



Canterbury City Council

Taxi and Private Hire Policy

A SAFE, COMPETENT AND HIGH QUALITY SERVICE FOR ALL

Canterbury City Council licences hackney carriage (taxi) and private hire drivers, vehicles and operators. It has adopted the Local Government (Miscellaneous Provisions) Act 1976 together with the Town Police Clauses Act 1847 and the Public Health Act 1875

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Licensing Team

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1.0 Introduction

- 1.1.1 This policy has been prepared by the council. It has been consulted upon with the public, relevant authorities and the taxi and private hire trade.

Taxi and private hire licensing only covers services provided for commercial gain.

Taxi and private hire licensing does not cover carriage of a passenger as an ancillary or incidental part of another service, eg cars provided by hotels for their guests.

Throughout the drafting and consultation process the council has emphasised that the policy provides guidelines that will be applied with flexibility and common sense to applications. Enforcement matters will be addressed with transparency and fairness but robustly when dealing with serious and / or repetitive issues of non-compliance and enforcement.

The council and members of the profession are committed to establishing a 'Canterbury brand' that is synonymous with safety and quality.

This policy encourages newer and cleaner vehicles for the majority of licensed vehicles but each application will be considered on its individual merits to ensure that the overall quality and safety of licensed vehicles is maintained thereby providing the appropriate and necessary commercial opportunities for local businesses to compete with out of area businesses.

The fundamental aim of this policy is to ensure that members of public know that if they choose to use a vehicle licensed by Canterbury City Council, it will be a quality car driven by a safe and competent driver.

- 1.1.2 Canterbury City Council (the 'licensing authority') regularly reviews its policies to reflect changes in legislation, government guidance, other relevant council policies, including the corporate plan, transport strategy, good practice, local needs, technological developments and reports such as the Rotherham report. The overriding principle of this policy is public safety.

1.2 Timetable

The Law Commission's consultation in respect of taxi and private hire matters has influenced the timetable of this review. The Commission's extended period of consultation closed in September 2013. Its report was to be published in April 2014 but was then deferred.

This policy reflects the content of the Law Commission's report and the Deregulation Act 2015.

Any Law Commission ('LC') proposal given statutory authority will be automatically adopted into the council's policy with immediate effect once the relevant legislation has been passed.

For the sake of clarity, any LC proposal which has no effect until primary or secondary legislation has been passed is clearly identified in *italics*.

Any other LC recommendation that can be adopted by the council without statutory authority has been incorporated into this policy.

If there is any uncertainty between this policy and LC recommendations once legislation has been passed, the legislation will take precedence. The LC report will be referred to as a source for interpretation of any legislation where there is any ambiguity. The

licensing officer is authorised to make minor amendments to this policy when legislation is implemented that overrides the terms of this policy.

1.3 Standard – ‘An excellent, professional and safe service for all’

Every aspect of the policy, from first application to enforcement, has been drafted with this standard in mind.

The policy seeks to achieve the following objectives:

- health and safety of the public and the drivers
- promotion of the findings of the Rotherham report
- promotion of a professional and respected hackney carriage (taxi) and private hire trade
- prevention of crime and disorder
- promotion of compliance with policy, legislation, bye-laws etc
- improvement of the local environment, economy, employment and quality of life
- promotion of an excellent service by the council to drivers and operators
- adherence to robust and efficient enforcement procedures
- promotion of the council’s pledges in its corporate plan
- to ensure that in its decision making the council takes proper account of the Human Rights Act, particularly Article 8, ‘the right to a private life’.

1.3.1 Safety

The licensing authority helps to develop safe drivers by making regular disclosure and barring service (DBS) checks, medical assessments and driving tests. The council retains the right to ask a driver for up-dated DBS check at any time.

Drivers and operators must submit six monthly declarations to confirm that their DBS, medical status and criminal record (including all traffic offences) has not changed.

The council maintains safe vehicles through regular Ministry of Transport testing, checking insurances, minimum standards as to age and condition of vehicles, and an annual inspection regime for all taxi and private hire vehicles at licence renewal.

1.3.2 Professionalism

a. The council develops professionalism in its drivers by testing them to make sure they have achieved an acceptable standard in different areas of competence and knowledge including:

- a working knowledge of English required to be a driver
- reading, writing, numeracy and listening skills
- Highway Code
- routes throughout the district
- taxi and private hire licensing conditions
- byelaws
- relevant legislation
- disability awareness
- child sexual exploitation awareness

- safe guarding awareness
- vehicle maintenance.

b. Driving

All taxi and private drivers must also pass the Driving Standards Agency (DSA) taxi driving test or similar approved test.

Note: Private hire drivers will not have to take this test if it is not included in the national standards set by the Secretary of State in due course.

- c. The council runs an on-going training programme for its staff and councillors so that they can process applications, investigate complaints and enforce alleged breaches of the policy proficiently and expeditiously.

1.3.3 Excellence

The council expects its drivers and operators to deliver an excellent service to the public.

The council seeks to deliver excellent and fair administrative and enforcement services to the public and the trade.

1.4 Officers and decision making

- 1.4.1 The council's constitution explains how decision-making powers are delegated to councillors and officers.

- 1.4.2 Where an officer has the power to make any decision he / she will have a written note of his / her power to do so if the delegation is not detailed in this policy.

1.5 Fees

- 1.5.1 Applicants must pay the fees for their application as set out in the policy. Once fees become payable an application will not proceed any further until they are paid. It is permissible to pay the application process elements of the fee initially (Stage 1) and the second part of the fee on the issue of the licence (Stage 2). Fee payments must be cashless

- 1.5.2 A schedule of fees is available on the council's website. The schedule is reviewed each year and in conjunction with a review of the policy every three years. Fees reflect the cost of the administrative costs of the licensing regime, processing applications, compliance and enforcement of licenced and unlicensed operators, drivers and vehicles etc.

The principle of 'cost recovery' will apply in respect of taxi and private hire licensing fees.

Licensing authorities are able to collect and use licensing fees from taxi and private hire licensing for the following purposes:

- 1) administration of the licensing system (including but not limited to processing applications for granting or renewing licences and carrying out inspections and tests) – taxi and PHV
- 2) statutory required reviews of fare levels, rank provision, accessibility and existing quantity restrictions at least every three years – taxi only
- 3) enforcement of the licensing system including but not limited to the control and supervision of taxi and private hire services (whether licensed or unlicensed) and activities associated with suspending or revoking licences.

Private hire fees set by the Secretary of State cannot be altered by the licensing authority. Taxi fees will be set by the council but must be no less than the national fees for private hire. LC recommendation pending legislation to implement.

Secretary of State will have the power to pool private hire fees nationally for the purpose of redistributing these to reflect enforcement needs.

1.5.3 Dual badge holders

If a driver wishes to convert his / her current hackney driver or private hire driver badge to a dual driver's badge, the fee due is the full dual badge fee, less the pro-rata value of the fee remaining on the current badge, plus an administration fee to cover costs of up-dating records, and producing new badges and completing a dual badge test. An application to convert to a dual badge will be treated as if it is a new application and as such the council will consider (a) whether the applicant is a 'fit and proper person' and / or (b) whether there are any current issues to consider, eg enforcement proceedings and appeal hearings.

1.5.4 Appeal fees to the magistrates' court or crown court are paid directly to the court administration officer. See 11.7 and Appendix 1.

1.6 Fares

1.6.1 Taxi fares must be charged in accordance with the rates approved by the licensing authority.

Department for Transport

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2010 states:

"The driver will:

- Use the meter within the licensed area, unless the passenger has agreed to hire by time.
- If using the meter, not start the meter until the passenger is seated in the vehicle.
- If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversion, and explain any diversion from the most direct route."

See 7.10.2 for clarification as to the licensing authorities' requirement to use a meter.

1.6.2 Private hire fares are the reasonable amounts agreed between driver and customer.

Department for Transport

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2010 states:

"The driver will:

- Ensure that the passenger has pre-booked and agrees the fare before setting off.

- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most effect route.”

1.6.3 Applications to increase fare rates will be considered by the council on request in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

The licensing authority retains the power to regulate taxi fares in respect of any journey within the compellable distance.

A taxi driver is allowed to charge more than the metered fare for journeys starting inside the licensing area and ending beyond the compellable distance only if this is agreed in advance. In the case of a pre-booked journey starting outside the compellable distance, the price / estimate should be given on request by the passenger, and, if so, recorded.

The licensing authority retains the power to regulate fares charged for pre-booked taxi journeys (there is no power to regulate third party booking fees), providing these are agreed in advance.

1.7 Equality Act 2010

1.7.1 The council has an equality and diversity policy on its website. The policy statement reads:

Canterbury City Council recognises that the diversity of our communities is a huge asset that should be valued and seen as one of the district’s great strengths.

As one of the largest employers in the Canterbury district and one of the main providers of local services, the council is committed to providing equality of opportunity and tackling discrimination, harassment and disadvantage. We are also committed to achieving the highest standards in service delivery, decision-making and employment practice. Equality of opportunity for all sections of the community and our workforce is an integral part of this commitment.

Canterbury City Council will not tolerate less favourable treatment of anyone on the grounds of their gender, age, race, colour, nationality, ethnic or national origin, disability, marital or civil partnership status, pregnancy or maternity status, sexual orientation, gender reassignment status, responsibility for dependents, religious or other beliefs, socio-economic status, or any other reason which cannot be shown to be justified.

1.7.2 The Equality Act 2010 has made provision for the assistance of taxi and private hire vehicle passengers in wheelchairs and to those who have guide dogs and other assistance dogs. The sections relating wheelchair users (sections 165 and 167) came into force on 06 April 2017 and the provisions relating to assistance dogs (sections 168 – 173) came into force in October 2010. In accordance with sections 168 – 173 taxi and private hire vehicle drivers are under a duty to carry guide, hearing and assistance dogs without additional charge. Drivers must convey a disabled passenger’s dog and allow it to remain with the passenger.

Drivers in the Canterbury area should comply with the guidance given at Chapter 9 of this policy when dealing with passengers who may have disabilities or difficulties with mobility.

1.7.3 When the Disability Discrimination Act 1995 and the Equality Act 2010 provisions relating to wheelchair accessible taxis and PHV’s come into force this policy will be revised.

- 1.7.4 The council will review the policy after three years from the date of its adoption or whenever the licensing authority deems it appropriate to do so, eg implementation of new legislation.
- 1.7.5 The council will
- review on the need to alter rank provision
 - review fare levels
 - review accessibility
 - review existing quantity restrictions, or whether there is a need for a quantity restriction in respect of taxi vehicles
- after three years from the date of the adoption of this policy if no specific request is made.
- 1.7.6 *The licensing authority will consult on any additional licensing conditions for taxi drivers and vehicles if national conditions are implemented for PHV.*
- 1.7.7 The Secretary of State will require holders of taxi and private driver licences and dispatchers to comply with the Equality Act 2010 as a condition of the licence.
- The licensing authority will consider rank design to ensure compliance with the Equality Act 2010.
- 1.7.8 Licensing conditions will provide information about the licensing authority and local operators in alternative formats, as well as information about the types of vehicle available in the area.
- 1.7.9 *The Secretary of State has the power to impose accessibility requirements on large operators / dispatchers. In particular, the power should permit the setting of quotas of accessible vehicles which must be available to such dispatchers.*
- 1.7.10 The licensing authority would propose that taxi vehicle numbers are not restricted as a result of the Deregulation Act 2015, namely the ability for cross-border working.

1.8 Licensing Areas

Licensing authorities are permitted to combine taxi and private hire licensing areas.

1.9 Publication of information

The council is under a duty to publish its driver, vehicle and operator licensing data form in such form as the Secretary of State may require.

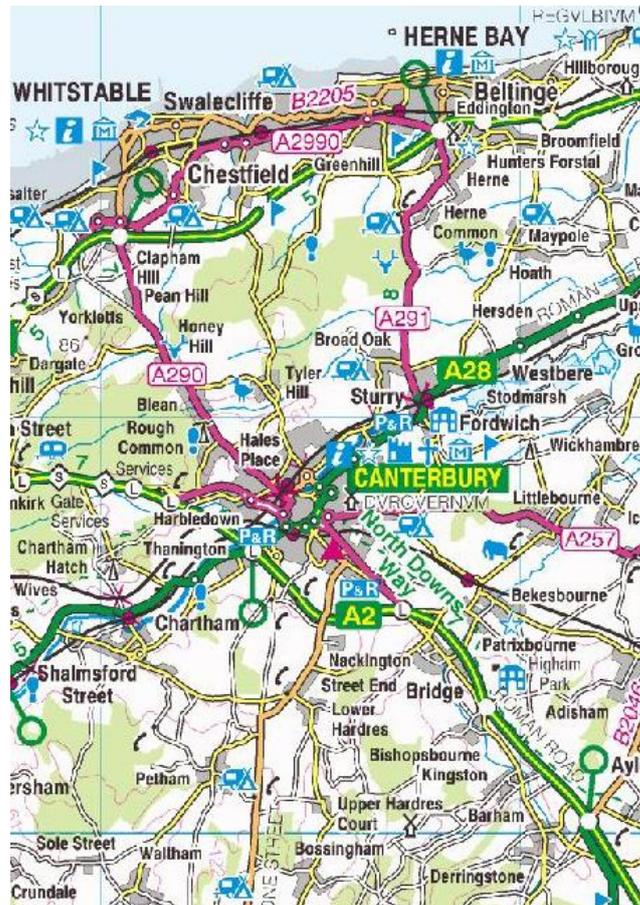
2.0 Canterbury City Council district

- 2.1 The council is situated in the County of Kent, which contains 12 district councils and one unitary authority.

The council area has a population of 158,000 (Office of National Statistics 2014) making it one of the largest in the county. In terms of area it is also one of the largest, covering 31,056 hectares. The council area is rural with a central city and two coastal towns. There are also a number of larger villages and other smaller rural settlements. The area is a major tourist attraction, a world heritage site and has four universities in the City of Canterbury.

The three urban areas and the rural villages and settlements are shown on the map here.

Map of Canterbury District



2.2.1 Taxi and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is not available, or outside normal working hours. Taxi and private hire vehicles play an integral part in the dispersal of customers and staff of the night-time economy.

The council looks for well-run and responsible businesses that display sensitivity to the wishes and needs to all members of the community.

The council will not issue, re-issue or allow licences to be given to unsuitable people taking into account their driving record, driving experience, criminal record, sobriety, mental and physical fitness, honesty and previous behaviour.

