



Taxi and Private Hire Guide

**APPLICANTS
DRIVERS
VEHICLES
OPERATORS
BYELAWS
CONDITIONS**

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1 GENERAL INFORMATION

These guidance notes should be read before completing any application forms.

The aim of this guide is to offer assistance to anyone involved in operating and driving hackney carriage and private hire vehicles in relation to the legal requirements East Cambridgeshire District Council has in force to ensure the safety of the general public.

This guide also sets out as simply as possible the necessary procedures for vehicle testing, renewal of licences and the issue of various types of licences.

If after reading this booklet you require further information, specific information can be found on the licensing pages at www.eastcambbs.gov.uk, or you can speak to a member of the licensing team on 01353 665555.

If you are a new driver you are also advised to seek guidance from your potential employer and/or familiarise yourself with locations by purchasing an A-Z map of the East Cambridgeshire district.

You may obtain legislative information in relation to the licence applied for either from www.hmsso.gov.uk, or a local public library.

Conditions, fees, etc are subject to change and once implemented will be binding on any applicant or licensed driver.

1A INTRODUCTION

In England and Wales (outside London) licences are issued by district councils to control the operation of hackney carriage and private hire vehicles. The two main legislative provisions are the Local Government (Miscellaneous Provisions) Act 1976, and the Town Police Clauses Act 1847.

East Cambridgeshire District Council issues licences for hackney carriage vehicles and drivers and for private hire vehicles, drivers and operators. Licence matters are dealt with by the Environmental Services Manager who has appointed licensing officers for day-to-day administration and enforcement of all matters concerning hackney carriage and private hire licensing.

This guide is intended to advise and assist applicants and licence holders on the law relating to the operation of hackney carriage and private hire vehicles. It also sets out the administrative procedures involved in the application for a licence. **IT IS NOT A DEFINITIVE STATEMENT OF THE LAW RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING AND THEREFORE SHOULD NOT BE CONSIDERED AS SUCH.**

It is important to note you must have held a full UK or EU driving licence for at least one full year before your application will be considered.

Each licence has a set of conditions with which the licence holder must comply. Copies of these conditions are printed in this guide. There is a fee payable for each type of licence. The Council issues one and three year joint hackney carriage and private hire driver licences, one and five year operator licences, and annual vehicle licences.

Personal visits to the Council

Appointments are not necessary for general licensing issues. If you have a specific query, please visit our comprehensive web pages at www.eastcambs.gov.uk, or telephone the Council offices on 01353 665555 to speak to a member of the licensing team.

Correspondence

All correspondence should be addressed to the Licensing Authority, East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely CB7 4EE, or emailed to licensing@eastcambs.gov.uk.

1B OBTAINING YOUR LICENCE

Driver Licence

Before the Licensing Authority can grant a joint driver's licence it must be satisfied that you are a "Fit and Proper" person, and that you have held a UK or EU driving licence for at least 12 months.

The Authority also ensures that applicants are medically fit, have a suitable knowledge of the district and applicable laws, and are able to understand the needs of mentally and physically impaired members of the public who may rely on the service they will provide.

In order to assist the Licensing Authority to determine the above, the applicant is required to submit the following documentation in addition to the prescribed application form, and the applicable fee:

- a current full UK or EU driving licence.
- proof of right to work in the UK.
- an enhanced DBS disclosure application form, obtained via the council, or a DBS update service certificate stating "child and adult workforce".¹
- a medical certificate (no older than three months at the time of application).
- a completed DVLA mandate form, or e-consent²
- a passport style colour photo which must reflect your current image.
- a Blue Lamp Trust enhanced driving assessment pass certificate (no older than twelve months at the time of application)³ – This will be emailed directly to the Council by the instructor.
- a local knowledge test pass certificate, arranged through the council.
- certificate of good conduct from your own embassy if you have not lived in the UK for the previous 5 years.⁴

¹ The Council recognises the DBS "Update Service" scheme, providing the certificate registered on the scheme is of an equivalent level to the DBS check conducted by the Council. For more information, please see our website www.eastcambs.gov.uk.

² Where no DVLA mandate is supplied the Council will attempt to send an e-consent via email. If this fails a completed mandate must be supplied.

³ Older certificates will be accepted where an applicant has held a taxi driver licence with another licensing authority within the 12 month period prior to submitting an application to the Council.

⁴ Only required where you have not been resident in the UK for the previous 5 years.

An application can only be considered valid once all the above items have been received. The Licensing Authority can only determine valid applications, and will aim to determine a valid application within 10 working days of receipt of a valid application. If a Licensing Sub-Committee is required to determine an application this period may increase to 28 days.

You will need to submit an application form and payment to commence your application, but the other documents can be provided as they become available.

You can attempt the Council knowledge test every seven days, and there is no limit on the number of times you are able to re-sit the test, although a fee is charged for all re-sits.

Please be mindful that it can sometimes take a considerable time for a Disclosure and Barring Service (DBS) application to be processed. In most cases they are processed in 2 to 3 weeks, but occasionally this can be up to 90 days.

Documents required to support the DBS enhanced disclosure application

The Disclosure and Barring Service (DBS) stipulates the identification checking process and identification documents that applicants / existing drivers must provide to the Council in support of the initial and three yearly applications for enhanced DBS disclosures.

A list of valid identity documents for DBS purposes can be obtained from the Licensing section of the Council's website.

Vehicle Licence

No hackney carriage or private hire vehicle licensed by East Cambridgeshire District Council may be used for the carriage of fare paying passengers unless or until the vehicle has been approved for such use.

You will be required to submit an application form together with the following:

- The appropriate fee
- The original V5C log book or green tear off slip for newly acquired vehicles with proof of purchase, or a proof of purchase in the case of a brand new vehicle. The Council will only licence vehicles with M1, or M2 (9 seats including the driver) type approval. If the V5 doesn't state this, then an Individual Vehicle Approval (IVA) certificate will be required.
- A current certificate of compliance. This will be emailed to the Council directly from the authorised testing garage you use.
- The original current insurance certificate or cover note relating to the vehicle to be licensed showing its intended use as a private hire or hackney carriage vehicle (photocopies cannot be accepted). This can be emailed directly from your insurance company to licensing@eastcambs.gov.uk.

You must not drive a licensed vehicle until you have obtained the relevant licences

Private Hire Operator Licence

If you wish to accept private hire bookings directly from a member of the public, or if you wish to work in a self-employed capacity and accept sub-contracted bookings from another private hire operator you will need to obtain a private hire operator's licence. Before a licence can be issued, all parties to the application must be considered "fit and proper".

In order to assist the Licensing Authority to determine the above, the applicant(s) must submit the following documentation in addition to the prescribed application form, and the applicable fee:

- proof of right to work in the UK.
- A basic criminal record certificate, or a DBS update service certificate.¹
- certificate of good conduct from an applicant's own embassy for any applicant who has not lived in the UK for the previous 5 years.²

¹ This is not required by any applicant who is already a licensed driver with the Council, and has an up to date DBS certificate registered with the Council.

⁴ Only required where an applicant has not been resident in the UK for the previous 5 years.

Renewal applications

A simplified process is in place for most licence renewals, but it is essential that renewal applications are submitted prior to an existing licence expiring, as once a licence expires you will need to apply for a new licence and comply with the requirements of that licence type which are force at that time. All old licence paperwork and identification will need to be returned in order to collect the new licence paperwork and identification.

1C FEES AND CHARGES

Fees are subject to change at any time. Methods of payment are:

- By cheque payable to "East Cambridgeshire District Council". Personal cheques will not be accepted without a cheque guarantee card. Any licence issued on payment by a cheque which is not honoured by the bank will be invalid
- By debit card or credit card (a charge is made for credit card transactions) at the Council Offices or over the phone (01353 665555).
- Please note that we **do not** accept cash.

You will be issued with an official receipt for all monies paid.

2A CONVICTIONS, CAUTIONS, WARNINGS FIXED PENALTY NOTICES/ PENALTY NOTICES, ANTI-SOCIAL BEHAVIOUR ORDERS, INJUNCTIONS & THE REHABILITATION OF OFFENDERS ACT 1974

Under the Local Government (Miscellaneous Provisions) Act 1976, a local authority must satisfy itself that all applicants for hackney carriage and private hire licences are "fit and proper persons". The Council will therefore consider any relevant matters, such as convictions, cautions, warnings, fixed penalty notices/ penalty notices, anti-social behaviour orders, or injunctions when coming to this decision.

The Rehabilitation of Offenders Act (ROAA) 1974 does not apply to taxi drivers therefore you **must** declare any conviction, caution or warning even if you would normally consider these "spent" under the ROAA. You must also declare any fixed penalty notices / penalty notices, anti-social behaviour orders or injunctions that you have received in the last 4 years.

The Council is entitled to request an enhanced DBS check is undertaken before you are licensed. This DBS check involves additional / relevant level of information from police records, such as where an applicant has been arrested on a number of occasions for a similar relevant offence but no prosecutions have been undertaken. Exceptionally (typically to protect current police investigations) additional information may be sent under separate cover to the Council and will not be revealed to an applicant. The Council will also consider reports received from another responsible body (such as the Police) where that body has decided (for whatever reason) not to take further action/ prosecution.

Information received from the DBS will be kept in strict confidence and will only be taken into account in relation to your application and will be retained for no longer than is necessary.

The disclosure of a criminal record or other information will not debar you from obtaining a licence unless the Council considers that the conviction, cautions, fixed penalty notices/ penalty notices, anti-social behaviour orders, injunctions or warnings (or additional police information) render you unsuitable (i.e. not a fit and proper person to hold a licence).

The Council will treat every application on its merits, and will consider the lapse of time since the offence, the age you were when the offence took place and any other mitigating factors you would like the Council to consider. It will also take into account the offence / caution, warning, fixed penalty notices / penalty notices, anti-social behaviour orders and injunctions guidance below, which reflects the Home Office and DTI guidance (Circulars 13/92 and 2/92 respectively). Applicants with recorded incidents on their DBS certificate will have their case referred to the Environmental Services Manager who will determine whether to grant the application, or determine that the case should be referred to a Licensing Sub Committee for a decision to be made.

This guidance will also be used when reviewing any licence under the disciplinary procedure set out in Section 5. In certain circumstances Council officers may suspend or revoke a licence immediately where there is a serious risk to public safety. The Environmental Services Manager can make such a decision and if such a decision is made you will be notified of this fact and the reasons for it.

