are maintained in a sound condition and that defects are repaired promptly
  - c. Make sure any person who is drunk or otherwise misbehaving shall be removed from any licensed operating premises.
7. An operator shall 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.
8. It is an offence to refuse to carry assistance dogs unless the driver has a medical exemption certificate.
9. Change of address (including any address from which an operator conducts their business) must be notified to the council within seven days of such a change taking place.
10. The operator shall within seven days disclose to the council in writing details of any conviction imposed on him/her during the period of the licence.
11. An operator shall not include in his/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'.
12. The operator shall not cause or permit any driver of a licensed vehicle to park the vehicle on any hackney carriage rank for any reason or stand or ply for hire or offer the vehicle for immediate hire while he/she or that Vehicle is on a road or other public place.
13. The operator shall keep a record of all customer complaints in respect of their driver's conduct. The register shall be kept for a period of 12 months unless specified otherwise by the council. The records shall be produced, on request, to any police officer or authorised officer of the council.

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

## **Hackney carriage vehicle licences**

As a result of local government reorganisation in West Suffolk, there are currently three hackney carriage zones. Two replicate the areas of the two former councils: Forest Heath District Council and St Edmundsbury Borough Council. The third lies within St Edmundsbury Borough Council in Haverhill. A hackney carriage licensed to ply for hire or use a taxi rank in one zone may not ply for hire in another zone in West Suffolk or elsewhere in the country.

We are only retaining the two replicate zones and abandoning the Zone at Haverhill. This will mean that the previous council area known as Forest Heath will be Zone A and the previous area known as St Edmundsbury Borough Council will be Zone B. Vehicles can be licensed to operate in either zone but not both. Your current hackney licence will remain within the zone you are licensed in and cannot be transferred to the other zone.

### **Guidance notes**

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. For any new vehicle application, the vehicle must be wheelchair accessible and be capable of carrying at least one passenger seated in a wheelchair.
2. 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 renewal is refused. Roof signs must be permanently displayed, even whilst undertaking private hire work.
3. Only a licensed driver may drive a hackney carriage, and then only if the vehicle is licensed with the same local authority that issued his hackney carriage driver's licence.
4. 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
5. It is a criminal offence to use a vehicle as a hackney carriage plying for hire within the district of West Suffolk Council without having a hackney carriage licence.
6. 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.
7. 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.

### **Conditions**

## 1. The vehicle

- a. A hackney carriage is a wheeled vehicle which may stand or ply for hire within the specific hackney carriage licensing zone for which it has been licensed to operate and has fixed up upon it a 'numbered plate' displaying the number of the vehicle licence. The two zones have consistent licensing requirements, as set out by this policy, excepting livery requirements and area of operation.
- b. Hackney carriage vehicles shall not:
  - 1. Ply for hire on public land outside of the zone specified on their licence
  - 2. Use a taxi rank or stand outside of their licensed zone\*

\*Exception to this only is a rank on private land such as a racecourse with the express authorisation of the racecourse in writing

- c. Hackney carriages are licensed to ply, or stand for hire, within the licensing district for which they hold a hackney carriage licence. Plying means that they can be hailed while on the move, or obtained if stationary and available for hire in the street. A vehicle is standing for hire if it is on a properly appointed hackney carriage stand. The principal feature being that they can carry passengers for hire or reward. The vehicle must not carry any passengers in number greater than that displayed on the plate and licence.
- d. All vehicles licensed to operate in Zone A (previously Forest Heath) must be a saloon, hatchback, estate or MPV/minibus style vehicle. It must be painted black with the exception of:
  - 1. The outer face of the bonnet which must be yellow
  - 2. The outer face of the boot lid in the case of saloons, or the outer face of the opening tailgate in the case of hatchbacks, estates or MPV/minibuses, all of which must be painted yellow.
- e. There is no livery colour requirement for Zone B at present.
- f. All newly plated vehicles must be a brand new wheelchair accessible vehicle with delivery mileage only at the time the first application is made to the council for a licence.
- g. 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:
  - 1. be 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
  - 2. be a saloon, hatchback, estate or MPV/minibus type vehicle of any colour (for Zone B vehicles) .
- h. For both zones, the age of the vehicle on first grant and must be a wheelchair accessible vehicle no older than **12 months** of first registration.
- i. For both zones, the age of the replacement of a hackney vehicle must be no older than **three years three months** of first registration.

