



# Licensing and Health and Safety Enforcement Committee

**TUESDAY 10 MARCH 2020 AT 7.30 PM**

**DBC Council Chamber - The Forum**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

#### Membership

Councillor Allen	Councillor Johnson
Councillor Mrs Bassadone	Councillor Link
Councillor Bhinder (Vice-Chairman)	Councillor Peter
Councillor Bowden	Councillor Pringle
Councillor P Hearn (Chairman)	Councillor Rogers
Councillor Imarni	Councillor R Sutton

**Substitute Members:**  
Councillors

For further information, please contact Corporate and Democratic Support or 01442 228209

## **AGENDA**

- 1. MINUTES**  
To approve the minutes from the last meeting.
- 2. APOLOGIES FOR ABSENCE**  
To receive any apologies for absence
- 3. DECLARATIONS OF INTEREST**  
To receive any declarations of interest.
- 4. PUBLIC PARTICIPATION**
- 5. DRAFT TAXI AND PRIVATE HIRE LICENSING POLICY (Pages 3 - 95)**





## AGENDA ITEM:

### SUMMARY

<b>Report for:</b>	<b>Licensing, Health &amp; Safety and Enforcement Committee</b>
<b>Date of meeting:</b>	<b>10 March 2020</b>
<b>PART:</b>	<b>I</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Draft Taxi and Private Hire Licensing Policy</b>
Contact:	Nathan March – Licensing Team Leader, Corporate and Contracted Services
Purpose of report:	To introduce a new draft policy for agreement to go to consultation.
Recommendations	1. That the Committee consider the draft Policy and agree for this to be consulted on for 12 weeks.
Corporate objectives:	<ul style="list-style-type: none"> <li>• A clean, safe and enjoyable environment</li> <li>• Building strong and vibrant communities</li> <li>• Ensuring economic growth and prosperity</li> <li>• Ensuring efficient, effective and modern service delivery</li> </ul> <p><u>Equalities Implications</u></p> <p>A full Equalities impact assessment has been completed and is available.</p>
Implications:	<p><u>Financial / Value for Money / Risk / Health And Safety Implications</u></p> <p>Financial</p> <p>The draft policy includes a variety of changes which will affect both the trade, and the work that officers are required to do,</p>

	<p>some of these will reduce the cost to the Council in providing the service, others will have increasing cost implications, and there is also an opportunity for additional cost recovery. Overall it is expected that the Policy changes will be close to cost neutral, and any changes will be considered when fees are set for the relevant licences.</p> <p>Value for Money</p> <p>The new policy brings a collection of the Council’s existing guidance documents together into one policy, this will reduce the Committee burden when considering any future reviews. The Policy also seeks to increase the efficiency of the Council’s work in this area of licensing so that an improved service can be provided at a lower cost.</p> <p>Risk</p> <p>The Policy seeks to reduce risk to the public and also to the reputation of the Council as it strengthens the requirements on applicants and existing licence holders, as well as improves the practices of the Council when carrying out its regulatory function for these licences.</p>
<p>Consultees:</p>	<p>The existing licensed trade will be consulted with once the draft has been agreed. This consultation will be carried out directly with the individual licence holders, as well as with the Trade Association. A wider consultation will also be undertaken so that members of the public have an opportunity to respond.</p> <p>The current compliance garage will also be consulted with, in regards to any proposed changes to the testing of vehicles</p> <p>Internally, the Council’s Safeguarding Officer will be consulted with, and the Environmental Health Officer responsible for the Council’s Air Quality plan has already been consulted with in constructing the relevant section.</p>
<p>Background papers:</p>	<p>The best practice guidance published by Department for Transport</p> <p>Existing guidelines for applicants and licence holders as available on the Council’s website.</p> <p>Comparison table for the current and proposed suitability standards (attached as Appendix 2)</p>
<p>Glossary of acronyms and any other abbreviations used in this report:</p>	

## **1. BACKGROUND**

- 1.1. This report is to introduce the draft revised Taxi and Private Hire Licensing Policy attached as Appendix 1.
- 1.2. The Council currently has a number of documents which individually provide guidance to applicants and licence holders. The new draft policy brings these together in one place, which is common practice, and should make it easier for interested parties to find the information that they may be looking for in regards to the approach taken by the Council when regulating this licensing regime. At the same time as combining the existing documents, each area of the policy has been reviewed and updated, taking into account new services available, changes to the law and the opportunity to modernise the approach taken by the Council.

## **2. Key Changes**

- 2.1. The following section pulls out the key changes that are proposed in the draft policy, but is not comprehensive, so should not be relied upon as such in lieu of reviewing the attached draft policy to recognise the amendments that the Council is considering.
- 2.2. The Council is requiring drivers to sign up to the DBS Update service as part of their application. This saves the driver money compared to starting a new DBS each application, prevents their DBS from needing to be applied for when they renew their licence (which is the most common reason for their licence being delayed) and allows the Council to carry out checks when it feels it is appropriate to do so, rather than waiting 3 years for renewal as it does currently. In addition to this, The Council will request information directly from the local Police in order to establish if there is any information available that should be considered as part of determining whether an applicant is fit and proper to hold a licence.
- 2.3. The Council will no longer be issuing temporary licences where applicants for renewal of driver licences have not applied in sufficient time to have their application dealt with to avoid a break in them holding a valid licence. The need for these is not justifiable when balanced against public safety, especially given the changes proposed in 2.1. Licence holders must accept personal responsibility for maintaining their licence, and renewing in good time is a significant aspect of this. If they are unable to manage the administration of their licence, the Council may consider that they are not fit and proper to hold one.
- 2.4. As well as the removal of the availability of temporary licences, it is also proposed that there will be no formal grace period (currently 28 days) for renewals where these are not submitted in time. This grace period has led licence holders to believe that they are still able to work during that time, despite their licence being expired.
- 2.5. The introduction of safeguarding and equality training as a requirement for existing and new applicants has also been included. This is common good practice across other authorities.
- 2.6. The suitability criteria for applicants and licence holders has been updated and has been adapted from the 'Guidance on determining the suitability of

applicants and licensees in the hackney and private hire trades' ('the Guidance'), and can be found at Appendix F in the draft policy. The document applies to all vehicle, driver and operator licence holders and applicants.

At the time that the Institute of Licensing published its suitability guidance, the Council already had partially higher standards, so it has brought standards up to those of the IoL where possible, but has maintained the existing higher standards.

- 2.7. The draft Policy proposes the use of the new NR3 National database for refused and revoked drivers. This will cost the Council around £1000 per annum to use, which can be recovered as part of the fees for driver's licences. once in use, this will enable the Council to check whether new and renewal applicants have been refused or revoked by other councils, which will identify any applicant fraudulently completing their application form on this matter, and also enable the Council to make further enquiries with the relevant council to consider any such action and whether the details of this would lead the Council to consider that the applicant is not fit and proper to hold a licence.
- 2.8. Increasing our digital services in order to improve the efficiency of the Council's licensing service is important, and as such the draft policy looks to move to replace paper based procedures as far as is reasonable with the systems the Council currently has available. More information is provided in section 9 of the draft Policy.
- 2.9. The final notable addition to the policy is a strong emissions policy (Section 18 of the draft Policy). This is to reflect the Council's declaration that there is a current and future climate change emergency that requires urgent planning and action. This action will include the following:
  - That we work towards ensuring that the full range of council activities are net carbon neutral by 2030.
  - That an action plan will be developed as soon as possible.
  - That ensure all services make the maximum possible impact in challenging the extent and causes of climate change. The developing new Local Plan will incorporate the maximum possible sustainability requirements that the system will allow, and encourage developers to go beyond this in order to future proof homes and buildings.

### **3. RECOMMENDATIONS**

It is recommended that:

- the Committee consider the draft Policy and agree for this to be consulted on for 12 weeks, following any amendments being made that it considers necessary.
- the results of the Consultation to be fed back at a future meeting of the Committee for consideration as to the next steps.





# Taxi and Private Hire Licensing Policy



Date of publication	
Version no.	1.0 DRAFT
Date of expiry	xx xxxx 2020

Working in partnership, to create a Borough which enables the communities of Dacorum to thrive and prosper

Affordable Housing ♦ Regeneration ♦ Building Community Capacity ♦ Safe and Clean Environment ♦ Dacorum Delivers



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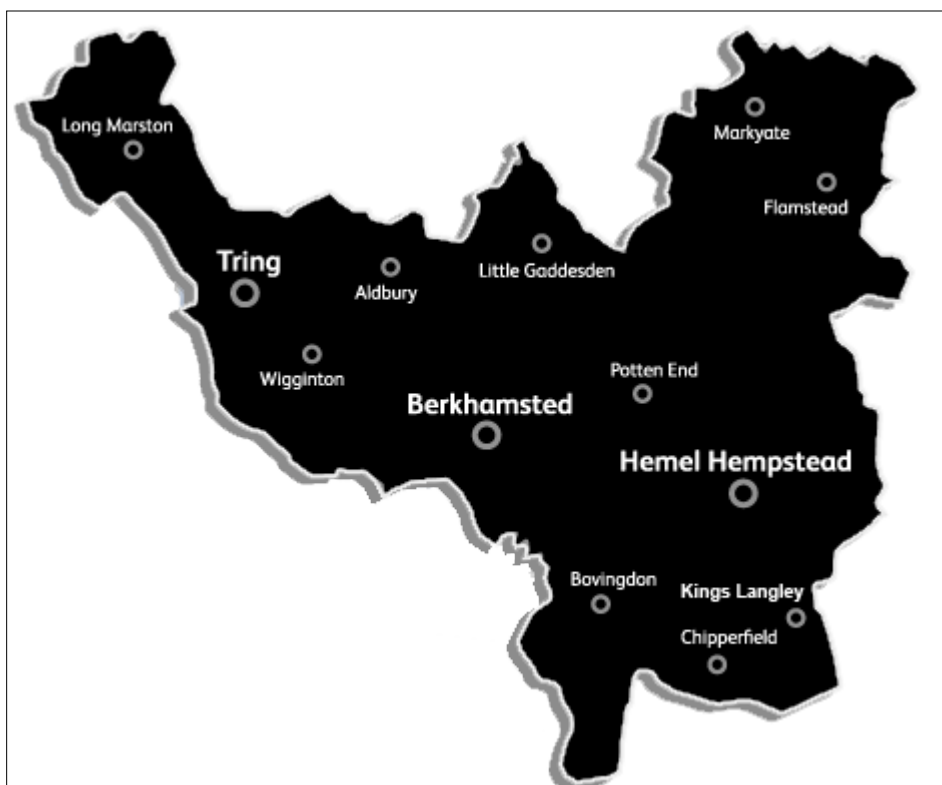
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# **Part A**

# **General**

## 1. About Dacorum

- 1.1. Situated in western Hertfordshire, Dacorum is a borough with a mixture of strong urban and rural identities. It includes the towns of Hemel Hempstead, Berkhamsted and Tring as well as a number of villages, from Long Marston in the west to Flaunden in the south-east. Over a third of the borough's 210 square kilometres have been designated as part of the Chilterns Area of Outstanding Natural Beauty, while most of the rest has high landscape quality and potential.
- 1.2. One of the first 'New Towns' built after the Second World War, Hemel Hempstead's development reflects the original concept of the new town as a series of integrated communities with individual identity and neighbourhood focus. The rapid growth of Hemel Hempstead is reflected in the large number of buildings of similar age and appearance.
- 1.3. Much of the rest of the borough is rural, surrounding two market towns: Berkhamsted and Tring. Although agriculture is no longer a major employment sector in Dacorum, our communities value their rural heritage, and the conservation of historic buildings and landscapes are important considerations in Dacorum. We also know that our communities expect good, modern services and thriving town centres. Dacorum Borough Council works closely with the town and parish councils which represent communities in rural areas of the borough, to try and deliver these aims.



- 1.4. Dacorum has a population of 144,800<sup>1</sup>, the largest of the Hertfordshire districts. Further information about Dacorum and the demographics of its populace can be found in the 'Statistics about Dacorum' area of the council's website<sup>2</sup>.
- 1.5. The towns and villages of Dacorum offer a diverse range of shopping and leisure options, while many national and international businesses have headquarters and other key premises around the borough, with a particularly high concentration to be found around the Maylands area of Hemel

<sup>1</sup> Office of National Statistics, Census 2011 (published July 2012)

<sup>2</sup> [www.dacorum.gov.uk/home/community-living/statistics-about-dacorum](http://www.dacorum.gov.uk/home/community-living/statistics-about-dacorum)

Hempstead. This presents a range of opportunities for licensed taxis and private hire vehicles to serve these business and leisure needs.

- 1.6. The borough is continuing to develop, and with significant regeneration planned for much of the borough and Hemel Hempstead in particular over the coming years, it is an exciting time for those who live and work in the area, bringing further opportunities for the licensed trades.

## 2. About this document

- 2.1. This document is Dacorum Borough Council’s statement of licensing policy in respect of hackney carriages (taxi) and private hire vehicles, drivers and operators. Although the legislation does not require licensing authorities to adopt such a policy, it is considered good practice. The policy helps the authority to promote the Better Regulation principles by:
- Promoting consistent and proportionate decision-making
  - Ensuring the approach that the licensing authority will take is clear to persons and companies working within the regulated trades; and
  - The likely action they may face if they do not satisfy these expectations.
- 2.2. Dacorum had previously adopted a wide range of policies and standards in respect of the regulation of taxis and private hire vehicles and drivers. This document represents the first time that these have been brought together into a single document.
- 2.3. This statement of licensing policy was adopted by the Council’s Licensing, Health & Safety and Enforcement Committee on the xx xxxx, and will have effect from the xx xxxx to the xx xxxx. Any applications in progress on the first date will be considered under the previous, individual versions of the applicable policies and standards.
- 2.4. Nothing in this policy statement shall:
- a) prevent any person from making an application for an authorisation;
  - b) restrict or fetter the Council’s discretion to consider and determine applications, or to initiate legal proceedings or other enforcement action, based upon the individual circumstances and merits of a particular case.
- 2.5. The purpose of this statement is to provide guidance to committees and officers determining matters under delegated authority, to provide consistency to our decision-making. Where the circumstances justify doing so, we may depart from any provision of this statement, or of the Government’s Guidance, to make an appropriate decision based upon the individual circumstances of a particular case. In any such case we will give a clear explanation and reasons as to why we have done so.

### Interpretation

- 2.6. Within this policy statement:
- a) “the 1847 Act” means the Town Police Clauses Act 1847,
  - b) “the 1976 Act” means the Local Government (Miscellaneous Provisions) Act 1976,
  - c) “licensing authority” or “the Council” means Dacorum Borough Council,
  - d) “Guidance” means the best practice guidance published by Department for Transport.

### Consultation

- 2.7. Dacorum Borough Council carried out consultation on a draft version of this statement of licensing policy, prior to determination of the final version of the statement. The people and organisations we sought feedback from included:
- local taxi and private hire drivers, vehicle proprietors and private hire operators
  - Hertfordshire Constabulary
  - local businesses and their representatives,

- local residents and their representatives,
- local voluntary groups, including disability groups, and
- our neighbouring licensing authorities.

2.8. The views expressed in response to our consultation were considered prior to the final determination of this policy. A full list of consultees and responses received is available from the Licensing team.

### 3. Legislation and best practice guidance

3.1. There is a large amount of legislation that affects how taxi and private hire services are regulated, which forms the law, and this policy cannot override. The following is by no means an exhaustive list, but highlights some of the key legislation that is important to be considered together with the policy.

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985
- Equality Act 2010

#### **Deregulation Act 2015**

- 3.2. The Act makes two provisions which affect the licensing of taxis and private hire vehicles – firstly, to introduce standard durations for driver, vehicle and operator licences, with shorter licences issued only in exceptional circumstances as the Council thinks appropriate in the circumstances of the case; and secondly, to permit the sub-contracting of private hire bookings between licensed operators across local authority borders.
- 3.3. Case law has confirmed that sub-contracting can be done automatically, and at the complete discretion of the operator; although the Council advises that operators would be sensible to consider customer service implications of such actions.

#### **National guidance**

- 3.4. The DfT has national responsibility for hackney carriage and private hire legislation in England and Wales and produced best practice guidance for local licensing authorities in March 2010. The DfT guidance states local authorities will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances. The Council has taken account of the DfT guidance to shape this policy.
- 3.5. In setting our policy, the licensing authority has had regard to the Department of Transport’s “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010)”, and further government advice contained in Department of Transport Circular 2/92 and Home Office Circular 13/92, which recommends that local authorities adopt their own guidelines relating to the relevance of convictions for use in determining applications for hackney carriage and private hire vehicle (PHV) drivers, licences.



