

# Licensing Committee

Grand Jury Room, Town Hall  
13 March 2013 at 6.00pm

The Licensing Committee deals with policy issues relating to licensing matters and applications and appeals concerning hackney carriage and private hire vehicles and drivers and other appeals.

# Information for Members of the Public

## Access to information and meetings

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**COLCHESTER BOROUGH COUNCIL  
LICENSING COMMITTEE  
13 March 2013 at 6:00pm**

**Members**

Chairman : Councillor Nick Cope.  
Deputy Chairman : Councillor Julia Havis.  
Councillors Mary Blandon, Margaret Fairley-Crowe,  
Dave Harris, Pauline Hazell, Mike Hogg, Brian Jarvis,  
Margaret Kimberley, Michael Lilley and Colin Mudie.

**Substitute Members** :

**Agenda - Part A**  
(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

**Pages**

**1. Welcome and Announcements**

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

**2. Substitutions**

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

**3. Urgent Items**

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

**4. Have Your Say!**

(a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item

on the agenda or on a general matter not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter not on this agenda.

## **5. Declarations of Interest**

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

## **6. Hackney Carriage and Private Hire Licence Policy and Conditions**

**1 - 134**

See report by the Head of Environmental and Protective Services

## **7. Exclusion of the public**

In accordance with Section 100A(4) of the Local Government Act 1972 and in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 (as amended) to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).





## Licensing Committee

Item

6

13 March 2013

Report of	Head of Environmental & Protective Services	Author	Gary O'Shea ☎ 282213
Title	Hackney Carriage and Private Hire Licence Policy and Conditions		
Wards affected	Not applicable		

**This is a report to deliver the results of the consultation of the New Hackney Carriage and Private Hire policy and conditions and to seek resolution to implement the new proposals with immediate effect.**

### 1. Decision Required

- 1.1 Members are requested to consider the new policy and revised conditions and scheme of penalty points for Hackney Carriage and Private Hire Vehicles, Operators and Drivers and to either:
- Adopt these in their current form with effect from 1 April 2013 or later date as considered appropriate
  - Adopt with alterations and amendments as deemed appropriate with effect from 1 April 2013 or later date as considered appropriate
  - to resolve not to adopt the policy, conditions and scheme of penalty points

### 2. Reasons for Decision

- 2.1 The current conditions have been in place for some time and whilst they have served well it is necessary to update them in order to keep pace with developments in legislation, case law and technology.

### 3. Alternative Options

- 3.1 It is not believed that there are any viable alternatives as it is necessary in an ever changing climate that the Council ensure that all policies and procedures are able to reflect and keep pace with any developments as highlighted in 2.1.

### 4. Supporting and Background Information

- 4.1 There are two main legislative provisions that govern the licensing of Hackney Carriages and Private Hire Vehicles, drivers and operators. In the case of Hackney Carriage Vehicles the primary legislation is the Town Police Clauses Act 1847 (TPC Act) and this was later supplemented by the Local Government (Miscellaneous Provisions) Act 1976 (LG (MP) Act), which made further provision for Hackney Carriages but also introduced a licensing regime for private Hire Vehicles, Drivers and Operators.

- 4.2 Under sections 47 (Licensing of Hackney Carriages), 48 (Licensing of Private hire vehicles), 51 (licensing of drivers of private hire vehicles) and 55 (licensing of operators of private hire vehicles) of the LG (MP) Act a local authority can apply any conditions that are considered to be reasonably necessary.
- 4.3 In September 2012 this authority responded along with many others to a consultation by the Law Commission on Hackney Carriage and Private Hire reform. Whilst the government are looking at a major overhaul of this dated legislation, this is likely to be some 18 months to 2 years away as a minimum.
- 4.4 Whilst to some extent there is an argument that it may be best to wait until there is a better indication as to the future direction of the licensed vehicle trade it is anticipated that some of the proposals in this report are consistent with some of the government proposals e.g. a move to group II medicals for drivers and a tough stance on smoking in vehicles.
- 4.5 Notwithstanding the above some of the alterations being proposed are such that they no longer fit with the Councils move towards a better customer experience and/or best practice guidance and in some cases are not considered any longer to be fully compatible with the convention rights of an individual e.g. applications from foreign nationals or the length of time that an applicant is required to have held a DVLA licence prior to application.

## **5. Proposed Conditions and Penalty Point Scheme**

- 5.1 The penalty point scheme is predominantly that which is already in force, however, this has been modified slightly to reflect the seriousness of certain offences and any breaches of conditions. In some cases, such as smoking, there are varying levels of penalty that have been introduced which are dependent on whether the offender has been penalised previously.
- 5.2 Further, in relation to the penalty point scheme, there existed some ambiguity as to the level of penalty to be imposed as the points allocated to each offence were a maximum level and discretion was able to be used as to how many points to issue up to the maximum. The proposal contained within this report is that the proposed scheme of penalties should be the actual penalty imposed in all cases and thus removing any danger of inconsistency by removing officer discretion.

The penalty point schedule is attached as appendix **A**

- 5.3 A policy has been drafted to illustrate how the Council will generally look to apply the provisions of legislation and the process for handling and maintenance of licences. This is considered to be the most effective means of promoting best practice and constituency in all dealings in relation to the Hackney Carriage and Private Hire trades.
- 5.4 Appended to the policy are the proposed licensing and pre-licensing conditions, code of conduct, information on current fees (which may be varied from time to time) and various forms of information relating to specific aspects of the trade e.g. information on use of Limousines, novelty vehicles, vehicle inspections, medical information etc.

The draft policy is attached at appendix **B**



## **6. Consultation**

- 6.1 The policy was released for consultation on 27 November 2012 with an initial closing date of Sunday 13 January 2013. Following the Christmas break there were some concerns raised by members of the trade as to the short length of the consultation given that many would not have had opportunity to comment over the Christmas period. Therefore, in the interests of openness and transparency the consultation was extended by a month to a closing date of Sunday 10 February 2013.
- 6.2 The consultation ensured that it took in all those likely to be affected including both the Hackney carriage and Private Hire trades, disability groups, key responsible authorities and the public via Angel Court (hard copies) and the Council website.
- 6.3 In addition to the main consultation all private hire operators and members of the Colchester Taxi Association were emailed on 4 January 2013 with a summary of the key points and a link to the consultation on the Council website.
- 6.4 Whilst one or two general questions were received and answered during the consultation process, there were surprisingly no actual responses received. Therefore the policy and conditions are being reported back in an unaltered state.

## **7. Standard References**

- 7.1 There are no particular references to the Strategic Plan.

## **8. Equality, Diversity and Human Rights Implications**

- 8.1 There is a requirement that all applications received should be considered on their individual merits. There is also a full appeals process in place with regard to refused applications, driver suspensions and/or the imposition of penalty points. This process will allow any inadvertent or unintended consequence in relation to equality, diversity or human rights to be considered.
- 8.2 Equally all applications undergo a standardised process and will only be refused where there are specific concerns in relation to the 'fit and proper status of a driver or operator or the fitness and suitability of a vehicle.
- 8.3 The legislation is designed to promote the protection of the travelling public, has been developed by case law, government best practice advice and guidance, all of which has been fully taken into account in the drafting of the policy. Therefore, with specific emphasis on an individuals convention rights under the Human Rights Act 1982 the process is open and transparent and the appeals process ensures that fair play is maintained along with the appropriate balance between the rights of an applicant or licence holder and those of the public.
- 8.3 Any group or individual that may be affected by the grant or otherwise of a licence will have opportunity to state their case and to have that considered as part of the overall process.

## **9. Community Safety Implications**

- 9.1 The processes that are in place to govern the application procedures are designed to ensure that information is obtained that will satisfy the licensing authority as to the safety of granting or renewing a licence or that is appropriate to take action or otherwise in relation to a licence already granted.
- 9.2 Additionally the conditions attached to the grant of every licence are designed to ensure that there are no community safety implications and that the protection and wellbeing of the travelling public (the primary consideration for the licensing authority) is maintained.

## **10. Conclusion**

- 10.1 Having received no response to the consultation, the policy and conditions remain unaltered and are placed before members for consideration and adoption in their current form.

## **PENALTY POINT SCHEME**

The scheme will be operated as follows:

### **1. Issuing of Penalty Points**

- (a) Where any breach of the Council's conditions or other relevant statutory provisions under the licensing acts have been positively identified, after completion of investigations, the Licensing Enforcement Officers of the Council may apply penalty points in accordance with the penalty points schedule.
- (b) Penalty points when issued will be confirmed by letter to the relevant licence holder. There will be a 21 day period, starting from the date of the letter of notification, provided to allow for any appeal to be made against the decision to issue points or as to the number of points issued. Such appeals must be in writing to the Licensing Manager
- (c) The number of penalty points issued will be at the discretion of the Licensing Enforcement Officers and in accordance with the attached table.
- (d) The Licensing Enforcement Officers retain the discretion to issue penalty points to either or both drivers and or vehicle proprietors and or operators for any contravention should the circumstances warrant such action.
- (e) The imposition of penalty points against a driver who is working on behalf of a proprietor will not necessarily result in the imposition of points to his/her employer or operator.
- (f) Any imposition of penalty points is at the discretion of officers of the Council and is not negotiable other than by way of appeal.
- (g) Penalty points issued under this scheme will have a "life" of twelve months after which they will be deemed spent. The system is based over a rolling twelve month period.
- (h) Six points become spent at the conclusion of any suspension of a driver/ proprietor. Twelve points are spent at the conclusion of any suspension of an operator.
- (j) The Licensing Committee will determine any appeals in relation to the imposition of penalty points.
- (k) Wherever reference is made in these conditions to any action by the Licensing Manager, the matter may also be dealt with by another Council officer with the appropriate delegated powers.