(i) Minor traffic offences

Convictions, cautions, reprimands, fixed penalty notices or final warnings for minor traffic offences such as obstruction, illegal parking, speeding, will not prevent a person from being considered for a licence.

Fixed penalty notices for endorseable and non-endorseable offences should be declared for four years from the date of the endorsement.

If the applicant or driver has received a fixed penalty notice for a non-endorsable driving offence generally the person will be granted or retain the driver licence without referral to the Licensing Sub-Committee. If there is more than one fixed penalty notice (or fixed penalty and other offences) in the last 4 years, the Licensing Officer will liaise with the Environmental Services Manager who will decide whether the applicant / or licensed driver should be referred to the Licensing Sub-Committee for consideration or review.

As a general rule applicants with up to 6 penalty points on their UK driving licence at the time of application may be granted subject to a written warning over future driving conduct.

If an applicant has 7 points and above on their UK driving licence for such offences the application will be referred to the Environmental Services Manager for determination.

If the application is granted a severe warning may be given that further offences may result in revocation of the driver licence.

Where an applicant has more than 9 penalty points for such convictions they must normally show a period of 12 months free from conviction, caution, fixed penalty notice / penalty notice, reprimand or final warning before their application is considered.

The application will be referred to the Environmental Services Manager and may be refused.

(ii) Major traffic offences

Major traffic offences include those on the attached list of offences with the following codes:

DVLA CODE	<u>DESCRIPTION OF OFFENCE</u>
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
BA10	Driving whilst disqualified by order of court
BA30	Attempting to drive while disqualified by order of court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving with alcohol level above the limit
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
IN10	Using a vehicle uninsured against third party risks
IN14	Causing or permitting the use of a vehicle uninsured against third party risks
UT50	Aggravated taking of a vehicle
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified

If an applicant has a live endorsement in respect of a major traffic offence the application will be referred to the Environmental Services Manager and will normally be refused until at least four years after the most recent conviction, caution, reprimand, fixed penalty or final warning has elapsed – subject to specific guidance below (iii & iv).

Other offences - fixed penalty notices, penalty notices, anti-social behaviour orders and injunctions

Increasingly the Police and local authorities / other authorities are issuing fixed penalty notices / penalty notices to deal with offences detailed below as well as applying for civil orders (anti-social behaviour orders and injunctions) to prevent offences or anti-social behaviour. Whilst these are not convictions the Council's primary concern is the protection of the general public and believes these should be disclosed and considered. An applicant or driver would therefore be expected to declare / notify the Council of any of these received in the last 4 years.

Fixed penalty notices generally deal with environmental offences such as litter, graffiti, fly posting, noise nuisance, smoking and dog fouling and can be issued by local authority officers and police community support officers.

Penalty notices for disorder are issued for more serious offences, such as throwing fireworks, being drunk and disorderly, intentionally harassing or scaring people, destroying or damaging property, petty shoplifting, selling alcohol to underage customers, selling alcohol to somebody who is obviously drunk or using fireworks after curfew.

If an applicant or driver has received a fixed penalty notice, penalty notice, anti-social behaviour order or injunction, unless it is a 'one off' fixed penalty for a minor offence the applicant or driver will generally be referred to the Environmental Services Manager. Consideration would be given to the nature of the offence or purpose of the Order or Injunction, length of time since these were committed or if the applicant or driver has mitigating reasons for the offence.

(iii) Alcohol related offences

A person who has been disqualified from driving as a result of a drink driving offence must normally show at least three years free from conviction after the restoration of their driving licence before their application will be considered.

More than one conviction, caution, reprimand or final warning of this type would require a period of at least five years free from such conviction, caution, reprimand or final warning before the application would be considered.

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 normally have elapsed after treatment is complete before an application is considered.

In all the above scenarios for alcohol related offences (iii), the application / case will be referred to the Environmental Services Manager.

(iv) Drug offences

An applicant with a conviction, caution, reprimand or final warning for a drug driving related offence should be required to show a period of three years free of a conviction, caution, reprimand or final warning before an application is considered or five years after detoxification treatment if the applicant is an addict.

An applicant with a conviction, caution, reprimand or final warning for a drug related (non-driving) offence should be required to show a period of at least five years free of a

conviction, caution, reprimand or final warning before an application is considered or five years from completion of any custodial sentence imposed, whichever is the later.

If the conviction, caution, reprimand or final warning relates to the supply of prohibited drugs then it is unlikely that even after this period the application will be granted.

In all the above scenarios for drug related offences(iv), the application / case will be referred to the Environmental Services Manager.

(v) Indecency offences

Applicants with a conviction, caution, reprimand or final warning for indecent exposure, indecent assault, importuning or any sexual offence, will not normally be granted or allowed to retain a licence.

In exceptional circumstances an application will be considered on its merits when the applicant can show a substantial period (of at least 5 years) free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 5 years from completion of any custodial sentence imposed, whichever is the later. If a licence is granted a strict warning as to future conduct will normally be issued.

In all the above scenarios for Indecency related offences(v), the application/ case will be referred to the Environmental Services Manager.

(vi) Violence

Applicants with a conviction, caution, reprimand or final warning for grievous bodily harm, wounding, serious assault or possession of a dangerous weapon, etc. will not normally be granted a licence. However an application may be granted if the applicant can show at least three years free of such a conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, whichever is the later.

In all the above scenarios for violent related offences(vi), the application / case will be referred to the Environmental Services Manager.

(vii) Dishonesty

Applicants with a conviction, caution, reprimand or final warning for an offence involving dishonesty will normally be refused a licence. However an application will be considered where the applicant can show at least 5 years free of such a conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 5 years from completion of any custodial sentence imposed, whichever is the later.

In all the above scenarios for dishonesty related offences(vii), the application / case will be referred to the Environmental Services Manager.

(viii) Public order offences

Applicants with a conviction, caution, reprimand or final warning involving public order offences such as affray, fear or provocation of violence, criminal damage, etc, will not normally be granted a licence. An application will be considered where the applicant can show at least 2 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 2 years from completion of any custodial sentence imposed, whichever is the later.

Any conviction, caution, reprimand or final warning which results from an offence committed by any person while working as a hackney carriage or private hire proprietor, driver or operator is regarded as extremely serious and may lead to a licence being suspended or revoked or an application to renew the licence being refused.

In all the above scenarios for public order related offences(viii), the application / case will be referred to the Environmental Services Manager.

(ix) Offences against the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 or any breach of the conditions or byelaws made under the relevant legislation

The following examples afford a general guide to hackney carriage and private hire licence holders. Applicants or current licensed drivers who have committed any of the following offences will be referred to the Environmental Services Manager and may lose their licence or their application may not be granted.

Proprietor offences

Any person convicted, cautioned, reprimanded or given a final warning of an offence relating to a hackney carriage or private hire vehicle of which they are the proprietor may receive a final warning or have their licence revoked.

Any person who has more than one such current conviction, caution, reprimand or final warning in connection with a licensed vehicle will normally have their proprietor licence revoked.

Driver offences

Any person convicted, cautioned, reprimanded or given a final warning of an offence whilst acting as the driver of a hackney carriage or private hire vehicle may have their licence suspended or revoked. More than one such conviction, caution, reprimand or final warning will normally lead to the driver licence being revoked.

Operator offences

Any person convicted, cautioned, reprimanded or given a final warning for an offence relating to their operation of private hire vehicles or drivers may receive a final warning or have their operator licence revoked. More than one such conviction, caution, reprimand or final warning will normally lead to the operator licence being revoked.

Any applicant refused a driver licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates' Court. If you are in any doubt you should seek independent legal advice.

2B KNOWLEDGE TEST

The knowledge test is taken in the customer service area of the Council offices. The knowledge test is computerised, and consists of:

Section one

In section one you will be shown a 30 minute DVD regarding disability awareness.

Section two

In section two you will be asked 30 multiple choice questions based on the following topics: Related policy and law, equality, customer care, and local knowledge/routes. You will have a total of 45 minutes after watching the DVD to answer the 30 questions.

If you fail the knowledge test you may retake the test after a further seven days has elapsed.

Knowledge tests can be booked via the licensing section or the customer service points in the Council offices.

2C MEDICAL EXAMINATION

Applicants must arrange to obtain a completed medical in line with the DVLA Group 2 Medical Standards (forms can be downloaded from www.eastcambs.gov.uk) by the applicant's own medical practitioner at the applicant's expense.

As a fee is charged by medical practitioners for a medical, you may wish to wait until you have completed and passed all other stages of the licensing process before obtaining this.

Provided your licence remains live you will next require a medical examination on reaching the age of 45 and 5 yearly thereafter. From the age of 65 you will require a medical examination every year.

If an applicant or licence holder is diagnosed as having insulin treated diabetes, it may still be possible to obtain or retain a driver's licence with the Council, but the frequency of medical examinations will be every 12 months regardless of the applicant's age, and you will need to comply with other stipulations of the DVSA C1 exemption, namely:

- To have been taking insulin for at least 4 weeks;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
- To have no other condition which would render the driver a danger when driving C1 vehicles; and
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.

Applicants with vision disabilities and conditions such as epilepsy, diabetes, cardiovascular disease, disorders of the nervous system, mental disorders, alcohol/drugs history of dependence, are strongly recommended to firstly speak with their GP referring him/her to the guidelines contained in the DVLA "Medical Aspects of Fitness to Drive".

Licence holders wishing to obtain exemption from the requirements of sections 165, 168 and/or 170 must provide written evidence from their registered GP where the request for an exemption will be for a period of less than six months. In cases where the request for an exemption will be for a period greater than six months, licence holders

will need to provide evidence from a specialist consultant/ assessor that the exemption is required, or is still required.

Where a section 166, 169 and/or 171 medical exemption request is refused, there is a right of appeal to the Magistrates' Court.

Where a driving licence is refused or revoked on medical grounds there is a right of appeal to the Magistrates' Court.

2D CUSTOMER CARE STANDARDS AND GENERAL INFORMATION

As a joint hackney carriage and private hire driver you are providing a public service and there are service standards that must be maintained if the service provided is to meet the standards expected by East Cambridgeshire District Council.