## 4. Administration, Exercise and Delegation of Functions

- 4.1. The Council has delegated almost all of its licensing functions relating to the taxi and private hire trades to its Licensing and Health and Safety and Enforcement Committee. In turn the Committee has delegated the exercise of these functions to:
- The Licensing, Health and Safety and Enforcement Sub-Committee, to consider applications which are not in accordance with this policy statement, where checks have revealed matters requiring further consideration, or where other concerns have arisen; and
  - Licensing officers, to deal with the day-to-day administration of applications, the grant of applications which are in accordance with this policy, and compliance and enforcement matters.
- 4.2. A small number of functions are designated in law as executive functions, and will be exercised by, or under delegated authority from, Dacorum Borough Council's Cabinet. These include: the appointment of taxi stands (ranks), the settings of maximum fares chargeable by hackney carriages, and the issue of exemption certificates relating to passengers in wheelchairs and passengers with assistance dogs.
- 4.3. Many of these functions will be largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness these will for the most part be carried out by officers.
- 4.4. The first and foremost consideration for the licensing authority in exercising its powers under taxi and private hire legislation is the protection and safety of the public, including persons using hired vehicles and the wider public who may be affected by the use, or misuse, of such vehicles. This will be achieved by ensuring:
- The fitness and propriety of any person applying for, or holding, a hackney carriage, private hire or dual driver's licence;
  - The suitability, roadworthiness, mechanical soundness and visual appearance of any vehicle licensed, or proposed to be licensed, as a hackney carriage or private hire vehicle;
  - The fitness and propriety of any person applying for, or holding, a private hire operator's licence; and
  - The prevention of unlicensed persons from carrying out any of the regulated activities, via proactive and reactive enforcement and compliance work to detect and, where appropriate, take action against such persons.
- 4.5. The licensing authority will expect applicants to make themselves aware of this Policy and in particular any areas of conflict between the policy and their proposed operations, and to be prepared to propose measures to alleviate any concerns around such conflicts.
- 4.6. Applicants are also encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when planning their business activities.

## 5. Applications for licences

- 5.1. The Council requires that applications for hackney carriage/private hire licences must be made on the prescribed application form which is available on the Council's website or using the Council's electronic application procedure. The Council provides guidance to assist in the completion of the application.
- 5.2. The licence fees payable to the Council are subject to annual review and will be published together with other Council licensing fees on the Council's website. This may include charges for applicants who fail to attend appointments, knowledge tests, training sessions, etc.
- 5.3. The Council will consider all applications on their own merits once the application is complete. Incomplete or missing documentation or evidence may result in the application being rejected. Any application that is not completed within 6 months will be treated as withdrawn.
- 5.4. Where an applicant is unable to demonstrate that they fulfil the requirements of this policy, applications will be refused. It may be that, having regard to the particular circumstances, it would be right to depart from the policy. Applications will be determined in accordance with the current scheme of delegation. If an applicant does not meet the required standards, but wishes for their application to be considered by the Council it will be referred to a Licensing Panel for consideration. This will be the case for new applicants, and existing licence holders applying to renew.
- 5.5. Where an existing licence holder has a record involving offences as detailed within Appendix F (for example a conviction, caution or substantiated complaint), the Assistant Director of Corporate and Contracted Services has delegated authority to suspend or revoke licences on the grounds of public safety with immediate effect, following consultation with the Chair of the Licensing and Health & Safety Committee. In cases where immediate action is not considered necessary, issues such as new offences will be referred to a panel. This Authority has been delegated to certain officers so that such matters can be dealt with swiftly by the most senior officer available at any time. Such matters will also be discussed with the Council's Safeguarding Officer.
- 5.6. If a matter is referred to a panel for consideration, the applicant or licence holder will be advised of the date, time and venue of the panel. The proceedings and terms of reference of the licensing panel are set out on the Council's website.
- 5.7. Where a decision is made to refuse to grant or renew, or to suspend or revoke a licence, the applicant or licence holder will be advised in the decision notice of their rights of appeal.
- 5.8. The Council will aim to send a reminder to licence holders before their licence expires in order to assist them in prompt submission of renewal applications. Please note that the Council is not obliged to do this and the responsibility of ensuring licences do not expire remains with the licence holder. Applicants must therefore allow adequate time for the processing of their renewal applications. The Council is not responsible for delays due to the actions of external bodies such as the DBS. Whilst a grace period to renew licences is provided, during the time between the expiry of the old licence and renewal being granted no licence is in place and therefore the associated work cannot be carried on. Any individual working in between expiry and renewal will therefore be treated in the same way as an unlicensed individual and the appropriate enforcement action will be considered by the Council.
- 5.9. If an application to renew is received late, the licence may expire before a new one can be issued. For operators, this will mean they are no longer permitted to take bookings until a new licence has been granted. For vehicles, the vehicle must not be used for the carriage of passengers for hire and reward until a new licence has been granted. For drivers, they will not be permitted to drive any vehicles

licensed by the Council until a new licence has been granted.

- 5.10. The Council may share all information with other public bodies such as other councils, the police, Home Office Immigration Compliance Enforcement, DVLA and HMRC. Information will only be released in response to a properly made formal request and where there is a valid reason to do so, for example investigation of a criminal offence.
- 5.11. Where drivers have been licensed with other authorities, we will carry out checks with those authorities for any information that may be relevant to the application being considered.

## Guidance on suitability to hold a licence

- 4.1 When considering whether a person is fit and proper to hold a licence (which includes both new and renewal applicants, and existing licence holders), the Council has its own suitability criteria which has been adapted from the 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' ('the Guidance'), and can be found at Appendix F. The document applies to all vehicle, driver and operator licence holders and applicants. At the time that the Institute of Licensing published its suitability guidance, the Council already had higher standards in some areas, and so it has brought standards up to those of the IoL where possible, but has maintained the existing higher standards.
- 4.2 Applicants who have had a licence revoked or an application refused by the Council, or any other local authority will not be licensed for a minimum of 5 years after the date of the revocation or refusal.
- 4.3 All licence holders must report all new convictions, cautions, warnings, reprimands, criminal behaviour orders (CBOs), community service orders, restraining orders and fixed penalties (including traffic offences) in writing within 7 working days. Licence holders are advised that if they are in any doubt as to whether something should be reported, to report it.
- 4.4 All licence holders are required to inform the Council in writing within 3 days if they are arrested, formally interviewed as a suspect or charged with an offence by the Police. This is to allow the Council to be aware of any public safety concerns and to take appropriate action. Failing to notify the Council may result in further enforcement action in addition to any action taken in light of the initial report.

## 6. Enforcement

- 6.1. Enforcement is part of the overall licensing control process exercised by the councils and is taken to:
- maintain standards within the trade
  - ensure public safety
  - support the policies of the council
  - respond to complaints
  - support partnerships with neighbouring local authorities, and other agencies such as the Police and DVSA
- 6.2. The Licensing Authority published a Licensing Enforcement Policy in December 2016 available at [http://www.dacorum.gov.uk/docs/default-source/licensing-documents/policies/licensing-enforcement-policy-2016-2021-\(pdf-584kb\).pdf](http://www.dacorum.gov.uk/docs/default-source/licensing-documents/policies/licensing-enforcement-policy-2016-2021-(pdf-584kb).pdf). Enforcement activities are primarily targeted towards activities carrying high risks or where there could be a considerable impact as the result of non-compliance either with licensing conditions or the legislation. Enforcement activities may be targeted towards individuals who are primarily responsible for an activity, who have the greatest responsibility to ensure compliance with the law or who have been subject to previous enforcement action.
- 6.3. In general, action is taken in accordance with agreed enforcement principles and in line with the enforcement policies of the Licensing Authority and all responsible authorities. To this end the key principles of consistency, transparency and proportionality are maintained.
- 6.4. All enforcement will be proportionate and transparent. While the ultimate authority is the court, the expectation is that enforcement will be carried out by licensing officers overseen by the General Licensing Committees and their associated panels. The councils will ensure that the policy and its enforcement meet the objectives set out in the policy whilst avoiding undue restrictions and costs upon licence holders.
- 6.5. A graduated response is applied where there is evidence of contravention of licensing legislation or licence conditions. Whilst an isolated or minor breach might be dealt with by way of an oral or written warning, more serious breaches are likely to attract prosecution and/or consideration of suspension or revocation of the licence.
- 6.3 Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly, criminal behaviour. There are grades of sanctions from informal advice and warnings through to suspension and revocation of licence. The majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officers through a 3 strike enforcement scheme as detailed in Appendix G. Authorised officers are empowered to give and recommend any of the following disciplinary measures:
- verbal warning
  - written warning
  - strikes
  - final written warning
  - suspension of licences
  - appearance before panel
  - prosecution
- 6.4 Licence holders have a clear legal duty to offer assistance and information to any authorised officer. Any person who wilfully obstructs an officer, fails to comply with any reasonable requirement of an officer, fails to provide assistance or information reasonably required by an officer, or makes false

statement shall be guilty of an offence. Licence holders may be requested to attend the Council offices, for example to produce current insurance, or their vehicle for inspection, upon reasonable request by an officer. Where a driver fails to comply with a reasonable request from an authorised compliance officer in another area, action will be taken as if the driver has failed to comply with the same request from an officer of this licensing authority.

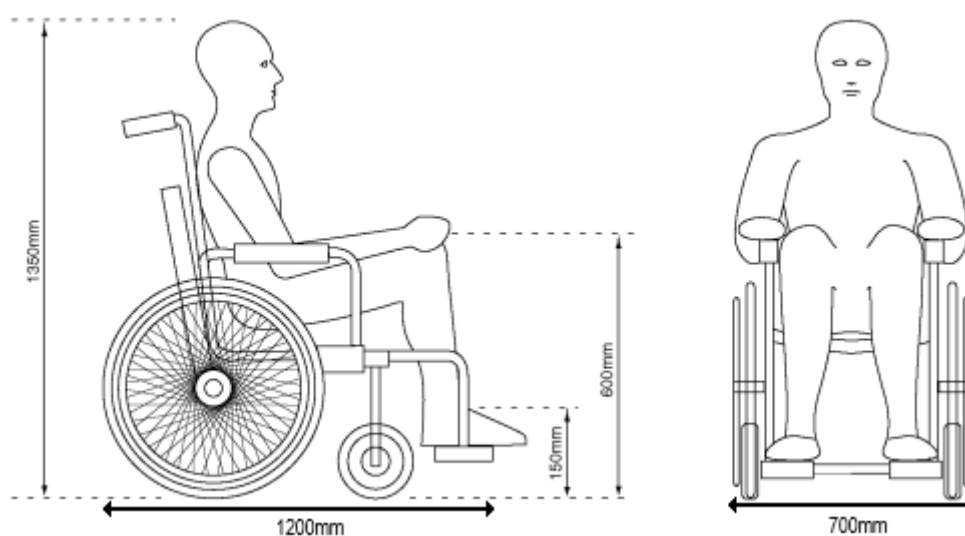
## 7. Equalities

- 7.1. Taxis and private hire vehicles provide a vital service to people with disabilities and medical conditions, and through this policy, we intend to ensure that these services remain accessible to such persons. This aim is supported by relevant statutory provisions within the Equality Act 2010.
- 7.2. The Council expects that there shall be no discrimination against customers, passengers or other members of the public in respect of any protected characteristic, and will seek to take appropriate enforcement action against drivers, operators or vehicle proprietors where complaints of such are substantiated. Dependent upon the severity and circumstances of such incidents, action may include prosecution, and/or suspension or revocation of licences.

### **Passengers accessibility (including wheelchair users)**

- 7.3. Under the vehicle licensing policies set out later in this policy, new hackney carriage licences ('plates') will only be issued in respect of vehicles which are designed and constructed to safely carry passengers while seated in a wheelchair. Licence conditions will require such vehicles to carry (or be fitted with) loading equipment (ramps or lift), and appropriate restraints and seatbelt fittings to safely secure wheelchairs and their occupants.
- 7.4. The Council recognises that a mixed fleet of vehicles on the rank is of benefit to the public, often people with impairments that affect their mobility, but which do not require the use of a wheelchairs find that using vehicles which are not designed for wheelchair transportation are more accessible. For this reason it is considered appropriate that existing licences which have been granted for non-wheelchair accessible vehicles can continue to be transferred to newer vehicles which are not wheelchair accessible. However, should licences be allowed to lapse, the relevant vehicle will no longer benefit from this concession.
- 7.5. At times when this policy is reviewed, sections 7.3 and 7.4 will be considered against the proportion of WAVs with consideration being given to whether sufficient WAV provision exists to remove this as a requirement for new licences.
- 7.6. All licensed vehicles which can safely carry passengers in wheelchairs will be designated under section 167 of the Equality Act 2010, from when they are first licensed. This will mean that drivers of those vehicles will have specific legal duties in respect of passengers in wheelchairs, regardless of whether they have hired the vehicle themselves or are accompanying the hirer, to:
  - Carry the passenger while in the wheelchair,
  - Not to make any additional charge for doing so,
  - If the passenger chooses to sit in a passenger seat, to carry the wheelchair,
  - To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort,
  - To give the passenger such mobility assistance as they reasonably require, including assistance:
    - to enable the passenger to get into or out of the vehicle,
    - If 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, and
    - if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 7.7. A driver who fails to comply with any of the above duties without valid defence commits a criminal offence, and may be fined up to £1,000 for each offence if convicted. Offences may also lead to revocation or suspension of taxi licences.

- 7.8. Vehicle proprietors may appeal against designation of their vehicle to a magistrates' court, further details of how to appeal will be issued with confirmation of designation.
- 7.9. Drivers of designated vehicles may apply to the Council for an exemption certificate, if they have a medical or physical condition which would mean they could not carry out the above duties safely. Further details on how such applications will be considered are set out below. Where an exemption certificate has been issued and is properly displayed in the vehicle, the driver will be exempted from such duties as appropriate. Exemptions are specific to an individual driver, and will not provide a defence for any other driver of a designated vehicle.
- 7.10. A list of designated vehicles will be maintained and published on our website.
- 7.11. As per Government guidance, we expect that all wheelchair-accessible vehicles should be able to carry a passenger within a 'reference wheelchair', meaning the dimensions set out below:



Length:	1200mm (48") including footplates
Width:	700mm (28")
Sitting height:	1350mm (54")
Height of footrest:	150mm (6")

- 7.12. Some factory built WAVs have been established to be slightly lower (a few centimetres) than the government guidance above; these will be accepted for licensing.
- 7.13. It is anticipated that the above dimensions will cover the majority of typical wheelchairs – however, we recognise that a number of wheelchairs with specialist functionality, or motorised wheelchairs and mobility scooters, may exceed these dimensions and may not be able to be loaded and carried safely in all designated taxis. In such cases, drivers will be expected to assess whether the passenger can be safely carried in their vehicle, to carry the passenger if their safety and reasonable comfort can be assured, or to assist them in locating a suitable alternative vehicle otherwise, where this is practicable. Such circumstances may constitute a defence to the above-mentioned offence. In all cases, the Council expects drivers to treat passengers with respect and sensitivity, and to provide a clear explanation as to why they have not been able to convey the passenger.
- 7.14. As the Council considers that it would be unreasonable to require all WAVs to be capable of transporting wheelchairs which exceed the reference wheelchair, it will ensure that clear advice is provided on its website for members of the public using more specialist wheelchairs, and wishing to use taxis. Specifically, the Council encourages those wheelchair users to plan their journeys in

advance if possible, and to ensure that they confirm with the operator or driver that the vehicle will be available for a return journey if needed.

- 7.15. Vehicles which cannot load and carry a wheelchair with the dimensions of the above 'reference wheelchair' will be considered unsuitable for licensing, and an application for such refused.
- 7.16. Wheelchairs should be secured so as to face either forwards or rearwards. Under no circumstances should an occupied wheelchair be secured facing the side of the vehicle.
- 7.17. Ramps used for loading passengers in wheelchairs should be designed for the specific purpose, easy to deploy, in good condition generally, and have visible marked reference to a safe working load (SWL) of at least 250kgs and certification to BS 6109.
- 7.18. Where a vehicle features mechanical, hydraulic or pneumatic lifting equipment for the purpose of loading and unloading passengers, the Council will have regard to the Lifting Operations and Lifting Equipment Regulations (LOLER), and if requested, will require evidence of thorough examination of such by a competent person at least once every 6 months. Records of the most recent inspection should be kept until the equipment is re-inspected.

### **Assistance dogs**

- 7.19. All licensed hackney carriages and private hire vehicles are required to carry assistance dogs with their owners, at no additional charge. This duty applies in respect of any dogs which are trained to guide or assist a blind person, a deaf person, a person with a disability or a person with a specified medical condition.
- 7.20. Private hire operators are also under a duty to take bookings from passengers with assistance dogs, with no additional charge made for carrying the assistance dog.
- 7.21. Drivers or operators who fail to comply with the above duties will commit a criminal offence, and may be fined up to £1,000 for each offence on conviction. Offences may also lead to revocation or suspension of licences.
- 7.22. These duties apply equally to dogs provided by UK charities affiliated with Assistance Dogs UK, equivalent overseas organisations, or assistance dogs which have been trained by their owners; and regardless of whether the dog is wearing a recognisable harness or jacket, or subject to formal certification. Where a prospective passenger informs a driver that a dog they wish to travel with is an assistance dog, this should be accepted at face value.
- 7.23. Assistance dogs are trained to ride with their owner in the main passenger compartment of a vehicle, usually lying at their feet, and the owner will instruct their dog to enter and exit the vehicle. Passengers with assistance dogs should be asked if they have any preference over which seat they sit in – some may prefer to sit in the front passenger seat of a saloon vehicle, as the larger foot well can offer more space for the dog to sit in. Drivers should be prepared to provide any other reasonable assistance requested by the passenger; however it is unlikely that assistance dogs will require assistance in entering or exiting most vehicles beyond opening the passenger door. Drivers should not try to separate assistance dogs from their owners by insisting that the dog rides in a different part of the vehicle – doing so may cause distress to both the dog and the owner. Assistance dogs may ride in the rear load space of an estate car, if the dog's owner consents to this.
- 7.24. Assistance dogs are bred and selected for their calm nature, and receive substantial specialist training before beginning their roles. They are subject to regular grooming and veterinary health checks. While we recognise that a number of drivers who are not experienced with dogs may feel



uneasy at being in such close proximity to one, this does not constitute valid grounds for refusing to carry a passenger with an assistance dog. Similarly, religious beliefs also do not provide grounds for refusing to carry assistance dogs in taxis and private hire vehicles, nor other legal requirements under UK law.