## 2. The vehicle must:

- a. at all times throughout the period of licensing be in such a condition so as to comply fully with all relevant statutory requirements (including the council's standard conditions)
- b. have an engine, the normal cubic capacity of which is either:
  1. not less than 1500cc; (unless an MPV – see separate section) or
  2. rated by the vehicle manufacturers as being equivalent to 1500cc engine
  3. in the case of hybrid (electric), or alternative fuelled vehicles the separate power sources must, when added together be rated as being the equivalent of a 1500cc engine
- c. be a right-hand drive vehicle
- d. have, at least four doors in addition to any rear door/tailgate; in the case of MPV/Minibus type vehicles nearside and offside sliding side access doors are allowed
- e. be equipped with seat belts of an acceptable type in respect of every seat which can be used for the carriage of passengers
- f. if an estate, hatchback or MPV/minibus type vehicle, be fitted with a guard rail or other device of a type approved by the council to prevent luggage entering the passenger area
- g. be fitted with either all radial or all cross ply tyres including the spare wheel if manufactured with one fitted, in date tyre sealant repair kit must be present if vehicle is not manufactured with a spare wheel marked with plate number
- h. be provided with a taxi meter fitted and working in accordance with the standard conditions made by the council regarding taxi meters
- i. have a **permanent sign** on the roof indicating that it is a 'taxi'
- j. be fitted with a sign bearing the words '**FOR HIRE**'
- k. 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. For a continuous seat, the length of the seat needs to be a minimum of 48 inches to be licensed for three passengers.
- l. not be in excess of 5334mm (210 inches) in length.

## 3. The driver of the hackney carriage will:

- a. proceed with reasonable speed to and station the vehicle on the rank within their licensed zone

- b. If a rank, at the time of the drivers arrival is full, will proceed to another stand or return when the rank has space
- c. on arriving at their authorised zoned 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.
- d. the driver of the first or leading hackney carriage on the rank must be ready for hire and by hired by any person
- e. 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.

#### **4. The proprietor will:**

- a. 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
- b. provide an efficient fire extinguisher suitable for use in a motor vehicle, which shall be safely carried in such a position as to be readily available for use at all times. An in date fire extinguisher must be permanently marked with the vehicle plate or registration number and a sign showing location of equipment
- c. not alter the appearance of design of the vehicle (including the mechanical parts) without the prior approval of the council. This would include the installation of safety screens or similar within the vehicle
- d. make sure that every driver employed by him 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
- e. 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). Drivers must ensure that a 'NO SMOKING' sign/sticker in each enclosed compartment of the vehicle in which people can be carried.

#### **5. Taximeters**

The vehicle will be fitted with a taximeter that is calendar facilitating.

- a. The taximeter must be programmed/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. No tariffs other or greater than those currently fixed by the council shall be displayed on the face of the taximeter. The taximeter must be sealed to avoid tampering and should only be broken by authorised taximeter testers.
- c. A current fare/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.

- d. 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. Roof sign/for hire sign**

- a. The vehicle shall be fitted with a **permanent** 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.
- b. 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. The words 'TACSI' or 'TAKSI' must not be used.
- c. A separate For Hire sign will be fitted to the vehicle where the roof sign does not bear the words For Hire.
- d. 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.
- e. The illumination should automatically be extinguished when the taximeter is engaged. Any illumination must not contravene any statutory requirement.