The compellable distance for a passenger to be taken is seven miles beyond the boundary of the licensing area.

The licensing authority is permitted to remove or introduce taxi licensing zones within the licensing district; the power is subject to consultation and a statutory public interest test.

The power to impose quantity restriction is subject to a statutory public interest test. The Secretary of State will have the regulation making powers, prescribing how the statutory test should be applied. The decision to restrict taxi numbers should be reviewed at least every three years and subject to local consultation in accordance with procedures as may be prescribed in regulations made by the Secretary of State.

There is no power to transfer a taxi vehicle licence by a vehicle licence holder at a premium as there is no current quantity restriction in existence.

3.0 Becoming a taxi / phv driver

An applicant must fulfil each requirement of the application process in the following order before moving onto the next stage.

Note: Private hire drivers will not have to complete any requirement if it is not included in the national standards set by the Secretary of State (if and when implemented).

Requirement 1

All operators and drivers must show that they are a 'fit and proper person' before being granted a licence.

If the council is not satisfied that an applicant is a 'fit and proper person' for any reason, it will not grant a licence, and will explain to the applicant in writing what the reasons are for that decision together with notification of the applicant's right of appeal.

Note: Applicants may wish to consult with the council if they have any doubts whether their application might be unsuccessful because of a criminal record, serious health issue or other matter.

The Secretary of State in the exercise of the standard setting power will state that a conviction for specified offences is breach of a licensing condition or incompatible with eligibility to hold a licence.

3.1 Types of driver licence

There are two types of licence / badge, taxi and phv:

- Taxi – a taxi (hackney carriage) driver may be 'hailed' by a passenger, park on a taxi rank waiting for passengers or be booked by a passenger.

Note: The terms taxi and hackney carriage have the same meaning. In this policy the word "taxi" will be used. The term hackney is a reference to the type of horse used to pull the original horse drawn carriages.

The term "hackney carriage" will be replaced with the word "taxi".

- Private hire – a private hire driver can only drive a passenger for a fee if the passenger has pre-booked the vehicle through a licensed operator (aka dispatcher – see paragraph 4.6).

Offences of plying for hire will be abolished. A new offence will be introduced making it unlawful for anyone, other than a local taxi driver to accept a journey starting "there and then".

A statutory definition of pre-booking will be introduced.

- In this policy a private hire vehicle is also referred to as a phv.

Applicants may apply for a 'dual licence' that allows a driver to drive both types of vehicle (see paragraph 1.5.3).

- 3.1.1 All drivers' licences can be granted for a period of up to three years (Section 10 Deregulation Act 2015) from the date the council decides that a disclosure and barring

report is satisfactory. This is the disclosure and barring date (DBS date). An applicant can choose a licence period of one or three years and pay the appropriate fee.

3.2 Requirement 2

Driving licence

All applicants must have been the holder of a full UK or European driving licence for a minimum period of 24 months. If the applicant fails to meet this requirement, the application will be rejected.

Tick here if you meet this requirement

Applicants must hold a valid full UK driving licence before they apply to renew a licence.

3.3 Requirement 3

Driver & Vehicle Licensing Agency disclosure

The grant of a licence is subject to a check being made with the DVLA in respect of any relevant convictions. The check is carried out annually or sooner if the council believes that there is reason to do so. Each applicant must complete a mandate to the DVLA to enable the check to be made or give consent for officers to make appropriate checks via gov.uk

Tick here if you meet this requirement

3.4 Requirement 4

Employment

Before any application to become a taxi / private hire vehicle driver is submitted to the council, the applicant must have the offer of a contract to work as a taxi or private hire driver in the Canterbury administrative district. The application form must be signed by the owner / director of the firm offering the contract.

No application will be processed until this has been done.

Tick here if you meet this requirement

3.5 Requirement 5

Initial application

Application forms can be submitted via or downloaded from the council's website, or collected from the council's offices.

e-mail: business.support@canterbury.gov.uk

Applicants must submit their completed application in person to the council offices at Military Road, Canterbury.

The taxi help desk is open on:

Monday	10:00 to 12:00
Wednesday	14:00 to 16:00
Friday	10:00 to 12:00.

A member of staff will check whether the application form is correct.

If the application form is incomplete, the application will not be accepted.

- 3.5.1 An applicant must produce documents to prove their identity and home address(es) over the preceding five years. One of the documents must contain a photograph.

The following documents are acceptable:

- current passport
- current driving licence
- birth or marriage certificate
- a recent utility bill or council tax bill with the applicant's current address
- the applicant's national insurance number

PLUS

- utility bill
- bank card / statement
- P45 or P60

PLUS

- two passport size photographs

Tick here if you have the necessary documentation for the five year period

- 3.5.2 The council may refuse to accept a driver's licence application when the applicant has not met all the conditions set out at 3.5.1.

3.6 Requirement 6

English assessment

If the application has been correctly completed, an officer will assess whether the applicant has a reasonably adequate standard of English to be a taxi or private hire driver.

- 3.6.1 Outcome of English assessment:

If the applicant wishes to challenge the assessment, another officer from the council will assess the applicant's ability to speak English; this will be conducted during the conversation when the application is submitted. If the officer is not satisfied the applicant must undertake a council approved test at Stafford House.

If an applicant wishes to use another course provider, the applicant must submit the course provider's prospectus for the council to assess whether the proposed course meets the council's requirements.

Any fee for participation in an approved English course is paid to the course provider.

3.7 Requirement 7

Fee payment

Once the council is satisfied that the applicant's standard of English is satisfactory, the applicant must pay the Stage 1 application fee in full to proceed. The Stage 1 fee covers the cost of the administration process of the application

Tick here if you meet this requirement and have paid the fee

The fee is non-refundable should the application fail at any stage of the application process. The Stage 2 fee must be paid before a successful applicant is issued with a

licence. It is a condition of that the licence that it will not be issued until the Stage 2 fee has been paid.

3.8 Requirement 8

Vehicles purchased to use as owner / driver taxi or private hire vehicle

A driver may use their own vehicle as a taxi or private hire vehicle if it is:

- no older than two years with any mileage from the date of first registration, or,
- older vehicles will be considered provided the vehicle passes an inspection, conducted by a BSU officer / enforcement officer / licensing officer or SODA which assess, overall condition, mileage, service record, accident damage history, are Euro 6 (diesel / petrol) or Euro 4 (petrol-hybrid) etc

when it is licensed for the first time as a taxi / private hire vehicle.

The applicant confirms that he / she understands the conditions above

3.9 Requirement 9

Disclosure and barring service (DBS) check

An officer must complete the form for an enhanced DBS check for an applicant at the same time that his / her application form is checked.

The DBS fee is included in the initial application fee and is paid to the bureau by the council unless the applicant joins the DBS of their own accord. If the applicant has his / her own DBS membership the application fee will be reduced to reflect this.

Applicants must normally complete the application process within a period of 12 months from the date the council receives a satisfactory DBS check.

This period may be extended in exceptional circumstances; it is at the discretion of the senior officer with delegated authority (SODA) to decide what are exceptional circumstances.

If the applicant is an EU or Non-EU national who has arrived in the United Kingdom within the last five years, the applicant will need to obtain and produce to the officer a disclosure notice equivalent to the DBS check from any country where they were resident during the previous five years.

Notes:

1. No application will proceed further until the DBS or equivalent checks have been completed.
2. The council has no control as to how long the checks will take as they are conducted by independent government agency.
3. All non-EU applicants for a taxi and / or private hire driver's licence will have their details passed to the UK Border Agency to ensure they are entitled to reside and / or work in the United Kingdom.
4. If an officer has any doubt as to the validity, completeness or accuracy of the document, then an applicant may not proceed to next step of process. The burden to establish validity lies with the applicant.

Tick here if you have received your DBS check

Please only tick box A or B

Once the council has received a DBS check or equivalent, which reveals no information that may cause concern, the applicant may proceed to Requirement 10

A

or

Where the DBS check has revealed information that means the application must be referred to the Senior Officer with Delegated Authority (SODA) or Licensing Sub-Committee to consider whether the applicant is a 'fit and proper person' before being issued with a licence, the application may not proceed until a decision has been made. Hearings are held once per month, usually on the third Wednesday of the month

B

3.10 Requirement 10

The knowledge test

3.10.1 Current test

All applicants must pass the appropriate knowledge test. The test is divided into modules. The pass mark for each module is 80%. If an applicant fails any module, the whole test must be retaken.

Applicants may take the test up to four times during the 12 month period from the date that the council receives a completed satisfactory DBS check or the applicant is given SODA / committee approval to proceed where the DBS check has raised concerns (the DBS date). A fee is normally payable for each re-sit.

Applicants have one hour to answer the knowledge test questions. The period for the test may be extended where appropriate, eg on medical grounds at the discretion of the officer conducting the test.

3.10.2 The current test includes questions on the following topics:

- 1 the taxi and private hire policy
- 2 routes in Canterbury, Herne Bay and Whitstable
- 3 the Highway Code.

3.10.3 The new test

The council will introduce a new knowledge test during 2017.

Applicants must normally complete the new test within 12 months from the DBS date.

The test will be modular. Applicants can take modules individually or together. Each module will last 60 minutes.

The applicant must normally pay the module fee again before he / she retakes a module. If an applicant fails an individual module four times, or fails to complete all modules within the 12 month period then he / she must normally make a fresh application unless there are exceptional circumstances. If a person wishes to extend the period they must submit

in writing reasons as to why it is exceptional, and the licensing officer will consider each application on its merits and will decide if any extension should be given and for how long.

The new test modules will be:

Module 1

Reading, writing, numeracy and listening skills – pass mark 90%

Module 2

Highway Code – pass mark 100%

Module 3

Routes

a) Canterbury – pass mark 90%

b) Herne Bay – pass mark 90%

c) Whitstable – pass mark 90%

d) Canterbury, Herne Bay and Whitstable – pass mark 90%

Module 4

Taxi policy, conditions, bye laws, legislation, enforcement, smoking and health & safety – pass mark 90%

Module 5

Disability access and vehicle maintenance – pass mark 90%.

The Secretary of State will set the standard of the disability equality training undertaken by taxi and private hire drivers. If a national test is introduced, it will automatically replace the disability access element of module 5 and the applicant will be required to complete the national test and pay any fee directly to the course provider.

Tick here when you have obtained your disability awareness certificate

3.10.4 Transitional provisions

All new applicants must take the new test modules if those modules have been approved and adopted by the council before their application date.

Current test – applicants who have submitted an application up to, and including the date of approval and adoption of the new test modules will be able to continue with the current test for a period of 12 months from the date of their application

Tick here when you have passed the relevant knowledge test

3.11 Requirement 11

DSA Test or similar approved test

Applicants must pass the Driving Standards Agency (DSA) 'Hackney Carriage / Private Hire Test Assessment' or similar approved test. Applicants must pay the fee for this course and assessment to the DSA / course provider. The applicant must submit the original pass certificate to the council for inspection.

Applicants may take the test any time after the start of requirement 10.

Tick here when you have passed the DSA Test

DSA <http://www.dft.gov.uk/dsa>

3.12 Requirement 12

Medical

Applicants must undergo a medical examination at their own expense to certify that they are medically fit to work as a taxi / private hire driver.

Any fee is payable to the doctor concerned.

Tick here when you have obtained your medical certificate

3.13 Requirement 13 – Child Sexual Exploitation and Safeguarding Training

All applicants will be required to attend an approved training session before a badge is issued. A fee will be payable to the council if the course is provided by the local authority. If the course is provided by an approved external provider, any fee must be paid directly to the course provider.

Tick here when you have obtained your safeguarding certificate

3.14 Requirement 14 - Issue of log book and badges

Once an applicant has satisfied all 13 requirements, the council will issue the applicant with a log book, two driver badges, a lanyard and a dashboard licence holder.

The Stage 2 part of the fee must be paid on grant of the licence if it has not already been paid.

The logbook is an important record. Drivers must keep the logbook available for inspection by council officers when the applicant is driving a taxi / private hire or visiting the council offices.

The driver must wear and display a driver's badge whenever he / she is working as a taxi / private hire vehicle.

The driver must display the second badge on the dashboard of the taxi / private hire vehicle whenever he / she is working as a taxi / private hire vehicle.

Tick here when you have paid the Stage 2 fee and collected your badges and log book
It is a condition of the licence that the badge will not be issued until the Stage 2 fee has been paid.

3.15 Appeal process

If an applicant is aggrieved by an application decision, they have the right of appeal, initially to a Senior Officer with Delegated Authority (SODA) in consultation with the Licensing Co-Chairmen.

Any appeal must be made in writing.

If the application is refused on appeal the council will send the applicant a decision letter setting out the reasons for the decision and appeal rights.

Any appeal to a council SODA does not affect the applicant's statutory right to appeal to the magistrates' court. The appeal fee to magistrates' court is payable directly to the Magistrates' Court at Pencester Road, Dover, Kent CT16 1BS.

4.0 Renewal applications

- 4.1** A driver's first licence expires 12 months or three years from the date of issue. Subsequent licences expire 12 months or three years from the licence renewal date.

Operator's licences last two or five years from the date of the licence, on both grant and renewal.

A driver / operator must make a renewal application at least one month before the current licence expires. All renewal dates are contained in the log book.

The council does not issue free renewal reminders. Taxi / PHV drivers and operators are responsible for keeping their paperwork up to date in order to keep their businesses operating.

Failure to renew a licence, a DBS check, medical certificate or DVLA disclosure means that a driver or operator is not entitled to drive by this policy until valid documentation has been produced to an officer. Driving otherwise than in accordance with the conditions of the licence and policy may result in a licence being suspended or revoked.

- 4.2** Applicants must submit their completed application in person to the council offices at Military Road, Canterbury.

The taxi help desk is open on:

Monday	10:00 to 12:00
Wednesday	14:00 to 16:00
Friday	10:00 to 12:00.

e-mail: business.support@canterbury.gov.uk

An officer will check whether the application form is correct.

- 4.3** Applicants must collect all badges and plates from the taxi help desk at the council offices in person and must bring their log book with them when they do. New expiry dates will then be entered into the log book.