## **2. Action levels**

- (a) On the accumulation of 12 or more points in a twelve-month period a driver will be subject to a recommendation to the Licensing Manager for the suspension of his or her Council issued driver's licence.
- (b) On the accumulation of 12 or more penalty points in a rolling twelve-month period a proprietor /owner will be subject to a recommendation to the Licensing Manager for the suspension his/her Council issued vehicle licence.
- (c) On accumulation of 24 or more penalty points in a twelve-month period an operator will be subject to a recommendation to the Licensing Manager for the suspension his/her operators licence.
- (d) The Council will advise drivers, proprietors and operators in writing when their points accumulation for any relevant period exceeds 50% of the action level.
- (e) Where a letter is sent to a driver a copy of the letter will be forwarded to any relevant vehicle proprietor or operator they are driving for.

## **3. The suspension process.**

- a) All suspensions will be determined by the Licensing Manager or by way of a report to the Licensing Committee.
- b) The licence holder will be advised of the accrued total of penalty points and the specific infringements identified.
- c) The licence holder will be advised of the Licensing Manager's decision regarding possible suspension within 7 days of such a decision or of his decision to place the matter before the Licensing Committee.
- d) For drivers or proprietors on the first occasion of the accumulation of 12 or more points within a twelve-month period the recommendation will be suspension of licence for 28 consecutive days.
- e) For drivers or proprietors on a second occasion of the total award of 12 or more penalty points the recommendation would be for suspension of licence for 56 consecutive days.
- f) On any third accumulation of 12 points attained by a driver / proprietor would result in a recommendation to revoke his/her licence.

- g) An operator accumulating 24 points on the first occasion would result in a recommendation to suspend their operators licence for 28 consecutive days.
- h) A second accumulation of 24 points would result in a recommendation to suspend their operators licence for 56 consecutive days.
- i) Accumulation of 24 points for a third time or exceeding 36 points in any twelve month period would result in a recommendation to revoke their operators licence.
- j) Once a suspension has been served a total of 6 penalty points will be removed from the total accrued by drivers or proprietors. In the case of operators 12 points will be removed.
- k) Any driver, proprietor subject to the suspension or revocation of a licence by the Licensing Manager has a right of appeal to the Council's Licensing Committee and must do so in writing within 21 days from the date of notification of suspension/revocation to the Licensing Manager at 33 Sheepen Road, Colchester, CO3 3WG
- l) Should an appellant not be satisfied with the decision of the Licensing Manager or the Council's Licensing Committee they may appeal to a Magistrates Court against such suspension/revocation and must do so by writing to the Clerk of the Magistrates Court within 21 days from the date of notification of such suspension/revocation.
- m) Where an appeal has been made the implementation of any suspension or revocation will be held until its determination.

**4. Record availability.**

- (a) Drivers, proprietors and operators may see their penalty point record at any time.
- (b) Vehicle proprietors and licensed operators may view their employed driver's point's record subject to making a written request giving their reasons for doing so. All such requests will be subject to the agreement of the Licensing Manager.



## COLCHESTER BOROUGH COUNCIL

Local Government (Miscellaneous Provisions)  
Act 1976



### HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S PENALTY POINT SCHEME TABLE

(Note Colchester Borough Council issues combined  
Private Hire and Hackney Carriage Licences)

	<b>Offence/Breach of Conditions</b>	<b>Maximum Points applicable</b>	<b>Driver</b>	<b>Vehicle Owner or operator</b>
1	Providing false or misleading information on licence application form, or failing to provide relevant information.	6*	x	x
2	Driver not holding a current			

	Hackney Carriage/Private Hire driver licence	P*	x	x
3	Failure to notify the Council of change of address within 7 days 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	3* 9*	x x	x x
4	Refusal to accept hiring without reasonable cause e.g. Drunk or rude customer.	4*	x	
5	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6*	x	
6	Private hire touting/specking 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	9* P*	x x	x x
7	Failure to display a current vehicle excise licence	12*		x
8	Using unlicensed vehicle or vehicle without insurance.	P*		x
9	Failure to produce relevant documents within timescale when requested.	4*	x	x
10	Unsatisfactory condition of vehicle, interior or exterior.	4	x	x
11	Failure to produce Hackney Carriage or Private Hire vehicle for testing when required.	4*		x
12	Using a vehicle subject to a suspension order issued by the licensing officer or a police officer.	12	x	x
13	Using a vehicle for which the licence has been suspended or revoked.	P*	x	x
14	Failure to report within 72 hours accident or damage to licensed vehicle.	6*	x	x
15	Overloading of licensed vehicle (including exceeding the licensed number of passengers)	6*	x	
16	Failure to display external licence plate as required.	6*		x
17	Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence within 14 days.	6*		x
18	Failure to maintain an operational fire extinguisher in accordance with the conditions, where fitted.	3		x

19	Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day.	5*		x
20	Failure to produce on request records of drivers work activity.	5*		x
21	Using incorrect tariff or an uncertified taximeter.	6*	x	x
22	Obstruction of an authorised officer or police officer.	6*	x	x
23	Displaying any feature on private hire vehicle that may suggest it is a Taxi.	6*		x
24	Using a Private Hire vehicle the appearance of which suggests it is a Hackney Carriage.	6*		x
25	Driver not holding a current DVLA Licence.	P*	x	x
26	Failure to display driver's badge.	6*	x	
27	Failing to notify change in medical circumstances.	6	x	x
28	Unsatisfactory appearance of driver or not conforming to dress code.	4	x	
29	Failure to observe rank discipline.	4*	x	
30	Operator failure to maintain proper records of private hire vehicle.	6*		x
31	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced.	6*		x
32	Failure to produce tariff or advise charges when requested by a hirer.	3	x	x
33	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence.	4*		x
34	Unsatisfactory behaviour or conduct of driver. e.g. Abusive language etc.	3-12*	x	



35	Failure to notify the Council of any motoring or criminal convictions or cautions, in writing within seven days, during period of current licence. 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6* 12*	x x	x x
36	Failure to display internal licence plates.	4	x	x
37	Late application for renewal on expiry of a licence.	6	x	x
38	Failure to return drivers badge within 7 days after due notice being given.	4*	x	
39	Standard of driving unacceptable, witnessed by authorised officer or police officer.	6	x	
40	Misuse of mobile telephone (includes using the mobile telephone whilst the vehicle is in motion) 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6 + FPN 12 + FPN	x x	
41	Failing to accept Travel tokens for an legitimate journey	3	x	x
42	Failing to conform to statutory road signs or illegally parking	4	x	
43	Drinking or eating in a licensed vehicle without the express permission of the hirer.	3	x	
44	Playing of a music radio or other sound producing equipment without the express permission of the passenger(s).	3	x	
45	Causing excessive noise from any radio or sound producing equipment which annoys anyone either in or outside of the vehicle.	3	x	
46	Proprietor displaying an unauthorised sign. i. e. commercial advertisement on vehicle, without the Council's agreement.	6		x

47	Failure to carry assistance dog without exemption certificate.	12	x	x
48	Failure to attend at the requested time for a pre arranged booking without sufficient good cause.	4	x	x
49	Driving a licensed vehicle which is not properly maintained. 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6 12	x x	x x
50	Leaving a Hackney Carriage vehicle on a taxi rank parked and unattended without reasonable excuse.	4*	x	
51	Using a licensed vehicle without the appropriate insurance	12*	x	
52	Driver smoking in vehicle, includes the use of electronic cigarettes 1 <sup>st</sup> offence. 2 <sup>nd</sup> offence 3 <sup>rd</sup> offence	3 + FPN 12 + FPN 12 + P	x x x	
53	Driver allowing customer(s) to smoke in licensed vehicle.	6	x	
54	Smoking or allowing smoking in Operators premises. 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6 12		x x
55	Failing to deal with lost property in the appropriate manner. 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6 12	x x	
56	Failure to comply with Council vehicle livery	6	x	x
57	Illegal Ranking.	6	x	

**HACKNEY CARRIAGE AND PRIVATE HIRE  
LICENSING POLICY AND CONDITIONS**

**INITIAL DRAFT**

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## **Section One**

### **1. Introduction**

#### **1.1 Duties and Powers of Licensing Authority**

This statement of Licensing Policy is written pursuant to the Powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 which places on Colchester Borough Council the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

### **2. History**

2.1 Colchester Borough Council has historically exercised the responsibility of licensing hackney carriages and private hire vehicles through a number of policies, conditions and procedures that have been developed over a number of years.

2.2 Some of these policies and procedures have, however, now become rather dated and do not adequately assist the trade or the public, or reflect the increased requirements of society today.

2.3 The Department for Transport has, for the first time issued Best Practice Guidance, although at the time of this review a full written policy does not exist.

2.4 In view of this and in order for Colchester Borough Council to maintain a modern, forward thinking licensing function, a full review of all procedures has been undertaken. This Policy is intended to ensure that both the trade and the public have a document that fully explains the licensing process and procedures.

### **3. Objectives**

3.1 Hackney Carriage and Private Hire Vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available for example late at night, in rural areas and for those with mobility difficulties.