- 7.25. There is no specific legal duty to carry non-assistance dogs (e.g. pet dogs) or other animals in taxis or private hire vehicles, and doing so is therefore a customer service consideration which will remain at the driver's discretion.

#### **7.26. Exemption certificates**

Drivers with a medical condition affected by close proximity to dogs may apply to the Council for an exemption certificate. Further details on how such applications will be considered are set out below. Where an exemption certificate has been issued and is properly displayed in the vehicle, the driver will be exempted from such duties as considered appropriate. Exemptions are specific to an individual driver, and will not provide a defence for any other driver of a vehicle

## 8. Hackney carriage regulations

- 8.1. The Council has further statutory powers available to it to regulate the provision of hackney carriage services within the borough. These including capping the maximum fares which can be charged for journeys in hackney carriages, and appointing stands (ranks) for hackney carriages to use.

### Fares

- 8.2. The Council may, by resolution under section 65 of the 1976 Act, fix the rates or fares within the district for time and distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table of fares made or varied in accordance with the provisions of that section. However, there is nothing to prevent a driver from agreeing a lower fare than that shown on the meter at any time during their hiring, although a fare agreed prior to the start of the journey cannot be increased.
- 8.3. Hackneys journeys that end outside of the borough, can be charged at any fare, so long as this is agreed before the journey commences.
- 8.4. Irrelevant of any agreed fare, the meter must always be used for any work that a hackney carriage completes, whether these are in the borough or not. This is still the case for pre-booked journeys, which can be completed wholly outside of the borough.
- 8.5. As the setting of fares is omitted from the lists of non-executive and local choice functions in the Local Authorities (Functions and Responsibilities) Regulations<sup>3</sup>, it is to be regarded as an executive function. This means that any decision to set or amend maximum fares must be taken by Dacorum's Cabinet, or a Cabinet member with a relevant portfolio. Although the Licensing and Health and Safety Enforcement Committee may make recommendations on maximum fares, the Committee cannot lawfully make a final decision in respect of such a matter.

### Taxi stands (ranks)

- 8.6. As stands will change over time due to changing demands for taxi services, we will maintain a current list of all active stands on our website, at [www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

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<sup>3</sup> Currently S.I. 2000 / 2853

## 9. Digital services

- 9.1. Although taxi and private hire licences are excluded from the scope of the EU Services Directive, and the Provision of Services Regulations<sup>4</sup> which give effect to the Directive, The Council believes that many of the principles contained therein are relevant to this area of licensing, and are key to operating a modern, low-burden regulatory scheme.
- 9.2. Where possible, the Council will switch services away from paper-based application forms and services towards interactive and intuitive online applications and services, will make the process of applying for a licence simpler and more efficient.
- 9.3. An electronic newsletter is available for any person with interests in taxi licensing to the taxi licensing and can be signed up to at <https://eforms.dacorum.gov.uk/misc/TaxiEmailSignup.html> subscribing email addresses. Once signed up, members receive useful information about current issues affecting the trade, and any key work being delivered by the Council. These newsletters will be relatively infrequent, at times when there are important issues that the trade need to be advised of. Whilst this is an optional service made available to members of the trade (and any other person interested), the Council expects its licensees to remain up to date with relevant issues and information, and the newsletter is considered a valuable method of doing so.
- 9.4. Where electronic processes are adopted, support will be available from the Licensing team to assist with any questions and to advise applicants and licensees how to use these.
- 9.5. This aim is consistent with measures taken by the Government to digitise other services which also affect the taxi and private hire trades, such as the abolition of vehicle excise ('road tax') discs and driving licence counterparts, and replacement of these documents with internet-based systems.
- 9.6. Currently, it is not essential for an email to be provided when applying to obtain a licence, however, doing so gives significant benefits to licensees in terms of the speed at which correspondence can take place. Licensees who do not provide an email address for correspondence need to be prepared that this could delay them from receiving important information about their licence, which could cause potential delays and lead to times where they are unable to work as a result.

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<sup>4</sup> [S.I. 2009 / 2999](#)

# Part B

# Drivers

## 10. Introduction

- 10.1. Licensing authorities can issue two types of licence allowing individuals to act as hackney carriage or private hire drivers while driving appropriately-licensed vehicles. These powers are contained at:
- a) For hackney carriage drivers, section 46 of the Town Police Clauses Act 1847 (as applied by section 59 of the Local Government (Miscellaneous Provisions) Act 1976)
  - b) For private hire drivers, section 51 of the Local Government (Miscellaneous Provisions) Act 1976)
- 10.2. The two licence types convey separate entitlements which do not overlap. A hackney carriage driver's licence allows the holder to drive hackney carriages which have been licensed by the same authority, but not private hire vehicles. A private hire driver's licence allows the holder to drive private hire vehicles which have been licensed by the same authority, but not hackney carriages. Where an individual needs to drive both types of licensed vehicle, it will be necessary for them to hold both types of driver's licence.
- 10.3. Dacorum provides a simplified administrative procedure for individuals holding both types of licence, allowing for a single application and common renewal date. This is referred to by the licensing authority as a 'dual driver licence', and successful applicants will be issued with a single licence conveying both of the above-mentioned entitlements. Drivers who wish to obtain the second type of licence during the validity of their existing licence will be given the opportunity to 'upgrade' their licence, adding the second entitlement for the remainder of the period of their first licence, rather than obtaining a wholly separate second licence.
- 10.4. Before granting a licence of either type, the licensing authority must satisfy itself that:
- a) The applicant is a fit and proper person to hold a driver's licence; and
  - b) The applicant is authorised to drive a motor car by holding a valid driving licence, and has been so for at least 12 months.
- 10.5. It is noted that no attempt is made within the legislation to define the term "fit and proper person", and it is left to licensing authorities to decide what matters may affect this status on a case by case basis. Although the following sections cover the main matters which the licensing authority may take into account, this is not intended to constitute such a definition, and the licensing authority may consider any relevant issue when determining an application. These guidelines should be regarded as examples of issues that may lead to the licensing authority not being satisfied that an applicant is fit and proper, rather than an exhaustive list of the issues that may be taken into consideration.
- 10.6. The licensing authority may fail to be satisfied that a person is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence of good character is not available or if there is good reason to question or doubt the evidence produced, then that in itself could amount to good reason to refuse an application.
- 10.7. An applicant who does not satisfy these guidelines will not necessarily be barred from obtaining a licence. The licensing authority will consider each case on its own merits, taking into account any relevant circumstances or mitigating factors.
- 10.8. The overriding consideration in compiling and interpreting these guidelines is the safety of the public. The licensing authority has a duty to ensure that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, and will wish to satisfy itself that applicants and

licensed drivers are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.

10.9. This part of the policy may be taken into account by the licensing authority when dealing with any of the following matters:

- an application for a new hackney carriage driver's licence (section 46, Town Police Clauses Act 1847/section 59, Local Government (Miscellaneous Provisions) Act 1976)
- an application for a new private hire driver's licence (section 51, LG(MP)A 1976)
- an application to renew a private hire or hackney carriage driver's licence (sections 51, 59 and 61, LG(MP)A 1976)
- a proposal to suspend or revoke a hackney carriage or private hire driver's licence (section 61, LG(MP)A 1976)

10.10. Although section 61 of the 1976 Act does not contain the same reference to a "fit and proper person", the fact that such action may be taken due to "any other reasonable cause" will generally lead the licensing authority to include similar guidelines in its considerations under that section. Any references in this document to the refusal of an application should therefore be read to include suspension or revocation of a licence.

10.11. Any person refused a driver's licence on the grounds that the licensing authority is not satisfied that they are not a fit and proper person to hold a licence (or where a licence was suspended or revoked, as the case may be) has a right of appeal to the magistrates' court within 21 days of receiving notice of the decision.

## 11. Knowledge tests

- 11.1. Knowledge tests are considered to be an important and serious part of establishing whether an applicant is suitable to be a driver. Therefore strict conditions about the behaviour of applicants are considered essential. This means that applicants will be turned away if they do not arrive on time (it is best to arrive 5 to 10 minutes before a test), and any behaviour considered to be inappropriate during the test, such as any talking, or checking of mobile phones will lead to immediate failure, with no score being provided for any part of the test that has been completed, and will be barred from taking a further test for 6 months. The decision of the invigilating officer will be final on these matters.
- 11.2. Through the written knowledge test assessment drivers will be tested on their knowledge of the local area. In addition, drivers will be tested on policy, related law, customer awareness, and elements of the Highway Code. The test will be computerised soon after this policy comes into effect, and is conducted in the Council offices.
- 11.3. In addition to this test, which all drivers are required to take, an English language test is also required for drivers who do not hold a qualification in English at a grade approximately equal to level B2 on the CEFR scale. A score of 56 in the versant test is required in order for an applicant to be considered to have passed this section of the knowledge test which ensures that applicants -

*Can understand the main ideas of complex text on both concrete and abstract topics, including technical discussions in his/her field of specialisation. Can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible without strain for either party. Can produce clear, detailed text on a wide range of subjects and explain a viewpoint on a topical issue giving the advantages and disadvantages of various options.*

Where a slightly lower score is obtained (reaching a minimum of 50), the Team leader will listen to a section of the test to establish whether they are confident in the language proficiency of the applicant and will either confirm that they have passed or failed this. Applicants scoring lower than 50 will be deemed to be failures.

The cost of tests will be charged to the applicant prior to the test being arranged, the current fee for this will be available on the Council's fees and charge sheet, available on the website.

If a candidate holds an existing English-language qualification, such as a GCSE or A-level, the Licensing Team Leader has delegated authority to exempt a candidate from the Versant test requirement, if satisfied that the qualification shows a similar or higher ability level.

### 11.4. Safeguarding and Disability Awareness Training

- 11.5. All applicants for a hackney carriage/private hire driver's licence will be required to pass disability awareness training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the Council.
- 11.6. All applicants for a hackney carriage/private hire driver's licence will be required to pass approved safeguarding training before a licence will be granted. The applicant or their employer shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the Council.

- 11.7. Once passed, the training must be retaken by all licensed drivers every 3 years. Existing drivers at the time that this policy is adopted must pass this training prior to the renewal of their licence, or within the next 12 months if they are due renew in less than this.
- 11.8. An application cannot be validated unless the applicant has passed the appropriate knowledge test. Applicants taking the test must not receive assistance from a third party. Applicants who do not comply with the instructions of officers conducting tests will be reported to the Licensing Team Leader, and consideration will be given to barring them from retaking the test for up to 24 months (see section 13 of this policy - Character and licensing history.)



## 12. Driving entitlement

- 12.1. In accordance with sections 51(1)(b) and 59(1)(b) of the 1976 Act, licences may not lawfully be granted to any person who has not been authorised to drive a motor car for at least 12 months, or who is not so authorised at the time of application.
- 12.2. The Council has adopted a policy going beyond this requirement, and will expect applicants for hackney carriage or private hire drivers licences to have held a full motor car driving licence for at least 36 months prior to applying for a licence. Applications will generally be refused if this requirement is not satisfied.
- 12.3. Applicants will be required to produce their current, full driving licence for inspection, with their application, bearing the applicant's current home address. Where a licence has been issued in two parts (counterpart and photo card) both must be shown.
- 12.4. Applicants are required to provide a DVLA check code with their application so that their current driving licence record can be checked. The Council will also require applicants to sign a consent form for similar checks to be possible during the validity of their licence if their application is successful. These checks will be carried out both in a targeted manner when information is received that raises potential concerns about a drivers record, and also on an occasional basis randomly to ensure that drivers are advising The Council of any driving offences. Drivers refusing to supply driving licence information on request may be suspended with immediate effect if it is considered that this is necessary for the protection of the public.
- 12.5. All applicants must hold either a full UK driving licence, or one issued by another Member State of the European Community (EC) or one of the other countries in the EEA. European licences may be used for a limited period only, dependent upon the applicant's circumstances, and the Council shall have regard to any guidance given by the Driver and Vehicle Licensing Agency (DVLA) in this regard.
- 12.6. The Council has also adopted a policy requiring any applicant who holds a driving licence issued by an EEA member state to obtain a British licence counterpart, prior to making their application. This will ensure that the applicant is formally recorded on UK driving licence databases, and may be allocated licence endorsements and penalty points for motoring offences committed in the UK, thus creating an ongoing record on driving conduct, of a type relevant to vocational drivers. Both the British counterpart and the original European licence must be produced on making an application. British counterparts may be obtained from DVLA through the completion of form D9, available at: <https://www.gov.uk/government/publications/d9-application-to-register-a-non-gb-driving-licence>
- 12.7. Where a driving licence shows an entitlement to drive in the UK that is valid for less than 3 years, a licence may, at the discretion of the Council, be issued to expire upon the end of that entitlement. An application to renew the licence would need to be accompanied by evidence of the renewed entitlement to drive in the UK.
- 12.8. Driving licence endorsements are covered later in this document. However, should a licence-holder be disqualified from driving during the validity of a licence, either following a serious offence or under the 'totting-up procedures', the Council will generally look to suspend or revoke the licence(s) held by that person.

## 13. Character and licensing history

- 13.1. This section clarifies the Council's requirements of applicants and licence-holders to conduct themselves appropriately and honestly in their dealings both with the public and with the Council.
- 13.2. Although the Council will not seek character references in most cases, any information in addition to the required documents and application may be taken into account, should the Council deem it relevant to establishing whether an individual is suitable to hold a licence.
- 13.3. Where an applicant has previously held (or currently holds) a licence, whether issued by Dacorum or another local authority, information about the applicant's conduct under the previous licence(s) will be taken into account in considering an application. This may include details of any complaints made against the applicant, warnings given to the applicant by officers, or records of adverse conduct by the applicant towards members of the public, other licence holders, or officers. If there is a substantial negative history of such issues, an application will be refused. The Council will check whether new applicants appear on the Nation Register of refused and revoked drivers (known as NR3)
- 13.4. In addition to considering the outcomes of any individual legal actions, warnings or convictions for the above-mentioned issues, the Council may also draw appropriate inferences from repeat incidents or patterns of such issues which may not necessarily have resulted in formal action.
- 13.5. If an application has previously been refused (or a licence revoked), then any further applications made within the period of 24 months from the date of refusal (or revocation) will be refused. If the grounds for revocation or refusal are particularly serious, then this period may be extended at the discretion of the Council. Where the applicant fails to meet the Council's suitability as described in Annex \*\* the longer of the two periods will be relevant.
- 13.6. Knowingly or recklessly making a false statement in, or in connection with, an application will result in that application being refused. In addition, as such conduct may constitute a criminal offence under section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976, legal action may also be taken against the applicant.
- 13.7. Where an existing licence-holder is under an obligation to provide information to the Council (for example, details of any convictions or motoring endorsements received during the validity of the licence) and has failed to meet this obligation, it shall be open to the Council to investigate the reason for this failure, and to draw appropriate inferences. Where the failure related to a particularly serious matter, refusal of an application to renew the licence may be warranted.
- 13.8. Where an applicant is required to complete the Council's knowledge test, any attempt at cheating in that test will result in their application being refused. Cheating in this context may include, but is not limited to, copying another applicant's answers, disruptive behaviour during the test, utilising any non-permitted papers or devices (unless consent has previously been given for their usage), or otherwise trying to gain an unfair or improper advantage.
- 13.9. Issues relating to criminal history and driving offences are outlined in Annex A.

## National Register of Taxi Licence Refusals and Revocations (NR3)

The Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of [applying for] [being granted], a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at [link / set out separately].

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details]. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

## 14. Medical suitability

- 14.1. Every application for a new licence or to renew a licence will be required to be accompanied by a medical certificate, in a format specified by the Council, completed by the applicant's own GP or by another suitably qualified medical practitioner who has had access to the applicant's medical records covering a minimum period of at least 5 years.
- 14.2. Applicants will be expected to satisfy the current medical standards of fitness to drive for Group 2 licences, as set by the Driver and Vehicle Licensing Agency (DVLA), and the Council's medical certificate will be drafted around these standards, requiring the medical practitioner to state whether, in their opinion, the applicant complies with the standards and is medically fit to drive hackney carriages or private hire vehicles. A summary of these standards can be viewed via [www.dft.gov.uk/dvla/medical/ataglance.aspx](http://www.dft.gov.uk/dvla/medical/ataglance.aspx)
- 14.3. Medical certificates will be requested upon first application, and at three-yearly intervals (on application to renew the licence) thereafter until the licence-holder reaches the age of 65. From the age of 65, a licence-holder will be required to submit completed medical certificates annually, on the anniversary of the grant of the most recent licence. Licences will still be issued for a three year period (in the absence of another limitation that causes the Council to issue a shorter duration licence), but failure to submit the medical certificate annually may lead the Council to suspend or revoke the licence.
- 14.4. Where an applicant does not fully comply with the standards, the Council will consider carefully whether this, in itself, will make the applicant an unfit person. For example, a condition that can be, and is being, controlled with corrective equipment or medication will not generally be considered to make a person unfit, although the Council may require further information or evidence from the applicant's doctor or consultant on the effect of such control measures, and the applicant's willingness to abide by the treatment programme.
- 14.5. Where the medical practitioner has stipulated that they do not consider the applicant to be medically fit, in accordance with the Group 2 standards, to drive hackney carriage or private hire vehicles, the Council will refuse the application.
- 14.6. Where the medical practitioner has recommended that further monitoring of a particular condition or examinations are undertaken in a certain period, it shall be open to the Council to consider granting a licence for a shorter period commensurate with that recommendation, or to require additional medical certificates to be submitted at more frequent intervals than would otherwise be required.