## **7. Licence plates and labels**

The council will provide a plate and a label identifying the vehicle as a hackney carriage. The plate will be for the duration of the licence. The plate will be fixed to the rear of the vehicle so as to be clearly visible and the label fixed and displayed inside the vehicle, again clearly visible. The plate shall remain the property of the council.

## **8. Passengers**

The proprietor/driver of the vehicle shall 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.

## **9. First aid kit**

A first aid kit will be carried in the vehicle to enable the driver to administer basic first aid to themselves only, or to enable those trained in its use to render assistance. First aid kits should contain sterile bandages and plasters that are in date, marked with plate or registration number and have a sign depicting where the kit is kept within the vehicle.

## **10. Advertisements, signs, notices (hackney vehicles)**

The vehicle shall be free from any sign or notices except as may be required by any statutory provision or required by these conditions. With this proviso advertisements' are permitted on the exterior of Hackney vehicles only. Front doors may carry the contact details of the proprietor. Hackney rear doors may carry commercial advertising. A single product/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.

## **11. Temporary replacement vehicles**

- a. The provision of a temporary replacement vehicle is limited to cases where the original vehicle is unroadworthy and unsuitable for use as a Hackney Carriage as a result of a non-fault accident.
- b. On such occasions and only these occasions the standard conditions made in relation to the required vehicle livery are waived.
- c. The maximum length of time that a temporary replacement vehicle can operate as a hackney carriage within the 'district' in relation to each particular occurrence is 6 weeks (**42 days**).
- d. The replacement vehicle must not have a greater passenger seating capacity than the original vehicle.
- e. Prior to the grant and issue of a temporary hackney carriage vehicle licence the vehicle must be tested and inspected by one of the council's authorised vehicle inspectors.
- f. All temporary vehicle licences together with licence plates and labels shall remain the property of the council and must be returned to the council on the expiry of the licence.
- g. The vehicle must be, and remain at all times throughout the period of licensing in such a condition as so to comply fully with all relevant statutory requirements and to the council's standard conditions.

## **12. Multi passenger vehicles (MPV'S)**

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

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

- a. The vehicle must have a minimum engine capacity of 1600 cc (this shall include vehicles identified as 1.6 litre models by the manufacturer)
- b. The majority of seats must be forward facing, (where provided, tip-down seats may face the rear); such seats must be capable of rising automatically when not in use and must not obstruct doorways
- c. Access from the doors to the seats (and vice-versa) must be direct without the need for passengers to climb over parts of seats or luggage.
- d. 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.
- e. 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.

## **13. Wheelchair accessibility**

### **General**

- a. The council will not grant a licence to those vehicles that load wheelchairs containing occupants into the rear of the vehicle using ramps.
- b. 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.
- c. 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.
- d. The wheelchair user must on request be able to transfer to a vehicle seat.
- e. The vehicle must display a sign depicting the universally recognised disabled logo on the door where the passenger will be loaded).
- f. All vehicles must be capable of complying with the appropriate vehicle licence conditions.

### **Entry to the vehicle**

- a. Any doorway used to load wheelchair users must provide adequate height and width to allow passengers to be loaded whilst seated in their wheelchair.
- b. Any steps, either fixed or retractable, must be permanently secured at the point of entry.
- c. 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.
- d. 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.
- e. Handrails or Handholds must be provided at passenger entrances as an aid when entering or exiting the vehicle.
- f. The surface of every handrail or handhold must contrast in colour from the surrounding surfaces and be of a slip resistant finish.
- g. 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.
- h. 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.
- i. Channel ramps must not be used. However, ramps which fold are permitted provided the ramp is rigid when deployed.
- j. The surface of all ramps must have a slip resistant finish.
- k. All outer edges must be clearly marked in a contrasting colour.
- l. Provision must be made for the safe storage of the ramp when not in use.

### **Wheelchair within the vehicle**

- a. The wheelchair user must travel in a space designated for that purpose.
- b. 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.
- c. Wheelchair users must either face forwards or backwards whilst travelling in the vehicle.
- d. All wheelchairs must be securely fastened.
- e. Passengers occupying a wheelchair must be provided with a seat belt.
- f. 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.