3.2 In the setting out its policy, the Licensing Authority will promote the following objectives:

- i) the protection of public health and safety
- ii) access to an efficient and effective public transport service
- iii) the protection of the environment
- iv) to provide and maintain a professional and respected Hackney Carriage and Private Hire trade by continued liaison with trade representatives, monitoring and improvements in the standards of service provided

- 3.3 The Council's Hackney Carriage and Private Hire trade is fairly comprehensive and provides its population with a good service, It is the intention of this procedural review to build on the trades existing strengths.

#### **4. Best Practice Guidance**

- 4.1 The Department for Transport has national responsibility for Hackney Carriage and Private Hire legislation in England and Wales. The DfT has produced Best Guidance for local Hackney Carriage and Private Hire licensing authorities.
- 4.2 The DfT guidance is directed at local authorities in England and Wales with responsibility for Hackney Carriage and Private Hire licensing who will "decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes"
- 4.3 Full consideration of the DfT guidance has been used in the formulation of this policy.

#### **5. Licensing Profile**

- 5.1 The Council currently licenses a limited number of Hackney Carriage vehicles in addition to Private Hire vehicles and Private Hire Operators which have no limit on numbers.
- 5.2 The Council currently issues a dual driving licence enabling drivers to drive both Hackney Carriage and Private Hire vehicles.

#### **6. List of Consultees**

- 6.1 In formulating this policy, the Licensing Authority has consulted with the following:
- i) Representatives of the Hackney Carriage and Private Hire Trade.
  - ii) Essex Police
  - iii) Essex County Council Highways
  - iv) Disability Interest Groups
  - v) Essex County Council Schools Transport
  - vi) Local Councillors, MPs and MEPs
  - vii) The public via the Council website

#### **7. Implementation**

- 7.1 This policy will take effect from xx (date) after which it shall be kept under review and revised as appropriate.

## **8. Hackney carriage and Private Hire: New and renewal applications**

8.1 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that a district council shall not grant a driver's licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person.

- 8.2 In order for the Council to establish whether an applicant is fit and proper they must provide evidence of;
- i) Honesty and trustworthiness
  - ii) Driving Standard
  - iii) Medical Fitness
  - iv) Criminal History
  - v) Relevant knowledge of the borough of Colchester
  - vi) Knowledge of all relevant legislation
  - vii) An understanding of the licensing conditions relating to drivers, operators and vehicles
  - viii) A reasonable understanding of the English language (spoken, written and reading)

**All applicants are strongly advised to read the Council's Statement of Policy about Relevant Convictions before considering whether to apply for a Hackney Carriage or Private Hire Vehicle driver's licence.**

8.3 Application forms must be completed in full. Any incomplete forms will be returned to the applicant as invalid.

8.4 Applications will only be accepted as valid if they include and/or are accompanied by the following:

- Correct application form provided by the Council, completed in its entirety and signed by the applicant.
- The appropriate fee. The current fees are available from the Customer Service Centre or at [www.colchester.gov.uk](http://www.colchester.gov.uk)
- The applicant's current original DVLA driving licence. Both parts of photo-card licences must be produced (ID card and paper counterpart). Applicants must have held a full DVLA or EU licence for at least 3 years. (para.3.2) for a new application.
- A completed Group 2 medical certificate (para.6.3).
- A Passenger Assistance Training certificate (where applicable).
- DVLA mandate completed and signed by the applicant
- Enhanced Criminal Records Bureau Disclosure application completed by the applicant with accompanying original identification or current valid enhanced disclosure certificate of no more than 3 months old and obtained via an approved body (para.3.5)



- Two character references from persons who have known the applicant for at least 2 years and who are not relatives or connected to the hackney carriage and/or private hire trade (new applications only)
- For all applicants who have lived in the United Kingdom for less than 5 years continuously, a certificate of good conduct from the appropriate embassy. (new applications only) (para.7.1)
- For those not holding an EU passport, evidence will need to be provided of the applicant's right to work in the United Kingdom, which will include a relevant VISA or letter from the appropriate Embassy / Authority.
- Two items, eg. Utility bills (such as a Council Tax bill, bank or credit card statement, telephone/mobile bill etc), confirming the applicants address, valid for three months.
- When documentation is complete the applicant is required to pass the Council's Knowledge test (see Appendix A).

## **9. Fees**

- 9.1 All applications must be accompanied by the appropriate fee as prescribed from time to time by the Council. Licensing fees are reviewed on an annual basis and approved by the Council.
- 9.2 No refunds are payable where applications are not pursued or completed or where applications are refused e.g. as a result of relevant criminal records, where relevant information has been withheld or where applicants fail to meet application requirements.
- 9.3 The Licensing Team can advise individual applicants who have queries in relation to this issue and any such information is strictly confidential.

## **10. Driving Standards**

- 10.1 A licence will not be issued to any person who at the time of the application has not held a full DVLA driving licence for a continuous period of three years immediately prior to the date of receipt of a valid application by the Council.
- 10.2 Driving licences issued by EU / EEA States and Countries detailed in the Driving Licences (Exchangeable Licences) Orders are also permitted to count towards the 3 year period qualification requirement for the grant of a private hire and/or hackney carriage licence.

## **11.0 Age**

- 11.1 All applicants for HC/PH drivers' licences will be assessed on their individual merits. Colchester Council does not consider it necessary to set a maximum age limit for drivers provided that regular medical checks are made (see 3.4),
- 11.2 There is no minimum age requirement subject to paragraph 10.1.

## **12. Medical Fitness**

- 12.1 There is a general recognition that it is appropriate for HC/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:
- they carry members of the public who have expectations of a safe journey;
  - they are on the road for longer hours than most drivers; and
  - they may have to assist disabled passengers and handle luggage.
  - The Council have a duty of care towards public safety.
- 12.2 Colchester Borough Council supports the widely held view that Class 2 medical standards applied by DVLA in relation to bus and lorry drivers should also be applied by local authorities to HC/PHV drivers.
- 12.3 A Class 2 medical certificate signed by the applicant's registered medical practice/practitioner will be required from all applicants regardless of any medical checks they may have undertaken for other purposes. The applicant is responsible for the payment of all fees required for any medical examination direct to his/her medical practitioner.
- 12.4 For existing licensed drivers, the Group 2 medical will become effective on their next renewal date.
- 12.5 The Class 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles. It is recommended by the DfT and is the policy of Colchester Borough Council to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes. The criteria is summarised in Appendix D.
- 12.6 Should concerns arise regarding the health of a licensed driver, the Council may any time may request further information or a further medical examination to be carried out at the drivers expense. The Council reserves the right to revoke or suspend a licence if requested information is not submitted within 4 weeks of the request and a satisfactory explanation is not given for the failure to provide such information or where the information provided raises further concerns as to the applicant's fitness to carry out his/her duties as a licensed driver.

### **13. Criminal Record**

- 13.1 Prior to consideration of any application, the Council will obtain from the Criminal Records Bureau an Enhanced Disclosure in respect of the applicant, to be assessed in accordance with the Council's statement of policy about relevant convictions.
- 13.2 It is recognised that many vehicles are used for the carriage of children and vulnerable persons and the Enhanced Disclosure is most appropriate.
- 13.3 Existing Drivers will be required to undertake a Criminal Records Bureau check every 3 years. The licence holder will be responsible for paying the relevant fee.
- 13.4 Prior to consideration of any new application, overseas applicants who have lived in the United Kingdom for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous five years) in addition to an Enhanced Criminal Records Bureau Disclosure.
- 13.5 A licence will generally not be granted to any applicant who does not meet with the minimum requirements as set out in the Council's Statement of Policy about Relevant Convictions (see Appendix B). Where several minor offences have been committed the Council will take into consideration any pattern of offending. The Council can also take into consideration spent convictions and cautions when determining an application for a driver's licence.
- 13.6 A licence may be suspended pending the outcome of any investigation or trial where an existing driver is found to be awaiting trial or has been charged with a serious crime relating to;
- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
  - A drug related offence
  - Indecent exposure, indecent assault or any of the more serious sexual offences or,
  - Grievous bodily harm, wounding or assault or,
  - Dishonesty
  - Any other reasonable cause that gives rise to the potential immediate concern relating to public safety.
- 13.7 A licence may also be suspended or revoked where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought.
- 13.8 Any new applicant charged with a serious offence as outlined above will not have their application determined until the outcome of that matter has been resolved by legal process.

- 13.9 Where an existing driver commits an offence and/or breaches the licence conditions/byelaws, the nature and number of incidents will be taken into account when assessing if the driver continues to be considered 'fit and proper'.
- 13.10 Complaints in relation to existing drivers will generally be held on file and taken into consideration for a period of three years from receipt, although where a further warning is issued during this period, the original warning will be kept on file from the date of the most recent warning.
- 13.11 Where a licence is revoked for persistent breach of licence conditions a minimum period of 3 years should generally elapse before a further application is favourably considered
- 13.12 A licence holder or applicant shall, in writing (letter or e mail) as soon as practically possible and in any event within 7 days, notify the Council of any charges/convictions/cautions (including motoring offences) imposed during the term of their current licence or application.

#### **14. Knowledge test**

- 14.1 First time applicants are required to pass the Colchester Borough Council written knowledge test in English (see appendix A), within a 6 month period, from date of first application.
- 14.2 The knowledge test consists of questions relating to the conditions of the licence, geographical knowledge of the area and the Highway Code. Relevant conditions are provided with application packs. The Highway Code is available at most book shops.