### Diabetic applicants

- 14.7. The Council has adopted a specific policy in respect of diabetic applicants whose treatment carries a risk of inducing hypoglycaemia, such as insulin treatment or certain types of tablets. In addition to a medical certificate confirming that the applicant satisfies the Group 2 standards (which make specific provisions for various types of diabetes treatment), additional documents will be required as follows.
- 14.8. In all such cases, the Council will require a signed declaration from the applicant, confirming that they will:
- Comply with the directions for treatment given to him/her by the Doctor supervising that treatment;
  - Immediately report to the Licensing Authority, in writing, any change in diabetic condition;
  - Provide to the Licensing Authority, upon request, evidence that blood glucose monitoring is

being undertaken at least twice daily and at times relevant to driving a hackney carriage or private hire vehicle during employment.

14.9. In the case of applicants undergoing insulin treatment, the Council will also require a letter from a Consultant Diabetologist confirming that the applicant has been undergoing insulin treatment for a minimum of four weeks.

14.10. Insulin dependent drivers must have an examination every 12 months, to be undertaken by their usual doctor, and if this is satisfactory it must also be followed up by an independent consultant specialist in diabetes if the examination by their usual doctor is satisfactory

## 15. Right to work in the UK

- 15.1. All applicants for a hackney carriage or private hire driver's licence will be required to demonstrate that they have the right to live and work in the United Kingdom. We will follow the general advice given by the UK Border Agency, available at [www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/](http://www.ukba.homeoffice.gov.uk/business-sponsors/preventing-illegal-working/), in ascertaining this status.
- 15.2. A licence cannot be granted to an applicant who is not entitled to work in the UK.
- 15.3. It shall be incumbent upon an applicant to produce such official documentation as to demonstrate such an entitlement. This requirement shall apply equally to British, EEA and non-EEA nationals.
- 15.4. The UK Border Agency maintains a list of documents that can evidence such an entitlement.
- 15.5. In addition to requiring documents, the Council may also make direct enquiries to the UK Border Agency, to verify the details of an applicant's right to work.
- 15.6. Where an applicant's entitlement to work (or to remain in the UK) is time-limited to less than the statutory length for a driver or operator licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK and work.
- 15.7. Applicants who hold the following are able to use the Government's online right to work check at <https://www.gov.uk/prove-right-to-work>:
- your biometric residence permit (BRP)
  - your biometric residence card (BRC)
  - your passport or national identity card, if you have settled or pre-settled status

## 16. Drivers Code of Conduct

- 16.1. Drivers are required to be familiar with all parts of the council's policy and comply with the requirements of the policy and the conditions that form a part of their licence. Any driver who contravenes policy or any of these conditions may be deemed not fit and proper to hold a licence.
- 16.2. Whilst in control of a licensed vehicle, a driver shall, if required to do so by any person, give his or her name and badge number and also the name and address of the vehicle proprietor, the vehicle plate number and registration number.
- 16.3. Drivers must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within 7 days of the change taking place.
- 16.4. Drivers must notify the relevant council in writing within 7 working days of any change in their medical condition. A new medical may be requested by the council to determine if the driver is fit to continue to drive licensed vehicles.
- 16.5. Drivers must sign up for the DBS Update service and maintain their annual payments to the DBS. If a driver is given notice to undertake a random enhanced DBS or DVLA check they must provide all relevant documentation for this to the council within 14 days of the request.

- 16.6. Drivers must not drink or eat whilst driving, nor should they use any hand-held mobile phone, PDA, or any other device which may cause their attention to be distracted.
- 16.7. Drivers must not smoke or use electronic cigarettes/vaping equipment whilst in control of a licensed vehicle.
- 16.8. Drivers must not initiate any dialogue of a sexual nature with a passenger, including by telephone contact, social media, email or any other form of communication. Drivers are not permitted to have sexual contact, even with consent, with a passenger whilst on duty or in a licensed vehicle.
- 16.9. Drivers shall ensure that they comply with all traffic signs, signals and regulations and the Highway Code at all times. Drivers must not cause an obstruction or nuisance to other traffic or pedestrians when parked or collecting passengers and must not park in breach of any parking restrictions.
- 16.10. To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:
- not sound the vehicle's horn
  - keep the volume of audio and communications equipment to a reasonable level
  - take all reasonable actions to avoid disturbance to persons in the vicinity
- 16.11. Drivers shall switch off the vehicle engine if waiting for more than one minute when picking up or dropping off passengers or waiting on a rank.
- 16.12. At hackney carriage ranks, drivers shall:
- queue in an orderly manner and proceed along the rank promptly
  - if approached by a potential customer, direct them to the vehicle at the front of the rank unless the passengers specifically ask for a particular vehicle or driver
  - not call out to any person to ask if they require a taxi ('touting')
  - remain in or within 10 metres of the vehicle
  - not park on the rank when not working.

# **Part C**

# **Vehicles**



## 17. Introduction and General

- 17.1. To have full use of a vehicle as a hackney carriage (taxi) or to allow a Dacorum Private Hire Operator to provide jobs to someone driving a private hire vehicle, the vehicle licence must be granted by Dacorum Borough Council.
- 17.2. A hackney carriage or private hire vehicle proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement.

## 18. Emissions

- 18.1. The Council has, along with many other councils in the UK, declared that there is a current and future climate change emergency that requires urgent planning and action, one of the agreed plans of the Council is to ensure all services make the maximum possible impact in challenging the extent and causes of climate change.
- 18.2. **At first application** – Vehicles must meet or exceed Euro 5 emissions standards (From 01/04/2021 vehicles must meet or exceed Euro 6 emissions standards at first application.)
- 18.3. **At renewal** – From 01/04/2021 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 5 emissions standards. From 01/04/2023 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 6 emissions standards.
- 18.4. By 2025 all vehicles will be expected to meet an electric/hybrid standard
- 18.5. Where vehicles do not meet the relevant emissions criteria the proprietor may:
- have the vehicle adapted / modified to meet the standard and provide evidence of this
  - change the fuel that is used to a cleaner alternative, such as bio diesel or
  - replace the vehicle with one that meets the emission standard.
- 18.6. **When will the different criteria be applied?**
- 18.7. If the licence of a currently licensed Hackney Carriage or Private Hire Vehicle is allowed to EXPIRE by its proprietor then any subsequent application will NOT be considered as a renewal. This means that where an existing vehicle licences expires, a subsequent application for a licence for that vehicle will be treated as a first time application and the standards and criteria relating to first time applications will be applied.
- 18.8. For the avoidance of doubt when a new vehicle has an existing plate transferred onto it the vehicle will be considered under the emissions criteria for a vehicle being licensed for the first time.

## 19. Hackney Carriage Vehicle Standards

### Hackney Carriages Vehicle Standards

Dacorum Borough Council will require vehicles presented for licensing as hackney carriages to satisfy the following criteria:

#### Vehicle specification

1. The vehicle must be suitable in type, size and design for its proposed use, and must satisfy the following requirements:

- a. The vehicle must be a vehicle with four road wheels, which is authorised for use on public roads in Great Britain;
- b. The vehicle must be right-hand drive;
- c. The vehicle must be in a suitable mechanical condition, free of rust and dents, safe and comfortable;
- d. The vehicle must have sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity is determined on the assumption that allowance is made for a rear seating width of approximately 400 mm (16") per passenger measured laterally along the widest part of the seat and where arm rests are positioned over such seats the measurement shall be taken between arm rests).

2. The vehicle must:

a. Be a saloon, estate, hatchback or multi-purpose vehicle with:

- i. at least four doors capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees, or slide open to their fullest extent;
- ii. an engine capacity of not less than 1400cc;
- iii. all seats facing forwards or rearwards, and each fitted with an inertia seat belt per passenger, except continuous rear seats where centre belt may be lap type; and
- iv. a suitable space separated from the passenger compartment for the safe carriage of luggage;

or

b. Be a 'London' type taxi; a purpose-built taxi or a similar large passenger carrying vehicle (with seating for no more than eight passengers), with:

- i. at least four doors, either hinged or sliding, and a rear tail-gate that must be capable of opening to their full extent. There must be at least one door on either side of the vehicle for passenger loading;
- ii. an engine capacity of not less than 1800cc;
- iii. all seats facing forwards or rearwards, and each fitted with a seat belt restraint per passenger per seat; and
- iv. a vehicle capable of carrying passengers in wheelchairs must be equipped to safely load and restrain every wheelchair and its occupant securely. The wheelchair may face either forwards or rearwards. The vehicle must have a ramp or lift to load the wheelchair from the near side or rear.

### **Type approval**

3. All vehicles must comply with British and European vehicle regulations, be approved to the standard of type M1 European Whole Vehicle Type Approval (EWVTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:

- a. The Council may, at its discretion, accept vehicles converted and certified as conforming to a national Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.
- b. Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification,

must be of M1 EWVTA Approval.

c. Vehicles converted from other base vehicle types (e.g. M2 or N1) will not be accepted for licensing, unless converted and certified in accordance with sub-paragraph a.

#### **Roadworthiness inspection and compliance test**

4. The vehicle must attend the Council's authorised testing station and undergo a roadworthiness inspection ('MOT test'), and a compliance test against the relevant specifications set by the Council. The vehicle must satisfactorily complete both elements of the test before it may be considered for licensing.

#### **Age of vehicle**

5. A vehicle which, on the date of issue of a licence is older than **10 years** (as calculated from the date of first registration shown on the V5C registration certificate) shall be required to complete an additional MOT and compliance test through the Council's authorised testing station, within a period of 28 days prior to the day 6 months prior to the expiry of the licence, and to submit the results to the Council no later than that day.

#### **Dual plating**

6. A vehicle will not be licensed as a hackney carriage if it is already licensed as a hackney carriage or as a private hire vehicle, by Dacorum or by any other authority. Evidence of the surrender of any applicable licence will be required prior to the issue of a licence.

#### **Wheelchair accessibility**

7. A hackney carriage vehicle licence will only be granted in respect of a vehicle which is safely accessible to a disabled person in their wheelchair and must be able to carry the person in safety and in reasonable comfort whilst remaining within their wheelchair.

*(Note: The wheelchair accessibility requirement will not apply to the licence renewal or to the substitution of a vehicle to an existing licence, where a licence for a non-accessible vehicle was held prior to 1 April 2004, providing that the licence has been maintained continuously since then without revocation or lapse, and at no point since that time has a wheelchair-accessible vehicle been substituted to the licence).*

## **20. Private Hire Vehicle Standards**

### **Vehicle standards for private hire vehicles**

Dacorum Borough Council will require vehicles presented for licensing as private hire vehicles to satisfy the following criteria:

*N.B. Alternate standards will be applied to stretched limousines and novelty vehicles, presented for licensing.*

#### **Vehicle specification**

1. The vehicle must be suitable in type, size and design for its proposed use, and must satisfy the following requirements:
  - a. The vehicle must be a vehicle with four road wheels, which is authorised for use on public roads in Great Britain;
  - b. The vehicle must be right-hand drive;
  - c. The vehicle must be in a suitable mechanical condition, free of rust and dents, safe and comfortable;
  - d. The vehicle must have sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity is determined on the assumption that allowance is made for a rear seating width of approximately 400 mm (16") per passenger measured laterally along the

widest part of the seat and where arm rests are positioned over such seats the measurement shall be taken between arm rests).

2. The vehicle must:

a. Be a saloon, estate, hatchback or multi-purpose vehicle with:

i. at least four doors capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees, or slide open to their fullest extent;

ii. an engine capacity of not less than 1400cc;

iii. all seats facing forwards or rearwards, and each fitted with an inertia seat belt per passenger, except continuous rear seats where centre belt may be lap type; and

iv. a suitable space separated from the passenger compartment for the safe carriage of luggage; or

b. Be a large passenger carrying vehicle (with seating for no more than eight passengers), with:

i. at least four doors, either hinged or sliding, and a rear tail-gate that must be capable of opening to their full extent. There must be at least one door on either side of the vehicle for passenger loading;

ii. an engine capacity of not less than 1800cc;

iii. all seats facing forwards or rearwards, and each fitted with a seat belt restraint per passenger per seat; and

iv. a vehicle capable of carrying passengers in wheelchairs must be equipped to safely load and restrain every wheelchair and its occupant securely. The wheelchair may face either forwards or backwards. The vehicle must have a ramp or lift to load the wheelchair from the near side or rear.

3. The vehicle must not resemble a 'London' type or purpose-built taxi or be of such design to lead any person to believe the vehicle is a taxi.

### **Type approval**

4. All vehicles must comply with British and European vehicle regulations, be approved to the standard of type M1 European Whole Vehicle Type Approval (EWVTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:

a. The Council may, at its discretion, accept vehicles converted and certified as conforming to a national Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.

b. Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification, must be of M1 EWVTA Approval.

c. Vehicles converted from other base vehicle types (e.g. M2 or N1) will not be accepted for licensing, unless converted and certified in accordance with sub-paragraph a.

### **Roadworthiness inspection and compliance test**

5. The vehicle must attend the Council's authorised testing station and undergo a roadworthiness inspection ('MOT test'), and a compliance test against the relevant specifications set by the Council. The vehicle must satisfactorily complete both elements of the test before it may be considered for licensing.

### **Age of vehicle**

6. A vehicle which, on the date of issue of a licence is older than **10 years** (as calculated from the date of first registration shown on the V5C registration certificate) shall be required to complete an additional MOT

and compliance test through the Council's authorised testing station, within a period of 28 days prior to the day 6 months prior to the expiry of the licence, and to submit the results to the Council no later than that day.

### **Dual plating**

7. A vehicle will not be licensed as a private hire vehicle if it is already licensed as a hackney carriage or as a private hire vehicle, by Dacorum or by any other authority. Evidence of the surrender of any applicable licence will be required prior to the issue of a licence.

## **21. Stretch limousines and novelty vehicles**

- 21.1. In recent years, there has been a growing trend for the use of stretch limousines and other novelty vehicles, such as decommissioned fire engines, military vehicles or ice cream vans, which are hired for parties and other special occasions, including weddings and school proms. While wedding and funeral car services are specifically exempted from licensing requirements, there is no such exemption allowing the hire of vehicles for other types of event without a licence.
- 21.2. As the pre-arranged hire of a limousine or other novelty vehicle with a driver, with passenger capacities not exceeding 8 persons, falls within the legal definition of a private hire business. The Council will therefore expect every business operating such vehicles within Dacorum to hold the applicable private hire operator licence, and for vehicles and drivers to be appropriately licensed as private hire vehicles and private hire drivers. As with any private hire business, the location of the operating base, at which hire bookings are invited and received, will determine the council which must issue these licences.
- 21.3. Due to the unique nature of these vehicles, whilst they will share some common conditions that apply to all private hire vehicles there are also some additional conditions which will be applied, these can be found at \*\*\*\*\*.
- 21.4. Licensed stretch limousines and novelty must be submitted for testing at six monthly intervals, to the appropriate Class MOT standard from a testing station nominated by the licensing section
- 21.5. Three-wheeled motor vehicles such as Tuk Tuks or similar will not be licensed as Hackney Carriages or Private Hire Vehicles.

# **Part D**

# **Operators**

## 22. Introduction

- 22.1. Operators form the backbone of the private hire vehicle regulatory system under the Local Government (Miscellaneous Provisions) Act 1976. Vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same authority, and the location of the operator's base (and thus licensing authority) will determine from which authority all other licences must be obtained.
- 22.2. The term 'operate' is defined at section 80 of the 1976 Act as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles. Various legal cases have examined this definition in detail, as a result of which a wide range of businesses will require licensing under these provisions – the meaning will extend greatly beyond the provision of local 'minicab' services.
- 22.3. Operators play a key role in ensuring that the public are kept safe, that drivers are suitably trained, experienced and supported to deliver the best service possible, and that vehicles are kept in a clean, safe and sound condition at all times. Although operators will generally have less direct contact with the public than drivers (with the exception of receiving bookings for journeys), their other duties in ensuring the safety of the public mean that the Council must apply similar checks when considering applications for licences, as we must be satisfied that prospective operators are fit and proper persons.
- 22.4. It should be noted that it is a criminal offence under the 1976 Act for any person to knowingly or recklessly make a false statement or omit any material particular in connection with an application for an operator's licence.

## 23. Application process

- 23.1. Applications for Operator's licences must be made in writing using the application form provided by the Council. Every question on the application form must be completed fully and accurately, and the form must be signed by every applicant.
- 23.2. Where the application is being made by a single individual, the questions on the application form should be answered by that individual. Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants. Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors. This is particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, where the Council must be satisfied as to the fitness and propriety of every applicant.
- 23.3. Completed application forms (including any information in annexes required as part of the application) should be returned to the Council's offices. An application fee, which will be reviewed and set annually by the Council, will also be payable with each application – this fee may be paid by credit or debit card.
- 23.4. Applications must also be accompanied by a Basic Disclosure certificate, issued by Disclosure Scotland (or the Disclosure & Barring Service, at such time as they begin to provide a basic disclosure service) for each applicant. This means that a certificate must be obtained and supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company applicant. Certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 3 months before the date

on which the application was made.