4.4 Drivers

- A **DBS** check is valid for a period of 12 months. Drivers should apply at least three months before its expiry date unless they are paying the annual fee to the DBS for the on-line facility; drivers are encouraged to use the DBS on-line facility as (a) it is cheaper and (b) avoids any delays in the paper system. Future renewal dates will be dated for 12 months from the expiry date of the existing DBS check. An annual period is required as it is a necessary public protection measure, particularly in respect of child sexual exploitation.
- A **medical certificate** is valid for a period of three years up to the age of 70 years. Once a driver is 70, he / she needs a new medical certificate each year. A medical certificate should be renewed at least 14 days before its expiry date.
- **Driver & Vehicle Licensing Agency Disclosure** - the renewal of a licence is subject to a check being made with the DVLA in respect of any relevant convictions. The check is carried out annually or sooner if the council thinks it necessary.
- **Drivers must declare every six months** that their situation has not changed in any way which would affect their entitlement to a licence. Any matter disclosed will be referred to the SODA for consideration and could result in immediate suspension if public safety is compromised.

- **Disability equality training** The Secretary of State will set the standard of the disability equality training undertaken by taxi and private hire drivers.

If a national test is introduced, all existing drivers will be required to complete the national test and pay any fee directly to the course provider. If the timetable is not set by the Secretary of State, drivers will have a maximum of 12 months from the date of implementation to complete the training. Failure to comply with this requirement may result in enforcement action.

Tick here when you have obtained your disability awareness certificate

- **Child Sexual Exploitation and Safeguarding Training** All existing drivers will be required to pass an approved training session within 12 months of the adoption of this policy, or sooner if required by legislation. A fee may be payable to the council if the course is provided by the local authority. If the course is provided by an approved external provider, any fee must be paid directly to the course provider. Failure to comply with this requirement may result in enforcement action.

Tick here when you have obtained your safeguarding certificate

4.5 WARNING!

If any of these badges, certificates or checks has expired, the driver will not be able to operate as a taxi or PHV driver until the relevant documentation has been submitted. If a driver operates otherwise than in accordance with the policy and conditions, the licence may be suspended or revoked.

4.6 Operators

- A **DBS** check is valid for a period of 12 months. Drivers should apply at least three months before its expiry date unless they are paying the annual fee to the DBS for the on-line facility; drivers are encouraged to use the DBS on-line facility as (a) it is cheaper and (b) avoids any delays in the paper system. Future renewal dates will be dated for 12 months from the expiry date of the existing DBS check.
- An **operator's licence** is granted for a period of two or five years. The fee for an operator's licence is (a) pro-rata for the period applied for and (b) based on the number of cars they operate. An operator must also fulfil the test to be a 'fit and proper person' to hold a licence. They should therefore hold a driver's badge or satisfy the requirements for a driver as set out in part three above.
- Operators must declare every six months that their situation has not changed in any way which would affect their entitlement to a licence. Any matter disclosed will be referred to the SODA for consideration.

The word "operator" will be replaced with word "dispatcher". Dispatchers will be retained as a necessary element of the regulation of private hire services.

Dispatchers will be subject to the 'fit and proper person' test.

Dispatchers will be under a duty to provide a price or estimate of a fare on request.

Intermediaries working solely with licensed taxis (referred to as "radio circuits") do not need to be licensed.

Dispatcher licensing will only cover dispatch functions. If it is shown that an individual or company accepted a hire vehicle booking, a presumption arises that the individual or company "dispatched" the driver; this ensures continued accountability.

It is an offence to “dispatch”:

- *an unlicensed driver*
- *dispatch a driver without holding a “dispatchers licence”.*

It is a defence to show that the driver and vehicle were reasonably believed to hold the appropriate licences.

Persons accepting a hire vehicle booking in the course of business are under a duty to provide information to the hirer in respect of any person on to whom they passed the booking.

Dispatchers have a statutory duty to maintain records in the form prescribed by the Secretary of State.

Dispatchers are not restricted to working with only drivers and vehicles whose licences are issued by the same licensing authority as the dispatcher.

Dispatchers may sub-contract bookings to any dispatcher in England and Wales.

4.7 Vehicles

4.7.1 A vehicle plate is granted for a period of 12 months and the application for renewal must be submitted at least one month before the expiry date. Valid insurance and test certificates must be produced to the council before a plate is issued.

The council will not accept applications for renewal after the expiry date, but the application will be treated as a fresh application and a proportionate application fee is due.

If a renewal is not completed before the due date the vehicle cannot be used as a licensed taxi / private hire vehicle until it is licensed again.

4.7.2 If a vehicle licence plate has at least six months left to run when a vehicle is sold or transferred, 50% of the fee will be credited to the original driver's / owner's account.

4.7.3 *The Secretary of State will require information to be displayed in taxi and private hire vehicles on how to complain about taxi and private hire services. The licensing authority will display in offices, libraries and on websites complaint information.*

4.8 Replacement badge and plates

Licence holders must pay a fee for replacing lost or stolen badges and plates.

5.0 Grant / renewal, suspension, revocation or refusal of taxi or private hire driver's licence

5.1 Spent Convictions

1. All applicants for a taxi and / or private hire driver's licence must declare any convictions that have been recorded against them, including any spent convictions, or cautions.¹
2. **The Council will always consider the protection of the public as its paramount consideration before granting / renewing a licence.** A person with a current

¹ Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Schedule 1, Part 3 as amended

conviction or unspent conviction for a serious criminal offence need not be permanently barred from obtaining a licence. However that person will be expected to remain free of conviction for five years, (subject to the circumstances of each individual case), before the council will consider an application. The council will consider cases on their own merit. The council will calculate the period from the completion of any sentence.

- 5.2 The disclosure of a criminal record or other information will not automatically prevent the grant of a licence.

In making a decision, the council will take into account

- the nature of the offence(s)
- how long ago the offence(s) was / were committed
- what the age of the applicant was when the offence(s) was / were committed
- any other factors that might be relevant eg sentence, status of any victim, aggravating features, mitigation etc.

The council will give the applicant a written copy of the decision with reasons promptly together with details of the applicant's right of appeal.

Spent convictions will become relevant where they show a course of conduct on behalf of the applicant. For example, a number of convictions for violence, even where spent, may indicate a real risk to passengers which may not arise from an isolated offence committed a number of years ago.

The tables contained in Appendix 1 show the decision making process which may be applied when considering spent or other convictions.

6.0 Vehicles

6.1.1 General

6.1.1 A taxi / private hire vehicle

- must be no older than two years with any mileage from the date of first registration, or,
- older vehicles will be considered provided the vehicle passes an inspection, conducted by a BSU officer / enforcement officer / licensing officer or SODA which assess, overall condition, mileage, service record, accident damage history, are Euro 6 (diesel / petrol) or Euro 4 (petrol-hybrid) etc

when it is licensed for the first time as a taxi / private hire vehicle.

All references in this policy to 'first registration' relate to registration of the vehicle with the DVLA.

Owners of brand new vehicles will not be required to provide a MOT certificate until the first renewal of vehicle's licence, unless on inspection an officer requires one, eg after inspecting accident damage.

- 6.1.2 The council will only accept a vehicle application form if the owner / licensed driver has insurance, proof of sale / loan agreement, V5 logbook and any other documents required, in the same name.

- 6.1.4 A saloon / estate vehicle or MPV based on a saloon vehicle, including Ford C Max, Renault Scenic, Citroen Picasso, VW Touran, Vauxhall Meriva and other similar vehicles, will normally be licensed for a maximum period of ten years from the date of first registration.

An application may be submitted on an annual basis to extend the ten year period provided the vehicle passes an inspection, conducted by a BSU officer / enforcement officer / licensing officer or SODA to assess overall condition, mileage, service record, accident damage history etc.

A saloon / estate or MPV based on a saloon will not be licensed for more than four passengers if seats for additional passengers are directly in the boot against the rear door for health and safety reasons, ie positioning of doors, exit doors and size of seats.

Vehicles will be subject to an annual check by council officers to ensure that exterior and interior standards are maintained, ie no dents, damage, rust, decolourisation, dirty / torn seats, tatty interior etc. Business support and licensing enforcement officers have delegated authority to conduct annual inspections with a final discretion exercised by the SODA.

Vehicles should be of a minimum size of a large family saloon, eg Ford Mondeo, Skoda Octavia, Vauxhall Insignia, VW Passat. If an applicant is unsure as to whether a particular car is suitable, he / she should obtain written council approval before any purchase is made.

Transitional provisions – Any MPV vehicle listed above that has been licensed as a taxi / PHV before the adoption of this policy may be used as a taxi for 15 years from its first registration. Any vehicles licensed after that date will be subject to the ten year limit. The provision extends to applications of transfer and change from taxi to phv or vice versa.

6.1.5 **Specialist vehicles**

The licensing officer / SODA have delegated authority to grant a taxi or private hire vehicle licence for specialist vehicles, eg classic / vintage cars, camper vans, horse and carriage etc where businesses are required to have a licence by legislation but they are not a typical taxi or PHV business.

6.1.6 **Tinted windows**

No licensed vehicle shall normally have privacy glass unless the tinted glass is included in the vehicle's standard manufacturing specification or the vehicle is not used for general public hire but is used for airport collection services or for private business hire. See also Road Vehicle (Construction and Use) Regulations 1986 (as amended).

6.1.7 **Luggage**

All taxis and private hire vehicles must have adequate and secure storage for carrying luggage for the number of passengers carried.

6.1.8 **Vehicles – size, type, use etc**

Taxi and private hire licensing covers vehicles regardless of their form or construction, including non-motorised vehicles.

For the purposes of taxi, private and public service vehicle legislation, all passenger seats and spaces capable of carrying a standing passenger should be included when assessing vehicle carrying capacity.

“Small public service vehicle” criteria to be revised.

Taxi and private hire licensing to include larger vehicles in two circumstances:

- (a) on a mandatory basis, in respect of stretch limousines and novelty vehicles: and
- (b) on an optional basis, where providers want to use larger vehicles in a taxi or private hire business.

Secretary of State will have the power to exempt certain categories of vehicle or services used to carry passengers for hire from the requirement to licence a taxi or private hire vehicle.

The council retains its power to impose licensing requirements on vehicles used as taxis within their local licensing area.

Wedding and funeral cars are exempt from taxi and private hire licensing while the vehicle is being used in connection with a wedding or a funeral.

Non-professional use of licensed taxi and private hire vehicles, including by non-professional drivers is permitted, subject to a rebuttable presumption that such vehicles are being used professionally when they are carrying passengers

All vehicles will comply with the national standards for taxi and private hire vehicles which will promote enforcement, protection of the environment and accessibility, in addition to safety.

National standards for taxis should be comparable but not necessarily identical to national standards for private hire services.

National standards will be set by the Secretary of State in secondary legislation but there will be a statutory consultation requirement.

Private hire services will only be subject to the national standards set by the Secretary of State; the Council has no authority to set additional standards.

The council retains the authority to set local taxi standards over and above the national standards. .

The ability to apply for a vehicle is not restricted to vehicle owners.

An applicant for a vehicle licence is not subject to the ‘fit and proper person’ test.

There is no general authority to impose individual conditions on the holders of taxi or private hire licences.

6.1.9 All taxis and private hire vehicles must have two MOT tests each year at six monthly intervals (brand new vehicles are excluded for the first 12 months since first registration) and produce the service book at each service.

6.1.10 All the vehicles registration number plates must comply with DVLA requirements and regulations.

6.2 Damage to licensed vehicles

Any damage to a licensed vehicle must be notified to a council enforcement officer as soon as possible and in any case within 48 hours. Unless the vehicle is so severely damaged that it will never again be serviceable as a licensed vehicle, the council will make an appointment for the driver to produce the vehicle for inspection.

If the council considers that the damage to the vehicle is so serious that the vehicle is not fit to be used as a taxi or private hire vehicle they will suspend the vehicle licence until the damage has been repaired to their satisfaction.

In some cases the council may require its inspection² body to certify that the vehicle is fit to return to service as a taxi or private hire vehicle before reinstating the vehicle licence.

6.3 Conditions relating to taxis, MPV taxis and London taxi vehicles

6.3.1 All London taxi and purpose built MPVs such as a Mercedes VITO, Peugeot E7 or VW Transporter etc will normally be licensed for a maximum period of ten years from the date of first registration. It is acknowledged that the purpose built vehicles are designed and manufactured to operate well beyond 15 years and this will be taken into account at the annual inspection on renewal.

An application may be submitted on an annual basis to extend the period provided the vehicle passes an inspection, conducted by a BSU officer / enforcement officer / licensing officer or SODA to assess overall condition, mileage, service record, accident damage history etc.

From the date that this policy is adopted, small saloon based MPVs will be treated as saloon vehicles.

6.3.2 Council officers will decide whether an MPV is a saloon based vehicle or not.

6.3.3 The standard colours for taxis are black and silver as defined in a standard dictionary.

Other dark colours for taxis are permitted with prior authority of the licensing regime. A decision as to whether approval will be given will be made within 24 hours on a working day if a photograph can be viewed by an officer.

Applicants must complete a pre-purchase form to obtain approval from a business support officer, before purchase, that the vehicle is suitable in respect age, mileage and condition and includes a photograph. The vehicle can be still be declined at inspection if the vehicle does not match the details in pre-purchase form or the history of the vehicle means that it is unsuitable, eg it has previously been 'written off'.

A BSU officer / enforcement officer / licensing officer or SODA is delegated to give approval.

Transitional provisions – existing vehicles with a colour other than black and silver may continue to be licensed until expiration of the maximum permitted period for the vehicle.

6.3.4 Once licensed, a taxi is always a licensed vehicle during the period for which the licence is in force regardless of the use to which it is being put and must always be driven by a licensed driver.

All taxis must display continuous black and white chequered squares along the entire length of both sides of the vehicle. The chequered squares shall each measure 25mm x 25mm; three rows of chequers totalling a band of 75 mm wide. The only class of licensed taxi exempt from this requirement is a London cab. Magnetic strips or transfer signage must be used.

² Serco plc at the Council's depot Kingsmead Road Canterbury

Licensed vehicles must at all times be plated. In the area of Canterbury City Council plated means the internal use of a small white licensing plate, the internal use of a sticker plate and the external use of a hard plastic plate.

Placement and use of vehicle licence plates on taxis

- A small white plastic licensing plate with the vehicle licence number on it will be displayed inside the vehicle, which must be clearly visible to all persons in the vehicle. The plate must be displayed on the dashboard or, in the case of a vehicle with a partition between the driver and passenger(s), on the partition
- A small sticker plate will also be displayed on the (inside) front nearside of the windscreen
- A small sticker plate will also be displayed on the rear window
- A large plastic vehicle plate will be displayed externally on the rear of the vehicle
- Plates must not be obscured from view or be defaced
- All plastic plates and sticker plates will be provided by the council and remain the property of the council at all times

All plates, signage, chequers etc must be displayed in accordance with this policy.