In this section we will provide you with the information necessary for you to carry out your role as a licensed driver. The information provided includes:

- service provision and customer care
- attitude and awareness of disability issues
- tips on how to carry disabled passengers safely
- further information

Often hackney carriage and private hire vehicles are the only means of transport available to certain sections of the population such as disabled and elderly persons. Not only does the taxi trade offer the possibility of a door-to-door service but also acts as an accessible transport link that can be used to increase the accessibility of the transport network in general.

Service provision and customer care

Passengers have varying expectations of the service and will make different demands of you as a driver. Customer service is an important part of the job and one which must be taken seriously.

As a licensed driver you are expected to assist your passengers to your utmost ability. The safety and well being of your passengers should be your main concern and you should take pride in your work and endeavour to make the journey as safe, comfortable and stress free as possible.

There are a number of steps which can be taken to ensure the safety of your passengers:

- Ask if the passenger needs any assistance before trying to help. Do not assume anything of your passenger, whether able bodied, disabled, elderly, etc. Instead you must ask what assistance the passenger needs, if any.
- Ask your passengers to wear a seat belt.
- Never take more passengers than your vehicle is licensed to carry.
- Be polite at all times – remember that the passenger is paying you to provide a service.

- Do not patronise the passenger in any way – use the appropriate language and be careful not to offend the passenger in any way.
- Communicating to your passenger in an appropriate way is one of the most important aspects of being a taxi driver. If you are able to communicate effectively you will be able to meet the needs of all passengers you carry in your vehicle.
- Ask the passenger if they would like to listen to the radio – do not assume that they do.
- Remember that using your horn to alert passengers of your arrival is illegal.

Drive safely, adhering to road safety laws at all times. Care must be taken when accelerating, braking and manoeuvring the vehicle, for example when taking a corner.

Attitudes and awareness

The Equality Act 2010 places a duty upon all drivers to ensure that all services available to able-bodied people must also be available to disabled people. It is necessary for licensed drivers to have an awareness of those issues facing disabled people and to have the confidence to carry these people in their vehicles both comfortably and safely.

As disabled people use the hackney carriage and private hire service approximately 67% more than able-bodied people, if you ignore this sector of society then you will lose custom and disabled people will lose a major source of mobility for them.

Without the hackney carriage and private hire service many disabled people are excluded from employment, education, health care and social activities. As a modern society these institutions are a basic right of all that live in our country. As licensed drivers you must acknowledge this and play your role in a modern and inclusive society.

Disabled people believe the attitude of licensed drivers is a main concern when undertaking a hackney carriage or private hire journey. They believe that drivers with a good attitude can make up for a lack of disability awareness. For this reason drivers must provide as good customer service for disabled people as they would able-bodied people. In order to provide a good service to disabled passengers follow the same procedures as in the customer care section previously.

For drivers to have a greater understanding of how to address disabled peoples' needs, below is a list of procedures that should be followed when picking up passengers with various disabilities.

Wheelchair user as a passenger at the beginning of the journey

- If the driver has an Exemption Certificate (see section 2C for information on how to obtain an exemption certificate), it should be displayed so that potential passengers know that the driver does not have to take people who require assistance.
- Safety is extremely important. A licensed driver should be aware of his/her own safety as well as that of the passenger. Great care should be taken to avoid injury while pushing, pulling and especially lifting and lowering a wheelchair user.

The driver should know:

- How to use the ramp or ramps fitted to an adapted vehicle. How exactly this is done varies between vehicles.
- When to use the ramp extension. If passenger is on pavement level, shorter ramp can be used but, if on a flat surface, the ramp can be too steep without the extension.
- How to handle a manual wheelchair up the ramp.
- How to handle a manual wheelchair off and onto a kerb.

Getting into the taxi

- Make use of any accessibility equipment that has been added to your vehicle, following the proper procedure as outlined by the accessibility equipment's manufacturer.
- If your vehicle has not been adapted to include some accessibility equipment, manoeuvre your vehicle so that it is as close to the curb or wheelchair user as possible.

Getting into the taxi in vehicles adapted for wheelchair access

- The driver must always use the ramps to help get a wheelchair user into the vehicle.
- Some vehicles have folding back seats – on these vehicles the seat needs to be folded out of the way to allow room to manoeuvre inside.
- Ask an electric wheelchair user if he/she wants to drive up the ramp him/herself or if they would like assistance.
- Drivers should assist the manual wheelchair user up the ramp as far forward as the wheelchair can go.
- Fold up or remove the ramp before putting the wheelchair in place and fitting the belts and restraints. In some vehicles you cannot do it afterwards.
- Wheelchair user then reverses and turns into position inside the vehicle. Note that when turning the chair around the footplates can catch and get jammed and the driver may have to help free them.
- Fit the restraints or belts. Different vehicles have different fixings and all can be awkward but for the passenger's safety they must be used on every journey.
- Ensure that the wheelchair brakes are securely applied.
- Ask the wheelchair user if they need any assistance transferring from their wheelchair into the vehicle. If they need assistance ask exactly what assistance they need and then provide it to the best of your ability.
- Ask if they need any assistance in fitting seat belts. If they need assistance, help to fit the belts. Different vehicles have different fixings and all can be awkward,

however for the passenger's safety, they must be used on every journey.

- Fold up the wheelchair and place securely in the boot or in the rear of the vehicle.
- Ask destination, hackney carriage drivers must only then turn on meter and drive to destination.

During the journey

- Drive gently and bear in mind that the wheelchair user may feel discomfort if you are driving erratically.
- Sometimes it feels scary for the passenger as manual wheelchairs move from side to side when you still strapped in at the back.
- When the vehicle goes round a bend the wheelchair may tip.
- Drive gently – remember the passenger is facing backwards so cannot anticipate changes in speed or direction.
- Do not accelerate hard or corner suddenly.
- Remember that the passenger is facing backwards so cannot give directions.

At the end of the journey

The procedure is essentially the same as that at the beginning of the journey, but here are a few extra notes:

- Hackney carriage drivers should switch off the meter before assisting the passenger to get out of the vehicle or setting up the ramps.
- For adapted vehicles, drivers must make sure that the ramps are in the right place for the wheelchair to get out again.
- Ensure wheelchair is positioned on ramp properly – in particular that all the wheels are in the ridges of the ramps.
- Wheelchair user will come backwards down the ramp.
- Retrieve the wheelchair from the boot or rear of the vehicle and assemble the wheelchair.
- Again ask what if any assistance is needed. If assistance is required, assist to the best of your ability and make sure everything is done safely.

Passenger with a mobility impairment

There are 4.3 million people with mobility problems in the UK. The majority of these are elderly.

Mobility impaired people include those who have difficulty using steps, bending, reaching, standing for long periods, walking without resting and carrying heavy objects.

Mobility impairment may also include those who are pregnant, carrying heavy luggage or pushing a pram. We have all been mobility impaired at some time.

At the beginning of the journey

Sometimes it will be obvious that the passenger has mobility impairment and the passenger will have clear difficulty in movement or be using some type of walking stick or other aid.

Sometimes however, disabilities may be “hidden”, such as a passenger may have a heart condition or breathing difficulties.

Some passengers who look fit and healthy may have very painful joints and/or limbs with very little muscle strength or grip.

It will not always be possible for you as the driver to provide assistance. The decision must be yours. Some people feel embarrassed to approach people with disabilities but it is best just to talk to your customers and ask them if they need any help or support.

If required, help with the passenger’s luggage and with securing the seat belt.

During the journey

Going over speed bumps and potholes too fast can cause unnecessary additional discomfort for people with painful joints so try to slow down at speed bumps. The driver sits above the wheel so the impact of road bumps is not the same as for passengers.

At the end of the journey

Passengers with disabilities affecting their hands may take longer to pay their fare because of difficulty in handling coins and notes quickly. Be patient with these passengers.

If asked to give physical support, do not grab the passenger by the elbow and apply a vice-like grip as this can be very painful for the passenger. Offer your arm for the passenger to hold which effectively turns you into a mobile grab rail.

Passenger with hearing impairment

The main consideration with a deaf or hearing-impaired passenger is communication.

Communication tips

- Ensure you approach the person from the front and that you have the person's attention. Look directly at the person and do not cover your face or turn away when you talk.
- Facial expressions and gestures are important when communicating with a deaf or hearing-impaired person.
- Shadows or strong sunlight on the driver’s face can make lip reading more difficult.
- Point at destinations, etc.
- Take care to speak clearly but without exaggerating your sounds or lip

movements and preferably without having chewing gum or a cigarette in your mouth.

Sometimes a deaf person will motion for a pen and paper. However, not all deaf people can read written English as their first language is British Sign Language rather than English.

At the beginning of the journey

- Always look at the deaf person when you are talking to them as it is important that they can see your face.
- A pen and piece of paper are handy to help with communication. If you want to get the deaf person's attention, tap them on the shoulder.

During the journey

The driver can switch the lights on and off as a way of getting the deaf person's attention. A deaf person can feel vibrations but can get a shock when the vehicle stops suddenly.

At the end of the journey

For the fare the private hire driver can write it down. A hackney carriage driver can point to the meter or write it down.

Communication tips for passengers with a visual impairment

- Identify yourself as the driver and let the customer know that you are speaking to them.
- When you talk to someone who uses a guide dog, speak directly to the person not the dog.
- Speak to the person in a normal tone and normal volume.
- Be patient when the person is paying the fare as she or he may take longer due to having to identify coins and notes quickly.
- Drive as smoothly as possible.
- Do not assume that assistance is needed, ask the person first and what would be most useful for them.
- Do not ask a blind or partially sighted passenger to give directions as they may not be able to do this.

When you arrive to pick up the passenger do not sound the vehicle horn but go to the passenger's door and walk to the vehicle with them.

2E CARRIAGE OF ASSISTANCE DOGS

Section 168 of the Equality Act 2010 imposes a duty on a driver to carry assistance dogs in your private hire or hackney carriage vehicle, and states that no additional charge may be levied. Section 169 enables a driver to apply for a medical exemption certificate from the duty placed on them by section 168, see section 2C for information on how to obtain an exemption certificate.

If you obtain an Exemption Certificate, it must be clearly displayed in the vehicle all times.