- 23.5. The requirement to provide a Basic Disclosure certificate will not apply to any applicant (or director) who holds a current private hire or hackney carriage driver's licence issued by Dacorum Borough Council. These individuals have already been assessed for their fitness and propriety during their application for that licence, and as such no further checks of any criminal record history for that particular applicant will be considered necessary. Applicants who are applying simultaneously for a driver's licence (and have made an application, not simply requested a booking for the knowledge test) will also be exempted from the Basic Disclosure requirement, as they will be obtaining a higher level of disclosure certificate as part of that application. The operator's licence application will not be determined until any such disclosure certificates (including enhanced certificates as part of a simultaneous driver's licence application) have been received.
- 23.6. If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.
- 23.7. When all required documents and other information has been received, the application will be determined. The following sections of this document set out details of how we will consider certain aspects of the application.
- 23.8. In determining applications, the statutory test that we must apply is set out at section 55 of the 1976 Act – namely, that the Council “shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence”. No definition of the meaning of the term ‘fit and proper’ is given, either in statute or in subsequent case law, and so the Council will exercise its discretion and consider a wide range of matters in reaching its decision.
- 23.9. Where it is proposed to refuse an application, an applicant will be given an opportunity to make representations, either in writing or orally at a meeting of the Council's Licensing Sub-Committee. Any representations will be given full consideration prior to a decision being made in respect of the application.
- 23.10. If an application is granted, a licence document will be issued to the applicant, which confirms their right to operate private hire vehicles. Licences will usually be granted for a period of 5 years. However, the Council reserves the right to grant licences for a shorter duration, should this be considered necessary due to the circumstances of a particular application.
- 23.11. A number of operator's licences are held by small businesses, which only operate one or two vehicles – particularly in the executive and chauffeur sectors of the trade. Where an application is made by a business proposing to operate no more than three vehicles at any time during the period of the licence, that business will be deemed to be a small operator. All other provisions of this document will be applied without amendment.
- 23.12. Operator's licences are non-transferrable. In the event of control of a licensed business passing to a different person, it will be necessary for the new owner of the business to apply afresh for a licence.
- 23.13. Section 62 of the 1976 Act provides a power for the Council to suspend or revoke an operator's licence, on various grounds including the commission of an offence or non-compliance with the 1976 Act, conduct on the part of the operator which appears to render him unfit, any material change in the operator's circumstances, or any other reasonable cause. The Council may also prosecute an operator for various breaches, including failure to keep the prescribed records, or operation of unlicensed vehicles or drivers.
- 23.14. Where an application is refused, or a licence suspended or revoked, or if an operator is aggrieved by



conditions added to his licence, a right of appeal to a magistrates' court will exist. Details of this right will be issued with any documentation sent at the relevant time.

## 24. Fitness and propriety of applicants

- 24.1. Section 55(1) requires that the Council must be satisfied before granting an application for an operator's licence that the applicant is a fit and proper person to hold such a licence. In common with other provisions in that Act, no definition is offered as to the precise meaning and limitations of the term "fit and proper person", and it is therefore open to the Council to consider any and all information that may be of relevance in determining an application. This chapter of the policy does not attempt to form a definition of the term "fit and proper", but merely serves to highlight some of the matters that may routinely be examined as part of the determination of an application. It must however be noted at the outset that the provisions herein are not exhaustive, and if other relevant information is available the Council reserves the right to take it into account.
- 24.2. In accordance with the Interpretation Act, the term 'person' may apply to both individuals and bodies corporate and unincorporated. Where an application is made by one or more individuals, the provisions herein shall be applied to each individual so specified in the application. Where an application is made by a partnership or limited company, the provisions herein shall be applied to each partner or director, as the case may be, and to the company secretary.
- 24.3. The Council will consider all applications on their individual merits. Although the following paragraphs set out some of the main considerations, any information which appears to the Council to cast aspersions over the applicant's suitability to hold a licence may be taken into account.

### Convictions

- 24.4. Dealt with in Annex A

### Disability Awareness Training

- 24.5. All applicants for an operator's licence will be required to pass disability awareness training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.
- 24.6. Once passed, the training must be retaken by all licensed operators every 5 years.  
Safeguarding Training
- 24.7. All applicants for an operator's licence will be required to pass approved safeguarding training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.
- 24.8. Once passed, the training must be retaken by all licensed operators every 5 years.

### Financial propriety

- 24.9. As operators will be responsible for the financial aspects associated with operating a business (which may including maintaining customer accounts, negotiating contracts, payments to employed/engaged drivers, and maintenance of accurate business accounts), the Council will consider evidence of previous financial impropriety or difficulties when assessing the fitness and

propriety of applicants for licences. Although convictions for finance-related offences will be listed on the criminal record certificates referred to in the preceding paragraphs, there are a number of other sanctions which may be applied, which would not be shown on the certificate. The Council will carry out checks of applicants to ensure that these sanctions have not been applied.

24.10. In particular, where an applicant is currently subject to one or more of the following sanctions or proceedings, which is active at the time of application, an application for a licence will usually be refused:

- An undischarged bankruptcy order
- Other insolvency proceedings, including an individual voluntary agreement (IVA)
- Disqualification from appointment as a company director

24.11. Where a limited company applicant has been liquidated or dissolved, an application for a licence will usually be refused. Where a company is currently in administration and is continuing to trade under the control of an administrator, the Council will usually seek further information and assurances from the administrator prior to granting a licence. In these cases, the administrator must be named on the application, and should complete the application form on behalf of the company.

### **Previous licences**

24.12. Any relevant licensing history relating to an applicant or operator may be considered during further applications. For example, if an applicant has previously had a licence revoked, whether by Dacorum or by any other authority, this may indicate an underlying issue with the fitness or propriety of that person. Where appropriate to do so, further information may be sought from any other relevant authority, to the extent permitted by data protection laws.

24.13. Where an applicant has had a previous licence revoked, or an application for a licence refused within the preceding 3 years, an application for a licence will usually be refused.

24.14. Where a number of previous complaints have been made against an operator, these may be taken into account, even if they did not result in formal action at the time. Similarly, a pattern of relatively minor complaints may be indicative of an underlying problem, which may be considered by the Council during its determination of applications.

## **25. Planning**

25.1. Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc) may require planning permission for that usage, irrespective of how many vehicles are to be operated from that location. It is advised that applicants seek advice from the planning authority prior to making an application for a licence or commencing the use of premises under a licence, as to whether any permission will be required.

25.2. Planning officers can be contacted during normal working hours on 01442 228376, or by email to [planning@dacorum.gov.uk](mailto:planning@dacorum.gov.uk)

25.3. Planning and licensing operate as separate (albeit linked) regulatory regimes, and the absence of planning permission for a particular site will not serve to prohibit the licensing authority from granting a licence. However, applicants must be aware that planning and licensing requirements must both be satisfied prior to the commencement of operations, and if this is not the case then the applicant will be liable to enforcement action for breaches of the relevant legislation.

## 26. Insurance

- 26.1. The Council strongly advises all operators to take out suitable liability insurance policies covering all aspects of their business, prior to the start of operations.
- 26.2. In particular, we recommend that operators hold policies in respect of public liability (to deal with any claims for damages arising from the activities of the business affecting customers and members of the public) and employer's liability (relating to any claims by persons employed or engaged by the operator, who are injured, become ill or otherwise suffer damages as a result of the business activities).
- 26.3. The Council cannot give advice as to which insurance policies or providers will be the most suitable – it is for operators to source their own advice in this regard.
- 26.4. It falls outside the remit of the licensing authority to stipulate a suitable level of insurance to be held, or to take action against businesses who fail to secure appropriate policies. However, in the absence of an insurance policy any legal claims made against the operator could result in the individual proprietors of the business being held liable for any damages or legal costs incurred during proceedings, which could run to very large sums.

## 27. CCTV

- 27.1. The DfT recommends councils to look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.
- 27.2. The Council does not require enhanced security or CCTV measures in vehicles. Operators and drivers may install such equipment but its use must be clearly indicated by signs in the vehicle including contact details for the system manager/operator. All such equipment and images must be operated in accordance with any relevant data protection legislation or regulations. It is the responsibility of the driver/operator to ensure compliance.
- 27.3. No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

## 28. Communications and information security

- 28.1. In the course of their business, operators will be required to process and store various pieces of data, some of which will be personal data. The processing and storage of this data will fall under the provisions of the Data Protection Act 1998, which will require the Operator to take certain measures to ensure the security of that data, and to prevent unauthorised breaches of the security, or usage of the information for unauthorised purposes (e.g. sending marketing information without the consent of the subjects).
- 28.2. Although the standard business activities of an operator are not likely to require registration with the Information Commissioner's office as a data controller, operators should be aware that if they go beyond the basic activities, they may well have to register. In particular, the operation of a CCTV system (either at publicly accessible premises or in cars provided by the operator) or similar recording of audio or video signals may require registration.
- 28.3. For further advice on whether registration as a data controller is required, please see the website of

the Information Commissioner's Office, at [www.ico.org.uk](http://www.ico.org.uk)

28.4. Where an Operator maintains a radio network for use by his drivers, the range or frequency used by the system may require the Operator to obtain a business radio licence<sup>5</sup> from Ofcom. Operators will be asked to confirm whether they have satisfied this requirement on making an application.

## 29. Trading names

29.1. Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the Operator.

29.2. While trading names are a matter for an Operator to determine, the Council will, as part of its licensing process, seek to prevent names which may offend or cause confusion from being used in connection with the provision of private hire services in the area.

29.3. In particular, applications will not be granted where the proposed trading name is the same or substantially similar, either phonetically or visually, as:

- An expletive, derogatory or offensive term
- A term associated with inequality
- A term with political implications
- A registered trademark (unless the applicant can demonstrate a right to use that mark)
- The trading name of an existing Private Hire Operator, either licensed in the Dacorum area, or trading in a neighbouring area
- The trading name used by a Dacorum hackney carriage proprietor, where the proprietor has previously notified the Council of the use of that name and the name has been used regularly since
- A name which implies official recognition or endorsement by the Council or another regulatory body
- A term in any language other than English which when translated would fall within any of the preceding categories.

29.4. Legally, only hackney carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators. However, if the operator also provides bookings to hackney carriages, a variation of the permitted trading name including one of these terms may be displayed on advertising specifically in respect of those vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.

29.5. Should concerns arise about the suitability of a trading name, in the first instance these concerns will be discussed with the applicant, who will be given an opportunity to respond or to amend his application.

29.6. This section of the policy will not be retrospectively applied to any operator's trading name which has been continuously in use since before the 1st September 2013 (and where an operator's licence has been continually maintained in respect of this), but will apply to any new operator (including new applications made following the lapse of a previous licence) or new trading name applied by an existing operator.

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<sup>5</sup> See <http://licensing.ofcom.org.uk/radiocommunication-licences/business-radio/> for details.

## 30. Door signs and advertising

- 30.1. Under the Council's standard conditions applying to vehicle licences, vehicles which are operated by an operator must display that operator's door signs in prescribed positions, at all times. The door signs must be no larger than 75 x 40 cm (30" x 16"), and must be of a design and colour scheme approved by the Council. Every door sign must display either the operator's name, or a recognisable identifying symbol or logo, as well as the words "licensed private hire vehicle" or "licensed taxi" as applicable.
- 30.2. A sample or proof of the proposed door sign should accompany an initial application for an operator's licence, or if this is not possible, should be supplied to the Council as soon as practicable following the confirmation of grant of the licence. No door sign may be used upon a vehicle until approval of the size, design and colour scheme has been given. Proofs may be supplied either on paper or electronically – if sent in the latter format, please note that while we can view most common image file types (e.g. JPEG, bitmap, GIF, PNG), we will not be able to view specialist graphics files or proprietary file types requiring specialist software. Approval of a design will not be unreasonably withheld, so long as the signage includes the required wording, is of a suitable size, and relates to the operating company's services only, and not to any other product or service.
- 30.3. Door signs should be manufactured of a robust material, suitable for the expected use of the vehicle, and must be replaced if they become badly damaged or faded.
- 30.4. An internal panel, no larger than 25 x 20 cm (10" x 8"), may also be used for advertising of any product or service, subject to approval of the advertisement by the Council. Panels may not be illuminated (and as such, video screens displaying advertisements would not comply with the current conditions). Again, approval will not be unreasonably withheld, subject to the wording, imagery and layout being suitable for passengers of a wide variety of backgrounds and characteristics. A charge, commensurate with the cost to the Council of approving such an advertisement, may be required prior to the issue of approval.
- 30.5. Business card dispensers containing cards with the operator's contact details may also be utilised within vehicles, without restriction (other than to ensure that they do not obstruct the safe operation of the vehicle).

## 31. Use of mobile applications

- 31.1. The use of mobile applications (apps) is becoming increasingly common for a wide range of uses, including many taxi companies and private hire operators. The Council supports the use of such innovation, which has many potential public safety benefits.
- 31.2. Apps must be approved by the Council prior to their use, and must not have a negatively impact on public safety.

## 32. Conditions

- 32.1. Under section 55(3) of the 1976 Act, the Council may attach such conditions to an operator's licence as are believed necessary. This power is subject to a right of appeal by any applicant aggrieved by one or more of the conditions so attached.
- 32.2. The Council has adopted a schedule of standard conditions which will be attached to all licences issued. These conditions are set out later in this document, at Schedule F5.

32.3. The attachment of these standard conditions does not prevent the Council from attaching any other necessary condition to the licence, in response to specific issues that have been considered as part of the application. This power may also be used to substitute or go beyond any of the standard conditions with requirements that are more or less stringent, as the case may be.

## 33. Exemptions

- 33.1. Historically, the Council has considered requests from certain operators in niche sectors for their businesses to be exempted from one or more of the requirements imposed under licences. In all cases, operator, vehicle and driver licences were still required, but the Council may have agreed to waive one or more of the licence conditions or pre-requisites – for example, negating the requirement to display door signs, where the operator could demonstrate a genuine need for this.
- 33.2. Exemptions have only ever been granted sparingly, and before a request will be considered a significant amount of supporting material, including customer account details, letters of reference from prospective clients, and evidence of the effect of refusal to grant an exemption has been required. Exemptions have only been considered for specialist businesses – for example, those providing novelty vehicles such as stretch limousines, or executive chauffeur businesses, and not for those businesses undertaking what would typically be regarded as ‘routine’ or ‘general’ private hire work.
- 33.3. The Council’s position on exemptions is that the requirements imposed under its licences are reasonable and necessary to fulfil our main duty of ensuring public safety, and we will expect to apply them in every case. However, in certain exceptional circumstances we will consider requests from operators for exemption from one or more of our requirements, on a whole-business level only. Exemptions will only be granted if we are satisfied that there is an exceptional need for this to be so. It will not be enough to simply state that being exempted will assist the business – we will need to see demonstrable evidence that the business would not be viable if the requirement were applied rigidly, that there are no suitable ways in which the requirement could be satisfied through alternate means (e.g. smarter designs for door signs, reflecting the executive usage) and that our duty to maintain public safety will not be adversely affected by the grant of the exemption.
- 33.4. In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate, in accordance with the criteria set out in the preceding paragraph. The request must be accompanied at the time of submission (not at a later stage) by suitable and sufficient evidence to support the request.
- 33.5. Where exemptions are granted, the Council reserves the right to impose substitute conditions or requirements, which may stipulate an alternative way of achieving the initial requirement, or a close alternate. All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice if the Council can no longer be satisfied that the exemption is necessary, or if there is evidence that it has been abused (e.g. if vehicles exempted from displaying door signs have been used for ‘general’ private hire work).
- 33.6. Exemptions can be considered for an operator for its entire business, or for specific drivers and vehicles that are to only carry out what the Council recognises to be executive work. In any case, the Council will take strong action against any licensee evidenced to be abusing an exemption.
- 33.7. Under no circumstances will exemptions from the signage requirements for hackney carriages be granted. Our conditions require these vehicles to display roof signs, licence plates, door signs where

engaged by an operator, and an illuminated 'for hire' sign, at all times. As these vehicles are available for public hire, the Council will expect these vehicles to display all of this signage whenever operational, irrespective of the current use of the vehicle. Similarly, no exemptions will be granted in respect of the licensing pre-requisites for hackney carriage drivers.

# **Part E**

## **Standards**



## Schedule E1 – Hackney carriage vehicle: pre-licensing standards

Dacorum Borough Council will require that any vehicle which is presented for licensing as a hackney carriage satisfies the following criteria:

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### Vehicle specification

1. The vehicle must be suitable in type, size and design for its proposed use, and must satisfy the following requirements:
  - (a) The vehicle must be a vehicle with four road wheels, which is authorised for use on public roads in Great Britain;
  - (b) The vehicle must be right-hand drive;
  - (c) The vehicle must be in a suitable mechanical condition, free of rust and dents, safe and comfortable;
  - (d) The vehicle must have sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity is determined on the assumption that allowance is made for a rear seating width of approximately 400 mm (16”) per passenger measured laterally along the widest part of the seat and where arm rests are positioned over such seats the measurement shall be taken between arm rests).
2. The vehicle must:
  - (a) Be a saloon, estate, hatchback or multi-purpose vehicle with:
    - (i) at least four doors capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees, or slide open to their fullest extent;
    - (ii) an engine capacity of not less than 1400cc;
    - (iii) all seats facing forwards or rearwards, and each fitted with an inertia seat belt per passenger, except continuous rear seats where centre belt may be lap type; and
    - (iv) a suitable space separated from the passenger compartment for the safe carriage of luggage;  
or
  - (b) Be a ‘London’ type taxi; a purpose-built taxi or a similar a large passenger carrying vehicle (with seating for no more than eight passengers), with:
    - (i) at least four doors, either hinged or sliding, and a rear tail-gate that must be capable of opening to their full extent. There must be at least one door on either side of the vehicle for passenger loading;
    - (ii) an engine capacity of not less than 1800cc;
    - (iii) all seats facing forwards or rearwards, and each fitted with a seat beat restraint per passenger per seat; and
    - (iv) a vehicle capable of carrying passengers in wheelchairs must be equipped to safely load and

restrain every wheelchair and its occupant securely. The wheelchair may face either forwards or backwards. The vehicle must have a ramp or lift to load the wheelchair from the near side or rear.