If the licensed vehicle is being used purely for private, domestic, pleasure and social use and the vehicle has insurance covering that use, providing it is being driven by a licensed driver, the council will allow that roof signage and chequered stripes can only be temporarily removed while it is being driven for this purpose.

If the vehicle is being used other than for domestic, pleasure and social use without the appropriate signage, plates etc the licensing regime will consider any breach or non-compliance as a serious matter and this will be dealt with accordingly.

6.3.5 Licensed taxis must display a roof sign capable of being illuminated bearing the word TAXI facing to the front of the vehicle. The sign to the rear may state TAXI or the telephone number of the firm in the same size letters or numbers. Such signs must comply with the Road Vehicles Lighting Regulations 1989. The standard industry specifications for taxi roof signs is 355mm (14 inches) in length and 115mm (4.5 inches) in height with lettering of 75mm (3 inches).

6.3.6 London Cabs must comply with the requirements of Transport for London (TFL) <http://tfl.gov.uk/>

6.4 Vehicle status from taxi to a private hire vehicle

There are no restrictions to convert a taxi to a phv providing the vehicle

- has a current licence
- it complies with all other terms and conditions, eg age, condition etc.

A London cab cannot be licensed as a private hire vehicle.

6.5 Advertising on taxis

The only lettering permitted on a licensed taxi vehicle without prior is the proprietor's name or the name of his / her business above a telephone number on the front door panels of the vehicle. The maximum size of each letter or number is 150mm x 75mm; fluorescent colours are not permitted.

Written applications for advertising otherwise than in accordance with the policy, ie other signs, letters, motifs, emblems, marks, figures, notices, advertisements or devices will be considered by the Head of Safer Neighbourhoods.

No lettering or advertisement is permitted on any window or glass panel of a vehicle.

Advertising on glass will not be permitted under any circumstances although purely warning notices such as 'no smoking', 'no food and drink' cctv etc may be displayed on the rear glass panels.

The council will charge an administration fee for considering whether to grant approval of any non-standard lettering or advertisement on a taxi.

Only providers of licensed taxis should be allowed to describe themselves using the word "taxi" on vehicles or in advertising materials.

All existing signage must be compliant with the policy within three months from the date of adoption of this policy unless a written application has been granted by the SODA authorising a specific design.

6.6 Conditions relating to private hire vehicle

- 6.6.1 All vehicles including purpose built MPVs such as a Mercedes VITO, Peugeot E7 or VW Transporter etc will normally be licensed for a maximum period of ten years from the date of first registration. It is acknowledged that the purpose built vehicles are designed and manufactured to operate well beyond 15 years and this will be taken into account at the annual inspection on renewal.

An application may be submitted on an annual basis to extend the period provided the vehicle passes an inspection, conducted by a BSU officer / enforcement officer / licensing officer or SODA to assess overall condition, mileage, service record, accident damage history etc.

From the date that this policy is adopted, small saloon based MPVs will be treated as saloon vehicles.

- 6.6.2 Council officers may decide whether an MPV is saloon based vehicle or not.
- 6.6.3 The permitted colours for phv's are red and white as defined in a standard dictionary, this includes London Cabs.

Other dark colours and silver for phv's are permitted with prior authority of the licensing regime. A decision as to whether approval will be given will be made within 24 hours on a working day if a photograph can be viewed by an officer.

Applicants must complete a pre-purchase form to obtain approval from a business support officer, before purchase, that the vehicle is suitable in respect age, mileage and condition and include a photograph. The vehicle can be still be declined at inspection if the vehicle does not match the details in pre-purchase form or the history of the vehicle means that it is unsuitable, eg it has previously been 'written off'.

A BSU officer / enforcement officer / licensing officer or SODA is delegated to give approval.

Transitional provisions – existing vehicles with a colour other than red and white may continue to be licensed until expiration of the maximum permitted period for the vehicle.

- 6.6.4 Once licensed, a PHV is always a PHV during the period for which the licence is in force regardless of the use to which it is being and must always be driven by a licensed driver.

Placement and use of vehicle licence plates on PHVs

- All PHVs must display a large plastic vehicle licensing plate as issued by the council on the rear of the vehicle
- All licensed private hire vehicles will display an appropriate notice supplied or approved by the council showing the PHV licence number and stating that the vehicle must be pre-booked on:
 - both rear passenger door windows or
 - both rear passenger door panels.
- Plates must not be obscured from view or be defaced
- All plastic plates and sticker plates will be provided by the council and remain the property of the council at all times

The council will allow the rear plastic plate only to be temporarily removed in the following circumstances:

- written prior authority has been given by the licensing regime for special situations where the use of the vehicle might safely be considered in the circumstances without the rear plate.

If the vehicle is being used other than for the purposes specified above without the appropriate signage and / or written prior authority, the licensing regime will consider any breach or non-compliance as a serious matter and this will be dealt with accordingly.

6.6.5 There is no restriction to the level of tint for the glass windows in the passenger compartment. However, for the safety of passengers, tinted glass in the windscreen and front doors must be restricted to the manufacturers' standards.

6.7 Vehicle status from private hire vehicle to a taxi

There are no restrictions to convert a phv into a taxi providing the vehicle

- has a current licence
- it complies with all other terms and conditions, eg age, condition etc.

6.8 Advertising on private hire vehicles

The only lettering permitted on a licensed taxi vehicle without prior is the proprietor's name or the name of his / her business above a telephone number on the front door panels of the vehicle. The maximum size of each letter or number is 150mm x 75mm; fluorescent colours are not permitted.

Written applications for advertising otherwise than in accordance with the policy, ie other signs, letters, motifs, emblems, marks, figures, notices, advertisements or devices will be considered by the Head of Safer Neighbourhoods.

No lettering or advertisement is permitted on any window or glass panel of a vehicle.

Advertising on glass will not be permitted under any circumstances although purely warning notices such as 'no smoking', 'no food and drink' cctv etc may be displayed on the rear glass panels.

The council will charge an administration fee for considering whether to grant approval of any non-standard lettering or advertisement on a PHV.

Signage requirements are part of the national standards as determined by the Secretary of State. The Secretary of State will impose requirements to ensure that the public are able to distinguish easily between taxi and private hire vehicles.

6.9 Flags, stickers, notices etc on taxis and phvs

Flags in support of a team participating in international major sporting events such as England in the world / European cup finals (this does not include qualifiers), or events of significant national celebration, eg Queen's jubilee, royal wedding etc may be flown from a licensed vehicle; the flag may be up to 300mm x 450mm.

No notices, stickers relating to political parties, campaigns etc are permitted. Any other articles placed, hung etc in or on the vehicle must have approval of a council officer; such items must not compromise public safety.

6.10 Transfer of ownership of a taxi or phv

Forms must be completed and delivered to the council by the seller and the buyer within 14 days after any taxi or private hire vehicle is sold or ownership is transferred to another licensed operator or driver.

If the vehicle is not being transferred to a licensed operator or driver, all plates must be returned to council within 14 days from the sale date.

The council will revoke the vehicle licence plate automatically if this is not done.

6.11 Additional conditions applying to (stretch) limousines (LPH)

- 6.11.1 The number of passengers any stretch limousine is licensed to carry will be a maximum of eight. A vehicle may be licensed for a maximum of ten years.
- 6.11.2 The vehicle may be left or right hand drive. Operators of all stretched limousines making applications for lph vehicle licences will be required to produce proof of individual vehicle approval issued by the vehicle and operator services agency (VOSA).
- 6.11.3 There is no restriction to the level of tint for the glass windows in the passenger compartment. However, for the safety of passengers, tinted glass in the windscreen and front doors must be restricted to the requirements of individual vehicle approval standards in line with the current standards of VOSA.
- 6.11.4 Drivers of stretched limousines must receive training on how to attend to, and help, passengers with disabilities. Records of this training must be kept with the vehicle licensing log book.
- 6.11.5 No sales of alcohol shall be included within the vehicle's hire fee. (This includes 'hidden sales'). Any alcohol must be provided separately by the hirer.
- 6.11.6 Any glassware used in the vehicles shall be made either of shatterproof glass or polycarbonate.
- 6.11.7 The vehicle will not be hired to persons under the age of 18 years unless an adult (other than the driver of the vehicle) supervises them.
- 6.11.8 The council shall approve the seating arrangement, within the vehicle, which may vary in accordance with the design of the vehicle.

- 6.11.9 An lph will not be plated as a taxi or private hire vehicle; it will always be plated within the limousine (lph) category.
- 6.11.10 All limousines, save for wedding and funeral cars, shall have sufficient seat belts for the maximum licensed number of persons carried and comply with the current legislation in relation to seat belts.

6.12 Motorcycle private hire vehicle conditions (mphv)

- 6.12.1 A mphv must be suitable for the purpose of carrying a passenger and appropriate luggage.
- 6.12.2 Mphvs must meet appropriate motorcycle design and construction standards as set out in any applicable and relevant EU standard and must not be modified in any way.
- 6.12.3 All mphvs must meet current exhaust noise and emission standards.
- 6.12.4 All mphvs must be fitted with an ABS braking system.
- 6.12.5 All mphvs must have two MOT tests each year at six monthly intervals (brand new vehicles included) and produce the motorcycle service book at each service.
- 6.12.6 Mphv licensing plate must be displayed on the rear of the motorcycle. Signage must not interfere with the safety or operation of the vehicle.
- 6.12.7 A vehicle may be licensed a maximum of seven years. There is no minimum vehicle age restriction; the licensing officer will consider each vehicle on its individual merits taking into account condition, mileage and service history.
- 6.12.8 'Motorcycle rider', all references to 'driver' applies equally to 'rider' where appropriate.

A licensed motor cycle rider (a licensed rider) shall comply with the council's conditions for licensed private hire vehicles drivers and the additional requirements listed below.

- 6.12.9 Both the licensed rider and passenger must comply with the requirement to wear a safety helmet. The licensed rider must offer hygienic inserts for the helmet although the passenger is not obliged to use them.
- 6.12.10 Motorcycle passengers must be offered a set of protective clothing to wear although there is no legal requirement for them to wear it.
- 6.12.11 There must be a licensed rider / pillion passenger intercom system linked through the safety helmets.
- 6.12.12 Passengers under the age of 16 must have written parental consent before riding on the motorcycle. All passengers must be able to reach the foot rests and grab handles.
- 6.12.13 Licensed riders must have held a full motorcycle licence for a minimum of five years and demonstrate that they have driven motorcycles of at least 750cc engine capacity for at least 100 days per annum or for 1,000 hours per annum during that period.
- 6.12.14 Licensed riders must have passed a motorcycle riding test of the Institute of Advanced Motorist / RoSPA or equivalent, this is in addition to a full DVLA driver's licence of the correct category.
- 6.12.15 All licensed riders will have a current medical and DBS check at all times when operating a motorcycle PHV.

6.13 Children and young persons

- 6.13.1 If a driver carries a child under the age of 12 months the child must be in an appropriate child seat, if provided by the parent, guardian, carer, KCC, school etc, anchored by a seat belt. If the child is carried in this way in the front seat the air bag must be turned off in accordance with the seat manufacturer's guidance.
- 6.13.2 Children between the ages of one to 14 years must be seated in the rear of the vehicle using a child seat or booster cushion, if provided by the parent, guardian, carer, KCC, school etc anchored by a seat belt, in accordance with the seat manufacturers' guidance.
- 6.13.3 If 'passenger assistant' are employed by a driver / or operator they must have been approved by and issued with the appropriate badge by Kent County Council.
- 6.13.4 Employers and operators are required to supervise, monitor and train escorts to maintain the highest safeguarding standards. Training includes ensuring that escorts are familiar with a robust reporting protocol if the escort has any concerns. Employers and operators must have direct contact with their passenger assistant at least once per week when operating under KCC contracts, eg not required during school holidays for school runs.

7.0 Licensed taxi and private hire vehicle conditions

Drivers must comply with the following conditions when driving a licensed taxi or private hire vehicle.

Only a licensed taxi driver can drive a taxi vehicle; a person who does not hold a licence or possesses a licence that has been revoked or suspended cannot drive a taxi vehicle even if the use is for personal, domestic or pleasure.

Only a licensed phv driver can drive a ph vehicle; a person who does not hold a licence or possesses a licence that has been revoked or suspended cannot drive a ph vehicle even if the use is for personal, domestic or pleasure.

These conditions apply to all vehicles including stretch limousines and motorcycles so far as practicable.

7.1 Equipment

The licensed vehicle must carry the following equipment:

- a. A foam, gas or powder fire extinguisher fully maintained and in working order
- b. First aid kit of sufficient specification to deal with all minor roadside injuries (please note that there is no mandatory list of contents of a first aid box. For low hazard situations consult the Health and Safety Executive publication INDG 214).
NB This does not require the driver to administer first aid
- c. In the case of a new vehicle that is not supplied with a spare wheel, a can of tyre repair fluid
- d. Fluorescent vests; enough for driver and all passengers
- e. Warning triangle
- f. Spare bulbs for all internal and external lighting.

Note: if an expiration date applies, the equipment must be renewed before the expiry date.

7.2 Loss or theft of a vehicle plate / notice

A driver must report the loss or theft of a licence plate or notice to the police and to the council (quoting the police reference) as soon as possible or in any case within 24 hours so that a replacement can be issued. There is a fee payable for the replacement of a plate.

7.3 Insurance and registration of vehicle

7.3.1 Individuals

Where the registered owner of a licensed taxi or private hire vehicle is a living individual, the vehicle must be registered, licensed and insured in the name of that individual.

7.3.2 Company

Where the registered owner of a licensed taxi or private hire vehicle is a company, the vehicle must be registered, licensed and insured in the name of that company.

7.3.3 Any failure to comply with any of these licensing conditions may vitiate a vehicle insurance policy.

7.4 Smoking

A driver may not smoke a cigarette, pipe, cigar, including electronic / vapour devices etc, at any time in a taxi or private hire vehicle, irrespective of whether there is a passenger in the vehicle or not. A taxi or private hire vehicle is considered to be a place of work.

7.5 Alcohol

If an authorised officer of the council considers that it is appropriate, they can ask a driver to participate in an alcohol screening test. The driver is not obliged to comply with the request but failure to do so may result in the officer reporting any concerns to the police.

7.6 Maintenance and appearance

7.6.1 The licensed vehicle and its fittings must at all times when it is available for hire be:

- a. safe
- b. tidy
- c. clean
- d. in roadworthy condition

and comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including the Motor Vehicles (Construction and Use) Regulations.