Vehicle identification

- The vehicle identification plate must always be clearly displayed on the outside rear of the vehicle showing the vehicle identification number and the maximum number of passengers the vehicle is licensed to carry.
- The vehicle identification plate should be secured to the vehicle in a manner which allows the plate to be removed should the appropriate authorities decide to do so.

Driver identification

The law requires taxi drivers to wear identification badges. This serves to identify the drivers to customers, increasing their feeling of security when taking a taxi journey. Drivers must wear their identification badges at all times. Drivers must affix the laminated A5 copy of their badge to the dashboard of their vehicle in such a position as it is clearly visible to passengers travelling inside the vehicle.

Dress

Drivers must be smart, with a well-groomed appearance and good personal hygiene. No hats, caps or similar head-wear must be worn, including tracksuits or sports shirts, such as football, rugby tops.

Cleanliness of vehicles

Passengers are entitled to expect a clean, odour free vehicle on both the inside and outside. This also applies to the boot so as not to soil any luggage stored there.

Renewing your driver licence

Complete the renewal application, and DVLA consent form D796 (unless completing e-consent) and bring them to the Council together with 1 passport colour photograph, no more than three months old, the renewal licence fee and, if applicable, a DBS disclosure form and medical certificate.

DBS checks are required every 3 years. The DBS form will be sent out to you in advance of when it is due so that it can be processed in time.

Lost or stolen licence

This should be reported initially to the local Police and to the Council. A duplicate licence will be issued and a fee charged. **It is an offence** to work as a licensed driver whilst not in possession of your driver badge.

Change of name and or address

The driver shall notify the Environmental Services Manager in writing of any change of his/her name or address during the period of the licence. This notification and the A4 size driving licence must be received within 7 days of such change taking place, together with the appropriate fee.

2F NEW CHILD CAR SEAT REGULATIONS

From 18 September 2006 new regulations governing the use of child car seats come into force. With regard to hackney carriage and private hire vehicles it would be impractical

to expect the right child seat or booster to be available unless parents brought one with them.

Therefore there is an exception if child restraints are not available in a licensed hackney carriage or licensed private hire vehicle:

- Under 3s may travel unrestrained but in the rear only.
- Those 3 years and above must use an adult belt in the rear seat only.
Remember that a child up to 135cms (4'5") in a front seat of **any** vehicle must use the correct child seat or booster.

The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in taxis with fixed partitions) i.e. black cabs.

2G SMOKING

A law requiring smoke-free environments in workplaces, including vehicles used for public transport came into effect on 1 July 2007. The legislation covers all licensed vehicles such as private hire / hackney carriage vehicles.

As a driver you must ensure:

- all vehicles used to transport members of the public are smoke free.
- display required 'no-smoking' signage in a prominent position in all such vehicles. the sign should carry the international red "no smoking" symbol.
- take reasonable steps to ensure that employees and customers are aware that the vehicles used for public transport are legally required to be smoke free.
- the legislation requires all vehicles used for public transport to be smoke free at all times, even if they do not have any passengers.
- a driver cannot smoke in their vehicle if they use it as their private car when off duty
- imitation cigarettes and other similar imitation smoking related paraphernalia are not to be used by the driver or passengers in the vehicle at any time

3 VEHICLE LICENSING

3A INSPECTION AND TESTING OF HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES

Vehicle proprietors must submit their vehicles for mechanical testing and inspection by a qualified MOT tester at one of the Council's approved garages.

- a) Prior to the initial grant of a vehicle licence
- b) Six monthly (if the vehicle is over 3 years old – age taken from V5) or annually (if the vehicle is under 3 years old at the time of the test)
- c) At any other time if so requested by the Council.

All vehicle licences granted by East Cambridgeshire District Council are in force for a period of one year.

The vehicle testing scheme is primarily a road safety measure designed to ensure as far as possible that vehicles are properly maintained and at least once a year are examined to ensure they comply with the Council's vehicle licence conditions and with

certain important requirements of the law. All tests, inspections and examinations of hackney carriage and private hire vehicles will be carried out in conjunction with and according to the conditions contained within East Cambridgeshire District Council's published hackney carriage and private hire vehicle licence conditions.

The garage will comply with the requirements of the DVSA with regards to determining whether the vehicle passes or fails the MOT part of the compliance. Any appeal against this part of the test will be considered by the DVSA, as per a normal domestic MOT. The inspector will place your vehicle on the DVSA computer, and issue you with an MOT pass or fail certificate.

Where advisory items are picked up having conducted the MOT test, or having checked any of the other council required items the inspector considers the vehicle to be non-compliant with the conditions of licence, no compliance certificate will be issued, even if the MOT has been passed. This is because the requirements to be a Hackney Carriage or Private Hire vehicle are stricter than those required of a domestic vehicle.

Any appeal against the council required items part of the compliance test will be considered by the Licensing Authority. However, where the item relates to the potential safety or comfort of fare paying passengers it is extremely unlikely that the decision of the authorised garage will be overruled.

Compliance testing will be required every 6 months for vehicles over 3 years of age and annually for vehicles less than 3 years of age.

If a licensed vehicle fails the MOT part of the new compliance test, and the licence holder removes the vehicle from the testing garage the garage is obliged to inform the Licensing Authority straightaway. In such cases an immediate stop notice will be issued on the vehicle, and that vehicle will not be permitted to carry fare paying passengers until the fail items are resolved and the MOT passed; to do so would be considered an offence under the 1976 Act, and may also invalidate a proprietor's insurance. No such notice will be issued when the vehicle remains at the authorised garage until the works are complete and the MOT issued.

In cases where the existing compliance expires during the currency of a licence, a suspension notice will be issued. The individual merits of each case will be considered when determining whether the suspension will take effect immediately or after 21 days, but in cases where a licence holder fails to submit their vehicle for testing the licence holder should expect to receive an immediate suspension. Any suspension notice issued in these cases will be lifted as soon as the council receives an electronic pass certificate from one of its authorised garages.

Compliance certificates will be supplied electronically to the Licensing Authority by the garage to remove the need for a licence holder or applicant to drive to the council offices.

To ensure a uniform approach is made the vehicle examiners together with their nominated testers approved by the Council will apply the Council's licence conditions in conjunction with the vehicle inspection report. The test does not require dismantling of parts of the vehicle. The compliance certificate relates only to the condition of the testable items at the time of test.

Testing of vehicles

Proprietors should ensure that the vehicle to be tested is clean both inside and out. They are advised where appropriate to have the vehicle valeted and steam cleaned or high pressure washed. The examiner may refuse to test a vehicle presented in such a dirty condition that examination is unreasonably difficult.

The proprietor should also ensure that any damaged has been repaired. All repairs must be soundly executed using the correct materials and procedures for the job being undertaken. The finished repair must not detract from the overall appearance of the vehicle. Paintwork must not be so deteriorated, damaged, rust blistered or stone chipped that it detracts from the overall appearance of the vehicle.

Proprietors must ensure that the condition of all seats is such that no seat cushion or backrest upholstery is collapsed, holed, split or temporarily repaired. The material must not be dirty, stained or non-matching. Any material used to re-upholster, repair or pad the seats or backrests must meet the requirements of BS5852 Part 1 1979 in respect of fire retardancy or comply with the manufacturer's specification.

All fees for the vehicle tests must be paid to the vehicle examiner at the time the vehicle is tested.

The Vehicle Registration Document V5C must be submitted for inspection by the vehicle examiner at the time the vehicle is tested.

3B APPROVED VEHICLE EXAMINERS

Garage	Initial test fee and cancellations	Re-test
<p>B & T Motors Cambridge Road Ely</p> <p>Tel: 01353 667788</p>	<p>Contact garage</p>	<p>MOT failure items – retested and charged in line with MOT requirements.</p> <p>Council failure items – free retest within 10 working days</p>
<p>Cambridge City Council Depot Fleet Management & Maintenance Dickerson Industrial Estate Ely Road Waterbeach CB25 9PG</p> <p>Tel: 01223 458266</p>		
<p>Crown Garage Ltd 1-5 High Street Soham</p> <p>Tel: 01353 720779</p>		
<p>Ely Auto Care Unit 3 Newman Park Sedgeway Witchford</p> <p>Tel: 01353 668917</p>		
<p>Ely Tyre Services Unit 8 Angel Drove Ely</p> <p>Tel: 01353 669990</p>		
<p>Glovers Chettisham Garage Lynn Road Ely CB6 1SA</p> <p>Tel: 01353 664234</p>		
<p>King's of Witcham Ltd The Slade Witcham</p> <p>Tel: 01353 778403</p>		
<p>Mereside Motors Unit 4c, 127 Mereside Soham</p> <p>Tel: 01353 723419</p>		
<p>P G Ford Vehicle Repairs Unit 21 The Dock Business Park Ely</p> <p>Tel: 01353 663423</p>		
<p>Winthorpe Ltd Unit 9, Chettisham Business Park Ely</p> <p>Tel: 01353 968042</p>		

Proprietors are responsible for making all necessary arrangements to have their vehicles tested and inspected. All appointments must be made by telephoning one of the numbers given above.

Plating of vehicles

Although vehicles may be plated under an insurance cover note it is the vehicle owner's responsibility to ensure the Council is provided with valid and current insurance policy details at all times. Failure to do so will result in disciplinary action being taken. Failure to secure insurance cover is a prosecutable offence.

If the vehicle licence is suspended, revoked or is cancelled by you or not renewed, the plate must be returned to the Council within 7 days. Failure to do so is an offence for which you may be prosecuted.

Plates must be securely fixed to the exterior rear of the vehicle

Damage to vehicle plates must be reported to the Council for an inspection to be carried out to determine if a replacement is required. Plates cannot be transferred to another vehicle without the consent of the Council – forms for this purpose are available from the Council. If you sell your vehicle and the licence is not transferred to the new owner you must return the licence and plate to the Council immediately.

Vehicle specification

No vehicle will be licensed unless it is suitable in type, size and design for the appropriate licence applied for such as standard saloon or estate cars finished in the manufacturer's standard colour. Sports saloons, drop head coupes, convertibles, touring cars will not be licensed. TX1's (London type taxicab) or other purpose built vehicles will not be licensed as private hire vehicles.

A vehicle will only be licensed as a private hire vehicle if it is not of an appearance or design which is considered likely to lead the public to believe it is a licensed hackney carriage.

All licensed vehicles must be covered by a satisfactory insurance policy or other approved security and satisfy the Council's compliance test as to its condition and fitness.