- g. Any unoccupied wheelchair must be properly secured so that it cannot cause injury to passengers when the vehicle is moving.
- h. 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.

**14. Trailers**

- a. Only vehicles licensed by the council to carry 6 7 or 8 passengers are permitted to tow a trailer.
- b. 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.
- c. 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.
- d. Whilst a hackney carriage is towing a trailer it is not permitted to use a hackney carriage rank.
- e. Advertisements will be allowed to be displayed on the trailer, as per vehicle conditions.
- f. 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.
- g. 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.

- h. 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.
- i. The maximum gross weight of any trailer shall not exceed 750kg.

## **15. In-car surveillance systems – (CCTV)**

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

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: <https://ico.org.uk/for-organisations/guide-to-data-protection/cctv/>

- d. 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.
- e. Equipment must be secure and not interfere with the safe operation of the vehicle.
- f. All cameras must be installed above the level of the dashboard within the vehicle.
- g. Recorded images must show the date and time the image was captured and identify the vehicle in which the equipment is installed.
- h. 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/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.

## **16. Liquid petroleum gas (LPG)**

LPG conversions are subject to council approval prior to any conversion work taking place.

## **17. Vehicle tests and inspections**

The vehicle shall be inspected and tested as follows:

- a. Prior to the granting of the initial licence – taxi test
- b. Mid term test, six months after issue of licence. This will be your MOT.
- c. Annually when the licence is due for renewal – taxi test.
- 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.

The taxi test must be carried out at an approved vehicle testing station from the list of approved testers supplied by the council.

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. A maximum of four weeks is given for repair or the licence shall be deemed revoked.

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

## **18. Accidents**

- a. Any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein shall be reported to the council within 72 hours.
- b. No vehicle shall be used for the carriage of passengers after suffering an accident until the vehicle has been inspected and approved by the council.

## **19. Insurance**

- a. The proprietor 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.
- b. The proprietor 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.

- c. 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.

## **20. Transfer of vehicles**

A licensed vehicle with its licence can be transferred from one owner to another. This must be done as a complete transaction for example, the already plated vehicle is transferred completely with its plate from one person to another. If the vehicle is sold without its licence, this is not a transfer in terms of licensing, please see vehicle changes/replacements under heading no. 26 below.

## **21. Licence renewal**

The proprietor shall, at least **14 days** prior to the date of the licence's expiry, make application to the council for a renewal of their hackney carriage vehicle licence. If an application for renewal is not received by the expiry date, the licence will lapse and the vehicle will have to be licensed as a first grant adhering to those conditions. It is a criminal offence to ply for hire in an unlicensed hackney carriage.

## **22. Convictions**

All criminal offences, whether they be for driving or motoring or for something totally unconnected with driving/motoring must be disclosed to the council within seven days of conviction.

## **23. Change of address**

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.

## **24. Disciplinary code**

The council has adopted a disciplinary code, 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.

## **25. Copies of conditions**

The proprietor shall ensure that copies of the council's handbook conditions are kept in the vehicle at all times and that they are available for inspection by the hirer or any other passenger on request.

## **26. Inspection of licences**

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.

## **27. Replacement of vehicles**

All hackney carriages must be replaced with a vehicle no older than **three years and three months of age** from first registration.



## **28. Right of appeal**

Any person aggrieved by the refusal of the council to grant a hackney carriage licence or by any conditions specified in such a licence, may appeal to a magistrates' court.

**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.**

# Private hire vehicle licences

## Guidance notes

1. It is a criminal offence to operate a private hire vehicle in its own licensed district without having a private hire vehicle licence.
2. It is also a criminal offence to use or permit, to drive, to employ as a driver, to operate, or to operate without a driver's or vehicle licence a private hire vehicle without the requisite licence under the act.
3. 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.
4. 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.
5. 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, or application for renewal is refused.
6. Only a licensed driver may drive a private hire vehicle and then only if the vehicle is licensed by the same local authority that issued his vehicle driver's licence.
7. 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.
8. 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.