#### **Type approval**

3. All vehicles must comply with British and European vehicle regulations, be approved to the standard of type M1 European Whole Vehicle Type Approval (EWVTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:
  - (a) The Council will accept vehicles converted and certified as conforming to a national Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.
  - (b) Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification, must be of M1 EWVTA Approval.
  - (c) Vehicles converted from other base vehicle types (e.g. M2 or N1) will only be accepted for licensing, when converted and certified in accordance with sub-paragraph a.

#### **Roadworthiness inspection and compliance test**

4. The vehicle must attend the Council's authorised testing station and undergo a roadworthiness inspection ('MOT test'), and a compliance test against the relevant specifications set by the Council. The vehicle must satisfactorily complete both elements of the test before it may be considered for licensing.

#### **Age of vehicle**

5. A vehicle which, on the date of issue of a licence is older than 10 years (as calculated from the date of first registration shown on the V5C registration certificate) shall be required to complete an additional MOT and compliance test through the Council's authorised testing station, within a period of 28 days prior to the day 6 months prior to the expiry of the licence, and to submit the results to the Council no later than that day.

#### **Dual plating**

6. A vehicle will not be licensed as a hackney carriage if it is already licensed as a hackney carriage or as a private hire vehicle, by Dacorum or by any other authority. Evidence of the surrender of any applicable licence will be required prior to the issue of a licence.

#### **Wheelchair accessibility**

7. A hackney carriage vehicle licence will only be granted in respect of a vehicle which is safely accessible to a disabled person in their wheelchair and must be able to carry the person in safety and in reasonable comfort whilst remaining within their wheelchair.  
*(Note: The above requirement will not apply to the licence renewal or to the substitution of a vehicle to an existing licence, where a licence for a non-accessible vehicle was held prior to 1 April 2004, providing that the licence has been maintained continuously since then without revocation or lapse, and at no point since that time has a wheelchair-accessible vehicle been substituted to the licence).*

## Schedule E2 – Private hire vehicle: pre-licensing standards

**Dacorum Borough Council will require that any vehicle which is presented for licensing as a private hire vehicle satisfies the following criteria:**

*N.B. Alternate standards will be applied to stretched limousines and novelty vehicles presented for licensing.*

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### Vehicle specification

1. The vehicle must be suitable in type, size and design for its proposed use, and must satisfy the following requirements:
  - (a) The vehicle must be a vehicle with four road wheels, which is authorised for use on public roads in Great Britain;
  - (b) The vehicle must be right-hand drive;
  - (c) The vehicle must be in a suitable mechanical condition, free of rust and dents, safe and comfortable;
  - (d) The vehicle must have sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity is determined on the assumption that allowance is made for a rear seating width of approximately 400 mm (16”) per passenger measured laterally along the widest part of the seat and where arm rests are positioned over such seats the measurement shall be taken between arm rests).
2. The vehicle must:
  - (a) Be a saloon, estate, hatchback or multi-purpose vehicle with:
    - (i) at least four doors capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees, or slide open to their fullest extent;
    - (ii) an engine capacity of not less than 1400cc;
    - (iii) all seats facing forwards or rearwards, and each fitted with an inertia seat belt per passenger, except continuous rear seats where centre belt may be lap type; and
    - (iv) a suitable space separated from the passenger compartment for the safe carriage of luggage;  
or
  - (b) Be a large passenger carrying vehicle (with seating for no more than eight passengers), with:
    - (i) at least four doors, either hinged or sliding, and a rear tail-gate that must be capable of opening to their full extent. There must be at least one door on either side of the vehicle for passenger loading;
    - (ii) an engine capacity of not less than 1800cc;
    - (iii) all seats facing forwards or rearwards, and each fitted with a seat beat restraint per passenger per seat; and
    - (iv) a vehicle capable of carrying passengers in wheelchairs must be equipped to safely load and

restrain every wheelchair and its occupant securely. The wheelchair may face either forwards or backwards. The vehicle must have a ramp or lift to load the wheelchair from the near side or rear.

3. The vehicle must not resemble a 'London' type or purpose-built taxi or be of such design to lead any person to believe the vehicle is a taxi.

#### **Type approval**

4. All vehicles must comply with British and European vehicle regulations, be approved to the standard of type M1 European Whole Vehicle Type Approval (EWVTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:

- (a) The Council may, at its discretion, accept vehicles converted and certified as conforming to a national Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.
- (b) Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification, must be of M1 EWVTA Approval.
- (c) Vehicles converted from other base vehicle types (e.g. M2 or N1) will not be accepted for licensing, unless converted and certified in accordance with sub-paragraph a.

#### **Roadworthiness inspection and compliance test**

5. The vehicle must attend the Council's authorised testing station and undergo a roadworthiness inspection ('MOT test'), and a compliance test against the relevant specifications set by the Council. The vehicle must satisfactorily complete both elements of the test before it may be considered for licensing.

#### **Age of vehicle**

6. A vehicle which, on the date of issue of a licence is older than 10 years (as calculated from the date of first registration shown on the V5C registration certificate) shall be required to complete an additional MOT and compliance test through the Council's authorised testing station, within a period of 28 days prior to the day 6 months prior to the expiry of the licence, and to submit the results to the Council no later than that day.

#### **Dual plating**

7. A vehicle will not be licensed as a private hire vehicle if it is already licensed as a hackney carriage or as a private hire vehicle, by Dacorum or by any other authority. Evidence of the surrender of any applicable licence will be required prior to the issue of a licence.

*N.B. Vehicles which do not satisfy certain of the above requirements may be considered for licensing in exceptional circumstances, at the discretion of the Council. Please contact a licensing officer to discuss prior to making an application or purchasing a vehicle.*

## Schedule E3 – Vehicle compliance test standards

The following matters will be examined during the Compliance test carried out on vehicles presented for licensing as hackney carriages or private hire vehicles. All items must be considered to be satisfactory by the authorised vehicle examiner, before the vehicle will be issued with a Compliance Certificate.

The decision of the vehicle examiner in determining these matters is final.

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**1. Fog lamps (front & rear) – Operation & Condition**

These must operate when switched on, lenses should not be cracked or broken.

**2. Number plate lamps (front & rear) – Operation & Condition**

These must operate when vehicle lights are switched on, lenses should not be cracked or broken.

**3. Brake/clutch pedal rubbers – Condition**

These should be free from excessive wear & damage.

**4. Spare wheel – Present & Condition**

A spare wheel must be present, and in a road worthy condition. If vehicle is not equipped with a spare wheel, a canister of instant wheel repair must be present.

**5. Wheel brace & jack – Present & Condition**

Above tools should be present and in a useable condition.

**6. Windscreen washers (front, rear & headlamp) – Operation**

These must operate when switched on.

**7. Windscreen wipers (front, rear & headlamp) – Operation & Condition**

These must operate when switched on in all positions. Condition of wiper blades should be of an acceptable level.

**8. Silencer – Operation**

The silencer should reduce the level of noise from the exhaust to an acceptable level.

**9. Security of battery – Condition**

The vehicle battery must be securely fitted, with no signs of corrosion around fixture.

**10. Carpets (front & rear) – Condition & Cleanliness**

These should be free from excessive tears, burns and stains. Furthermore the carpets should not show signs of excessive wearing, and should be neatly and securely fitted. If mats are used, these too should be clean and secure.

**11. Door & window handles – Operation**

All door handles and window mechanisms must be intact and working properly.

**12. Door Signs – Present**

Private Hire Only – maximum size 30" x 16", must include the name and/or the company logo, the words "LICENSED PRIVATE HIRE CAR" and be displayed on the front doors only of the vehicle. Vehicles used for executive or contract hire are exempt from this requirement.

### 13. **Bodywork & bumpers – Condition**

**Rust:** any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed; any vehicle with visible rust patches, should be failed.

**Dents:** any vehicle with minor dents on one or more panels, where such dents are more than 5cms in diameter/length should be failed. Panels with more than one dent of any size should be failed.

**Scratches:** any vehicle with un-repaired scratches to bare metal on 3 or more panels, of 5cms in length, or a single scratch of more than 20cms in length, must be failed.

**Paintwork:** should be in good condition; panels with unmatched colours or in primer, should be deemed as failures.

**Bumpers:** No splits, cracks or other significant damage. Any repairs should have been carried out in a professional manner.

### 14. **Upholstery & roof linings – Condition**

These should be clean & in good condition. Fabric should be free from excessive tears, burns & stains.

### 15. **Exterior Plate – Present**

Licence Plate – issued by the Council bearing the number of the licence granted in respect of the vehicle, shall be securely fixed on the rear outside of the vehicle in such a position that it shall be clearly visible from the rear of the vehicle. In the case of vehicles exempt from displaying the plate (Private Hire Only), the plate and the Notice of Exemption issued by the Council, should be carried on the vehicle at all times and available for inspection. This requirements does not apply to vehicles not previously licensed. In these circumstances the Testing Station should clearly mark this section with the wording "New Application – Not Yet Licensed".

### 16. **Boot interior – Condition**

The boot space should be clean & tidy, and capable of carrying a reasonable amount of luggage.

### 17. **Roof signs (Hackney only) – Present**

To be fitted over the centre of the roof of the vehicle, a minimum size of 14" in length by 4½" in height. Showing the word "TAXI" to the front, and if required the owners name and telephone number on the rear side. The lettering of the word "TAXI" must not be less than 2½" in height, and any other wording must not be in larger letters than the word "TAXI".

### 18. **Road fund licence – Present**

A valid road fund licence must be securely positioned in the bottom left hand corner of the front windscreen.

### 19. **Interior licence plate – Present**

Internal plate – the double sided interior plate issued by the Council, bearing the number of the licence granted in respect of the vehicle, shall be displayed in the windscreen of the vehicle. The plate shall be displayed in such a position that it is clearly visible from the outside of the vehicle, and to passengers travelling in the vehicle whilst it is being used for hire. This requirement does not apply to vehicles not previously licensed. In these circumstances the Testing Station should clearly mark this section with the wording "New Application – Not Yet Licensed".

### 20. **Radio/car phone – Position**

If fitted, any 2-way radio equipment must be securely fitted. The position of the radio handset should be located within the centre consul of the vehicle. Similarly if a car phone is installed, it should be securely fitted and located on or near to the vehicle centre consul.

### 21. **Tariff card (Hackney only) – Present**

A current tariff card should be located in the vehicle so as to be clearly visible & legible to all passengers.

**22. Meter sealed – Condition**

A visual check must be undertaken to ensure that all meters are sealed.

**23. Interior lighting – Operation**

All interior lights must work correctly when switched on, or when doors are opened.

**24. Seating capacity – Visual**

Vehicles must not exceed seating capacity as specified on licence plate.

**25. Fire extinguisher – Present & Condition**

The Fire Extinguisher, which must be of the dry powder type, must be charged (evident by a gauge if fitted) or properly sealed (tamper-proof seal), be securely fitted and readily available for use in an emergency. Ideally, it should be secured in the boot of the vehicle, but still accessible when there is luggage in the boot space.

**26. First aid kit – Present & Condition**

The First Aid Kit should be securely fitted and adequately stocked with a range of basic first aid equipment. It too should be readily available for use in an emergency, and may be kept either inside the vehicle or located in the boot.

**27. Guard rail to rear compartments (Estates only) – Present**

A securely fixed guard rail must be provided in the case of estate type vehicles, to effectively separate the luggage and passenger compartments, to safeguard passenger safety.

**28. Windscreens – Condition**

The windscreen must free from signs, notices and advertisements except for those required by other statute or as permitted by the Council.

**29. Wheel Trims – Condition**

If wheel trims are fitted, all four should match and be securely fitted.

**30. Any Other Items (Inspector's Discretion)**

This final section allows for some discretion on the part of the Vehicle examiner for items that are neither covered by the MOT Test nor the Compliance Test schedule above. This may mean items such as oil leaks, illuminated warning lights, leaking / blowing exhaust or any other item that the examiner considers not necessarily dangerous but nevertheless actually or potentially detrimental to the Vehicle's overall condition could lead to a failure. Broadly speaking, licensed Vehicles are expected to be of a high standard, and so items normally considered 'insignificant' should be rectified to pass the Compliance Test.

# **Part F**

## **Conditions and byelaws**



## Schedule F1 – Hackney carriage byelaws

The following byelaws were made by Dacorum Borough Council in February 1988 and amended in January 1992, to regulate the conduct of licensed hackney carriage drivers and proprietors within the borough.

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### 1. BYELAWS

*Made under s.68 of the Town Police Clauses Act 1847 and s.171 of the Public Health Act 1875 by the Dacorum Borough Council with respect to Hackney Carriages in the Borough of Dacorum. Throughout these byelaws "the Council" means the Dacorum Borough Council. "The District" means the Borough of Dacorum.*

#### **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;
  - (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 covering to be kept water-tight;
  - (c) provide any necessary windows and 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;
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and

- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter 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 in that behalf;
  - (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 during the hours of darkness; this being the time 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 fixed by the Council in that behalf;
  - (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 by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for that purpose.
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 place 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 any 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 or from the entrance of any building, station, or place at which he may take up or set down such person.
14. The driver of a Hackney Carriage shall not, without the express consent of the hirer, smoke, drink or eat in such Hackney Carriage.<sup>6</sup>
15. The driver of a Hackney Carriage shall at all times, when exercising his calling, be clean and respectable in his dress and person.
16. The driver of a Hackney Carriage shall not, when standing or plying for hire on any taxi rank or public

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<sup>6</sup> Smoking in work vehicles was made illegal by the Smoke-free (Premises and Enforcement) Regulations 2006 which came into force on 1st July 2007

place, wash or clean such carriage.

17. The driver of a Hackney Carriage shall not, without the express consent of the hirer, play any radio or sound reproducing equipment in such carriage, other than for the purpose of sending or receiving messages in connection with the operation of such carriage.
18. The driver of a Hackney Carriage shall not cause or permit the noise emitted by any radio or other equipment in such carriage to be a source of nuisance or annoyance to any person, whether inside or outside such carriage.
19. The driver of a Hackney Carriage shall, when requested by any person on hiring or seeking to hire the carriage, carry a guide dog accompanying a visually handicapped person.
20. The proprietor or driver of a Hackney Carriage shall not suffer any printed, written or other matter, other than the current carriage's excise licence, or other than such as shall have received the prior approval of the Council, to appear upon any window of such carriage.

**PROVISIONS FIXING THE RATES OR FARE TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES.**

21. 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 distance unless the hirer express at the commencement of the hiring his desire to engage by time.
22. Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance 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.
23. (a) 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.  
  
(b) 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 SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGE, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF.**

24. 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.
25. 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 a Police Station in the Borough 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 any amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

## **SPECIAL PROVISIONS IN RELATION TO HORSE DRAWN HACKNEY CARRIAGES**

26. The proprietor or driver of a Hackney Carriage shall not while standing plying or driving for hire drive or allow to be driven or allow to be harnessed to the carriage any horse in such condition as to expose any person conveyed or being in such carriage or any person traversing any street to risk of injury.
27. The driver of a Hackney Carriage drawn by any horse or horses shall while standing plying or driving for hire cause every part of the harness of the horse or horses drawing the carriage to be kept in order so that the horse or horses shall be properly and securely attached to the carriage and under due control.
28. The proprietor or driver of a Hackney Carriage drawn by any horse or horses shall not in any street feed or allow to be fed any horse harnessed or otherwise attached to such carriage except with food contained in a proper bag or other receptacle suspended from the head of such horse or from any centre pole of the carriage or which is held in and delivered with the hand of the person feeding such horse.
29. The proprietor or driver of a Hackney Carriage drawn by any horse or horses shall not except on Saturdays Sundays or Bank Holidays between the hours of 10.00 am until 30 minutes prior to sunset and the distances determined by the Council from time to time exercise his calling.
30. The following provisions of the Hackney Carriage byelaws shall not apply to horse drawn Hackney Carriages:  
  
(Furnishings etc) Byelaws 4, 5, 6, 14 and 15.

## **PENALTIES**

31. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continued after conviction therefore.

## **REPEAL OF BYELAWS**

32. The byelaws relating to Hackney Carriages which were made by the Major, Alderman and Burgesses of the Borough of Hemel Hempstead on the 19th day of December 1961 and which were confirmed by the Assistant Under Secretary of State at the Home Office on the 16th day of April 1962 are hereby repealed.

Given under the Common Seal of the Dacorum Borough Council the 11th day of February 1988.