All licensed vehicles must be provided with an efficient, in date fire extinguisher which shall be carried in such a position as to be readily available for use and a first aid kit, the contents of which should include a minimum of:

- 6 individually wrapped sterile adhesive dressings (assorted sizes)
- 2 individually wrapped triangular bandages
- 2 safety pins
- 1 large sterile individually wrapped unmedicated wound dressings (approx. 13cm x 9cm)
- 6 individually wrapped moist cleaning wipes (suggested minimum number)
- 1 300ml bottle of sterile water or sterile normal saline in sealed disposable containers for eye irrigation

All licensed vehicles must be provided with immediate door access (minimum 2 doors) for persons conveyed in the vehicle and a separate means of ingress and egress for the driver.

Means of escape

A vehicle is unlikely to be considered acceptable for licensing unless there is provided for all passengers capable of being carried in it immediate and direct access to doors or some other convenient and readily useable means of ingress and egress that is available without assistance from any other person and which will provide satisfactory means of escape in the event of accident or emergency.

Lost or stolen vehicle plate

This should be reported immediately to the Police and the Council. A new plate will be issued upon receipt of the appropriate payment.

Licence renewal reminders

Licence holders will be sent a reminder letter or an email. The forms can be downloaded from the licensing pages at www.eastcambs.gov.uk. **The responsibility for renewal remains with the licence holder.**

4 PRIVATE HIRE OPERATOR LICENCE

4A OBTAINING YOUR LICENCE

If it is a first grant application and more than one vehicle is anticipated to work for the company planning permission MAY be required. Contact East Cambridgeshire District Council Planning Department The Grange Nutholt Lane Ely CB7 4EE or telephone 01353 665555 for further information.

Attend the Council with completed application form and fees.

4B OPERATOR LOCATION

It is possible to obtain a private hire operator licence from East Cambridgeshire District Council for premises outside the district boundary. As a general rule this is available for premises within 5 miles of the district boundary.

4C CONTRACT HIRINGS

Licensing is not required for some forms of contract work, for example:

- for vehicles used by a person carrying on the business of a funeral director for the purpose of funerals
- for a vehicle while it is being used in connection with a wedding.

5 DISCIPLINARY

5A DISCIPLINARY HEARINGS

If the Council receives reports of convictions, cautions, warnings, fixed penalty notices, penalty notices, injunctions, anti-social behaviour orders, complaints or officers consider that the driver / operator may be in breach of Council licensing conditions the matter will be referred to the Environmental Services Manager in the first instance, and may in some cases be referred by the Environmental Services Manager to the Licensing Sub-Committee for consideration. This may relate to information that Council has received from another responsible body where that body has decided for whatever reason not to

take further action / prosecution. When deciding what action to take the Council will take into account the guide at 2B above.

Below is a guidance note concerning the procedure for attending a Licensing Sub-Committee hearing.

Investigations into possible misconduct on the part of a licence holder are carried out by licensing officers on behalf of the Environmental Services Manager. This officer will be called the “investigating officer”.

A Licensing Sub-Committee hearing is arranged when the Environmental Services Manager in consultation with the Chair of the Licensing Committee consider the case should be referred to the Licensing Sub-Committee for determination.

- The licence holder will be informed of the decision to refer the case to the Licensing Sub-Committee by letter and will be asked to indicate which of the witnesses he/she wants to attend the hearing to give their evidence in person. Those involved will be notified of the date, time and place once it has been fixed by letter.
- A confidential written report will be prepared on behalf of the Environmental Services Manager. This report will:
 - outline the legal powers of the Licensing Sub-Committee and the circumstances in which they may be exercised;
 - summarise or reproduce all the relevant available evidence;
 - identify what factual matters are in dispute and indicate the issues which the Sub-Committee will need to address;
 - explain which of the matters alleged may, if proven, justify further action.
- The Environmental Services Manager will ensure a copy of the report is sent to the licence holder before the hearing to give him/her the opportunity to comment on it or if he/she chooses to submit further written representations or additional evidence.
- At any stage the licence holder may instruct someone (such as a solicitor, a friend or relative, an employer or a member of a trade organisation) to act as his/her representative.
- The licence holder should attend any disciplinary hearings, although the licence holder can be represented at the hearing whether or not the licence holder attends. Failure to attend without good reason may be taken into account as further evidence that a driver is not a fit and proper person to hold a licence.
- Any references in this note to a licence holder should be taken to include his/her representative.
- If a member of the Licensing Sub-Committee becomes aware of a possible conflict of interest before or during the hearing they should raise this with the Head of Legal Services or his legal representatives at once.
- Members should not take part in hearing a case if they have a personal interest or involvement with it or the issues raised by it might be seen as affecting their impartiality, e.g. if they know the licence holder or a complainant, or they have been

previously involved with the case or a closely related case in another capacity.

- Present at the hearing will be Members of the Licensing Sub-Committee, the investigating officer and other officers who will act as the Licensing Sub-Committee's legal advisers.
- The decision on whether to hold a Licensing Sub-Committee hearing in private (exempt) session is a matter for each hearing and this will be based on the information within the report, on a case by case basis and possible exemptions under Schedule 12A of the Local Government Act 1972. Even where the hearing is held in exempt session, if the Licensing Sub-Committee decides on disciplinary action against a licence holder the name and disciplinary action will be published after 21 days in the public minutes. This will not apply where a Licensing Sub-Committee has considered medical fitness as part of the fit and proper test.

Procedure:

1. The Chair will welcome the applicant / licence holder / representatives / complainant(s), introduce Council Members and officers present and explain the procedure to be followed.
2. The Chair will ask whether the applicant / licence holder has received the report.
3. The Chair will ask the licensing officer to present the report.
4. The Chair will ask the applicant / licence holder whether the content of the report is accurate and follow up if he / she says that it is not.
5. The Chair or Members may ask any questions of the licensing officer.
6. If a complainant is present he or she will be asked to give details of their complaint and / or refer to any statement appended to the report.
7. The Chair, Members or legal officer may ask the complainant questions.
8. The applicant / licence holder may ask the complainant questions.
9. The procedure will be repeated where there is more than one complainant.
10. The applicant / licence holder (or his/her representative) will be invited to address the Sub-Committee in support of their case. He or she may call witnesses in support of the case.
11. The Chair, Members or legal officer may ask questions of the applicant / licence holder or their witnesses.
12. The Chair will ask whether any officers present have any comments to make or questions to raise. If the officers make any comments they may be asked questions.
13. The applicant / licence holder will be invited to make a closing statement.
14. The Members and legal officer will go into closed session either by leaving the

room or asking all other parties to do so. Members will make a decision and record reasons for this.

15. Members of the Sub-Committee will then return to the meeting room or bring everyone else back into the room. The Chair will announce the decision with reasons and advise that a letter confirming the decision and rights of appeal will be sent within the next 7 days.
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EAST CAMBRIDGESHIRE DISTRICT COUNCIL

The Grange, Nutholt Lane, Ely, Cambs CB7 4EE Tel: (01353) 665555

BYELAWS

With respect to HACKNEY CARRIAGES

made under Section 68 of the Town Police Clauses Act, 1847 and Section 171 of the Public Health Act, 1875, by East Cambridgeshire District Council with respect to Hackney Carriages in the East Cambridgeshire District

February 2007

INTERPRETATION

1. Throughout these byelaws “the Council” means East Cambridgeshire District Council and “the district” means the administrative area of the East Cambridgeshire district.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a hackney carriage shall:
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a hackney carriage shall:
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept watertight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to

- carry luggage; and
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:
- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
 - (d) the word FARE, shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
 - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES.

5. The driver of a hackney carriage provided with a taximeter shall:
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and

- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
- 6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
 - (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
 - (d) from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- 8. A proprietor or driver of a hackney carriage when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
- 9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- 12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
- 13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by the person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading; and

- (c) afford reasonable assistance in removing it to and from the entrance of any building, station or place at which he may be take up or set down such person.

PROVISION FIXING RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT AND SECURING THE DUE PUBLICATION OF SUCH FARES

- 14. (i) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.
- (ii) Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter
- 15. (i) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage in clearly distinguishable letters and figures
- (ii) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

PROVISIONS FOR SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

- 16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
- 17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
 - (a) carry it as soon as possible, and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the council and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
 - (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare from the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

PENALTIES

- 18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

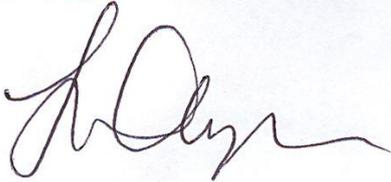
REPEAL OF BYELAWS

- 19. The byelaws relating to hackney carriages which were made by the Council on the 31st day of March 1993 and which were confirmed by the Secretary of State on the 4th day of May 1993 are hereby repealed.

The COMMON SEAL of
EAST CAMBRIDGESHIRE DISTRICT
COUNCIL was hereunto affixed
this 15th day of February 2007

Chairman 

Head of Legal Services/Chief Executive





The foregoing byelaws are hereby confirmed by the
Secretary of State and shall come into force on the
25th day of ~~MAY~~ April 2007

 25/3/07

Signed by authority of the Secretary of State.

7 CONDITIONS RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

ALL REFERENCES TO THE 'HEAD OF ENVIRONMENTAL SERVICES' WITHIN THESE CONDITIONS SHOULD NOW READ 'ENVIRONMENTAL SERVICES MANAGER'

INTRODUCTION

In order that a reliable Private Hire / Hackney Carriage service of an acceptable standard is provided within the district of East Cambridgeshire, then the following conditions will apply. These conditions may be amended or varied by the Council at any time.

1 CONDUCT OF DRIVER

The driver will:

- (a) at all times behave in a polite and orderly manner;
- (b) at all times be clean and respectable regarding his/her manner of dress. The wearing of shorts and vests will not normally be permitted;
- (c) afford all reasonable assistance with a passengers luggage especially in the loading and unloading of such luggage into and from the vehicle;
- (d) not without the express consent of the hirer drink, or eat in the vehicle during the course of the hiring;
- (e) not without the express consent of the hirer play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
- (g) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.