#### **15. Renewal of Licences**

- 15.1 It is the driver's responsibility to ensure that their licence is renewed prior to the expiry of their current licence.
- 15.2 A licence may be renewed up to 6 weeks prior to the expiry date.
- 15.3 No licence will be renewed after the expiry date, unless a waiver has been granted in accordance with 9.4, and the licence holder will no longer be permitted to drive any licensed vehicle within the Borough unless a new application is submitted and subsequently granted.
- 15.4 Where a licence holder will not be available at the time of renewal, for example due to an extended holiday, then they may apply in writing to the Licensing Office, prior to the expiry date, explaining their circumstances and request a waiver. If granted, this waiver will allow the licence holder to renew their licence after the expiry date or depending on the circumstances the licence can be renewed early.

- 15.5 In any case, following expiry of a licence, the driver will not be considered licensed and will not be permitted to drive a licensed vehicle until such time as the licence has been renewed and a new licence has been issued.
- 15.6 The Council will endeavour to issue reminder letters at least six weeks prior to the expiry of a licence although there is no statutory duty for the Council to do so and the responsibility ultimately lies with the licensee to ensure that complete applications for renewal are submitted on time.

**16. Surrender, Suspension or Revocation of Licence or Failure to Complete Application**

- 16.1 In the event of the surrender of a driver's licence before its expiry or failure to complete the application process, there shall be no refund of the licence fee.
- 16.2 In the event of a driver's licence being suspended or revoked there shall be no refund of the licence fee.

**17. Right of appeal**

- 17.1 Where refusal, suspension or revocation of an application/licence is considered, the applicant/driver will be given the opportunity invited to attend a hearing with the Licensing Committee to discuss the concerns, unless the driver has lost his driving licence in which case revocation will be automatic.
- 17.2 If at any time a driver has his/her DVLA drivers suspended or revoked, this will automatically result in suspension of his dual HC/PH drivers licence, until such time as his/her DVLA licence is returned. Reinstatement of the drivers licence will only occur following a Licensing Committee hearing. There is no right of appeal against suspension on these grounds.
- 17.3 At this hearing the applicant/driver will be given an opportunity to state their case in relation to the issue(s) of concern. All matters will be considered on their individual merits, following which the Licensing Committee will pass determination on the status of the licence/application..
- 17.4 Anyone who is aggrieved by the Licensing Committees decision may appeal to a Magistrates Court within 21 days of being notified in writing of the decision.

17.5 In line with s61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976, as amended by s.52 of the Road Safety Act 2006, where it appears to the Council in the interests of public safety that a revocation should have immediate effect, this will result in an instant suspension by the Licensing and Enforcement Manager. A driver has the right to appeal this decision to the Licensing Committee but will not be permitted to drive until the result of the appeal has been made. Immediate suspension will only be invoked where there are allegations of serious violence, offences of a sexual nature or where there is considered to be a serious risk to passengers or members of the public in allowing the driver to continue as a HC/PH driver.

## **18. Duration of Drivers' Licences**

18.1 Drivers' licences are generally issued for three years and are required to be renewed, thereafter, every three years.

## **19. Drivers Dress Code**

19.1 Colchester Borough Council is committed to encouraging the professional image of the hackney carriage and private hire trades, and considers that drivers of licensed vehicles are vocational drivers. The Council considers, therefore, that drivers should conform to a minimum standard of dress, as set out in the driver's conditions of licence, in order to raise and maintain the profile of the licensed trade. The Council also promotes a drivers code of conduct (Appendix C)

## **20. Hackney Carriage / Private Hire Vehicle Licences**

20.1 Section 47(2) of the Town Police Clauses Act 1847 permits a District Council to require that a hackney carriage licensed by them under the Act of 1847 shall be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

20.2 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a private hire vehicle licence provided the Council is satisfied that the vehicle is

- Suitable in type, size and design for the use of a Private Hire Vehicle;
- Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- In a suitable mechanical condition;
- Safe; and Comfortable;
  
- ***That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.***

**Once licensed, a hackney carriage or private hire vehicle remains a hackney carriage or private hire vehicle until the licence either expires, is suspended or revoked. A licensed vehicle can, subject to very limited exemptions, only ever be legally driven by a driver who holds the relevant hackney carriage or private hire drivers' licence and appropriate insurance.**

- 20.3 To allow flexibility for new types of vehicles to be readily considered to be licensed the Council has set down basic vehicle specifications leaving it open to the hackney carriage and private hire trade to put forward vehicles of their own choice which can be shown to meet these criteria. The final decision regarding suitability of a vehicle will be made at the Council's approved vehicle testing station.
- 20.4 With regard to new hackney carriages, it is the present policy of Colchester Borough Council to only licence purpose built hackney carriages which are wheelchair accessible. (see Appendix D) and such licences will retain this requirement.
- 20.5 All applications for the initial grant of a licence should be submitted at least 15 working days before the licence is required to allow time for the vehicle to be tested and the licence to be processed.
- 20.6 Application forms must be completed in full, accompanied by all required documents and signed by the applicant and the operator where relevant. Any incomplete forms will be deemed invalid and returned to the applicant.
- 20.7 Applications will only be considered as valid if they include and/or are accompanied by the following:
- Application form provided by the Council completed in its entirety and signed by the applicant and operator where relevant
  - The appropriate fee.
  - Evidence of a Council Test Report for the vehicle issued by the approved Vehicle Testing Station
  - Original vehicle registration document showing the applicant to be the registered keeper or other acceptable proof of ownership (the V5 New Keeper Supplement completed by the applicant or an official receipt from a registered company in the case of newly manufactured vehicles)
  - Certificate of insurance, in the name of the owner, for the vehicle which covers the activity required (i.e. public or private hire - para.4.2) and which is valid on the date that the licence is due to come into force.
  - A current MOT certificate for all vehicles over twelve months from the date of first registration.

## **21. Licence Fee**

- 21.1 All applications must be accompanied by the appropriate fee as prescribed by the Council; the current scale of fees is available from the Council or at [www.colchester.gov.uk](http://www.colchester.gov.uk)
- 21.2 Licensing fees are reviewed on an annual basis and adopted by the Council following advertisement by a notice in a local newspaper and on the Council's website.
- 21.2 In the event of the surrender of a vehicle licence before its expiry no refund of fee will be made.

## **22. Insurance**

- 22.1 All hackney carriage and private hire vehicles must be insured for public hire and reward, such insurance to provide as a minimum requirement insurance cover for third party fire and theft and must also include legal liability for passengers and luggage.
- 22.2 The Council considers vehicle insurance to be a high priority and, therefore, requires all proprietors to provide evidence of continuous insurance cover throughout the period of the licence. Failure to provide evidence of insurance will result in the vehicle licence being suspended.
- 22.3 In addition to the certificate of insurance, there is a requirement to produce the insurance schedule.

## **23. Testing of vehicles**

- 23.1 In addition to the MOT testing requirements all licensed vehicles are required to be tested at the Council's testing station.
- 23.2 All vehicle licence applications/renewals must include a Test Report issued by the Council's testing station. Whilst test results are passed direct to the Licensing Team, it remains the responsibility of a licence holder/applicant to submit a valid Council test report.
- 23.3 Dependent on the age of the vehicle, interim testing may be required during the period of the licence. The testing frequency is set out in the table below. The age of the vehicle will be determined from the date of first registration as stated on the vehicle registration document.

<b>Age of Vehicle</b>	<b>Test Frequency</b>
Less than 5 years	Annually
Over 5 to 9 years	Six monthly
9 to 12 years (15 for TXs)	Four monthly



- 23.4 Where concerns arise during the period of the licence regarding the mechanical fitness of a licensed vehicle the Council may request a further test to be undertaken and a further certificate to be produced at the Licensee's expense. However, the Licensing Authority cannot require a vehicle to have more than 3 tests per year.
- 23.5 In order to ensure that a vehicle remains continuously licensed the vehicle must pass a test or before the next test due date.
- Vehicles may be presented for test up to 2 weeks prior to the test due date, but not after.
- 23.6 Vehicles which are being licensed for the first time must be licensed within 10 working days of the date of the test otherwise the vehicle will be required to undergo a further test at the expense of the applicant. This additional test will not count towards the maximum of 3 tests per year. Where an application for renewal is not made prior to the expiry of the licence the application will be considered as a new application.
- 23.7 Any vehicle failing its examination test will be required to undertake and pass a further examination test before it can be licensed or, in the case of an existing licensed vehicle, before it can continue to be used as a licensed vehicle. Retests do not count towards the limit of 3 tests per year.
- 23.8 The applicant is responsible for the payment of all fees required for any mechanical inspections.
- 23.9 The Council will suspend the vehicle licence if the vehicle is not presented for or fails any test.

#### **24. Type of vehicle**

- 24.1 In order to assess vehicle suitability, the Council will take into account passenger safety, comfort and the design of the vehicle.
- 24.2 In order to be considered suitable to be licensed as a new Hackney Carriage the vehicle must comply with the basic wheel chair specification set out in Appendix D, comply with the conditions set out in Appendix E, and pass the Council's vehicle inspection test.
- 24.3 Any vehicle complying with the conditions set out in Appendix F may be licensed as a Private Hire Vehicle subject to it passing the Council's vehicle inspection test.
- 24.4 The Council will license Stretch Limousines, for a maximum of eight passengers only, which meet the basic specifications for Stretch Limousines as listed in Appendix G.