THE COMMON SEAL of DACORUM BOROUGH COUNCIL was hereunto affixed in the presence of:

Chief Executive

Assistant Director (Law)

THE FOREGOING BYELAW IS HEREBY CONFIRMED BY THE SECRETARY OF STATE AND SHALL COME INTO OPERATION ON THE 6TH DAY OF MAY 1988

H FAWCETT

AS ASSISTANT SECRETARY IN THE DEPARTMENT OF TRANSPORT ON BEHALF OF THE SECRETARY OF STATE  
FOR TRANSPORT

Byelaws amended by the addition of paragraphs 14 to 17 and 25 to 29 and existing byelaws renumbered  
accordingly on 13th April 1992

Given under the Common Seal of the Dacorum Borough Council on the 30th day of January 1992

THE COMMON SEAL of DACORUM BOROUGH COUNCIL was hereunto affixed in the presence of:

Chief Executive

Assistant Director (Law)

THE FOREGOING BYELAW IS HEREBY CONFIRMED BY THE SECRETARY OF STATE AND SHALL COME INTO  
OPERATION ON THE 13TH DAY OF APRIL 1992

P E PICKERING

AS ASSISTANT SECRETARY IN THE DEPARTMENT OF TRANSPORT ON BEHALF OF THE SECRETARY OF STATE  
FOR TRANSPORT

2 Marsham Street, London

## Schedule F2 – Hackney carriage vehicle licence conditions

**The following are the standard conditions which affix to hackney carriage proprietor's (vehicle) licences issued by Dacorum Borough Council:**

Any requirements of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence.

### **Maintenance of Vehicle and Safety Equipment**

1. The proprietor of the vehicle shall:

- (a) Provide sufficient means by which any person in the vehicle may communicate with the driver;
- (b) Cause the roof or covering to be kept watertight;
- (c) Provide adequate windows which must be capable of being opened and closed at all times by passengers;
- (d) Cause the seats to be properly cushioned, covered and kept clean;
- (e) Cause the floor to be provided with a proper carpet, mats or other suitable floor covering;
- (f) Cause the fittings and furniture generally to be kept in a clean condition and well maintained;
- (g) Provide means for securing luggage;
- (h) Provide external rear view mirrors to be fitted both sides of the vehicle;
- (i) Provide a heater screen to the rear window of the vehicle which must be kept in working order;
- (j) Ensure that the wheels (including the spare) are not fitted with remould tyres;
- (k) Ensure that the wheels (including the spare) are fitted with radial tyres, unless the vehicle is an FX4 or London type Taxi;
- (l) Provide an efficient vaporising liquid or dry powder fire extinguisher, which shall be carried in such a position as to be readily available for use at all times;
- (m) Provide a first aid kit, such equipment to be carried in such a position in the vehicle as to be readily available for use at all times. (a list of minimum contents will be supplied if requested)
- (n) Ensure that the vehicle and all its fittings and equipment are at all times, when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with;
- (o) Ensure that no material alterations or changes in specification, design, condition or appearance of the vehicle are made without the approval of the Council at any time whilst the licence is in force;
- (p) If the vehicle is an estate style vehicle, a guardrail must be fitted of a type approved by the Council, to separate the rear loading area from the passengers. In the case of hatchback models, it is only

necessary to fix a guardrail when the parcel shelf is removed.

### **Identification Plate**

2. The identification plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed to the satisfaction of the Council, on or above the bumper on the outside of the offside rear of the vehicle, in such a position that it shall be clearly visible from the rear of the vehicle and the proprietor/driver shall not willfully or negligently conceal it from public view whilst the vehicle is being used for hire.

### **Interior Marking**

3. The interior plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed inside the vehicle, to the satisfaction of the Council, in such a position that it is clearly visible to the passengers while the vehicle is being used for hire.

### **Roof Signs**

4. The proprietor must fit a sign over the centre of the roof of the vehicle of a minimum size of 14" in length and 4½" in height showing the word "TAXI" to the front and if required the owner's name and telephone number on the rear side. The lettering of the word "TAXI" must not be less than 2½" in height and any other wording must not be in any circumstances in larger letters than the word "TAXI"

### **"FOR HIRE" Sign**

5. The proprietor must fit an illuminated "FOR HIRE" sign inside and on the windscreen of the vehicle in a position approved by the Council. The sign's illumination must be switched off when the vehicle has been hired.

### **Notices, Advertisements etc**

6. No signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems, badges or any device whatsoever must be displayed on, in or from the vehicle, except as may be required by a statutory provision or the following conditions:
  - (a) An identification sign of a maximum size of 30" x 16" showing the name of the firm and/or the company's symbol or badge which must include the words "LICENSED TAXI" may be displayed on the front doors of the vehicle only, subject to an Authorised Officer of the Council approving the appropriate size, layout and design and wording prior to them being displayed on the vehicle. In the case of wheelchair accessible vehicles the signage must be displayed on the rear doors of the vehicles.
  - (b) Where an identification sign in (a) above is not displayed an independent advertising panel of a maximum size of 30" x 16" may be displayed on the front doors only of the vehicle, subject to an Authorised Officer of the Council approving the appropriate size, layout, design and wording prior to them being displayed on the vehicle. In the case of wheelchair accessible vehicles the signage must be displayed on the rear doors of the vehicles.
  - (c) A panel of a maximum size of 10" x 8" for displaying advertisements may be displayed on the interior of the vehicle, provided it is not illuminated or readily visible outside the vehicle, subject to an Authorised Officer of the Council approving the layout, design and wording prior to it being displayed inside the vehicle.



## **Fare Table**

7. The proprietor must display the printed copy of the table of fares in a prominent position in the passenger compartment of the licensed vehicle, and the fare charged to any passenger must not exceed that in the table.

## **8. Taxi Meters**

- (a) The proprietor shall fit inside the vehicle a taximeter of a type approved by the Council for recording the fares payable by passengers in conforming with such table of fares as may from time to time be approved by the Council.
- (b) The position of the taximeter inside the vehicle shall be approved by an Authorised Officer.
- (c) The meter shall be tested and sealed by an Authorised Officer.
- (d) The proprietor shall not tamper with or permit any person to tamper with any taximeter and the seals affixed thereto.
- (e) The operation of the taximeter shall be in accordance with the appropriate byelaws made by the Council.
- (f) Unless the hirer expresses at the commencement of the hiring his desire to engage by time, the rate of the fare shall be by distance as set by the Council.
- (g) When a taxi is used as a private hire car, the fare to be charged must be calculated from the point in the Borough at which the hirer begins their journey, and cannot be calculated by reference to the distance between the office and the pick-up point or between the point where the driver finished his/her last journey and the pick-up point, and at no time is the fare to be greater than the table of fares approved by the Council.

## **Two Way Radio Equipment and Hands-Free Telephones**

9. The proprietor shall notify the Licensing Office before such equipment is installed in a licensed vehicle, so that the equipment and proposed position can be checked and approved in relation to passenger and driver safety.

## **Driver**

10. The driver shall at all times be clean and respectable in his dress and behave in a civil and orderly manner.

## **Passengers**

11. The driver shall not, when the vehicle is in use:

- (a) Carry more passengers than the vehicle is licensed to carry; *(NB: A one-day old child is a passenger)*
- (b) Have more than one passenger in one seat belt;
- (c) Without the consent of the hirer of the vehicle, convey or permit to be conveyed, any other person in that vehicle;

- (d) Place any passenger in danger regarding the use of seat belts or child restraints.

### **Change of Address**

12. The proprietor shall immediately notify the Council in writing of any change of his/her address during the period of the licence.

### **Convictions**

13. The proprietor of the vehicle shall immediately disclose to the Council in writing any conviction imposed on him/her or the driver during the period of the licence.

### **Deposit of the Drivers Licence**

14. If the proprietor of the vehicle permits or employs any other person to drive the vehicle as a taxi, he/she shall, before the person starts to drive the vehicle, cause the driver to deliver to him/her his/her Taxi Drivers Licence for retention until such time as the driver ceases to be engaged or employed to drive the vehicle or any other vehicle of his/hers.

### **Copy of Vehicle Licence Conditions**

15. The proprietor shall make sure that he/she or any driver he/she employs carries a copy of the vehicle licence and conditions in the vehicle, and makes them available for inspection by an Authorised Officer, the hirer or any other passenger on request.

### **Insurance**

16. The proprietor shall at all times be adequately insured to the Council's satisfaction in respect of the use of the vehicle for carrying fare paying passengers and ensure that he/she or any driver he/she engages or employs carries proof that the vehicle is insured and makes it available for inspection by an Authorised Officer, the hirer or any other passenger on request.

### **Accidents**

17. Any accident to a vehicle must be reported to the Council as soon as possible and, in any case, within 72 hours. A Vehicle Damage Report must be presented to the Licensing Office. **No further hirings may be undertaken until the vehicle has been inspected and approved by an Authorised Officer.**

(Note: a vehicle that has been withdrawn from service may require a further mechanical test at the Council's authorised testing station before being allowed to return to service, this depends on the extent of damage. (Any cost to be met by the proprietor))

### **Conditions**

18. The Council reserves the right to vary, delete or waive any of the foregoing Conditions.

If you are aggrieved by any of the Conditions attached to a licence, you may appeal to a Magistrates Court within 21 days of the service of the licence on you. (S.47 and 77 of the 1976 Act and S.300 to 302 of the Public Health Act 1936).

## Schedule F3 – Private hire driver licence conditions

**The following are the standard conditions which affix to private hire driver licences issued by Dacorum Borough Council:**

Any requirements of legislation which effects the operations being carried out under the terms of the licence shall be regarded as if they are conditions of this licence.

### **Conduct of Driver**

1. The driver shall:

- (a) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner;
- (b) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle;
- (c) Not without the express consent of the hirer, smoke, drink or eat in the vehicle;
- (d) Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (e) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

### **Passengers**

2. The driver shall not:

- (a) Carry more passengers than the vehicle is licensed to carry (NB: a one day old child is a passenger);
- (b) Have more than one passenger in one seat belt;
- (c) Without consent of the hirer of the vehicle, convey or permit to be conveyed, any other person in that vehicle;
- (d) Place any passenger in danger regarding the use of seat belts or child restraints

### **Luggage**

3. The driver shall:

- (a) Convey a reasonable quantity of luggage;
- (b) Afford reasonable assistance in loading and unloading;
- (c) Afford reasonable assistance in removing a reasonable amount of luggage to or from the entrance of any house, station or place.

### **Lost Property**

4. (a) The driver shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left.
- (b) If any property accidentally left in the hire car by any person who may have been conveyed therein is found by or handed to the driver, unless it be sooner claimed by or on behalf of its owner, shall within 48 hours follow the guidance given by the police, which is available at:

<https://www.herts.police.uk/Information-and-services/Advice/Lost-or-found-property/Lost-or-found-property>

### **Receipt of Fare**

5. The driver shall, if requested by the hirer, provide a written receipt for the fare paid.

### **Animals**

6. (a) The driver shall not convey in a hire car any animal belonging to or in the custody of himself/herself or the proprietor or operator of the vehicle;
- (b) Any animal in the custody of any passenger, which in the driver's discretion may be conveyed in the hire car shall only be conveyed in the rear of the vehicle.

### **Prompt Attendance**

7. The driver of a hire car shall, when hired, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

### **Hire of Vehicle**

8. The driver shall not, whilst in charge of a hire car:
  - (a) Offer that vehicle for immediate hire whilst the driver of that vehicle is on a road or other place to which the public have access; or
  - (b) Accept an offer for the immediate hire of that vehicle whilst the driver of that vehicle is on a road or other place to which the public have access, except where such an offer is first communicated to him/her by telephone or by radio from the operator's office to the vehicle. (In this condition "road" means any highway and any other road to which the public have access and includes bridges over which a road passes)

### **Touting and Soliciting**

9. The driver shall not, whilst driving or in charge of the hire car:
  - (a) Tout or solicit any person to hire or to be carried for hire in any hire car;
  - (b) Cause or procure any other person to tout or solicit any person to hire or to be carried for hire in any hire car.

### **Deposit of Hire Car Driver Licence**

10. The proprietor of the hire car shall retain the licence of any driver driving the proprietor's vehicle.

#### **Taximeter**

11. (a) If a hire car is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and paid for the fare.

(b) The driver of the hire car shall not tamper with or permit any person to tamper with any taximeter or with the seals affixed thereto.

(c) Hire cars fitted with a taximeter may not operate unless the meter is in working condition and the position of the meter inside the vehicle has been approved by an Authorised Officer.

#### **Fares to be Deemed**

12. The driver shall not demand from the hirer a fare in excess of any previously agreed for the hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter is to be charged. Journeys shall be by the shortest route unless requested otherwise by the hirer.

#### **Change of Address**

13. The driver shall immediately notify the Licensing Office in writing of any change of address during the period of the licence prior to such change taking place.

#### **Change of Operator**

14. The driver shall immediately notify the Council's Licensing Office in writing when he/she changes operators.

#### **Convictions**

15. The driver shall immediately disclose to the Council's Licensing Office in writing details of any conviction imposed on him/her during the period of the licence.

#### **Expiry of Licence**

16. The driver shall upon expiry (without immediate renewal), revocation or suspension of his/her licence forthwith return to the Council the driver's licence issued by the Council

#### **Deceased Persons**

17. A driver who has conveyed the dead body of any person in a hire car shall immediately notify the fact to the Council's Environmental Health Manager.

#### **Tax and Insurance**

18. The driver shall at all times when driving a hire car carry a copy of the licence and these conditions and shall make them available for inspection by an authorised officer or police officer.

#### **Copy of Licence and Conditions**

19. The driver shall at all times when driving a hire car carry a copy of the licence and these conditions and shall make them available for inspection by an authorised officer or police officer.

### **Badges**

20. The driver must:

- (a) Wear his badge in a prominent position where it can be seen at all times.
- (b) The driver shall, upon the expiry (without immediate renewal), revocation or suspension of his/her licence, forthwith return to the Council the driver's badge issued by the Council, the badge remains the property of the Council at all times.

### **Consent of Proprietor**

21. The driver shall not act as the driver of any hire car without the consent of the proprietor thereof.

### **Operators Licence**

22. The driver should ensure that the Operator has a current licence.

### **Conditions**

23. The Council reserves the right to vary, delete or waive any of the foregoing Conditions.

If you are aggrieved by any of the Conditions attached to a licence, you may appeal to a Magistrates' Court within 21 days of the service of this licence upon you (see S.52 and S.77 of the 1976 act and S.300 to 302 of the Public Health Act 1936)

## Schedule F4 – Private hire vehicle licence conditions

**The following are the standard conditions which affix to private hire vehicle licences issued by Dacorum Borough Council:**

Any requirements of legislation which affect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence.

### **Type of Vehicle**

1. The vehicle must not resemble a London-type taxi or be of such design to lead any person to believe the vehicle is a taxi.

### **Maintenance of Vehicle and Safety Equipment**

2. The proprietor of the vehicle shall:
  - (a) Provide sufficient means by which any person in the vehicle may communicate with the driver;
  - (b) Cause the roof or covering to be kept watertight;
  - (c) Provide adequate windows which must be capable of being opened and closed at all times by passengers;
  - (d) Cause the seats to be properly cushioned, covered and kept clean;
  - (e) Cause the floor to be provided with a proper carpet, mats or other suitable floor covering;
  - (f) Cause the fittings and furniture generally to be kept in a clean condition and well maintained;
  - (g) Provide means for securing luggage;
  - (h) Provide external rear view mirrors to be fitted both sides of the vehicle;
  - (i) Provide a heater screen to the rear window of the vehicle which must be kept in working order;
  - (j) Ensure that the wheels (including the spare) are not fitted with remould tyres;
  - (k) Ensure that the wheels (including the spare) are fitted with radial tyres.
  - (l) Provide an efficient vaporising liquid or dry powder fire extinguisher, which shall be carried in such a position as to be readily available for use at all times;
  - (m) Provide a first aid kit, such equipment to be carried in such a position in the vehicle as to be readily available for use at all times (a list of minimum contents will be supplied)
  - (n) Ensure that the vehicle and all its fittings and equipment are at all times, when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with;
  - (o) Ensure that no material alteration or change in specification, design, condition or appearance of

the vehicle are made without the approval of the Council at any time whilst the licence is in force;

- (p) If the vehicle is an estate, a guardrail must be fitted of a type approved by the Council, to separate the rear loading area from the passengers. In the case of hatchback models, it is only necessary to fix a guardrail when the parcel shelf is removed.

### **Identification Plate**

3. The identification plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed to the satisfaction of the Council, on or above the bumper on the outside of the offside rear of the vehicle, in such a position that it shall be clearly visible from the rear of the vehicle and the proprietor/driver shall not wilfully or negligently conceal it from public view whilst the vehicle is being used for hire.

### **Interior Marking**

4. The interior plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed inside the vehicle, to the satisfaction of the Council, in such a position that it is clearly visible to the passengers while the vehicle is being used for hire.

### **Roof Signs**

5. The proprietor must not fix a roof sign on the vehicle.

### **Notices, Advertisements etc**

6. No signs, notices, advertisements, marks, numbers, letters, figures, symbols, emblems, badges or any device whatsoever must be displayed on, in or from the vehicle, except as may be required by an statutory provision or the following conditions:
- (a) An identification sign of a maximum size of 30" x 16" showing the name of the firm and/or the company's symbol or badge which must include the words "LICENSED PRIVATE HIRE CAR" must be displayed on the front doors of the vehicle only, subject to an authorised Officer of the Council approving the appropriate size, layout and design and wording prior to them being displayed on the vehicle;

(Note: The only exemption to this condition will be for vehicles which are being used for executive hire under a contract.)

- (b) There may be displayed inside the vehicle an interior panel measuring 10" x 8" for displaying advertisements, provided it is not illuminated or readily visible outside the vehicles

### **Two Way Radio Equipment and Hands-Free Telephones**

7. The proprietor shall immediately notify the Licensing Office before such equipment is installed in a licensed vehicle, so that the equipment and proposed position can be checked and approved in relation to passenger and driver safety.