7.6.2 Remoulded / re-treaded tyres may not be fitted to a taxi or PHV.

7.7 Insurance, MOT and vehicle excise licence

7.7.1 A licensed vehicle must not be used as a taxi or private hire vehicle unless there is a current MOT certificate, current certificate of insurance and current vehicle excise licence in force.

Proof of a current vehicle excise licence must be produced when insurance and test certificates are produced.

7.7.2 WARNING!

If any of the above documents, certificates, licence etc to lapse, the vehicle cannot be used commercially until a valid document is produced.

7.8 Taxi and Private Hire documents and log books

- 7.8.1 The up-to-date log book must be carried in the vehicle at all times; the log book includes the current edition of this policy. The log book and policy must be available to officers when drivers attend the council offices.
- 7.8.2 The log book must be updated after each MOT test.
- 7.8.3 In the case of an insurance certificate, the log book must be up-dated within seven days of receipt of the appropriate document.

The log book must be updated with any relevant cover note or other relevant insurance document prior to the vehicle undergoing any MOT inspection.

A vehicle can be MOT'd at any Ministry of Transport approved testing centre.

7.9 Production of documents, certificates, log books etc

A driver or operator must produce any document within seven days if requested to do so by any officer of the council. Failure to adhere to the request will result in suspension of the driver or vehicle licence until the requested document has been produced.

7.10 Taxi meters

- 7.10.1 The fee for calibration of a taxi meter shall only be incurred when calibration is necessary, e.g. the transfer of a meter from one vehicle to another or the tamper proof sticker has been interfered with or removed. If the sticker is intact at inspection, a current calibration certificate must be produced at each annual inspection.
- 7.10.2 If a taxi has been hailed or engaged at a taxi rank by a passenger, a meter must be used and display the fare that may be charged. It is a matter for the driver if they will accept payment which is less than that shown on the meter, but a driver cannot ask for an amount which exceeds the sum displayed on the meter.

7.11 Taxi and private hire bookings

If a passenger has booked a taxi or private hire vehicle and the driver is late or does not attend the booking without good reason, the matter will be investigated and if necessary, referred to a SODA / licensing sub-committee to consider suspension / revocation of the licence.

Good reason may include accident, illness, vehicle failure etc and the driver has done everything that a reasonable person could have done in the circumstances to arrange an alternative vehicle or driver.

Taxis picking up passengers outside their licensed area must comply with a "pre-booking" requirement (they cannot be hailed or pick a fare up from a rank). As a pre-booked fare, (a) the passenger must be provided with an estimate of the price in advance of the journey and (b) records of the fare must be kept.

Taxis are not required to keep pre-booking records for passengers picked up in their licensed area.

8.0 Drivers

Licensed taxi and private hire driver conditions

All drivers must:

- 8.1** Drivers must behave in an orderly and professional manner at all times and be courteous to their passengers, the public, council officers and other road users.
- 8.2** Be clean and tidy in appearance and dress in a manner that will not cause offence or embarrassment to passengers or other members of the public.

The driver must not wear:

- shorts – unless tailored, ie no football, sports, Hawaiian style or garish shorts
- sleeveless vests
- tracksuit tops and / or bottoms.

- 8.3** All drivers must notify the council of any change of employment / contract within the taxi or private hire trade within 14 days of that change.
- 8.4** A driver must wear his / her driver's badge in the approved holder in a conspicuous position at all times when working; this can either be a lapel clip, lanyard or armband.
- 8.5** Drivers will be provided with an additional badge which they must display at all times when they are driving a licensed vehicle where it may be easily seen by all passengers. It should be placed on the dashboard or, in the case of a purpose built taxi, on the bulkhead.
- 8.6** A driver must report the loss or theft of a badge to the police and to the council, quoting the police reference), as soon as possible, or in any case within 24 hours, so that a replacement can be issued. A fee is payable for the replacement of a badge.
- 8.7** A driver must notify the council in writing of any permanent or temporary change of address within seven days. A form is available from main reception or on-line.
- 8.8** If a driver is disqualified from driving by the courts for any period of time, his / her driver's licence and badge will be automatically revoked by policy and must be surrendered to the council immediately.
- 8.9** If a driver is convicted of, cautioned for or given a resolution etc, or bailed by the police or the court:
- a) for a minor traffic offence; or
 - b) is issued with a fixed penalty notice for a minor traffic offence;
 - c) for any other criminal offence

he / she must report it to the council within 14 days of a conviction, caution, resolution etc, or in the case of a fixed penalty notice 14 days from date of issue, or within 48 hours of being granted bail.

- 8.10** If required to do so by an authorised council officer or police officer, a driver must stop the taxi / private hire vehicle and remain with that officer until permitted to move off.

An authorised council officer is an officer who has been given an authority in writing to deal with the enforcement / compliance of this policy

- 8.11** A driver must notify the council promptly of any illness that would prevent him / her from driving or cause his / her driving licence to be suspended or revoked by the Driver and Vehicle Licensing Authority. In these circumstances the driver's licence will be suspended until (i) the DVLA has lifted the suspension / revocation and (ii) a medical certificate is

produced to the council stating that (a) the driver is fit to drive and (b) the certificate addresses the particular illness or, condition that the driver has notified to the council.

8.12 A driver's licence and badge remain the property of the council at all times. Drivers must return their taxi or private hire licences and badges to the council on request.

8.13 A driver or person responsible for a licensed vehicle must produce on request to an authorised council officer or a police officer:

- a) the taxi / private hire vehicle log book, including the latest edition of the policy
- b) his / her driver licence / badge.

8.14 If any property is left in the vehicle by a passenger or it is handed to the driver, the driver must notify the nearest police station within 24 hours unless the property is claimed by the owner of that property. The driver is under a legal duty to take appropriate care of the property and to ensure that if it is returned, that person is lawfully entitled to possess the property or act as agent for the owner.

8.15 Drivers must not drive a taxi / private hire vehicle if they no longer hold, or have had suspended or are disqualified from holding a DVLA UK, European Economic Area or Northern Ireland driving licence.

8.16 Medical fitness

Drivers must have a medical examination as set by the council when they apply for a new licence (not a renewal) and thereafter every three years until they become 70. Once a driver is 70, he / she will need to obtain an annual medical examination certificate for production to the council.

If a licensed driver appears or is reported to an authorised officer to have problems relating to alcohol consumption or the use of prescription or other drugs they will be required to attend to an enhanced medical examination at a medical centre chosen by the council. Failure to attend such a medical will result in the suspension of the driver's licence.

8.17 Eyesight

Drivers must meet the eyesight requirements specified by the Driving Standards Agency driving test. This can be done by wearing contact lenses or spectacles.

Failure to do so will result in the suspension of a licence until the driver's eyesight has been corrected to pass the test.

8.18 Smoking and alcohol

Drivers and passengers are not allowed to smoke cigarettes, cigars, pipe etc or electronic smoking device, vapour etc or drink alcohol during the course of any journey.

8.19 Hailing taxis

The licensing authority has determined that taxis are under a duty to take a passenger when hailed to do so; failure to comply, without reasonable excuse, is an offence.

9.0 Transporting disabled passengers

9.1 Each passenger with a disability has different needs. Many disabled people have experienced well-intentioned but clumsy assistance that has caused them discomfort and pain.

Operators and drivers must ask the customer or their carer what assistance they need. The driver should always make sure that passengers are familiar with any access and safety equipment in the vehicle.

9.1.1 The driver should ask the customer if they are comfortably seated before starting the journey.

9.1.2 If the passenger is in a wheelchair, the driver should always:

- pull up as close as possible to the kerb
- use the ramps
- if necessary, tip up the back seat to give more space to manoeuvre the wheelchair
- insist that the passenger travels in the correct position as recommended by the vehicle manufacturer. In the case of a London type cab this position will be facing the rear of the vehicle. The incorrect travelling position is unsafe
- make sure that the brakes of the wheelchair are on
- be polite and ask before touching or moving a passenger
- secure the wheelchair and ask if the passenger needs help to fasten the seat belt provided
- if it has been raised, lower the back seat if the passenger would prefer it
- avoid sudden braking or acceleration
- bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once they have been unloaded
- leave the passenger in a safe and convenient place, which enables them to move away independently.

9.2 Manoeuvring a wheelchair

9.2.1 When taking a person in a wheelchair up a kerb a driver should place their foot on one of the tipping levers (which project from the back of the wheelchair at ankle height) and pull the wheelchair onto its back wheels so that its front wheels are level with the kerb and follow with the back.

9.2.2 When taking a person in a wheelchair down a kerb, again the driver should place their foot on the tipping lever and pull the wheelchair onto its back wheels. The driver should gently lower the wheelchair down the kerb so that both of the rear wheels touch the ground at the same time, then lower the front wheels.

This method should only be used for kerbs and single steps; where there is a flight of steps two people are needed for safety.

9.3 Although all council licensed vehicles are capable of carrying wheelchairs, they are not accessible to all wheelchair users. There are a number of wheelchair designs that are either too large for the ramps or to fit through the doorway or cannot be manoeuvred when inside the vehicle. There are also some passengers whose size and build, or nature of disability (i.e. those passengers requiring extended leg rests), prevent them from using a taxi vehicle safely.

However a driver cannot refuse to take a passenger in a wheelchair if the vehicle can take the passenger safely. It is against the law to refuse to take a wheelchair passenger. Failure to comply could lead to prosecution and the driver's licence being suspended or revoked.

9.4 How to ensure the safety of wheelchair users

9.4.1 Both the restraint system for the wheelchair and the safety belt for the passenger must be used on every occasion. Failure to do so may render the driver liable in the event of an accident and could affect the driver's insurance cover.

- In the interest of the comfort and safety of both the passenger and driver, the ramps must be used to board a passenger using a wheelchair
- Passengers using wheelchairs must never travel facing sideways
- The wheelchair restraint mechanism must always be attached to the rearmost main upright tubes on opposite sides of the wheelchair frame in a position that does not allow it to fall off or slide down. The restraint must never be attached to wheels, spokes or footplates
- The brakes on the wheelchair must always be applied during the journey. Drivers should remember that the brakes alone are not sufficient for wheelchair restraint. They do however give a little lateral stability during the journey, which provides reassurance for passengers
- The wheelchair restraint mechanism isolating switch must always be in the "off" position before the journey begins. If it is left in the "on" position the wheelchair is still unrestrained
- It is important to remember that the wheelchair restraint mechanism offers no security to the passenger. It is a legal requirement for passengers to wear seatbelts provided unless they hold a medical exemption certificate
- Wheelchairs must always be taken out of the vehicle backwards.

9.5 Canterbury High Street

All drivers must comply with the regulations applicable to the Canterbury Pedestrian Zone.

There are side streets where passengers can be dropped off and picked from close to the High Street.

Drivers are permitted to pick and drop of passengers who are disabled or medially unable to walk or a bride attending or leaving the Abode Hotel but the driver must be able to provide evidence that the passenger meets the criterion.

10.0 Equality Act 2010

10.1 How does the Act affect taxi and private hire drivers?

There are some changes in the law that came into effect in October 2010.

The Equality Act 2010 includes provisions relating specifically to taxi and private hire vehicles and disability.

The Government brought into force several provisions of the Act in October 2010 further provisions will come into force later.

The information below provides details of the provisions that came in to force in October 2010 in relation to taxi and private hire vehicles, and what the implications will be for taxi and private hire vehicle drivers, and details of the further measures that are due to be implemented at a future date yet to be determined.

10.2 Duties on drivers to assist passengers in wheelchairs

10.2.1 The Equality Act 2010 places duties on the drivers of designated wheelchair accessible taxi and private hire vehicles to provide physical assistance to passengers in wheelchairs. A further announcement will be made when the duties will come into force.

- 10.2.2 The duties will apply to the driver of any wheelchair accessible taxi and private hire vehicles which are on the licensing authority's list of "designated vehicles as set out in section 167 of the Equality Act 2010 (the 2010 Act)".
- 10.2.3 It is proposed that Section 167 of the 2010 Act will be adopted by the council via this policy. The licensing authority has already compiled a list.
- 10.2.4 The adoption of Section 167 means that the council will maintain a list of designated wheelchair accessible taxi and private hire vehicles in accordance with Section 167(5) of the 2010 Act.
- 10.2.5 The duties set out at 10.4 below will apply to the drivers of those vehicles.
- 10.2.6 Before the duties are brought into force, any drivers who suffer from a disability or a condition which would make it difficult for them to provide physical assistance can apply for an exemption from the duties to offer assistance.

10.3 Wheelchair accessible vehicles

- 10.3.1 Wheelchair accessible vehicles means that disabled persons who use wheelchairs can:
- (a) get into and out of vehicles in safety, and
 - (b) travel in vehicles in safety and reasonable comfort, either staying in their wheelchairs or not (depending on what they prefer).

Warning - owners / drivers are advised to ensure that they keep up-to-date as to the implementation of proposed legislation changes requiring all vehicles to be able to take a passenger in a wheelchair. This advice is extremely important when an owner / driver is considering purchasing a new vehicle.

Discrimination against wheelchair users

Drivers face a fine of up to £1,000 and or revocation / suspension of their licence if they refuse to transport wheelchair users or attempt to charge them extra.

From 6 April 2017 taxi and private hire vehicle drivers will be obliged by law to:

- transport wheelchair users in their wheelchair
- provide passengers in wheelchairs with appropriate assistance
- charge wheelchair users the same as non-wheelchair users.

10.4 What are the legal duties placed on taxi and private hire drivers?

- 10.4.1 The duties being placed on the drivers of designated wheelchair accessible taxi and private hire vehicles are (under Section 165 of The Equalities Act 2010):
- to carry the passenger while in a 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.

10.5 What does mobility assistance mean?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle.

If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle.

The driver must also offer to load the passenger's luggage into and out of the vehicle.

10.6 What if a driver has a medical condition which prevents the driver from carrying out these duties?

The Act allows for exemptions from the duties on medical grounds or if the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with those duties. It is the responsibility of drivers who require an exemption to apply for one from the council. The licensing authority decides if a driver should be exempt from the duties.

The legislation allows a driver to appeal to the magistrates' court within 28 days if the council decides not to issue an exemption certificate. The council is the delegated authority to decide if an exemption should be granted.

10.7 Assistance dogs

10.7.1 Taxi and private hire drivers must carry guide dogs and other assistance dogs.

Any driver who cannot carry an assistance dog on medical grounds must apply for an exemption certificate. The council may decide if an exemption should be granted.