24.5 In exceptional circumstances the Council's basic requirements for vehicles may be waived to facilitate the licensing of Novelty Vehicles although confirmation should be sought from the Licensing Office prior to any application being made. Whilst all applications for Novelty Vehicles will be considered on their own merits the Council has produced model standards and conditions for Fire Engines and Horse Drawn vehicles as set out in Appendices G and K respectively.

24.6 In addition to meeting the relevant vehicle specifications all Private Hire vehicles, including Novelty Vehicles, will have to comply with the private hire vehicle conditions. (Appendix F)

## **25. Seating Capacity**

25.1 No vehicle capable of carrying more than 8 passengers can be licensed by the Council.

25.2 Vehicle capacity, ie number of passengers, will be established by the passenger capacity shown on the vehicle registration document.

25.3 In the case of minibuses, a maximum of eight passenger seats will be allowable, any additional seats to be removed.

## **26. Accessibility**

26.1 Colchester Borough Council is committed to social inclusion and ensuring a wide variety of vehicle types are available for disabled residents to avoid discrimination in terms of travel arrangements.

26.2 All new Hackney Carriage Vehicles are required to be wheelchair accessible and the Council encourages the availability of wheelchair accessible Private Hire vehicles.

26.3 The Council recognises individual choice and preferences of the travelling public. In order to encourage a wide variety of vehicle types the Council will not be unnecessarily restrictive with regard to wheelchair accessible vehicles, with the obvious proviso that they must allow wheelchair passengers to be loaded and transported safely and in comfort. Vehicles that allow side or rear loading of wheelchair passengers will be considered for licence and must be capable of carrying in safety both manual and electric wheelchairs.

26.4 Any equipment fitted to a licensed vehicle for the purpose of lifting a wheelchair into the vehicle must comply with and have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 – or as amended from time to time.

26.5 Where the vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers. A Passenger Assistance Training (PATs) certificate relating to the driver is to be lodged with the Council on the appropriate drivers file.

- 26.6 Signage is to be fixed to the outside of all vehicles to convey to passengers that the vehicle has been designed or adapted to carry a wheelchair.
- 26.7 Drivers of any licensed vehicle cannot refuse to carry an assistance dog (for passengers with either restricted sight or hearing) unless they have a medical exemption issued by the Council. Such exemptions shall only be issued following receipt of a medical report produced by the driver's registered general practitioner.
- 26.8 The Council will take steps to ensure that any regulations that may be made by the secretary of state under the Equality Act 2010, for example Taxi Accessibility Regulations, or any other legislation are complied with.

## **27. Quantity Restrictions of Vehicle Licences**

- 27.1 Whilst the law prohibits the Council from setting a limit on the number of private hire vehicle licences it issues, quantity restrictions can be set to regulate the number of licensed hackney carriages.
- 27.2 At the present time the Council, regulates the quantity of hackney carriage vehicle licences. This is reviewed every three years, by way of an independent unmet demand survey. On this basis the Council has discretion in its hackney carriage licensing policy and may either:
- Maintain the status quo
  - Issue any number of additional plates, as recommended, either in one allocation or a series of allocations; or
  - Deregulate quantity restrictions entirely

## **28. Private Hire Operators Licence**

- 28.1 The objective of licensing PHV operators is, again, the safety of the public, who will be using operators' premises, vehicles and drivers arranged through them. The Council will grant a private hire operator licence provided the Council is satisfied that the applicant is a fit and proper person to hold such a licence
- 28.2 In order for an operator to prove that they are fit and proper they must provide evidence that they:
- are of good repute;
  - are of appropriate financial standing (i.e. have enough money to run the business);
  - have adequate arrangements for monitoring drivers, vehicles and the keeping of records;
  - are capable of ensuring that both themselves and their staff/drivers obey all the rules.

- 28.3 All applicants for initial grant of a licence should allow at least four weeks before the licence is required to enable the local authority to undertake the necessary vetting procedures as detailed in this document. The process may take considerably longer if planning consent is required. In any case, the licence will not be issued unless confirmation of the relevant planning consent can be demonstrated.
- 28.4 Any application for the renewal of a licence which is not made before the expiry of the previous licence will be treated as an application for a new licence.
- 28.5 Applications will only be acceptable if they include the following:
- Application form completed in its entirety and signed by the applicant along with all the information prescribed.
  - Basic criminal conviction certificate, which can be obtained from CRB Scotland (Tel: 0870 609 6006 or Website [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)), the date of issue shall be no earlier than one calendar month before the submission of the application.
  - The appropriate fee
  - Evidence of financial standing
- 28.6 The fee payable for an operators licence is based on a sliding scale relative to the number of private hire vehicles to be operated. The permitted number of vehicles can be increased at any time during the period of the licence by application and payment of the appropriate fee.

## **29. Criminal Records Checks**

- 29.1 The Rehabilitation of Offenders Act 1974 does not apply, so a Basic Disclosure is all that is required.
- 29.2 Prior to consideration of any new application, overseas applicants who have lived in the United Kingdom for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous five years) in addition to a Basic Criminal Records Bureau Disclosure. A certificate of good conduct authenticated by the relevant embassy will satisfy this requirement.

## **30. Record Keeping**

- 30.1 It is a requirement for operators to keep comprehensive records of each booking. See Appendix H

## **31. Licence Duration**

- 31.1 Operator licences, once issued, are valid for 12 months. Applications for renewal must be received on or before the expiry of the current licence.

## **32. Enforcement**

- 32.1 Colchester Borough Council acknowledges that well-directed enforcement activity benefits not only the public but also the responsible people in the hackney carriage and PHV trades. It is the policy of Colchester Borough Council to actively seek out those operators, drivers and vehicle owners who are evading the licensing system, or failing to conform to the terms and conditions of licence.
- 32.2 An integral part of Colchester Borough Council's enforcement strategy will be routine spot checks which can result in the suspension or, ultimately, revocation of vehicle and/or drivers' licences.
- 32.3 Whilst Colchester Borough Council is committed to securing compliance with all aspects of hackney carriage and private hire licensing, the Council will pay particular attention to ensuring licensed vehicles are adequately insured and routinely tested
- 32.4 Colchester Borough Council will actively monitor licensed vehicle insurance. Where evidence of continuous insurance is not deposited promptly with the licensing office the vehicle will be suspended. The suspension will not be lifted until evidence of insurance is produced.
- 32.5 Where a licensed vehicle is overdue an inspection test or fails to pass the test the vehicle will be suspended and the plates must be deposited with the Licensing office.
- 32.6 The Council considers that its enforcement costs should not be borne by compliant responsible licence holders. Subject to the exception below, the Council will charge a non-punitive administration fee for all suspensions to cover the cost of administering the suspension and any vehicle examination costs that may be incurred. No administration fee shall be applied where a vehicle is suspended by the vehicle examiner arising from a scheduled test.
- 32.7 Where a vehicle licence is suspended for a physical or mechanical defect, e.g. for a defective tyre, by an enforcement officer and the plates are seized, the suspension fee must be paid before the vehicle will be re-examined. The suspension, however, will not be lifted until the defect has been rectified to the satisfaction of a suitably authorised officer of the Council. In all other cases the suspension fee must be paid at the time the defect is rectified.
- 32.8 Colchester Borough Council has signed the Government's Enforcement Concordat.
- 32.9 Enforcement will be carried out in a manner ensuring that the Council's licence holders and the public are properly protected by using a fair and proportionate response to all complaints and any suspected breaches of these conditions and other relevant legislation. Penalties issued may include, verbal warning, written warning, the issue of penalty points, fixed penalty notices, referral to the Licensing Committee or Prosecution.

Version 1 November 2012

## Colchester Borough Council

### The Knowledge Test

#### Information

As part of the driver licence application process, an applicant is required to pass a knowledge test.

The applicant will be required to attend at the Councils offices at Angel Court at an agreed appointed time. The applicant will be required to produce a passport, DVLA driving licence, or some other form of photographic proof of identity.

The test is a written test consisting of 25 questions picked at random. To pass the test a minimum of 20 questions have to be answered correctly. The applicant will be given a maximum of thirty minutes to complete the test.

The questions will be based on the Councils driver and vehicle conditions, place locations, shortest routes between two points, the Highway Code and basic arithmetic.

The test paper will be marked immediately and the applicant advised of the outcome. The Adjudicators decision is final and no discussion of individual questions will be entered into. The adjudicator will however, where necessary, advise of any area of apparent weakness.

If successful the applicant will proceed to the final stages of the application process.

If unsuccessful the applicant will be allowed a further two attempts at a minimum of fortnightly intervals. A further fee, presently, of £35.00 per test will be payable. A different question paper will be selected for each test re sit. If three tests are failed, the applicant must wait three months before they can reapply.

**Applicants should be confident of their ability to sit the test before making an appointment to do so. An initial Knowledge Test must be taken within three months of the Oral Test or six months from the date of the CRB disclosure, failure of which the application will be considered closed with no refund of the Oral Test fee being made.**

Rev 4/10/11

## Appendix: B

### APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS'S LICENCES GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS GENERAL POLICY

1. Each case will be decided on its own merits and with reference to the Council's pre licensing guidelines.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for up to ten years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.
3. Convictions that did not result in a custodial sentence and information provided from Police records on any CRB certificate will also be taken into account when determining fit and proper status to hold a HC/PH drivers licence.
4. However, the overriding consideration should be the protection of the public.
5. The following examples afford a general guide on the action to be taken where convictions are admitted.