### **Driver**

8. The driver shall at all times be clean and respectable in his dress and behave in a civil and orderly manner.



## **Passengers**

9. The driver shall not, when the vehicle is in use:
  - (a) Carry more passengers than the vehicle is licensed to carry (NB: A one-day old child is a passenger);
  - (b) Have more than one passenger in one seat belt;
  - (c) Without the consent of the hirer of the vehicle, convey or permit to be conveyed, any other person in that vehicle;
  - (d) Place any passenger in danger regarding the use of seat belts or child restraints.

## **Change of Address**

10. The proprietor shall immediately notify the Council in writing of any change of his/her address during the period of the licence that the vehicle is kept.

## **Convictions**

11. The proprietor of the vehicle shall immediately disclose to the Council in writing any conviction imposed on him/her or the driver during the period of the licence.

## **Deposit of the Drivers Licence**

12. If the proprietor of the vehicle permits or employs any other person to drive the vehicle as a hire car, he/she shall, before the person starts to drive the vehicle, cause the driver to deliver to him/her his/her Hire Car Drivers Licence for the retention of until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his/hers.

## **Copy of Vehicle Licence Conditions**

13. The proprietor shall make sure that he/she or any driver he/she engages or employs carries a copy of the vehicle licence and conditions in the vehicle, and makes them available for inspection by an authorised officer, the hirer or any other passenger on request.

## **Vehicle Fitted with Taximeter**

14. If the licensed vehicle is fitted with a taximeter or other device for recording fares, it must be of a type approved by the Council and the position of the device in the vehicle shall be approved, tested and sealed by an Authorised Officer.

## **Insurance**

15. The proprietor shall at all times be adequately insured to the Council's satisfaction in respect of the use of the vehicle for carrying fare paying passengers and ensure that he/she or any driver he/she engages or employs carries proof that the vehicle is insured and makes it available for inspection by an authorised officer, the hirer or any other passenger on request.

## **Accidents**

16. Any accident to a vehicle must be reported to the Council as soon as possible and, in any case, within 72 hours. A Vehicle Damage Report must be presented to the Licensing Office. **No further hirings may**

**be undertaken until the vehicle has been inspected and approved by an authorised Officer.**

(Note: a vehicle that has been withdrawn from service may require a further mechanical test at the Council's authorised testing station before being allowed to return to service, this depends on the extent of damage. (Any cost to be met by the proprietor))

### **Conditions**

17. The Council reserves the right to vary, delete or waive any of the foregoing Conditions.

If you are aggrieved by any of the Conditions attached to a licence, you may appeal to a Magistrates Court within 21 days of the service of the licence on you. (S.47 and 77 of the 1976 Act and S.300 to 302 of the Public Health Act 1936.)

## Schedule F5 – Private hire operator licence conditions

The following conditions will attach, pursuant to section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), to all private hire operator’s licences issued by Dacorum Borough Council, unless a specific exemption has been granted by the authority. The attachment of these conditions does not affect the Council’s entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application.

### 1. Interpretation

(a) In these conditions:

“the Council” means Dacorum Borough Council;

“the Operator” means the holder(s) of the private hire operator’s licence issued by the Council;

“vehicle” means any licensed private hire vehicle (and hackney carriages, if bookings are also invited and accepted for fulfilment by these vehicles) operated by the Operator.

(b) Terms defined under section 80 of the 1976 Act shall bear the meanings set out therein.

### 2. Records

(a) The records required to be held by the Operator under section 56(2) of the 1976 Act shall be kept in a suitable written or electronic form approved by the Council, and the Operator shall enter therein before the commencement of each journey the following particulars of every booking of a vehicle invited or accepted by the Operator, whether by accepting the same from the hirer or by undertaking it at the request of another operator, and such record must be maintained for at least one year from the date of the journey:

- (i) The date and time at which the booking was received
- (ii) The date and time of commencement of the proposed journey
- (iii) The name of the hirer
- (iv) The starting point of the journey
- (v) The destination of the journey
- (vi) A unique identifying reference for the vehicle provided to fulfil the booking, with sufficient detail to enable immediate identification of the vehicle from the records
- (vii) A unique identifying reference for the driver of the vehicle provided to fulfil the booking, with sufficient detail to enable immediate identification of the driver from the records
- (viii) If the booking was undertaken at the request of another operator, the name of that operator
- (ix) If the booking was passed to another operator to fulfil, the name of that operator.

(b) The Operator shall keep a record of the following particulars of any vehicle operated by him, and such record must be maintained for at least one year from the cessation of operation of the vehicle:

- (i) The registration number of the vehicle
- (ii) The number of the identification plate provided by the Council pursuant to s.48(5) of the 1976 Act
- (iii) The make and model of the vehicle
- (iv) The name and address of the proprietor(s) of the vehicle

- (v) The number of passengers permitted to be carried in the vehicle, as shown on the licence
  - (vi) The start and expiry dates of the vehicle's licence issued by the Council
  - (vii) The date on which the vehicle was added to the operator's fleet
  - (viii) The date on which the vehicle was withdrawn from the operator's fleet.
- (c) The Operator shall keep a record of the following particulars of all licensed drivers engaged/employed to drive any vehicle operated by him, and such record must be maintained for at least one year from the cessation of the engagement:
- (i) The full names of the driver
  - (ii) The permanent address of the driver
  - (iii) The drivers date of birth
  - (iv) The drivers licence (badge) number
  - (v) The start and expiry dates of the driver's licence issued by the Council
  - (vi) The dates the driver's engagement/employment was commenced and terminated.
- (d) Drivers and vehicles must have their own unique allocated records which are not overwritten or disposed of if the driver or vehicle is no longer used by the operator.
- (e) The Operator shall produce all or any of the records specified in this condition for inspection on request to an authorised Council officer or a constable.

### **3. Use of licensed vehicles and drivers**

- (a) The Operator shall not invite or accept bookings for private hire work for any vehicle which is not currently licensed by the Council for such work.
- (b) The Operator shall not employ or engage, whether directly or indirectly, any driver to drive any vehicle operated by him unless the driver holds a valid private hire or hackney carriage driver's licence (as applicable) issued by the Council.
- (c) The Operator shall notify the Council upon the commencement or cessation of operation of a vehicle, or the employment/engagement or termination of a driver, within 7 days of such an event.

### **4. Vehicles**

- (a) The Operator shall ensure that any vehicle he operates is in a suitable mechanical condition, safe, comfortable, clean and presentable, and that the licence plates provided by the Council are affixed to the vehicle in the manner and position stipulated in the conditions applied to the vehicle's licence.
- (b) The Operator shall ensure that any vehicle he operates displays door signs of a design approved by the Council bearing the name and contact details of the Operator, in the position stipulated in the conditions applied to the vehicle's licence.
- (c) The operator shall immediately notify the Council of any damage sustained by a vehicle operated by him.

### **5. Passengers**

The Operator shall ensure that bookings are fulfilled by licensed vehicles with sufficient capacity to carry all members of the hirer's group, as advised at the time of booking.

## 6. **Standard of Service**

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

- (a) Ensure that when a vehicle has been hired to be in attendance at the agreed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- (b) Publish a complaints handling procedure, detailing how members of the public may make complaints to the Operator, in respect of any aspect of the service provided, and investigate any complaints received in a timely manner, making details of such complaints and investigations available to authorised Council officers upon request;
- (c) Keep any facilities provided to the public for the purpose of making bookings or waiting, clean, adequately heated, ventilated and lit;
- (d) Ensure that any waiting area provided by the operator has adequate seating facilities;
- (e) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

## 7. **Display and availability of licence**

- (a) A copy of the private hire operator's licence issued by the Council shall be displayed in a prominent position where visible by the public, at every booking office maintained by the Operator which is accessible by members of the public. The licence, or a copy thereof, shall be produced for inspection on request to an authorised Council officer or a constable.
- (b) A copy of the private hire operator's licence issued by the Council shall be kept securely at any location at which, by virtue of the licence, bookings may be accepted or invited but to which members of the public do not have access, and shall produce the licence, or a copy thereof, for inspection on request to an authorised Council officer or a constable.

## 8. **Change of Address**

The Operator shall notify the Council in writing, within 7 days, of any change to an address shown on the licence (including any address from which the Operator conducts his business as an operator) during the period of the licence.

## 9. **Convictions, cautions, insolvency and disqualification**

The Operator shall notify the Council in writing, within 7 days, if he is convicted or receives a caution for any criminal offence, or if he is declared insolvent, or if he is disqualified as a company director (or if the operator is a company or partnership, on conviction, caution, insolvency or disqualification of any of the directors or partners) during the period of the licence.

## 10. **Limited company directors**

*The following condition applies only where the operator's licence is issued to and held by a limited company:*

The Operator shall notify the Council within 21 days in the event of:

- (a) The termination of appointment of a director of the limited company;
- (b) The appointment of a new director of the limited company; or
- (c) The liquidation or dissolution of the company, or the appointment of administrators.

Where the Operator notifies the Council under sub-paragraph b., a basic disclosure issued in the name of the new director no earlier than 3 months prior to the date of notification, shall be provided to the Council at the earliest opportunity, and in any event no later than 2 months after notification.

#### **11. Small operators**

*The following condition applies to operators granted a licence under the small operator provisions only:*

The operator shall be responsible for the invitation and acceptance of bookings for no more than 3 vehicles at any time. Where three vehicles are currently operated, a vehicle must be removed prior to the addition of a new vehicle to the operator's fleet.

#### **12. Conditions**

The Council reserves the right to vary, delete or waive any of the foregoing Conditions

Applicants aggrieved by any of the Conditions attached to this licence, including both these standard conditions and any further conditions imposed in response to specific issues, may appeal to a Magistrates' Court within 21 days of the service of the licence, in accordance with sections 55 and 77 of the 1976 Act, and sections 300 to 302 of the Public Health Act 1936.

# Annexes

## Annex A - Guidance on suitability of applicants

### Introduction

Much of this guidance follows the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' published in April 2018, with some local modification where existing standards were higher, or additional clarification was deemed to be helpful.

When submitting an application for a licence (new or renewal) under this policy, applicants are required to declare all previous convictions, cautions, penalties and motoring endorsements they may have received. Applicants are also required to declare any ongoing criminal investigations, prosecutions, or similar legal proceedings of which they are the subject.

Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no "spent" convictions and that any and all criminal convictions (apart from "protected convictions" and "protected cautions" where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions will be considered by the Council.

All Applicants/Licensees are required to obtain an Enhanced DBS Certificate with Barred Lists checks and to provide this to the Licensing Authority, the initial certificate must be obtained through Dacorum Borough Council; certificates obtained through other authorities will not be accepted. All Licensees are also required to maintain their Certificates through the DBS Update Service throughout the currency of their licence. In addition to this, requests will be sent to the police, following the requirements of the Data protection Act 2018, to obtain any information that may be relevant when determining an application.

If any applicant has, from the age of 10 years, spent 3 continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period is required. This will normally be in the form of a 'Certificate of Good Conduct' issued through the relevant embassy or consulate, which details any convictions or other matters arising against the applicant while resident in that country. It is the applicant's responsibility to obtain such documents, and to pay any associated fees. This requirement is in addition to the DBS disclosure. Where an applicant is unable to obtain the above, they must give a statement outlining the reasons for this, and provide references to the satisfaction of the Council from appropriate bodies as to their conduct in the country.

Each case will be decided on its own merits. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

On application to renew a licence, the Council may consider it necessary to review convictions considered on the previous application if the Council has reviewed its policy on such convictions. In cases where new convictions have been received, all convictions may be taken into consideration, even if they have been previously considered.

All licence holders are required to inform the relevant council in writing within 3 days if they are arrested, formally interviewed as a suspect or charged with an offence by the Police. This is to allow the Council to be aware of any public safety concerns and to take appropriate action. Failing to notify the Council is likely to result in more severe enforcement action (where the issue in itself does not lead to revocation and or prosecution).

Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the Council



will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

These guidelines do not replace the duty of the Council to refuse to grant a licence where it is not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the Council will consider the matter from first principles and determine the fitness and propriety of the individual.

## **Drivers**

As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

### **Crimes resulting in death**

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

### **Exploitation**

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

### **Offences involving violence**

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

### **Possession of a weapon**

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

### **Sex and indecency offences**

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

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list. Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades

#### Dishonesty

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

#### Drugs

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

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

#### Discrimination

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

#### Motoring convictions

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

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

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

#### Other motoring offences

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

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

### Hackney carriage and private hire offences

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

### Vehicle use offences

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

### **Private Hire Operators**

A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

### **Vehicle proprietors**

Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.

Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.



## Annex C – Contact details

For information on this statement of licensing policy, or for informal advice on making an application or whether a particular activity is likely to require authorisation, please contact:

**Licensing  
Dacorum Borough Council  
The Forum  
Marlowes  
Hemel Hempstead  
HP1 1DN**

Phone: **01442 228000**  
Email: **licensing@dacorum.gov.uk**  
Web: **www.dacorum.gov.uk/licensing**

Many application forms for licences are available from our website, at **www.dacorum.gov.uk/licensing**

Please note that, due to the complexity of the legislation that governs these activities, we can only give basic advice about which activities do and do not require authorisation, and about application processes. When the Council answers enquiries, the answers will be based on the Council's position at that time, following current interpretation of the legislation and relevant guidance, as well as any current case law. We cannot enter into discussions about complex or specialised proposals, nor are we able to give legal advice. Any such discussions or communications will be on a without prejudice basis.

If you are unsure as to the legality of a particular activity, or require more detailed information or advice than we are able to offer, we recommend that you consult an independent specialist advisor or a legal representative.

To make an application or for further guidance, please visit our website:  
[www.dacorum.gov.uk/licensing](http://www.dacorum.gov.uk/licensing)

For informal advice or queries, please email:  
[licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk)

## Comparison of existing and proposed suitability guidance for applicants

Offence	current	proposed
· Murder	refuse	refuse
· Manslaughter	refuse	refuse
· Manslaughter or culpable homicide while driving	refuse	refuse
· Kidnapping or abduction	refuse	refuse
· Terrorism offences	refuse	refuse
· Arson	10 years clear	10 years clear
· Malicious wounding or grievous bodily harm which is r	10 years clear	10 years clear
· Actual bodily harm which is racially aggravated	10 years clear	10 years clear
· Grievous bodily harm with intent	8 years clear	10 years clear
· Grievous bodily harm	8 years clear	10 years clear
· Wounding with intent	8 years clear	10 years clear
· Robbery	8 years clear	10 years clear
· Aggravated burglary	8 years clear	10 years clear
· Threats to kill	8 years clear	10 years clear
· Racially-aggravated criminal damage	8 years clear	10 years clear
· Racially-aggravated public order offences	8 years clear	10 years clear
· Common assault	3 years clear	10 years clear
· Assault occasioning actual bodily harm	3 years clear	10 years clear
· Assaulting a police officer	3 years clear	10 years clear
· Affray	3 years clear	10 years clear
· Public order offences	3 years clear	10 years clear
· Harassment	3 years clear	10 years clear
· Obstruction	3 years clear	
· Possession of offensive weapon	3 years clear	7 years clear
· Possession of firearm	3 years clear	7 years clear
· Criminal damage	3 years clear	10 years clear
· Violent disorder	3 years clear	10 years clear
· Resisting arrest	3 years clear	10 years clear
· Rape	refuse	refuse
· Sexual assault	refuse	refuse
· Indecent assault	refuse	refuse
· Offences involving children or vulnerable adults	refuse	refuse
· Gross indecency	refuse	refuse
· Possession of indecent material, child pornography, et	refuse	refuse
· Exploitation of prostitution	refuse	refuse
· Trafficking for sexual exploitation	refuse	refuse
· Any sexual offence committed in the course of taxi or	refuse	refuse
· Indecent exposure	5 years clear	refuse
· Soliciting	5 years clear	refuse
drug use	5 years clear	5 years and drug test required
drug supply	8 years clear	10 years clear
drunkenness	won't debar	no mention, but would depend on natyre of conviction
dishonesty	3-5 years clear	7 years clear
· Theft	3 years clear	7 years clear
· Burglary	3 years clear	7 years clear
· Fraud	3 years clear	7 years clear
· Benefit fraud	3 years clear	7 years clear
· Handling or receiving stolen goods	3 years clear	7 years clear
· Forgery	3 years clear	7 years clear
· Conspiracy to defraud	3 years clear	7 years clear
· Obtaining money or property by deception	3 years clear	7 years clear
· Taking a vehicle without consent	3 years clear	7 years clear
· Other deception	3 years clear	7 years clear
· Causing death by dangerous driving	8 years clear	7 years clear
· Causing death by careless driving, while under the infl	8 years clear	7 years clear
· Causing death by careless driving	5 years clear	7 years clear
· Causing death by driving while unlicensed, disqualifie	5 years clear	7 years clear
drink/drug driving disqual	warning at least	7 years clear
drink/drug driving no disqual	warning at least	7 years clear
drink/drug whilst working as taxi	5 years clear	7 years clear
licensing offences	12 months or 2 years if more than 1	7 years clear
discrimination whilst working as a taxi	12 months or 2 years if more than 1	7 years clear
driving endorsements	regard as valid by DVLA	5 years clear if 7 or more
driving endorsement of 4 or more points	serious consideration	7 years clear
multiple driving endorsement of 4 or more points	valid for 4 years - refusal in that time	7 years clear
driving endorsement of 10 or more points	4-11 years - refusal in that time	7 years clear
cumulation of 12 points	refusal	n/a
9 or more points	committee determination	n/a
6-8 points, or 2 endorsements	interview with officer	n/a
parking tickets etc	not taken into account	n/a
Operators -		same rules as drivers, but only via basic dbs
vehicles		same rules as drivers, but only via basic dbs