2 PASSENGERS

- (a) The driver shall not convey or permit to be conveyed in a private hire vehicle or hackney carriage vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (b) The driver must take all reasonable steps to ensure the safety of all passengers whilst in the vehicle and that the relevant legislation regarding seat belts and child restraints are complied with.
- (c) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

3 **LOST PROPERTY**

- (a) The driver shall immediately after the end of every hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- (b) If any property accidentally left in a private hire vehicle is found by the driver or handed to the driver then he/she shall make every endeavour to return the property to its rightful owner. If the property cannot be returned to the owner then the matter should be reported to **and the property handed to the Council** as soon as practicable and in any case within 24 hours of the finding.

4 **WRITTEN RECEIPTS**

The driver shall if requested by the hirer of a private hire vehicle or hackney carriage vehicle, provide him/her with a written receipt for the fare paid. The following details should be recorded on the receipt, date, pick up point, drop off point, total fare and call sign.

5 **ANIMALS**

The driver shall not convey in a private hire or hackney carriage vehicle any animal belonging to or in the custody of himself or the Proprietor of the vehicle and he/she shall ensure that any animal belonging to or in the custody of any passenger is adequately restrained and kept in such a position so as not to distract the driver or otherwise to be a cause of danger or nuisance. Following transport of an animal, consideration should be given for the comfort of future passengers, to the need to have the vehicle clean and odour free inside.

6 **ASSISTANCE DOGS**

The driver shall not refuse to convey in a Private Hire / Hackney Carriage Vehicle a guide, hearing or other "Assistance Dog" when accompanying a disabled person. The driver must not make any charge for the conveyance of an "Assistance Dog".

The driver can refuse to carry an "Assistance Dog" if he/she is in possession of a medical certificate which exempts him/her on medical grounds. The notice of exemption if granted by this Council must be displayed in the Private Hire or Hackney Carriage Vehicle.

6A **PASSENGERS IN WHEELCHAIRS**

The driver shall not refuse to convey in a Private Hire / Hackney Carriage Vehicle a person in a wheelchair. The driver must not refuse to carry a wheelchair if the passenger wishes to sit in a normal seat during the journey. The driver must not make any additional charge for the carrying of a passenger in a wheelchair, and must take steps to ensure the comfort and safety of the passenger during the journey. The driver must also provide mobility assistance as is reasonably required. Mobility assistance is defined as:

- enabling the passenger to get into or out of the vehicle;
- where the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- to load the passenger's luggage into or out of the vehicle;
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

The driver can refuse to carry a passenger in a wheelchair if he/she is in possession of a medical certificate which exempts him/her on medical grounds, or at the time of the booking it would have been unsafe to carry the wheelchair in the vehicle. The notice of medical exemption, if granted by this Council must be displayed in the Private Hire or Hackney Carriage Vehicle.

7 PROMPT ATTENDANCE

The driver of a private hire or hackney carriage vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place unless unavoidably delayed or prevented.

8 COPY OF CONDITIONS

The driver shall at all times when driving a private hire or hackney carriage vehicle, carry with him/her a copy of these conditions and make them available for inspection by the hirer or any other passenger on request.

9 CHANGE OF NAME OR ADDRESS

The driver shall notify the Head of Environmental Services in writing of any change of his/her name or address during the period of the licence. This notification and the A4 size driving licence must be received within 7 days of such change taking place, together with the appropriate fee.

10 CONVICTIONS, CAUTIONS, WARNINGS, ARRESTS, FIXED PENALTY NOTICES, PENALTY NOTICES, ANTI-SOCIAL BEHAVIOUR ORDERS AND INJUNCTIONS

10.1 The driver shall notify the Head of Environmental Services in writing of any conviction, caution, warning, arrest, Fixed Penalty Notice, Penalty Notice, Anti Social Behaviour Order or Injunction against him/her arising during the period of the licence within 7 days of the receipt of the orders/notices/warning or arrest. This includes information regarding speeding fines.

10.2 The driver shall complete a DBS application every 3 years.

11 ACCIDENTS

The driver shall notify the Head of Environmental Services in writing of any vehicle accident in which the driver is involved whilst driving a private hire/hackney carriage vehicle. The notification must be received within 72 hours of such an accident.

12 WEARING OF BADGE

The driver shall at all times when acting in accordance with his/her licence wear the badge issued by East Cambridgeshire District Council in a conspicuous position. The badge will contain a photograph of the licence holder. Any change of appearance of the licence holder must be notified to the Council in order that a new badge can be issued. No fee will be charged.

13 RETURN OF BADGE

The driver shall upon the expiry (without immediate renewal), revocation or suspension of his/her licence forthwith return to the Head of Environmental Services the drivers badge issued to him/her by East Cambridgeshire District Council.

14 DISPLAY OF A5 IDENTIFICATION CARD

The driver must display the A5 photograph identification card and it must be displayed in a prominent position inside the vehicle on the dashboard, so as to be clearly visible to any passenger travelling in the vehicle.

15 DISPLAY OF PLATE

The driver shall ensure that the private hire or hackney carriage licence plate is affixed and displayed in such a position on the exterior to the rear of the vehicle and is clearly visible and legible at all times.

16 FARE TO BE DEMANDED

The driver shall not demand from the hirer of a Private Hire Vehicle a fare in excess of that indicated on the taximeter or previously agreed respectively.

A Hackney Carriage must not be used within the boundary of East Cambridgeshire District Council, under contract or purported contract for Private Hire except at a rate of fare no greater than the fare fixed by the Council for Hackney Carriages, and unless the fare is calculated from the point of pick up.

17 DRIVER LICENCES

Vehicle Proprietors must keep records as to who drives their vehicle(s) and when. The licence issued to each individual driver so engaged must be kept by the Proprietor and returned to the Driver when the arrangement ceases.

18 PHYSICAL AND MENTAL FITNESS

The driver shall during the period of the licence report to the Council as soon as practicable any disability, physical or mental medical condition which develops or worsens which effect his/her ability to drive safely. Examples of such conditions could include the following:

- (a) heart attack
- (b) fainting
- (c) epilepsy
- (d) strokes
- (e) Parkinson's disease

This list is not exhaustive, however drivers are also reminded that they are legally required to inform the DVLA at Swansea of any developing conditions which may affect their ability to drive.

19 **MEDICAL EVIDENCE**

On initial application and on reaching the ages of 45, 50, 55, 60, 65 and annually thereafter or at the request of the Council, an applicant / existing driver must provide a medical certificate in accordance with DVLA Group 2 Medical Standards for Licensed Drivers duly certified from his/her own GP as to his/her medical ability and suitability to be granted or continue to drive as a joint hackney carriage and private hire driver.¹

20 **CERTIFICATE OF INSURANCE**

The driver will be responsible for ensuring that any vehicle in his charge is insured for use as a hackney carriage / private hire vehicle. The conditions relating to insurance of motor vehicles are contained in part 6 of the Road Traffic Act 1988.

21 **SMOKING**

A law requiring smokefree environments in workplaces, including vehicles used for public transport came into effect on 1 July 2007. The legislation covers all licensed vehicles such as private hire / hackney carriage vehicles.

As a driver you must ensure:

- All vehicles used to transport members of the public are smoke free.
- Display required 'No-smoking' signage in a prominent position in all such vehicles. The sign should carry the international red "no smoking" symbol.
- Take reasonable steps to ensure that employees and customers are aware that the vehicles used for public transport are legally required to be smoke free.
- The legislation requires all vehicles used for public transport to be smoke free at all times, even if they don't have any passengers.
- A driver cannot smoke in their vehicle if they use it as their private car when off duty
- No imitation cigarettes and other similar imitation smoking related paraphernalia to be used by the driver or passenger at any time in the vehicle

22 **USE OF VEHICLE HORN**

The driver of a hackney carriage or private hire vehicle will not sound the vehicle horn as a means of alerting hirers of his presence.

23 **USE OF MOBILE PHONES**

¹ In accordance with the DVLA Group 2 Medical Standards for Licensed Drivers. Applies to licensed drivers as soon as granted/ renewed

The driver of a private hire/hackney carriage vehicle if using a mobile telephone shall use that equipment only by means of a hands free device whilst driving the vehicle.

24 **PENALTIES**

East Cambridgeshire District Council may suspend or revoke the licence granted if any of the above conditions are not complied with.

25 **SUSPENSION OF A LICENCE**

Section 61 of the 1976 Act states that:

"..... a district council may suspend or revoke or (on application therefore under section 46 of the Act of 1847 or section 51 of (the 1976) Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:

- (a) that he has since the grant of the licence:
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of (the 1976) Act; or
- (b) any other reasonable cause."

Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of (the 1976) Act.

If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale (£200 as at March 1999).

26 **OBSTRUCTION OF AUTHORISED OFFICERS**

It is an offence to fail to comply without reasonable excuse with any reasonable requirement of an authorised officer of the Council or Constable or to fail to provide any assistance or information required by him in connection with his licensing duties and responsibilities.

Any driver aggrieved by a decision of a district council under this section may appeal to a Magistrates' Court.

27 **EXEMPTION CERTIFICATES**

During the period of the exemption notice, the driver shall not wear the private hire driver badge but will have it available for inspection by an authorised officer

of the Local Authority or any police officer on request.

At all times during the period of the exemption notice the driver of the vehicle will be appropriately dressed in either a formal chauffeur's uniform or a business suit with collar and tie.

8 CONDITIONS RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

ALL REFERENCES TO THE 'HEAD OF ENVIRONMENTAL SERVICES' WITHIN THESE CONDITIONS SHOULD NOW READ 'ENVIRONMENTAL SERVICES MANAGER'

1.0 INTRODUCTION

1.1 Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("The Act") modified and extended the controls over hackney carriages under Town Police Clauses Act 1847 and also introduced powers to control private hire vehicles and their drivers, proprietors and operators.

1.2 East Cambridgeshire District Council ("The Council"), following public notice given on 10th November 1977, adopted that part of the Act with effect from 31st December 1977.

2.0 PRIVATE HIRE

2.1 So far as private hire vehicles are concerned, the Act requires that a licence must be held by the proprietor in respect of each vehicle used as a private hire vehicle which is defined in the Act as a "motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or passenger carrying vehicle (formerly known as public service vehicles), which is provided for hire with the service of a driver for the purpose of carrying passengers". The Council has to be satisfied:

- (a) that the vehicle is
 - (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable.
- (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of the appropriate legislation.