Any driver who held an exemption on 01 October 2010 on medical grounds will continue to be exempt.

10.7.2 Exemption certificates for carrying assistance dogs

- Where an application is made to the licensing authority for an exemption, it must be supported by medical evidence. Persons with such allergies will be under the care of a specialist consultant and will be required to produce reports from their consultant. If no exemption has been applied for and subsequently granted, drivers are still required to carry assistance dogs.
- The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.
- It is often difficult for vision-impaired passengers to identify the validity of exemption certificates. The council will introduce exemption certificates that are accompanied or incorporate features that are distinguishable to vision-impaired passengers, and that these are produced in consultation with the relevant authorities to ensure the certificates remain valid.

10.8 Transporting and assisting vision-impaired passengers and those with guide dogs

10.8.1 When travelling in taxis or PHVs, blind and partially sighted people may need specific assistance related to their disability, such as sighted guiding to the vehicle.

10.8.2 The following guidelines are recommended for taxi and PHV drivers to follow when transporting a vision-impaired passenger:

- The driver should always ask the vision-impaired person what assistance is needed before making assumptions as to what might be required.
- When picking up a blind or partially-sighted person from their home or other premises, the driver should knock on the door, or enter the premises, to announce their arrival. It is helpful to know the customer's name.
- If the vision-impaired person asks to be guided to the vehicle, the driver should stand by the person's side and allow them to take hold of their arm/elbow in order for them to guide the customer along. The driver should never take hold of the passenger and drag or push them in a particular direction. The driver should tell the person where they are going and what obstacles or hazards might be approaching. They should tell them about doors opening towards or away from them and about steps, kerbs or slopes going up or down. This will help prevent accident and injury.
- On arrival at the vehicle, the driver should inform the passenger of the type of vehicle and which direction it is facing. Using their guiding arm, the driver should reach for the door handle and allow the passenger to slide their hand down their arm and get hold of the handle. The passenger will then hold the door and enter the car themselves.
- Once inside the vehicle, the driver should offer to help the passenger with the seat belt, and not set off until the passenger is seated and secure.
- During the journey, the passenger should be informed about any delays, or deviations to the route that they might have expected to take.
- Upon arrival, the driver should inform the passenger of the location, offer to assist the passenger to exit the vehicle and guide them to a safe location before leaving.
- Drivers should clearly inform the passenger of the fare or meter reading. (A 'talking meter' is recommended). When giving change, it is important to count out coins and notes into the passenger's hand.

10.8.3 When transporting a passenger with a guide dog, the driver needs to be aware of:

- If guiding a person with a guide dog, the driver should stand by the person's right-hand side (usually the guide dog will be on the left) and adopt the same guiding technique as above. They should not take hold of the dog's lead or harness and should not interfere when the owner tells the dog to do something, as this may confuse the guide dog.
- The driver should ask the passenger where they would prefer their guide dog to be. In purpose built taxis the dog will travel in the passenger cabin with the owner. In saloon cars, passengers are likely to travel in the rear of the vehicle with the guide dog in the foot well between their feet behind the front passenger seat.

- The front passenger seat should be pushed forward to make space for the dog. Guide dogs have been trained not to sit on furniture, including car seats.
- If guide dogs are carried in the front foot well and air bags are fitted to both the passenger and driver's side front panel, it is essential that the dog is lying down at all times. The driver should let the passenger know if this applies.

11.0 Enforcement and appeals

11.1 Enforcement

Where the council takes enforcement action it will continually review the case on its own merits to ensure any action taken is reasonable and proportionate.

11.1.1 Delegated powers

Any breach of the policy, statute, bye-laws etc will be reported to a Senior Officer with Delegated Authority (SODA) for consideration of appropriate action (unless the officer has authority to dispose of the matter through a warning, fixed penalty etc); this may include prosecution through the magistrates' court, reporting matters to the police, referral to internal officers with delegated authority, or if appropriate, referring to the licensing sub-committee or disposal in accordance with a senior officer's delegated powers. Officers may only operate within the delegated powers given to them by the council.

An officer may decide to:

- take no further action*
- issue a verbal warning*
- Issue a written warning, this includes a final warning*
- revoke / suspend a licence
- refer the matter for further consideration under the council's decision making process
- issue fixed penalty notices*
- institute court proceedings.

*Disposals can be given by an enforcement officer without referral to a SODA.

Each matter will be considered on its own merits. The officer will record the reasons for their decision taking into account the following factors (this list is not exhaustive):

- the seriousness of the alleged incident, breach, or offence
- whether any previous warnings have been issued or enforcement action taken and whether they are of a similar nature
- any other penalty already issued, e.g. fixed penalty, court fine, penalty points suspension
- the circumstances of the incident
- whether there are any aggravating circumstances, eg vulnerable person, passenger etc
- the representations of any complainant
- the presentations of the driver / operator or their representative including any admissions and mitigation.

11.1.2 Any person acting in the course of a business who pass taxi or private hire bookings to providers who they know or suspect to be unlicensed are guilty of an offence.

11.1.3 *Licensing officers (who have been suitably trained and accredited) will have the power to stop licensed taxi and private hire vehicles in a public place for the purpose of checking compliance with licensing requirements.*

11.2 Enforcement procedure

Appendix 2 sets out the procedure for referring the matter to the SODA in consultation with the Co-Chairmen of the licensing committee or to the licensing sub-committee for determination. The time periods are for guidance only.

The outcomes for any hearing of the SODA in consultation with the Co-Chairmen are:

- conclusion of the matter, including any disposal listed at 11.1.1
- referral to any internal hearing of the council or
- referral to an external process.

11.3 Hearings

Appendix 3 sets out the procedure followed by the council at hearings. The procedure may be amended or adapted by the council from time to time or during the course of a hearing. If there is any amendment, the driver, owner, operator or their representative will be given the opportunity to make representations in respect of the proposed amendment.

11.3.1 If an interpreter is required by a person appearing at a council hearing, the licensing officer (LO) must be informed at the earliest opportunity.

11.3.2 The council will aim to deal with all matters listed for appeal or enforcement hearings at the first hearing.

11.3.3 If a person fails to attend a hearing, the council may conclude the hearing in a person's absence provided the officer / councillors is / are satisfied that the person has had sufficient notice of the hearing time, date and venue.

11.3.4 The LO may grant an adjournment prior to the hearing if satisfied that there is good reason for the adjournment. Any decision to adjourn a hearing, together with the reason, will be provided to the SODA / councillors at the subsequent hearing.

11.3.5 The SODA / councillors may impose any reasonable condition as part of its decision at a hearing, e.g. if the matter being considered relates to an issue of poor driving, the driver may be ordered to take a taxi / phv driving test.

The licensing authority does not have a general power to impose individual conditions on the holders of taxi and private hire licences.

11.4 'Fit and proper person'

The leading case as to whether a person is a 'fit and proper person' is:

McCool v Rushcliffe Borough Council [1998] EWHC Admin 695

The test sets out the requirement to ensure, so far as possible, that those licensed to drive taxis or PHVs are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers. (The test also applies to operators to determine whether they are 'fit and proper persons').

In layman's terms the question to ask is "Would you let this person drive your daughter, son, mother etc alone in a car?"

11.5 Appeal costs in the magistrates' court

If a person exercises their right to appeal to the magistrates' court and loses their appeal, the council will seek to recover all costs unless the appellant and council agree otherwise.

11.6 Drivers and operators duty to report investigations, court proceedings, cautions, convictions, sentences, police disposals etc

11.6.1 A driver or operator must report to an enforcement officer immediately if they are investigated, reported, bailed by the police or court, reported for summons, cautioned, convicted or sentenced for any offence.

11.6.2 If a driver reports a matter to the council, or if the council is advised by an external party, eg police, the SODA will consider whether a licence should be suspended or revoked as a result of the information.

11.6.3 The SODA may consult with the third party, the council's Child Protection Officer and the Local Authority's Designated Officer.

11.6.4 The SODA may choose to suspend a licence until a specified date or a specified event, eg the conclusion of the police's investigation or until the matter has been considered at a hearing of the SODA in consultation with the Co-Chairmen.

11.7 Appeal against policy conditions

If a person wishes to appeal against a provision in the policy, he / she may follow the council's decision making procedure at Appendix 1.

11.8 Right of appeal

The right to appeal against refusals to grant or renew taxi and private licences, or to suspend or revoke them should be limited to the applicant or licence holder.

The first stage of the appeal process in respect of refusals, suspensions or revocations of licences should be the right to require licensing authorities to reconsider the original decision. Appellants have the right to bypass this stage and proceed direct to the magistrates' court.

All taxi and private hire licensing appeals will be heard in the magistrates' court.

There is a further right of appeal from the magistrates' court to the crown court.

11.9 *The county court judicial review procedure will be available to challenge taxi conditions set by the licensing authority.*

11.10 Moving licensed vehicles

Local authority stopping officers have the enforcement power to require licensed vehicles to move on where the officer considers:

- (i) there is reasonable likelihood that the public may believe that the vehicle is available for immediate hire;*
- (ii) the vehicle is causing an obstruction to traffic flow; or*
- (iii) the driver is attempting to take work away from parked ranks.*

11.11 Criminal offence for breach of designated conditions

The Secretary of State may designate that breach of specific licence conditions is a criminal offence.

11.12 Touting

The offence of 'touting' will be retained and it is an offence of broad application which extends to all persons, whether licensed or unlicensed.

Defence to 'touting': where solicitation is in respect of a licensed taxi or private hire vehicle, if the soliciting occurs in a place which has been designated by that licensing authority for that purpose, and that conditions as may be specified by the licensing authority have been complied with.

The Sentencing Council to consider amending the magistrates' court sentencing guidelines in respect of taxi touting to take into account the vulnerability of the persons solicited as a relevant factor in sentencing.

Licensing authorities have the power to impound vehicles used in connection with touting.

Appendix 1

Guidance for offences, breach of conditions, enforcement and delegated powers

Referral by the licensing officer (LO) and business support officer (BSO)

The LO or BSO may refer a matter to the Senior Officer with Delegated Authority (SODA) who will make a decision in consultation with the Co-Chairmen of the licensing committee or refer the matter to the licensing sub-committee. The SODA will take into account the nature and type of the application or alleged offence / breach, any relevant previous breach / conviction / resolution etc, the particular circumstances of each alleged offence / breach or conviction etc, the severity of the punishment imposed by the council / police / court and whether a case was dealt with by a magistrates' court or crown court.

Delegated powers

The BSO, LO and enforcement officers (EO) may deal with a matter in accordance with the policy, their individual delegated powers in the council's constitution and the enforcement concordat (see Appendix 3).

An EO, with prior consent of the SODA, may suspend a driver for a period of up to one month or until a specific event, eg appeal hearing in the magistrates' court, for any breach of a condition or regulation contained in the policy or council bye-laws or any offence committed in contravention of the Town Police Clauses Act 1847 or the Road Traffic Acts, or for any serious criminal offence either under investigation or concluded, unless the policy states otherwise.

A suspension or revocation imposed takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver. A period of suspension must have a termination date unless the SODA authorises a period suspension to terminate on the conclusion of a specific event, eg investigation, council or magistrates' court hearing etc.

If it appears that in the interests of public safety that the suspension or revocation takes immediate effect, the notice to the driver must include a statement that this is so and an explanation why; the suspension or revocation takes effect when the notice is given to the driver. The notice must also include the driver's right to appeal the decision to the magistrates' court.

Any driver aggrieved by any decision to suspended or revoke with or without immediate effect may lodge an appeal to the magistrates' court.

The power to suspend licences immediately will be extended on the grounds of public safety to all licences, in line with the current position in London.

Enforcement actions

The enforcement actions detailed in Column 3 are guidelines only; a guideline sanction may be varied to take into account the merits, aggravating, mitigating and personal circumstances of each individual case. Reasons for any decision must be recorded in writing and must be served on the applicant / driver together with written details of their right to appeal.

The issue of fixed penalties will be among the available sanctions in respect of minor criminal offences under taxi and private hire legislation.

Licensing officers are permitted to take non-criminal enforcement action against vehicles, drivers and dispatchers, licensed outside of the Canterbury licensing area.

The power to revoke a licence is only available to the licensing authority that issued the licence. However, Canterbury City Council enforcement officers are permitted to:

(a) *suspend a licence when they consider this to be necessary in the interests of public safety; and*

(b) *make recommendations to the home licensing authority as to appropriate sanctions, to which the home licensing authority must have regard.*

Repeat applications

The SODA and / or licensing sub-committee, after hearing an application or appeal, may direct that any subsequent application will not be considered by the LO or BSO, until a specified period of time has elapsed. This direction sets the time when an individual may submit a new, fully completed application, but it is not an indication that the new application will succeed.

General

Any discourteous or threatening behaviour towards officers or councillors will be treated as an aggravating feature in any matter being considered, or a separate matter in its own right.

Any declaration that is untrue, false, incomplete or misleading in any way will be treated as a possible criminal offence and may be referred to the police for criminal investigation. It will also terminate any application process immediately.

Any false declaration will result in the matter being referred to the SODA and / or licensing sub-committee. If the false declaration is made by an existing driver or operator, the licence will be seized and the driver or operator will remain suspended until the matter is dealt with by the SODA and / or licensing sub-committee.

The declaration for the grant of a licence or the renewal of a licence requires the driver to disclose whether they have been:

- convicted of a criminal offence
- cautioned for a criminal offence
- received another police disposal, eg community resolution
- convicted of a road traffic offence
- issued with any form of Fixed Penalty Notice
- bailed or summonsed for criminal investigations or court proceedings
- involved in any investigations or pending prosecutions.

If a matter is not disclosed, even if it is a minor offence, it is a serious matter and will result in suspension and referral to the SODA and / or licensing sub-committee of non-disclosure.

Key:

Column 1 details types of offence - the list is not exhaustive and is indicative only as to type of offence or level of seriousness. If an offence is not specifically detailed, the

- current categorisation of offences into ‘summary trial only’, ‘triable either way’ and ‘indictable only’
- maximum sentence that may be imposed by the court and
- sentencing guidelines

will be used as a starting point to assess the seriousness.

Column 2 details who or at what stage the offence will be considered by the licensing officer, enforcement officers, SODA or licensing sub-committee.

Column 3 details enforcement measures that may be considered. This is a starting point only and may be varied according to the circumstances of the matter, aggravating features, mitigation submitted and admissions made.