#### **(a) Minor Traffic Offences**

Convictions/Fixed Penalties for minor traffic offences eg. Obstructions, waiting in a restricted, speeding etc, should not prevent a person from proceeding with an application, unless they have received more than three endorsements during the previous three years.

#### **(b) Serious Traffic Offences**

An isolated conviction for reckless driving or driving without due care and attention etc, that is over five years old, should normally merit a warning as to future driving and advice given on the standard expected of licensed drivers.

#### **(c) Drunkenness**

**With motor vehicle:** A serious view should be taken of convictions of driving or being in charge of a vehicle whilst under the influence of



alcohol. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least five years should elapse (after restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of 5 years should elapse after treatment is complete before a further licence is considered.

**Not in a motor vehicle:** An isolated conviction for drunkenness need not deter an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical medical examination. In some cases, a warning may be sufficient.

**(d) Drugs**

An applicant with a conviction for a drug related offence should be required to show a period of at least five years free of convictions before an application is entertained, or five years after detoxification treatment if he/she were an addict.

**(e) Indecency offences**

As Hackney Carriage and Private Hire drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences will be refused until they can show a substantial period free of such offences. More than one conviction of this kind should normally preclude consideration. In either case if a licence is granted a strict warning to future conduct should be issued.

**(f) Violence**

As Hackney Carriage and Private Hire drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least five years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

**(g) Dishonesty**

Hackney Carriage and Private Hire drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the changes in currency and become fair game for

an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of three to five years free of conviction should be required before entertaining an application.

#### **(h) Racially Aggravated and Racial Offences**

An offence such as assault or criminal damage may be racially aggravated. An offence is racially aggravated if, at the time of committing the offence or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based upon the victim's membership (or presumed membership) of a racial group or if the offence is motivated (wholly or partly) by hostility towards members of a racial group based on their membership of that group. A serious view should be taken of racially aggravated offences. An applicant with a conviction for a racially aggravated offence should be required to show a period of at least five years free of conviction before an application is entertained. A similar view should be taken of racial offences such as possession of racially inflammatory material. Racial offences and racially aggravated offences should be taken very seriously because of the significant social damage done by offences and remarks of a racist nature. These comments are equally relevant in respect of offences that are sexual gender aggravated.

#### **(i) Rehabilitation of Offenders**

Under the Act a conviction is normally spent after a given period of time. eg. Five/seven/ten years. Some convictions such as those for rape and murder are never spent. In relation to HC/PH licensing, however, the Rehabilitation of Offenders Act does not have effect as previous history, whether convictions are current or otherwise, is part of the overall consideration when considering whether a person is fit and proper to hold a licence.

With reference to Department of Transport Circular 2/92 and Home Office Circular 13/92.

Rev 11/2012

## **Appendix:C**

### **Code of Conduct.**

A positive, friendly and helpful manner when dealing with both residents and visitors alike promotes the taxi or private hire service provided by the driver, making it far more likely that the public will wish to use the service again in the future.

Colchester Borough Council requires all its licensed drivers to adhere to the following code of conduct:

In addition to the Drivers Conditions of Licence, drivers will also:

- a. Pay particular attention to matters of personal hygiene and dress as to present a professional image.
- b. Behave in a civil and orderly manner towards any passenger, member of the public, fellow licensed driver or council officer.
- c. Drive with the utmost care and consideration to other road users and pedestrians.
- d. Obey all traffic regulations and directions at all times.
- e. Fulfil their responsibility to ensure compliance with any legislation relating to the length of working hours.
- f. Not consume alcohol immediately before or at any time whilst driving or being in charge of any licensed vehicle.
- g. Not drive having misused legal or illegal drugs.

## **Appendix: D**

### **SPECIFICATION FOR WHEELCHAIR ACCESSIBLE TAXI VEHICLES**

#### **SECTION ONE. Wheelchair Accessibility Requirements.**

##### **1. Wheelchair spaces**

Number required: 1 (minimum)

Orientation: Either forwards or rearwards

##### **2. Forward facing wheelchair spaces**

- (a) Wheelchair space requirements: Length 1130mm (min)  
Width 690mm (min)  
Height 1340mm (min)
- (b) Gradient:  
The slope of the floor between any two points within the wheelchair space shall not exceed 11 degrees in the longitudinal plane and 5 degrees in the transverse plane.
- (c) Acceptable intrusions into the wheelchair space:  
One or more, tipping, folding or easily removed seats. Padded head and back restraint. Handrails or handholds provided that they do not extend into the wheelchair space by more than 90mm. Wheelchair restraint system and wheelchair user restraint system and appropriate anchorages and fittings.
- (d) Wheelchair user safety provisions:  
Every wheelchair space shall be fitted with a wheelchair tie-down system and a wheelchair user restraint system.

##### **3. Rearward facing wheelchair spaces**

- (a) Wheelchair space requirements: Length 1070mm (min)  
Width 690mm (min)  
Height 1340mm (min)
- (b) Gradient:  
The slope of the floor between any two points within the wheelchair space shall not exceed 11 degrees in the longitudinal plane and 5 degrees in the transverse plane.
- (c) Acceptable intrusions into the wheelchair space:  
One or more tipping, folding or easily removed seats. Padded head and back restraint. Handrails or handholds provided that they do not extend into the wheelchair space by more than 90mm. Wheelchair restraint system and



- (j) Load sensors and recycling mechanisms for power operated equipment:  
A device to stop the movement of the boarding ramp or lift if that motion is likely to cause injury.
- (k) Manual over-ride provisions for power operated equipment:  
A provision to repeatedly operate the equipment in the event of power failure shall be provided.
- (l) Manual / portable ramp storage provisions:  
Such ramps must have a designated stowage location which can store the equipment such that it does not present a risk of injury.

## **5. Entrances and Exits**

Number and position:

A minimum of one located on the nearside or the rear of the vehicle.

Minimum doorway width: 740mm

Minimum doorway height: 1230mm

## **6. Interior Manoeuvring**

From a wheelchair entrance to a wheelchair space: No requirement

From a wheelchair space to a wheelchair exit: No requirement

Floor gradient: No requirement

## **7. Signs and Markings**

(a) Interior:

Visible advice to wheelchair user and taxi driver on positioning of wheelchair and use of wheelchair tie down and occupant restraint systems.

(b) Exterior:

Clear indication that the vehicle is wheelchair accessible.

## **SECTION TWO Ambulatory Accessibility Requirements**

### **1. Entrances and Exits**

- (a) Number and location:  
A minimum of one located on the nearside or the rear of the vehicle.
- (b) Aperture dimensions:  
Where the priority seat meets the requirements of 3(a) it shall be of adequate dimensions to allow the passage through the aperture of the occupied priority seat.  
Where the priority seat meets the requirements of 3(b)(i) the door aperture shall allow the passenger to easily access the seat from outside of the vehicle.  
Where the priority seat meets the requirements of 3(b)(ii) the doorway shall be 650mm wide by 1230mm high.
- (c) Manual door design: Hinged and sliding doors acceptable.
- (d) Powered door requirements:
  - (i) Shall be capable of operation by a passenger when the vehicle is stationary.
  - (ii) A device to stop the movement if that motion is likely to cause injury to a passenger or pedestrian.
  - (iii) A provision to operate the equipment in the event of a power failure.

### **2. Interior Space**

Floor: Any surface over which a passenger is required to walk shall have a slip resistant finish.

### **3. Priority Seat**

- (a) Provision :  
At least one priority seat must be provided which may be either :
  - a) a multi-axial moving seat which can be easily used by a passenger boarding from the kerb or ground or ;
  - b) a fixed seat design ;
    - i) providing the cushion is no more than 200mm measured inwards from the entrance or ;
    - ii) providing the cushion is as near as practicable to the entrance and the internal floor to roof height exceeds 1500mm.
- (b) Orientation: Forward or rear facing.

(c) Spacing:

For all forward facing priority seat configurations, the clear space in front of the SRP shall be 650mm minimum.

For facing seat configurations the seat back separation shall be 1300mm minimum and the distance between the leading edges of each seat cushion shall be 400mm minimum.

(d) Dimensions:

All priority seats shall have a minimum width of 380mm and a depth of 340mm - 510mm.

The SRP of a fixed seat complying with the requirements of 3(b)(i) or (ii), or of a multi-axial moving seat when positioned for travel, shall have a height above the vehicle floor of 300mm – 450mm.

Additionally, the SRP of a fixed seat complying with the requirements of 3(b)(i), or a multi-axial moving seat complying with 3(a) when deployed for boarding and alighting, shall have a height above the ground of 420mm – 870mm.

**4. Steps – Applies to vehicles with a floor or sill height exceeding 320mm. ( may be achieved with kneeling)**

(a) Dimensions: First step from the ground shall not exceed 250mm.

Subsequent steps 100mm - 200mm.

Width 400mm minimum

Depth 190mm minimum

(b) Design features:

Steps shall be designed to be, slip resistant, minimise tripping risk and have a contrasting band along the front edge of 45mm - 55mm.

(c) Maximum number of intermediate steps from ground to vehicle floor: Two.

(d) Step operation for non-fixed steps: No requirement.