2.2 A separate licence has to be obtained from the Council by the operator of the

private hire vehicle or vehicles and this expression is defined in the Act as meaning "in the course of business to make provision for the invitation or acceptance of booking for a private hire vehicle".

- 2.3 For a private hire vehicle a roof sign will not be allowed to be displayed at any time.
- 2.4 The Council will issue a rectangular yellow plate (with black lettering), which must be fixed securely to the exterior of the vehicle in such a position as to be visible from behind the vehicle.
- 2.5 Taximeters are not required for Private Hire Vehicles.
- 2.6 Private hire vehicles are to carry the council approved sticker on the front passenger and driver doors at all times, in a central position, which includes the wording 'advance booking only', the licence plate number, company name excluding the word 'taxi' and 'cab' and company telephone number. The stickers must not be defaced, altered or damaged in any way and must be replaced immediately if they become damaged, defaced or altered. The use of magnets to display the Council approved stickers is not permitted. **This new condition applies to all new/ transferred licensed private hire vehicles on issue of licence from 1/1/12. Existing licensed private hire vehicles will be required to comply with this condition when the licences are renewed and issued for the first time during 2013.**
- 2.7 Private hire vehicles must at all times clearly display by firmly affixing in the vehicle, the licence number issued by the Council and it must be able to be seen by passengers. **This new condition applies to all new/transferred licensed private hire vehicles on issue of licence from 1/1/12. Existing private hire vehicles that were licensed prior to 1/1/12 will be required to comply with this condition when the licences are next renewed and granted.**
- 3.0 **HACKNEY CARRIAGE**
- 3.1 Hackney carriage vehicles are to carry the Council Approved sticker on the front passenger and driver doors at all times, in a central position. The stickers must not be defaced, altered or damaged in any way and must be replaced immediately if they become damaged, defaced or altered with no advertisement (or any other vehicle markings) within 75 mm of the surround of the sticker. The use of magnets to display the Council approved stickers is not permitted. **This new condition applies to all new/transferred licensed hackney carriage vehicles on issue of licence from 1/1/12. Existing hackney carriage vehicles that were licensed prior to 1/1/12 will be required to comply with this condition when the licences are next renewed and issued for the first time during 2013.**
- 3.2 For a hackney carriage vehicle the Council will issue a rectangular white plate (with black lettering), which must be fixed securely to the exterior to the rear of the vehicle in such a position as to be visible from behind the vehicle.
- 3.3 A vehicle roof sign will be allowed in a form to be approved by the Council.

In terms of an *'approved form'* for Hackney Carriage roof signs that this relates to the following basic standards;

- (i) That the roof sign is illuminated when the vehicle is available for hire
- (ii) That the word 'TAXI' in black capital letters is clearly legible on the front and rear side of the roof sign
- (iii) That there are no other markings on the roof sign

In addition to it being mandatory that Hackney Carriages carry a roof sign.

This new condition applies to all new and renewal vehicle licences from 1st October 2013

- 3.4 Hackney carriage vehicles must at all times clearly display by firmly affixing in the vehicle, the licence number issued by the Council and it must be able to be seen by passengers. **This new condition applies to all new/transferred licensed hackney carriage vehicles on issue of licence from 1/1/12. Existing hackney carriage vehicles that were licensed prior to 1/1/12 will be required to comply with this condition when the licences are next renewed and granted.**
- 3.5 Hackney carriage vehicles must be fitted with a taximeter that must be tested by one of the Council's approved MOT Inspectors.
- 3.6 London style taxicabs will be licensed if required by an applicant as hackney carriages only and will not be allowed for private hire purposes.
- 3.7 The Act provides that no person shall cause or permit any vehicle other than a hackney carriage to wait on any stand ("taxi rank") for hackney carriages. Three stands exist in Ely - Market Place (east), Market Street and at the Railway Station. There are no stands elsewhere in the District. Those at Market Place, Ely and Market Street, Ely can be used by any licensed hackney carriage from anywhere in the District but the stand at Ely Station is available only to those owners of vehicles who obtain the consent of Railtrack.

4.0 **ADVERTISEMENTS**

- 4.1 The fixing of full colour third party advertisements on hackney carriages is allowed, subject to the approval of the Council. Proprietors are permitted to choose their own suppliers provided there are no advertisements relating to alcohol, tobacco or gambling. Should the application be refused and the applicant disagrees with the council decision, he/she may request a Hearing by Committee.

Third party advertisements are those that relate to advertisements other than the Taxi Company's own details. **This new condition applies to all new/transferred licensed hackney carriage vehicles on issue of licence from 1/1/12. Existing hackney carriage vehicles that were licensed prior to 1/1/12 will be required to comply with this condition when the licences are next renewed and granted.**

5.0 **VEHICLE TESTING**

5.1 Both hackney carriage and private hire vehicles must at all times have a valid compliance certificate in force. Where a compliance certificate expires during the currency of a licence, the licence will be suspended until such times as an updated certificate is received.

5.2 No vehicle will be licensed for hackney carriage or Private Hire unless

(1) It is either:

(a) a standard saloon car with an engine capacity of not less than 1300cc, a minimum of four doors and which complies with appropriate regulations and byelaws (sports saloons, drop-head coupes, convertibles, touring cars will not be accepted); or

(b) a purpose built 3 cylinder in line two seater car with an engine capacity of not more than 750 cc and which complies with appropriate regulations and byelaws (sports saloons, drop-head coupes, convertibles, touring cars will not be accepted); or

(c) a light commercial based vehicle with up to eight passenger seats typically up to 2500 cc, with either one door on the off-side (nearest the kerb) and a rear door, or two opposing side doors where the rear door has a wheelchair lift attached, which prevents access when not in use or

(d) a stretched limousine that complies with the conditions listed under 5.4.

(2) In the opinion of one of the Council's approved MOT Inspectors in a roadworthy condition and will with proper maintenance so remain during the period of the licence.

(3) Vehicles over 3 years of age (taken from the V5 logbook) will be tested at six monthly intervals. Vehicles less than three years old will be tested on an annual basis.

5.3 Vehicles must comply with the following:

(a) The width of the rear part of the body, measured six inches below the top and six inches in front of the rear back-seat, shall not be less than 4 ft. 4 in. This measurement will be made with both rear doors closed or

(b) In the case of vehicles detailed in 5.2 (1) (b) above, the width of the front part of the body, measured six inches below the top and six inches in front of the driver and passenger seats, shall not be less than 4 ft. This measurement will be made with both doors closed.

(c) The minimum legroom for passengers using the rear seats (if applicable) shall be 8.5", the measurement to be taken from the rear door pillar to the nearest point of the rear seat squab.

(d) All doors shall be capable of being opened from both the inside and outside. Two windows capable of being adjusted and secured in any

open or partly open position shall be fitted.

- (e) All glass fitted shall be safety glass i.e. glass that if fractured does not fly into fragments capable of causing severe cuts.
- (f) Broken, discoloured or cracked glass, either in the windows, windscreen or other parts of the vehicle, shall be at once replaced.
- (g) No celluloid or other highly inflammable material shall be used for fittings. The roof of the vehicle shall be kept watertight.
- (h) Every vehicle shall be cleaned as often as necessary, and all coachworks shall be maintained in a clean condition and in proper state of repair.
- (i) All seats must be suitably upholstered and such upholstery shall be kept clean and in good repair. Every vehicle shall be provided with suitable floor covering which must be kept in a clean condition and good repair.
- (j) Every vehicle shall be so constructed as to be capable of carrying a reasonable amount of luggage and adequate means for securing such luggage shall be provided.
- (k) All seats must be either front- or rear-facing. Side facing seats are not allowed.
- (l) Over and above statutory requirement, all passenger seats must be fitted with seat belts, preferably not lap-belts.

5.4 Stretched limousines are subject to the following licensing criteria:

- (a) All limousines will meet the QVM (Quality Vehicle Modifier) issued by the Ford Motor Company or the CMC (Cadillac Mastercoach Builder).
- (b) The stretch extension shall not exceed 120 inches (10 feet)
- (c) The maximum weight of any converted vehicle will not exceed 7,100 lbs (3,200 kg)
- (d) Stretch limousines must be constructed on the appropriate heavy-duty packages as specified by the QVM/CMC.
- (e) All replacement parts must be manufacturer approved. Replacement tyres must be of the appropriate size and weight bearing.
- (f) Side facing seats in limousines will only be permitted if they meet the minimum requirements of lap belts.
- (g) American stretched limousines over 7 years of age on the date of first application will not be licensed unless there are strong mechanical representations as to the vehicles fitness.
- (h) Limousine drivers are required to sign a declaration that they will not carry more than 8 passengers.

6.0 If, after a vehicle has been licensed by the Council, an owner wishes to change it, the new vehicle cannot be used for business purposes until one of the Council's approved MOT Inspectors has tested it (and in the case of a hackney carriage the taximeter) and a licence and plate have been issued. Plates are ordered as required, and proprietors should understand that some delay is therefore inevitable.

7.0 Any plate referred to under conditions 2.4 or 3.2 shall be returned within 7 days of the expiry date or upon revocation or suspension of the licence. Failure to return a plate when requested to do so without reasonable excuse is a criminal offence for which prosecution proceedings may be taken. The Council or the Police may remove the plate from the vehicle if the time limit is not complied with.

7.1 Hackney carriage and private hire vehicles cannot be used without displaying a valid licence plate; unless in the case of a private hire vehicle a certificate of exemption issued under section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976 has been granted by the Licensing Authority

7.2 Plates are issued to a specific vehicle and cannot be used on any other vehicle.

7.3 Section 68 of the Act states that:

"... Any authorised officer of the Council ... or any constable shall have power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any hackney carriage or private hire vehicle licensed by a district council, or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of its taximeter he may by notice in writing require the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied:

7.4 Provided that, if the authorised officer or constable is not so satisfied before the expiration of a period of two months, the said licence shall, by virtue of this section, be deemed to have been revoked."

8.0 SUSPENSION AND REVOCATION OF LICENCES

8.1 Section 60 of the 1976 Act states that:

".... a district council may suspend or revoke, or (on application therefore under section 40 of the act of 1847 or section 48 of (the 1976) Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds -

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of (the 1976) Act by the operator or driver; or
- (c) any other reasonable cause.

Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.