1 General	2 Grant or Renewal or Existing driver	3 Enforcement
<p>Any offence carrying imprisonment as a possible punishment</p>	<p>Consideration must be made to the seriousness of the offence, category of offence, particular circumstances of each case, the injured party and sentence imposed. The age of a conviction is a minor consideration.</p> <p>NB: major aggravating feature if offence was committed on a passenger or when applicant was in a position of trust.</p>	<p><u>New applicant</u></p> <p>Guideline - refusal by SODA / licensing sub-committee.</p> <p><u>Existing licence holder or at renewal</u></p> <p>Guideline – revocation by SODA / licensing sub-committee. Licence can be suspended with immediate effect by an officer if public safety requires it pending the hearing.</p> <p>An application may be granted if the applicant can show at least three years free of such convictions from either the date of conviction or three years from completion of any sentence imposed, whichever is the later. This will, however, depend on the seriousness of the original offence.</p> <p>In cases of more than one current conviction, a period of at least five years should elapse before an application can be considered.</p> <p>Licence may be suspended by an officer during the course of any council / criminal investigation into offences listed.</p>

1 Alcohol / Drug related offences	2 Grant or Renewal or	3 Enforcement
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	Existing driver	
<p>A serious view will be taken of convictions for driving or being in charge of a vehicle while under the influence of alcohol / drugs</p> <p>Examples:</p> <p>DR10 Driving or attempting to drive with alcohol concentration above limit.</p> <p>DR20 Driving or attempting to drive when unfit through drink</p> <p>DR30 Driving or attempting to drive, then refusing to provide a specimen for analysis</p> <p>DR40 In charge of a vehicle with alcohol concentration above limit</p> <p>DR50 In charge of a vehicle when unfit through drink</p> <p>DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive.</p> <p>DR70 Failing to provide a specimen for breath test</p>	<p>A person, who has been disqualified from driving as a result of a drink/ drug driving offence, must show at least three years free from convictions after the restoration of their driving licence before their application will be considered.</p> <p>More than one current conviction of this type will require a period of at least five years free from convictions before the application would be considered.</p> <p><i>NB:</i> drink driving offences remain on a driving licence for a period of ten years and a second conviction within that period will result in a minimum disqualification of three years.</p> <p>Such an applicant would also be required to pass a medical examination and if the applicant was found to be an alcoholic, a further period of five years should elapse after treatment has been completed before an application is considered.</p> <p>Consideration will be given as to the length of individual disqualifications, alcohol levels, rehabilitation courses and applicant's behaviour since disqualification imposed.</p>	<p><u>New applicant</u></p> <p>Guideline – refusal by SODA / licensing sub-committee.</p> <p><u>Existing licence holder or at renewal</u></p> <p>Guideline – revocation by SODA / licensing sub-committee.</p> <p>Licence can be suspended with immediate effect by an officer if public safety requires it pending the hearing.</p>

1 Sexual / indecency offences	2 Grant or Renewal or	3 Enforcement
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	Existing driver	
<p>Given that drivers of private hire / taxi vehicles will be in a position to convey vulnerable persons, eg lone females and children, some of which will have special needs, any offences of a sexual nature are to be treated extremely seriously (this list will be given its broadest interpretation)</p>	<p>Consideration must be given to the seriousness of the offence, category of offence, particular circumstances of each case, the injured party and sentence imposed. The age of a conviction is a minor consideration.</p> <p>NB1: major aggravating feature if offence was committed on a passenger or when applicant was in a position of trust.</p> <p>NB2: the findings of the Rotherham report will be taken into account when assessing such matters.</p>	<p><u>New applicant</u></p> <p>Guideline - refusal by SODA / licensing sub-Committee.</p> <p><u>Existing licence holder or at renewal</u></p> <p>Guideline – revocation by SODA / licensing sub-committee.</p> <p>Licence can be suspended with immediate effect by an officer if public safety requires it pending the hearing.</p> <p>Applicants with convictions for offences such as rape, indecent exposure, indecent assault, importuning or any sexual offence or any attempted offence must have their application rejected by the licensing officer.</p> <p>The applicant may appeal to the SODA and / or licensing sub-committee or directly to the magistrates' court.</p> <p>In exceptional circumstances, the SODA and / or licensing sub-committee will only consider an application when the applicant can show a substantial period (of at least seven years) free of such convictions from either the date of conviction or seven years from completion of any sentence imposed, whichever is the later.</p> <p>The SODA and / or licensing sub-committee will take grave care, given the potential risks that the public may be exposed to, given the serious nature of such offending.</p> <p>Licence may be suspended by an officer during the course of any council / criminal investigation into offences listed.</p>

1 Violence	2 Grant or Renewal or Existing driver	3 Enforcement
<p>Examples</p> <ul style="list-style-type: none"> • possession of offensive weapon • common assault • actual bodily harm (S.47) • wounding (s.20) • grievous bodily harm (S.20) • grievous bodily harm with intent (S.18) • manslaughter (this list is not exhaustive, eg harassment / stalking / road rage / assault or obstruct PC etc will be included) 	<p>Consideration must be made to the seriousness of the offence, category of offence, particular circumstances of each case, the injured party and sentence imposed. The age of a conviction is a minor consideration.</p> <p>NB: major aggravating feature if offence was committed on a passenger or when applicant was in a position of trust.</p>	<p><u>New applicant</u></p> <p>Guideline - refusal by SODA / licensing sub-committee.</p> <p><u>Existing licence holder or at renewal</u></p> <p>Guideline – revocation by SODA / licensing sub-committee together with immediate suspension by officer.</p> <p>An application may be granted if the applicant can show at least three years free of such convictions from either the date of conviction or three years from completion of any sentence imposed, whichever is the later. This will, however, depend on the seriousness of the original offence.</p> <p>In cases of more than one current conviction, a period of at least five years should elapse before an application can be considered.</p> <p>Licence may be suspended by an officer during the course of any council / criminal investigation into offences listed.</p>

1 Drug possession / production / supply etc	2 Grant or Renewal or Existing driver	3 Enforcement
<p>Examples</p> <ul style="list-style-type: none"> • possession of drugs • possession of drugs with intent to supply • production of drugs 	<p>Consideration must be made to the seriousness of the offence, category of offence, particular circumstances of each case and sentence imposed. The age of a conviction is a minor consideration.</p> <p>NB: major aggravating feature if offence was committed with a passenger or when applicant was in a position of trust.</p>	<p><u>New applicant</u></p> <p>Guideline - refusal by SODA / licensing sub-committee.</p> <p><u>Existing licence holder or at renewal</u></p> <p>Guideline - refusal by SODA / licensing sub-Committee.</p> <p>Licence can be suspended with immediate effect by an officer if public safety requires it pending the hearing.</p> <p>An application may be granted if the applicant can show at least three years free of such convictions from either the date of conviction or three years from completion of any sentence imposed, whichever is the later. This will, however, depend on the seriousness of the original offence.</p> <p>In cases of more than one current conviction, a period of at least five years should elapse before an application can be considered.</p> <p>Licence may be suspended by an officer during the course of any council / criminal investigation into offences listed.</p>

1 Public order offences	2 Grant or Renewal or Existing driver	3 Enforcement
<p>(S.1) Riot Public Order Act 1986</p> <p>(S.2) Violent Disorder 1986</p> <p>(S.3) Affray</p> <p>(S.4A) Intentional harassment, alarm or distress 1986</p> <p>(S.5) Harassment, alarm, distress 1986</p>	<p>All the offences are punishable with imprisonment other than Section 5, which is a fine only.</p> <p>NB: major aggravating feature if offence was committed on a passenger or when applicant was in a position of trust or racially, gender, sexuality etc motivated.</p>	<p><u>New Applicant</u></p> <p>Guideline - refusal by SODA / licensing sub-committee.</p> <p><u>Existing Licence holder or at renewal</u></p> <p>Guideline – revocation by SODA / licensing sub-committee.</p> <p>Licence can be suspended with immediate effect by an officer if public safety requires it pending the hearing.</p> <p>Suspension – up to two months (in respect of less serious public order offences)</p> <p>Applicants with a conviction involving a public order offence should be refused a licence. An application will be considered where the applicant can show at least two years free of such convictions from either the date of conviction or two years from completion of any sentence imposed, whichever is the later.</p> <p>Licence may be suspended by an officer during the course of any council / criminal investigation into offences listed.</p>

1 Traffic offences	2 Grant or Renewal or Existing driver	3 Enforcement
<p>AC10 Failing to stop after an accident</p> <p>AC20 Failing to give particulars or to report an accident within 24 hours</p> <p>AC 30 Undefined accident offence/driving without due care and attention</p> <p>IN 10 Driving without insurance</p> <p>BA10 Driving whilst disqualified</p> <p>BA30 Attempting to drive whilst disqualified by Court</p> <p>DD40 Dangerous driving</p> <p>DD60 Manslaughter</p> <p>DD80 Causing death by dangerous driving</p>	<p>Consideration must be made to the seriousness of the offence, category of offence, particular circumstances of each case, any injured party and sentence imposed. The age of a conviction is a minor consideration.</p> <p>NB: major aggravating feature if offence was committed with a passenger or when applicant was in a position of trust.</p>	<p><u>New application</u></p> <p>Guideline - refusal by SODA / licensing sub-committee.</p> <p><u>Existing licence holder or at renewal</u></p> <p>Guideline – revocation by SODA / licensing sub-committee.</p> <p>Licence can be suspended with immediate effect by an officer if public safety requires it pending the hearing.</p> <p>Licence may be suspended by an officer during the course of any council / criminal investigation into offences listed.</p>

1 Minor traffic offences	2 Grant or Renewal or Existing driver
<p>Convictions for minor traffic offences, for example obstruction, waiting in a restricted street, low level speeding etc, should not prevent a person from applying for a licence</p>	<p>There is delegated authority for officers to determine an application for the grant of a taxi or private hire driver's licence.</p> <p>Six current penalty points If the applicant has six or more current penalty points on his / her DVLA driving licence the matter must be referred to the SODA for determination.</p> <p>Four or more current penalty points for a single offence If the applicant has one offence which has incurred four or more points the matter must be referred to the SODA for determination.</p> <p>12 or more current penalty points If 12 or more current penalty points have been accrued to require a period of disqualification of the applicant's driving licence, then the taxi / private hire driver's licence is automatically revoked. It is irrelevant if the court has found 'exceptional hardship' and not disqualified a driver.</p> <p>SODA and / or licensing sub-committee may consider the grant of a new drivers licence after the applicant has had his / her DVLA licence restored. The applicant must fully complete <u>all</u> stages of a new application.</p> <p>NB: 'Current penalty points' means that they are less three years old from the date of the commission of the offence.</p>

<p style="text-align: center;">1</p> <p style="text-align: center;">Miscellaneous offences / Breaches of Policy</p>	<p style="text-align: center;">2</p> <p style="text-align: center;">Grant or Renewal or Existing driver</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">Enforcement</p>
<p>Examples only– this list not exhaustive and will incorporate matters of a similar nature or seriousness</p> <ul style="list-style-type: none"> • Non-use of taxi meter • Failure to report conviction(s) • No roof sign / plate / signage • Non-disclosure of convictions by existing licence holder. • Non-disclosure of convictions by applicant • Failure to wear badge (Both Private hire and taxi) • Any breach of current licensing conditions either for driver of vehicle • Double ranking • Smoking, including use of an electronic cigarette, in a vehicle • Unauthorised advertising / signage • Parking in Station Road West car park short time parking spaces provided for the public 	<p>Each breach of the policy / offence will be considered on its own merits and appropriate weight given to the seriousness / category of the offence, breach etc.</p> <p>Consideration will be given to previous history, breaches, cautions, convictions etc.</p> <p>Any breach of conditions that merit other action can be considered; Column 3 is for guidance only.</p> <p>Consideration may be given to a court prosecution for some offences dependant on circumstances at the time.</p> <p>Consideration will be given to how many times any of the conditions have been breached by an individual; repeat breaches will be considered as an aggravating feature.</p>	<p>Officers may</p> <ul style="list-style-type: none"> • take no action • give a warning • suspend for a period of up to one month or two months for second breach / offence. <p>The periods are normally doubled for any second offence or breach (the second offence / breach does not have to be the same as the first breach / offence for the period to be doubled).</p> <p>If a driver commits a third offence or breach, the matter is referred to the SODA and / or licensing sub-committee for consideration as to revocation as the driver is 'not a fit and proper person' to hold a licence for persistent breaches.</p> <p>Licence can be suspended with immediate effect by an officer if public safety requires it pending the hearing.</p>

Specific Offences
Town Police Clauses Act 1847

Section	Offence
40	Giving false information on application for hackney carriage proprietor's licence
44	Failing to notify change of address of hackney carriage proprietor
45	Plying for hire without a hackney carriage proprietor's licence
47	Driving a hackney carriage without a hackney carriage driver's licence
47	Lending or parting with a hackney carriage driver's licence
47	Hackney carriage proprietor employing unlicensed driver
48	Failure by hackney carriage proprietor to hold hackney carriage driver's licence
48	Failure by hackney carriage proprietor to produce hackney carriage driver's licence
52	Failure to display hackney carriage plate
53	Refusal to take a fare
54	Charging more than agreed fare
55	Obtaining more than legal fare
56	Travelling less than lawful distance for an agreed fare
57	Failing to wait after a deposit to wait has been paid
58	Charging more than legal fare
59	Carrying other person than the hirer without consent
60	Driving a hackney carriage without proprietor's consent
60	Person allowing another to drive a hackney carriage without proprietor's consent
61	Drunken driving of a hackney carriage
61	Wanton or furious driving or wilful misconduct leading to injury or danger
62	Driver leaving hackney carriage unattended
64	Hackney carriage driver obstructing other hackney carriages

Hackney Carriage Provisions - Local Government (Miscellaneous Provisions) Act 1976

Section	Offence
49	Failure to notify transfer of hackney carriage proprietor's licence
50(1)	Failure to present hackney carriage for inspection as required
50(2)	Failure to inform local authority where hackney carriage is stored if requested
50(3)	Failure to report an accident to local authority
50(4)	Failure to produce hackney carriage proprietor's licence and insurance certificate
53(3)	Failure to produce hackney carriage driver's licence
57	Making false statement or withholding information to obtain hackney carriage driver's licence
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of hackney carriage proprietor's licence
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew
64	Permitting any vehicle other than hackney carriage to wait on a hackney carriage stand
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement
67	Charging more than meter fare when hackney carriage used as private hire vehicle
69	Unnecessarily prolonging a journey
71	Interfering with a taxi meter
73(1)(a)	Obstruction of authorised officer or constable
73(1)(b)	Failure to comply with requirement of authorised officer or constable
73(1)(c)	Failure to give information or assistance to authorised officer or constable