(e) Requirements for power operated steps:

A device to stop the movement if that motion is likely to cause injury.

A provision to repeatedly operate the equipment in the event of power failure shall be provided.

**5. Handrails and Handholds**

(a) Position:

Handrails / handholds must be provided for disabled passengers entering / exiting the vehicle and when manoeuvring inside the vehicle to a seat.



- (b) Dimensions 20mm – 35mm diameter or oval with the maximum section 30 – 35mm and the minimum section 20mm.
- (c) Design:
  - Handrails and handholds shall be slip resistant, capable of being easily and firmly gripped and visually contrast with surroundings.

## **SECTION THREE General Requirements**

### **1. Lighting**

Design Features: Lighting shall be fitted to illuminate the interior and exterior of the vehicle sufficient to allow both wheelchair users and other passengers to board and alight the vehicle in safety.

Any lighting fitted in accordance with this requirement shall have a means of preventing its operation when the vehicle is in motion if its use is likely to affect adversely the driver's vision.

### **2. Kneeling Systems**

Design Features: When a kneeling system is fitted a switch shall be used to enable operation and must be under the direct control of the driver. The lowering process shall be capable of being stopped and reversed and shall prevent the vehicle being driven at a speed exceeding 5mph when the vehicle is lowered.

### **3. Securing Equipment**

- (a) Design Features:
  - All wheelchairs shall be secured with tested and approved equipment.
- (b) Storage:
  - Secure storage is required for all securing equipment when not in use.



# Colchester Borough Council



## Local Government (Miscellaneous Provisions) Act, 1976 Town Police Clauses Act 1847

### Appendix: E. Hackney Carriage Vehicle Licensing Conditions of Licence

Any vehicle used under a Hackney Carriage vehicle licence for hire and reward purposes can **only** be driven by a person holding a Colchester Borough Council Hackney Carriage/private hire drivers licence whether it is being used for hire and reward or social and domestic purposes. Spouses and Partners are therefore unable to drive a licensed vehicle unless they too hold a Colchester Borough Council hackney carriage/private hire drivers licence.

#### 1. General Conditions of application

A Hackney Carriage vehicle licence remains in force for one year. A vehicle licence application form can be obtained from the Customer Service Centre at Angel Court, High Street, Colchester, CO1 1FL. If the vehicle is already licensed a letter with the renewal application forms will be sent to you inviting you to renew.

A vehicle must be under **five** years of age from its date of first registration before being first granted a licence and must pass an inspection/examination undertaken by Colchester Borough Councils Street Services at its workshop located at Unit 7, West Side, Stanway, Colchester, this inspection can only be arranged for you through the Customer Service Centre.

Thereafter the Council will ordinarily inspect the vehicle once during each 12 month licensing period until the vehicle is over 5 years old when it will **also** need to be examined prior to the licence being renewed. From 5 to 9 years old the vehicle will undergo testing twice a year and from 9 to 12 years old three times a year. You will be notified in writing of the time and date when the vehicle is required for inspection. This examination is in addition to the vehicles MOT and does not replace the requirement for the vehicle to hold a MOT Certificate.

The cost of one inspection/examination is included in the vehicle licence fee but all other re inspections/examinations, for example on change of a vehicle during a licence period, will be charged for in accordance with the published scale of fees. If a licence is transferred during the licensing period no refund of any fee or inspection fee is applicable. The Riverside workshop charge a fee for any missed appointment unless twenty four hours of cancellation is given.

A vehicle must always be inspected after it has been involved in a road traffic accident or where damage has been caused to it, however minor or limited the damage appears to be. You must also present the vehicle for inspection after it has been repaired. Any such damage must be reported to the Licensing Office **in writing** within 72 hours. A breach of this condition may result in penalty points being endorsed on your Hackney Carriage/Private Hire drivers licence or your drivers licence being suspended or revoked.

The basic procedure for the grant or renewal of a Hackney Carriage vehicle licence is outlined as follows:

When the vehicle has been inspected/examined and the application/renewal form has been completed you must telephone the Customer Service Centre at Angel Court to make an appointment to see an appropriate member of staff. On attendance the following documentation **must** be produced or the application will be refused:

- a. Vehicle registration document or, if this has been sent away, the bill of sale. Please note that any bill of sale must show the vehicle type, registration number, purchase details, colour of vehicle and the date the vehicle was first registered.
- b. A current insurance certificate or cover note showing that compliance with part vi of the Road Traffic Act 1988 and the use of the vehicle for public/private hire and reward. Please note that any named person on the policy **must** hold a Colchester Borough Council hackney carriage/private hire drivers licence.
- c. A current MOT Certificate if the vehicle has been registered for one year or more.
- d. Your DVLA driving licence. Original and both parts if a photo licence. A copy is not acceptable. The address shown on the driving licence must correspond with that on the registration document.
- e. The correct fee.

If at any time you wish to replace your vehicle the procedure will largely be as set out as above.

The Council requires and is empowered by law to ensure that vehicles are properly maintained and insured at all times. A copy of any new MOT certificate must be presented to the Customer Service Centre within 7 days of the date of issue. Similarly the Council will require sight of any new insurance certificate/cover note within 7 days of date of issue. Insurance Brokers may fax a copy to us direct on 01206 282598 but it is the responsibility of the vehicle licence holder to satisfy him/herself that this has been done.

Once the application/renewal process is complete the Council will issue a licence plate to the vehicle licence holder of the vehicle. The licence plate must be affixed **securely** on the rearmost part of the vehicle as set out in the vehicle conditions. The necessary fixing kits are supplied by the Licensing Office. It is an offence to not display a licensing plate on a licensed vehicle. Internal side plates must be displayed facing outwards on the windows of the rear doors in such a position that customers can see the number prior to getting into the vehicle. A front plate will also be supplied.

It is the licence holders responsibly to ensure they apply for their licence renewal in good time. There is no legal obligation on the Council to issue reminder letters, but at present the Council issues a reminder, renewal details and an application form prior to licence expiry. Failure to renew a licence by the due date or by the non production of required documentation will result in the applicant having to reapply, in which case any vehicle must meet the criteria for vehicle age at the time of re application.

The transfer of a Hackney Carriage vehicle to someone else, within a licensing year is permitted, subject to and provided that all the other terms and conditions are complied

with. A fee for transfer is applicable. Should a licence be transferred without the necessary application to the Council the vehicle licence stands to be suspended or revoked.

If you are seeking to change your vehicle it is strongly suggested that you contact the Licensing Office to ascertain if the proposed vehicle is suitable, before you have made any commitment to purchasing it.

## **2. Hackney Carriage Vehicle Specification (for Saloon / Estate / Minibus vehicles)**

Hackney carriages must be black in colour.

The vehicle must be suitable for use as a Hackney Carriage vehicle with facilities for the carriage of a minimum of four passengers and their luggage in comfort.

The vehicle must have at least four doors unless it is a minibus type vehicle (multi seat vehicle), in which case the minimum opening of the side door must be at least 864mm (2 feet 10 inches)

Each passenger must have a minimum of (432mm/17 inches) of personal sitting space. For the rear seats this will be measured in a straight line lengthways across the front edge of the seat.

Depending on the condition and type of vehicle and subject to it passing each inspection it could be licensed up to a maximum age of:

- a. In the case of a saloon/estate/ people carrier type vehicle up to twelve years.
- b. In the case of a minibus type vehicle up to twelve years.
- c. In the case of a London style "Taxi" type vehicle (commonly known as a black cab) up to fifteen years.

### **Conditions of Licence**

#### **3. Colour of Vehicle**

All Hackney Carriages licensed by the Council will have a black full body livery.

#### **4. Maintenance of Vehicle**

The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Road Vehicles (Construction and Use) Regulations shall be fully complied with.

#### **5. Alteration of Vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the approval of the Council, at any time when the hackney carriage vehicle licence is in force.

## 6. Identification Plate

The white plate identifying the vehicle as a hackney carriage vehicle and required to be exhibited on the vehicle pursuant to Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, **must be securely fixed to the outside rear of the vehicle in a conspicuous position , adjacent as possible to the rear number plate** and in such a manner as to be easily identified by any person and be removed by an authorised officer of the Council or a Police Constable, as may from time to time be necessary.

A further identification plate **must be securely fixed to the outside front of the vehicle, at bumper level, adjacent as possible to the front number plate** and in such a manner as to be easily identified by any person and be removed by an authorised officer of the Council or a Police Constable, as may from time to time be necessary.

## 7. Interior Markings

The proprietor must cause to be clearly displayed and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed in it, the number of the vehicle licence and the number of passengers allowed on the licence.

## 8. Safety Equipment

- (a) Where a fire extinguisher is provided by the proprietor:
  - i) It must be of a suitable, efficient and appropriate type complying with British Standard BS 5423.
  - ii) It must be fixed in the vehicle in such a position as to be readily available for use.
  - iii) It must be inspected by a competent person every six months and those inspections must be recorded on a self-adhesive label, which has been applied to the extinguisher.
- (b) Where a first aid kit is provided it must have appropriate first aid dressings and appliances. Equipment must be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.
- (c) In addition, all forward facing seats in the vehicle must be fitted with a seat belt complying with the current Road Vehicles (Construction and Use) Regulations including mini-buses and must also be used in accordance with any current or future legislation or guidelines as issued or determined by central government in relation to the use of seatbelts. This will however ordinarily exclude limousines and vintage cars.