## Conditions

### 1. The vehicle

- a. The proprietor must ensure that the vehicle is safe, comfortable and suitable in type, size and design for use as a private hire vehicle.
- b. The vehicle must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage; in particular it must not be a 'London type taxi'.
- c. Be a standard saloon, hatchback, estate or MPV/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.

- d. Sports saloons, drop head coupes, convertibles or touring cars will not be licensed.
- e. Be no more than **five years old**, at the time the first application is made to the council for a licence or when it is replaced.
- f. If the vehicle is older than five years, presented on first registration or replacement, is an executive chauffeur vehicle with a s75 plate exemption, this condition may be waived. The vehicle must meet the **exceptional quality** conditions and applied for using our exceptional quality waiver application form.

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

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

## **2. The vehicle must:**

- a. at all times throughout the period of licensing be in such a condition so as to comply with all statutory requirements (including the council's standard conditions)
- b. have an engine, the normal cubic capacity of which is either:
  - 1. not less than 1500cc, or
  - 2. rated by the vehicle manufacturers as being equivalent to 1500cc engine

In the case of hybrid, or alternative fuelled vehicles the separate power sources must, when added together be rated as being the equivalent of a 1500cc engine.

- c. be a right-hand drive vehicle
- d. have at least four doors in addition to any rear door/tailgate. In the case of MPV/minibus type vehicles nearside and offside sliding side access doors are allowed.
- e. be fitted with either all radial or all cross ply tyres including the spare wheel if manufactured with one fitted. An inn date tyre sealant repair kit must be present if vehicle is not manufactured with a spare wheel and marked with the vehicle plate number
- f. An estate, hatchback or MPV/minibus type vehicle, must be fitted with a guardrail or other device of a type approved by the council to prevent luggage entering the passenger area.
- g. If storage space for luggage is provided under the vehicle's seats, have straps supplied to secure the said luggage whilst the vehicle is in transit.
- h. 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. For a continuous seat, the length of the seat needs to be a minimum of 48 inches to be licensed for three passengers.

### **3. The proprietor shall:**

- a. 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
- b. provide an in date efficient fire extinguisher suitable for use in a motor vehicle, which shall be carried in such a position as to be readily available for use at all times. It shall be permanently marked with the vehicle plate or registration number. A sign should depict where the equipment is being kept.
- d. as part of Health and Safety at work legislation, a first aid kit should be carried in the vehicle to enable the driver to administer basic first aid to himself only, or to enable those trained in its use to render assistance. Kit must include sterile plasters and bandages and be in date.
- e. Not alter the appearance or design of the vehicle (including the mechanical parts) without the prior approval of the council. This would include the installation of safety screens or similar within the vehicle.
- f. Ensure that every driver employed by him to drive is acquainted with, understands and observes the conditions attached to that particular vehicle licence and the statutory provisions relating to all such private hire vehicle licences.
- g. It is illegal to smoke in a licensed vehicle at any time (**even when it is not being used for hire or reward**). There is a requirement to display a No Smoking sign in each enclosed compartment of the vehicle in which people can be carried.

### **4. Taximeters**

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 above.

### **5. Licence plates**

As per hackney carriage conditions unless a s75 exemption is applied for.

### **6. Passengers**

As per hackney carriage conditions.

### **7. First aid kits**

As per hackney carriage conditions.

### **8. Advertisements, signs and notices**

- a. **All** private hire vehicles must display the words 'PRE-BOOKED ONLY' on both sides of the vehicle's front **or** rear doors. This must be in place by the time they present their vehicle for their next vehicle test (not MOT).
- b. Operators may advertise their own company on their vehicles, providing that the wording is inoffensive and does not include the words 'taxi', 'cab', 'for hire' or similar.
- c. Vehicles with s75 plate exemptions are not included in any of the above.