Any proprietor aggrieved by a decision of a district council under this section may

appeal to a Magistrates' Court."

9.0 SMOKING

A law requiring smoke-free environments in workplaces, including vehicles used for public transport came into effect on 1 July 2007. The legislation covers all licensed vehicles such as private hire / hackney carriage vehicles.

As a driver you must ensure:

- All vehicles used to transport members of the public are smoke free.
- Display required 'no-smoking' signage in a prominent position in all such vehicles. The sign should carry the international red "no smoking" symbol.
- Take reasonable steps to ensure that employees and customers are aware that the vehicles used for public transport are legally required to be smoke free.
- The legislation requires all vehicles used for public transport to be smoke free at all times, even if they don't have any passengers.
- A driver cannot smoke in their vehicle if they use it as their private car when off duty
- No imitation cigarettes and other similar imitation smoking related paraphernalia to be used by the driver or passenger at any time in the vehicle

10.0 USE OF MOBILE PHONES

The driver of a private hire/hackney carriage vehicle if using a mobile telephone shall use that equipment only by means of a hands free device whilst driving the vehicle.

11.0 EXEMPTION CERTIFICATES

- 11.1 When operating under the exemption notice the windscreen badge issued by the licensing authority will be displayed at the nearside of the front and rear windscreen at all times.
- 11.2 The Exemption Notice issued by the Licensing Authority in respect of the licensed private hire vehicle will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Licensing Authority or any police officer.
- 11.3 Other than the windscreen badges, the proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle without the approval of the Licensing Authority.
- 11.4 The private hire vehicle licence plate will be affixed in a visible position within the boot of the vehicle and shall not be displayed externally whilst the exemption notice is in force. Upon request the licence plate will be shown to an authorised officer of the local authority or any police officer.
- 11.5 When issued with an exemption notice, the vehicle will not be required to display any other signs which the Licensing Authority may at any time require

private hire vehicles to display.

11.6 No taximeter shall be displayed in the vehicle. If a taximeter is installed within the vehicle and is used to calculate the fare, it shall be installed in such a manner that it is concealed from normal view.

11.7 A table of fares/tariffs will not be displayed in the vehicle.

9 PRIVATE HIRE OPERATOR LICENCE – CONDITIONS OF LICENCE

ALL REFERENCES TO THE ‘HEAD OF ENVIRONMENTAL SERVICES’ WITHIN THESE CONDITIONS SHOULD NOW READ ‘ENVIRONMENTAL SERVICES MANAGER’

INTRODUCTION

Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("The Act") modified and extended the controls over hackney carriages under Town Police Clauses Act 1847 and also introduced powers to control private hire vehicles and their drivers, proprietors and operators.

East Cambridgeshire District Council ("The Council"), following public notice given on 10th November 1977, adopted that part of the Act with effect from 31st December 1977.

1. DEFINITION

In these conditions "Operator" means the holder of a Private Hire Operator's Licence granted by the Council, "vehicle" means a Private Hire Vehicle licensed by the Council, the "Proprietor" means the holder of a Private Hire Vehicle Licence, "driver" means a person holding and acting in accordance with a Private Hire Vehicle Driver's Licence issued by the Council and the "Council" means East Cambridgeshire District Council.

2. APPLICATION OF CONDITIONS

The Conditions set out in this Schedule are in addition to or in amplification of the requirements imposed upon Operators by the Local Government (Miscellaneous Provisions) Act 1976. A breach of any of these conditions may lead to suspension or revocation of the licence and/or prosecution.

3. STANDARD OF SERVICE

The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall:

- (a) ensure that when a vehicle has been hired to be in attendance at an appointed time and place the vehicle shall, unless delayed or prevented by reasonable cause, punctually attend at that appointed time and place;
- (b) keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting;
- (c) ensure that any waiting area provided by the Operator has adequate seating

- (d) facilities;
- (e) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
- (f) not in advertising by signs, printed words, broadcasts or by any other media use the words "Hackney Carriage", "Taxi" or "Taxi Cab" to describe the private hire service he offers;
- (g) ensure that the drivers and proprietors of vehicles which he/she operates maintain the vehicles in a clean condition (internally and externally) and that the vehicles are safe, mechanically sound and comfortable for use by hirers.

4. RECORDS

- (a) The Operator shall be responsible for maintaining at his premises particulars of all vehicles operated by him, which shall include the following:
 1. the call signs or other identifying marks used on booking records; If two drivers drive one vehicle both must have individual call signs
 2. the vehicles' licence plate numbers;
 3. the vehicles' registration numbers;
 4. the names and addresses of the proprietors of the vehicles;
 5. details of the valid current certificates of insurance or security for the vehicles;
 6. details of the motor vehicle certificate of compliance for the vehicles, where appropriate;
 7. the names and addresses of drivers, together with their badge numbers, a copy of the driver licence and expiry date issued by East Cambridgeshire District Council.
- (b) The record which is required to be maintained by the Operator under the provisions of Section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitably bound book the pages of which are numbered consecutively, or an approved computer system,

Before the commencement of each journey of every private hire booking the Operator shall enter in this book or onto the computer the following details:

1. the time and date of each booking;
 2. the name of the hirer;
 3. the point of pick-up required;
 4. the destination;
 5. the cost of fare quoted for the journey (where appropriate);
 6. the call sign or badge number of the driver allocated to the booking;
 7. the time at which a driver was allocated to the booking;
 8. any remarks (including reference to contract or sub-contract work).
- (c) The records to be kept in accordance with Condition 4 above are to be maintained correctly and up to date at all times.
 - (d) The book or computerized records to be kept in accordance with Condition 4 shall be preserved for a period of not less than six months from the date of the last entry.
 - (e) The licensee shall produce all or any of the booking records or a printout of computerised records on request to any authorized officer of the Council or to

any constable

5. DRIVERS

- (a) The Operator must ensure that hirers of his private hire vehicles, which he/she operates are treated politely and courteously by the drivers whom he/she employs or permits to drive for his/her company.
- (b) The Operator must advise all drivers working for him/her that, while on duty and being in charge of licensed vehicles, they shall not ply for hire or otherwise:
 - (i) tout or solicit on a road or other public place any person to hire or be carried in any private hire vehicle;
 - (ii) cause or procure any other person to tout or solicit on any road or other public place, any person to hire or be carried in any private hire vehicle; offer the vehicle for immediate hire while on a road or public place or private property.
- (c) The Operator shall not permit any person not being the holder of a driver licence issued by the Council to drive a licensed vehicle.

5. HACKNEY CARRIAGE USED AS PRIVATE HIRE

A Hackney Carriage must not be used within the boundary of East Cambridgeshire District Council, under contract or purported contract for Private Hire except at a rate of fare no greater than the fare fixed by the Council for Hackney Carriages, and unless the fare is calculated from the point of pick up.

7. PASSENGERS

The Operator shall not accept a booking for a vehicle to convey any greater number of persons than the number of persons which such vehicle is licensed to convey.

8. PRIVATE HIRE VEHICLE LICENCE PLATE AND WINDSCREEN NOTICES

The Operator shall not wilfully nor negligently cause or suffer the Licence Plate attached to a vehicle to be concealed from public view or to be so defaced that any figure or material particular is illegible.

9. COMPLAINTS

- (a) The Operator shall immediately upon receipt notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his/her business and of the action (if any) which he/she has taken or proposes to take in respect thereof.
- (b) Any complaint shall be investigated immediately by the Operator and the complainant and the Council notified of the outcome within 24 hours.
- (c) Where a complaint is investigated by an authorised officer of the Council the Operator shall conform to any directions of the officer in respect of the complaint.

10. CONVICTIONS

The Operator shall notify the Head of Environmental Services in writing of any conviction, caution, warning, arrest, Fixed Penalty Notice, Penalty Notice, Anti- Social Behaviour Order or Injunction against him/her arising during the period of the licence within 7 days of receipt of the orders/notices/warning or arrest. This includes information regarding speeding fines.

11. CHANGE OF ADDRESS

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

12. ACCIDENTS

- (a) The Operator shall report to the Council as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident which causes damage materially affecting the safety, performance, or appearance of the vehicle or the comfort or convenience of persons carried therein.
- (b) In the case of serious damage to the structure or bodywork of the vehicle, the operator shall inform the Council when repairs have been effected so that the vehicle may be tested and inspected to establish that its condition is satisfactory for continued use as a private hire vehicle.

13. DURATION OF LICENCE

The Private Hire Operator's Licence may be renewed for a period of one or five years and shall remain in force unless suspended or revoked during the licensing period.

14. SMOKING

A law requiring smokefree environments in workplaces, including vehicles used for public transport came into effect on 1 July 2007. The legislation covers all licensed vehicles such as private hire / hackney carriage vehicles.

As an operator you must ensure:

- All vehicles used to transport members of the public are smoke free.
- Display required 'No-smoking' signage in a prominent position in all such vehicles. The sign should carry the international red "no smoking" symbol.
- Take reasonable steps to ensure that employees and customers are aware that the vehicles used for public transport are legally required to be smoke free.
- The legislation requires all vehicles used for public transport to be smoke free at all times, even if they don't have any passengers.
- A driver cannot smoke in their vehicle if they use it as their private car when off duty
- No imitation cigarettes or other similar smoking related paraphernalia is to be used by the driver or passenger at any time in the vehicle.

Any enclosed or substantially enclosed space has to be smokefree if it is used as a workplace by more than one person or if members of the public and employees who in the course of their work visit the premises.

Substantially enclosed is defined as a structure with a ceiling or roof and openings in the walls, which are less than half the perimeter of the walls.

Operators will need to ensure that the work premises are smokefree at all times. Public entrances to the premises must display the mandatory A5 'No Smoking' signage. All other entrances need only carry the international red 'No Smoking' sign.

15. DISPLAY OF LICENCE

The licensee shall prominently display on the licensed premises, and in an area accessed by the public (if provided) the current operator licence issued by East Cambridgeshire District Council together with a copy of the operator conditions.

16. OBSTRUCTION OF AUTHORISED OFFICERS

It is an offence to fail to comply without reasonable excuse with any reasonable requirement of an authorised officer of the Council or constable or to fail to provide any assistance or information required by him in connection with his licensing duties and responsibilities.

[MAP OF THE DISTRICT TO BE PRINTED ON THE BACK PAGE OF THIS GUIDE](#)