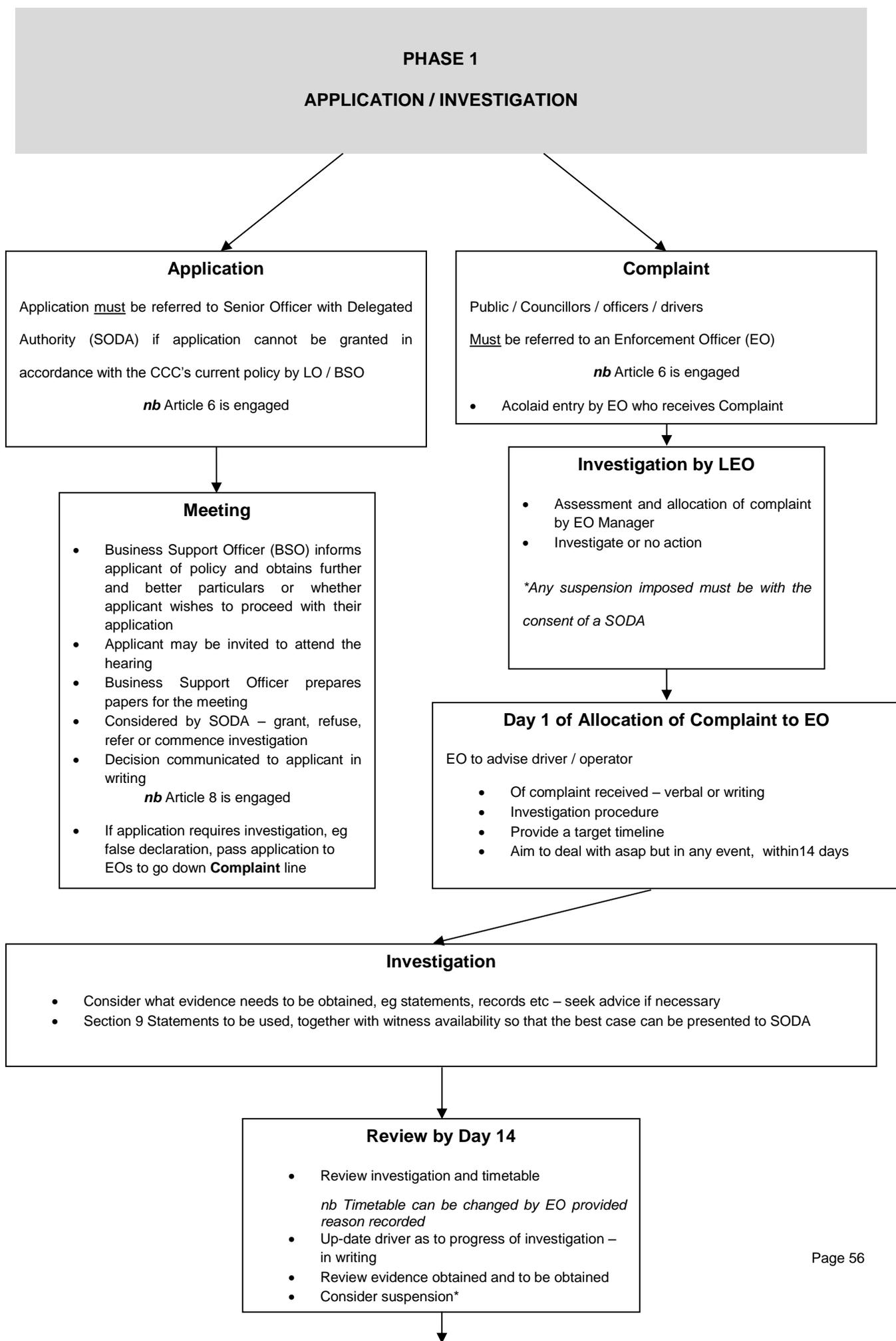
Private Hire Provisions - Local Government (Miscellaneous Provisions) Act 1976

Section	Offence
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as private hire driver
48(6)	Failure to display private hire vehicle plate
49	Failure to notify transfer of private hire vehicle
50(1)	Failure to present private hire vehicle for inspection as required
50(2)	Failure to inform local authority where private hire vehicle is stored if requested
50(3)	Failure to report an accident to local authority
50(4)	Failure to produce private hire vehicle licence and insurance
53(3)	Failure to produce private hire driver's badge
54(2)	Failure to wear private hire driver's licence
56(2)	Failure by private hire operator to keep records of bookings
56(3)	Failure by private hire operator to keep records of private hire vehicles operated by him or her
56(4)	Failure to produce private hire operator's licence on request
57	Making false statement or withholding information to obtain private hire driver's or operator's licence
58(2)	Failure to return plate after notice given after expiry, revocation or refusal to renew
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew
67	Charging more than the meter fare when hackney carriage used as a private hire vehicle
69	Unnecessarily prolonging a journey
71	Interfering with a taxi meter
73(1)(a)	Obstruction of authorised officer or constable
73(1)(b)	Failure to comply with requirement of authorised officer or constable
73(1)(c)	Failure to give information or assistance to authorised officer or constable

Private Hire Provisions - Transport Act 1980

Section	Offence
64(2)(a)	Driving a private hire vehicle with a roof sign which contravenes section 64(1)
64(2)(b)	Causing or permitting a private hire vehicle to be driven with a roof sign which contravenes section 64(1)

Appendix 2



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Interview by EO

- Caution the driver / operator - record fact
- Explain interview procedure and rights – record fact
- Interpreter required? – record fact
- Legal representative attending? – record fact
- Interview to be taped if EO considers '*serious and / or complex*'
- Any admission(s) made – notes offered for ratification and signature
- Prepare report for submission to Licensing Officer (LO)

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Licensing Officer

- Review of case by LO if case to be referred to Head of Safer Neighbourhoods (HSN) and Co-Chairmen
 - Further and better particulars may requested by LO – if timetable altered, driver / operator notified by EO
 - Driver will be advised of hearing date at least three weeks before date by LO
- nb1** EO will operate as Liaison Officer between CCC and witnesses at all times
- nb2** LO will arrange proposed hearing date and notify EO who will advise witnesses

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PHASE 2

ADMINISTRATION

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Outcome

- EO to notify driver / operator of outcome, ie no action, warning, reporting or prosecution
If prosecution, seek legal advice to lay information and consider suspension pending hearing*
- Or
- if matter is to be referred to HSN and Licensing Committee Co-Chairmen, file submitted to the LO

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Report

If matter referred to HSN and Licensing Committee Co-Chairmen

- LO serves report, evidence, documents, representations etc to driver / operator, HSN and Co-Chairmen at least five working days before hearing date and
 - LO notifies EO of confirmed hearing date – EO to up-date witnesses
 - LO advises driver of date when written representations must be submitted by
 - LO arranges interpreter if necessary
- ↓

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PHASE 3
DECISION MEETING

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Meeting

CCC Aim – to deal with matter at first meeting

Closed proceedings, matter may be dealt with in the absence of parties and witnesses – driver / operator is permitted to attend the hearing, and be represented, if they wish or they may submit written representations.

Persons present and order of business:

- LO – presents case
- Driver / operator – presents case
- HSN
- Licensing Committee Co-Chairmen
- Legal Officer if requested by HSN

ACTION 1

- HSN to make provisional decision on matter and recommend penalty taking into account early admission or denial, mitigation, human rights, etc

ACTION 2

- Representations of Licensing Committee Co-Chairmen
- Disposal agreed or referred to hearing before Licensing Sub-Committee
- LO to arrange date and notification to parties, witnesses, Legal and Democratic Services etc if matter referred

Decision and reasons notice completed

- Breach admitted or found
- Sanctions
- Decision notice given to or collected by driver / operator at hearing if driver / operator present and CCC copy noted
- Seizure of badges, plates etc if necessary
- EO and witnesses notified of outcome

Appeal information given to driver / operator

- Rights given in notice
 - Period – 21 days
 - Venue – magistrates' court / high court
 - Suspension / revocation situation pending appeal if relevant and whether it is with immediate effect
- ↓

PHASE 4
APPEAL HEARINGS

Magistrates' Court

Re-hearing of application / hearing before the HSN or Licensing Sub-Committee, ie of *what* was decided

Appeal commenced by driver lodging Appeal by way of Complaint in the Magistrates' Court within a 21 day period

Driver must pay fee to the court for the appeal

nb The magistrates' court should not review the council's procedures as part of the appeal hearing. The appropriate venue for a review of the procedures, policies etc is the high court

However, magistrates' court may rely upon *Human Rights Act 1998*

WARNING!

COSTS – LOSER PAYS THE WINNER

High Court

Appeal against the council procedures, policies etc by way of Judicial review, ie *how* the application was decided

Documentation lodged by applicant in accordance with high court rules

Driver must pay fee to the court for the appeal

WARNING!

COSTS – LOSER PAYS THE WINNER

Appendix 3 Enforcement Concordat

1	<p>The initial contact between the licensing authority and licence holder will normally be informal with the provision of advice, guidance and support.</p>
2	<p>Enforcement action can include the following progressive approach to achieve compliance:</p> <ul style="list-style-type: none"> • verbal advice which may be documented • written advice • verbal warning which will be documented • written warning • statutory notice • formal caution • council hearing • criminal prosecution. <p>The individual circumstances of the breach of the legislation / policy will determine the entry level of enforcement.</p> <p>All actions will be considered in accordance with the requirements of the Human Rights Act 1998 and each matter considered on its individual merits.</p>
3	<p>When prosecution is being considered, the relevant enforcement bodies will on a case-by-case basis decide which is the lead authority to prosecute the offence.</p> <p>Regard will be taken of the Code of Practice made under Section 10 of the Prosecution of Offences Act 1985 and issued by the Crown Prosecution Service. Due consideration will be given to any guidance and / or advice issued by government, local authority, association and other professional and technical bodies.</p> <p>Statements will be provided from one agency to another as necessary.</p> <p>Before deciding whether to refer a matter to a council hearing or prosecute a case through the court, the following factors will be considered:</p> <ul style="list-style-type: none"> • the seriousness of the alleged breach / offence • the history of the person / business concerned • the willingness of the business / individual to prevent a reoccurrence of the problem and the level of cooperation with council officers, police and / or other agencies • whether it is in the public interest to prosecute • the realistic prospect of conviction • whether any other action (including a formal caution) would be appropriate • the views of the Complainant and other parties with an interest in prosecution. <p>The licensing authority takes a proactive stance towards proper regulation of, and enforcement of the provisions of the legislation.</p> <p>The licensing authority will normally take the lead on all taxi and phv issues.</p> <p>Other breaches of the Act will be dealt with either directly or jointly as indicated above. The licensing authority will give full cooperation to any other agency in carrying out their investigations.</p>

Appendix 4

SODA and / or Licensing Sub-Committee Hearing

Procedure for Taxi and Private Hire Hearing

- Note 1: Hearings to be conducted at the council offices or at the Guildhall, Canterbury to provide a confidential venue
- Note 2: The procedure replicates the procedure in the magistrates' court so that it removes the need for the magistrates' court to review the council's policies and procedures on appeal
- Note 3: 'Best evidence' has been obtained throughout, e.g. Section 9 statements, taped interviews etc, in order to minimise preparation of appeal hearing documentation

Action	Responsible Member / Officer
1 Introductions <ul style="list-style-type: none">• HSN or Chairman• Councillors• Reserve councillors• Minute taker (if Sub-Committee hearing)• Legal officer (if present)• Licensing officer	Chairman
2 Housekeeping <ul style="list-style-type: none">• Procedure if alarm sounds• Location of toilets• Request to turn off mobile phone, pager or similar device	Chairman
3 Legal advice to councillors and parties	Legal officer
4 Fair hearing clarification (Article 6) <p>Licensing officer to clarify with driver / operator / applicant</p> <ul style="list-style-type: none">• That all documentation received• When he /she received documentation• Whether documentation is understood• If they are represented• Whether the driver / operator / applicant needs any assistance reading the documents• Whether an interpreter is needed• Any response to letters received• If pens, paper etc required• Had sufficient time to prepare• If they have any witnesses and are they present	Licensing officer

5 Procedure of hearing – explained by Licensing Officer at outset and during course of hearing

- Licensing officer presents report before the HSN and / or Licensing Sub-Committee Members

If an application: Licensing officer

- Invite representations / evidence in support of application together with impact on family, job, income, expenditure etc
-

If breach admitted:

- Ask driver / operator whether he / she admits alleged breach(es)
- If admitted, driver / operator invited to explain why breach occurred together with any mitigation, consequences to driver and family, eg job, vehicle, family, home etc
- Invite HSN / councillors to consider 'credit' for early admission, especially if attendance of witnesses avoided

If breach denied

- Witnesses(es) in support of complaint
 - Statement of witness verbal and / or written Witness(es)
 - Questions by driver / operator Driver / operator
 - Clarification questions Licensing officer
 - HSN / councillors questions through the Chair HSN / Chairman

Witnesses should not be present at any hearing until their statement is submitted

- Driver / operator
 - Statement of driver / operator Witness
 - Clarification questions Licensing officer
 - HSN / councillors questions through the Chairman HSN / Chairman
- Driver's / operator's witness(es)
 - Statement of witness / questions by driver / operator Driver / operator
 - Clarification questions Licensing officer
 - HSN / Members Questions through the Chair HSN / Chairman

Driver's / operator's closing submission Driver / operator

6 If breach denied

HSN and / or Licensing Sub-Committee and legal officer retire to determine whether breach(es) committed HSN / Licensing Sub-Committee legal officer

HSN / legal officer should provide determination and reasons for determination, eg which evidence was relied upon, facts found on issues of dispute, records, weight of evidence etc HSN / legal officer / licensing officer

7 Determination

If breach(es) not found, hearing terminates

If breaches found, driver / operator invited to explain consequences to them and their family, eg job, vehicle, family, home etc Driver / operator

8 Decision

HSN / Licensing Sub-Committee and legal officer retire to consider decision Licensing Sub-Committee legal officer

Legal officer / licensing officer gives details of decision for each alleged breach, aggravating and mitigation features, credit for admissions, *Human Rights Act* considerations and rights of appeal, venue, time limits, situation pending appeal, suspension etc Legal officer / licensing officer

Written notification given to driver / operator / applicant following the hearing Legal officer / licensing officer