## **9. Temporary replacement vehicles**

As per hackney carriage conditions.

## **10. Multi passenger vehicles (MPV'S)**

As per hackney carriage conditions.

## **11. Wheelchair accessibility**

As per hackney carriage conditions. Mandatory training also applies.

## **12. Trailers**

As per hackney carriage conditions.

## **13. In-car surveillance systems – (CCTV)**

As per hackney carriage conditions.

## **14. Liquid petroleum gas (LPG)**

As per hackney carriage conditions.

## **15. Vehicle tests and inspections**

As per hackney carriage conditions.

## **16. Accidents**

As per hackney carriage conditions.

## **17. Insurance**

As per hackney carriage conditions.

## **18. Transfer/replacement of vehicles**

If a vehicle needs to be replaced due to accident damage or test failure, it must be replaced with a vehicle no older than **five years of age**. Exemptions may be applied for as stated in 1(e) above.

## **19. Dual registration**

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

## **20. Licence renewal**

As per hackney carriage conditions.

## **21. Change of address**

As per hackney carriage conditions.

## **22. Copy of conditions**

As per hackney carriage conditions.

The proprietor shall ensure that copies of these conditions are carried in the vehicle at all times and that they are available for inspection by the hirer or any other passenger on request.

## **23. Section 75(3) Local Government (Miscellaneous Provisions) Act 1976**

- a. 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 that 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.
- b. Dispensation will not be granted as a matter of course. A clear case for the dispensation will have to be made by the proprietor in writing. 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.

## **24. Right of appeal**

Any person aggrieved by the refusal of the council to grant a private hire vehicle licence or by any conditions specified in such a licence, may appeal to a magistrates' court.

**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.**

## **Stretch limousines used as private hire vehicles**

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**

1. 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.
2. An 'American stretch limousine' is a stretch limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.
3. 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.
4. 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.
5. 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.
6. 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.
7. The maximum length of the 'stretch' shall not exceed 120 inches/3048mm.
8. 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

1. No external fitting will be permitted other than an aerial to receive radio or other transmissions.
2. 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.
3. 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 operators licences.
4. 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).

## **Hackney carriage and private hire disciplinary code**

1. The Local Government (Miscellaneous Provisions) Act 1976 provides that where the statutory provisions relating to hackney carriage and private hire 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 renew 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 give licensees clear guidance about the consequence of non-compliance with the council's licensing requirements. 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. a simple caution
  - e. suspension or revocation of licence
  - f. prosecution
4. The penalty points system relating to the code defines breaches to the conditions attached to the licence, (driver, vehicle or operators) together with penalty points which may be awarded in respect of any breach of those conditions.
5. 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.
6. 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.
7. 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 Assistant Director of Planning and Regulatory Services. If no appeal is lodged within that period, penalty points in accordance with the notice will be recorded against the licensee and endorsed on his/her record.
8. Penalty points will be removed from the licensee's record three years after the date on which they were recorded.
9. Where a licensee incurs 12 penalty points or more in any three year period the matter will be reported to the Licensing and Regulatory Sub-Committee. 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.

10. 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:
  - 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).
11. Appearance before the Licensing and Regulatory Sub-Committee could result in suspension, revocation or refusal to renew a licence. The Licensing and Regulatory Sub-Committee may consider the driver to complete the Level 2 Certificate in Taxi/Private Hire Driving.
12. Any person whose licence is suspended, revoked or not renewed 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.
13. A driving conviction will incur the same number of penalty points as are endorsed on the DVLA licence.
14. **It should be noted that a vehicle licence will be suspended immediately it becomes apparent that a vehicle may not be properly insured.**

## **Interpretation**

15. The penalty point scheme is self-explanatory but the following situations may require further explanation:

- a. Where licensee is an owner/driver, are both licences suspended when a total of 12 penalty points have accrued, some against the driver's licence and others against the vehicle?

No. The scheme states that, where a licensee incurs **more than** 12 penalty points in period of three years, the licence will be suspended. Penalty points will accrue against either the vehicle **or** the driver licence and any suspension will only apply when 12 points have accrued against one or the other.

- b. What is the position where a licensee owns multiple vehicles?

Following the same logic, points will accrue against particular vehicle licences and only those licences where the 12 point ceiling is exceeded will be suspended. This may mean that a proprietor owning several vehicles could incur a substantial number of penalty points without ever having a vehicle licence suspended. However, if a profile emerges that a proprietor

has penalty points against all or most of the vehicles in his fleet, the council could consider whether he/she is a 'fit and proper person' to be a licensee.

- c. What happens when a vehicle is changed?

The licence number remains constant when the vehicle is changed. Therefore, once penalty points are endorsed on a vehicle licence they will remain valid, even if the vehicle is changed in the meantime.

- d. What happens when a vehicle licence is transferred?

In this scenario any penalty points recorded on a vehicle licence would become null and void. It would not be fair or reasonable to transfer the penalty points incurred by one licensee to another.

## Group 1

### Penalty points system relating to private hire/hackney carriage

Basis of offence	Penalty points awarded
Any action which invalidates the insurance cover for the vehicle	8
Carrying more passengers than the vehicle is licensed for	8
Failure to wear a driver's badge	3
Failure to disclose a driving conviction within seven days	4
Failure to notify change of details, for example address within seven days	2
Smoking/vaping or evidence of smoking/vaping in a vehicle	6
Failure to produce documents when requested	6
Failure to behave in a civil and orderly manner (including rude or aggressive behaviour towards the public or council staff)	6
Breach of any condition not specified above	6-12

## Group 2

### Penalty points system relating to private hire/hackney carriage

<b>Basis of offence</b>	<b>Penalty points awarded</b>	<b>Person responsible</b>
Failure to display identification plates correctly	6	Driver/proprietor
Failure to display fare tariff correctly (hackney carriage only)	4	Driver/proprietor
Failure to display interior label correctly	4	Driver/proprietor
Incorrect meter tariffs	5	Proprietor
Failure to report accident/damage to the vehicle within 72 hours	3	Proprietor
Failure to carry an in date fire extinguisher or carry in an unsafe/dangerous condition	3	Driver/proprietor
Failure to present the vehicle for inspection on request	3	Driver/proprietor
Failure to carry vehicle/driver conditions	2	Driver/proprietor
Failure to maintain a clean and tidy vehicle	4	Driver/proprietor
Failure to notify change of address within seven days	3	Proprietor
Breach of any condition not specified above	3/6	Driver/proprietor

## Group 3

### Penalty points system relating to private hire vehicle operators

<b>Basis of offence</b>	<b>Penalty points awarded</b>
Failure to produce or allow inspection of any records	6
Failure to keep records of bookings in the prescribed form	5
Failure to keep vehicle records	4
Failure to keep driver records	4
Failure to notify any conviction/formal caution	4
Failure to notify a change of operation address within seven days	3
Breach of any condition not specified above	2/6

## **Group 4**

### **Variable penalty points or referral to Level 2 training**

In circumstances where the contravention is such that it does not fit within groups 1/3 then the appropriate officer, having given full consideration to the facts of the case will, decide on the number of the penalty points to be awarded, or if the driver should be referred for further training in the format of a Level 2 qualification. This would include instances where a complaint was found to be justified relating to:

- a. over charging
- b. refusing to carry a guide or assistance dog or disabled passenger
- c. not moving forward on rank as soon as space is available
- d. unnecessarily idling in a rank and/or on the highway
- e. a failure to behave in a civil, orderly, seemly and courteous manner
- f. failure to assist any passenger
- g. failure to complete any mandatory training as directed by the council.

Drivers can appeal decisions to be referred for the level 2 qualification in writing to the Assistant Director of Planning and Regulatory Services. Persistent breaches could result in the revocation of the licence and or prosecution under relevant legislation.