**See Section 26 for seat belt information, for guidance on the use of seat belts for children, or visit the web sites of the Department of Transport at [www.dft.gov.uk](http://www.dft.gov.uk) or The Royal Society for the Prevention of Accidents at [www.rosipa.com](http://www.rosipa.com) (checking the child seat belt section).**

This information was correct at the time that these conditions were updated.

**Drivers are, however, advised that they have a responsibility to ensure that they are familiar and up to date with seat belts and any other relevant construction and use and safety legislation which is available from the above web sites.**

## **9. Signs, Notices, etc**

- (a) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever can be displayed on, in, or from the vehicle, except as may be required by any statutory provision (including by- laws), or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taximeter fitted to the vehicle.
- (b) The proprietor must cause to be fixed and maintained to the front of the roof of the vehicle a sign which reads "Taxi" and must be able to be lit when available for hire and turned off at other times. The illuminated roof sign will be the standard approved size of 24 inches (61cm). This condition does not apply when the vehicle is a London style cab such as for example, a TX1, FX4, Metrocab or any other type of vehicle that has a built in 'Taxi' sign at roof level. All other livery conditions apply to London style cabs **unless** they are actively displaying promotional advertising on the vehicle, permission for which must have been sought from the Council. The roof sign will be supplied by the Council at cost price.
- (c) Door signs as supplied or authorised by the Council, will be affixed and maintained on the top of the nearside and offside front doors of the vehicle. The signs will measure 16 inches (40.64cm) by 7 inches (17.78cm) and will bear the Borough Coat of Arms.
- (d) The use of the Borough Coat of Arms is exclusive to Colchester Borough Council only, therefore prior permission for the use of these signs or this symbol must be obtained in writing from the Licensing Manager. No other use of door signage or the Borough Coat of Arms will be considered or allowed.
- (e) The proprietor must cause to be fixed and maintained, rear door signage on the inside of the vehicle facing outwards, affixed in such a position to be seen by any passenger opening the rear doors. These signs will be supplied by the Council and will show the plate number of the vehicle.
- (f) The proprietor must cause to be fixed and maintained the appropriate no smoking signage required by the Smoke-Free (Signs) Regulations 2007.
- (g) The proprietor must cause to be fixed and maintained in the vehicle in a conspicuous position and in accordance with the directions of the Council, any sign or notice which can be illuminated or non-illuminated and confined to the nearside and offside front doors, or front and rear windscreens relating to Hackney Carriage (Taxi) vehicles and which from time to time the Council may require.
- (h) The proprietor may display such signs etc, as may from time to time be approved by the Council in writing. Approval for use must be obtained **prior**

to display. Any signage should be the same size as the front door signs supplied by the Council, using the same size gold lettering on a black background. Only the name of the business and a contact telephone or mobile telephone number is permitted.

- (i) There must be displayed within the vehicle, or made available on request for the information of passengers, a maximum table of fares in the form and printing as previously submitted to, advertised and approved by the Council. The current Fare Tariffs can be found in Appendix H.

**Any Hackney carriage vehicle found not complying with the Councils livery conditions is liable to immediate suspension.**

#### **10. Change of Address**

The proprietor must notify the Council in writing of any change of their address during the period of the licence within **seven days** of such a change taking place.

#### **11. Convictions**

The proprietor must within **seven days** disclose to the Council **in writing** details of **any** conviction, caution or fixed penalty endorsement imposed on them (or, if the proprietor is a company or partnership, on any or the directors or partners) during the period of the licence.

#### **12. Deposit of Drivers Licence**

If the proprietor permits or employs any other person to drive the vehicle as a Hackney Carriage, they must before that person commences driving the vehicle, ensure that the driver delivers to them their Driver's Licence as has been issued by the Council.

This must be retained by the proprietor until such times as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of theirs, unless the driver has already deposited their licence pursuant to Clause 9 of the conditions of their Council driver's licence, with a proprietor of a hackney carriage.

**It is an offence for any person other than a licensed hackney carriage driver with this Authority, to drive or be allowed to drive a hackney carriage vehicle that has also been licensed by this Council.**

#### **13. Lease of vehicles to Licensed Drivers**

Whilst no objection will be made by the Council to the leasing / rental of a licensed Hackney Carriage, the proprietor (usually the sole owner) will continue to be responsible either individually or severally or jointly for compliance with the licence conditions, statutory and bylaw provisions. There is a statutory requirement under Section 40 to inform the Council of every additional person who becomes responsible for the keeping, letting for hire and employ of such vehicles.

The proprietor will be responsible for insuring the vehicle with any additional driver being noted on the policy as a named driver. Upon application and renewal the insurance document, vehicle registration document, and application form must all show the same name.

Although any lease / rental agreement between a proprietor and lessee will require very careful drafting, it cannot be of concern to the Council since the Council is not party to such agreement.

In the case of dispute, all parties are reminded that ownership of the licensing plate is retained by the Council and that the licence plate can never be leased or rented without a business, ie vehicle, and its goodwill. Similarly a licensing plate cannot be sold by the licence holder to a third party without a business, ie vehicle and its goodwill. In the event of this action being proven the licensing plate will be revoked and reallocated to another licensed driver.

#### 14. Insurance

A fully paid up insurance policy in respect of the vehicle covering the carriage of passengers for hire or reward and complying with the requirements of Part VI of the Road Traffic Act 1988, must be in force during the currency of the Council's vehicle licence **and the certificate of this policy must be produced to the Licensing Manager, or any other authorised officer at all such times and places as may reasonably be required.**

#### 15. Taximeter

The vehicle must be provided with a taximeter and all its fittings must be fixed to the vehicle with seals or other appliances, so that it will not be practical for any person to tamper with them, except by breaking, damaging or permanently displacing the seals or other appliances.

The vehicle may only be equipped with a taximeter of the type specified by the Council with respect to hackney carriages, or such other type of taximeter as may be approved from time to time by the Council.

The taximeter must be used for every fare, **without exception**. If a fixed price fare is negotiated, the taximeter must be used in order to confirm that any negotiated fare is less than the metered fare.

#### 16. Type of Vehicle

- i) The vehicle must be suitable for use for hire with facilities for the carriage of four passengers and their luggage and must have at least 4 doors, unless it is a minibus type vehicle with only 3 doors, in which case, the minimum opening of the sliding door must be at least 86 cm (2' 10").
- ii) All vehicles licensed as hackney carriages and which are from the date of first registration over one year old must have a VOSA MOT Test Certificate.
- iii) All newly registered or re-registered vehicles must run on unleaded fuel, diesel or an alternative environmentally friendly fuel such as LPG, (Liquid Petroleum Gas).

**NOTE:** Further to the Disability Discrimination Act 1995 it is possible that legislation may be amended in the future to require any vehicle being first licensed as a Hackney Carriage **to be** accessible by persons in wheelchairs



- iv) For the safety of the passengers and drivers tinted windows are not acceptable.

## 17. Accidents

Any accident causing damage, however minor, and which may materially affect the safety, performance or appearance of the vehicle, or the comfort or convenience of the passengers, must be reported to the Licensing Manager within **72 hours** of its occurrence.

## 18. Insurance replacement Vehicles

Exemption from the livery requirement is available for a vehicle supplied to a proprietor by an insurance company or a similar business as a result of an accident to their licensed vehicle. This exemption is effective for a short term only, whilst repairs to the licensed vehicle are undertaken. Any such vehicle must still display the approved roof light and door signs.

## 19. Transfers

If the vehicle for which this licence has been granted is transferred to a person other than the proprietor or proprietors that are named on this licence, then the present proprietor must within **14 days** of the transfer give notice in writing to the Licensing Manager, specifying the name and address of the person to whom the vehicle has been transferred.

## 20. Return of Plates

- (a) Hackney carriage vehicle licence plates remain at all times the property of the Council and must be returned to the Licensing Manager or other authorised officer if the licence holder has failed to renew the licence, or on the death of a sole proprietor or upon their giving up the business.
- (b) On renewal of vehicle licence, the expired plate must be returned to the Licensing Manager or other authorised officer within 7 days of the expiry of that licence.**

## 21. Carriage of Assistance Dogs

Under section 37 and 37(a) of the Disability Discrimination Act 1995 it is mandatory for hackney carriage and private hire vehicles to carry guide, hearing and other assistance dogs accompanying disabled people and to do so without additional charge. The dog must be allowed to remain with the passenger.

**Only** in cases where a driver has been issued with a notice and **Certificate of Exemption** on medical grounds will they be exempt. Where a notice of exemption has been issued to a driver, it must be exhibited in the vehicle by fixing it facing outwards either to the windscreen or in a prominent position on the dashboard.

Failure to comply with these duties is an offence and if found guilty you may be liable of a fine, at present, up to £1000.00.

It is also an offence under Section 49(2) of the Act if, with intent to deceive, you:

- a) Forge, alter for use a Certificate or Notice of Exemption.
- b) Lend a Certificate or Notice of Exemption to any other person.
- c) Allow it to be used by any other person.
- d) Make or have in your possession any document which closely resembles a Certificate or Notice of Exemption.

**Types of Dogs covered:**

**Guide Dogs:** trained by Guide Dogs for the Blind Association to guide a visually impaired person. These dogs wear a harness.

**Hearing Dogs:** trained to assist a deaf person. These dogs wear a jacket with the words "Hearing Dogs for Deaf People".

**Other Assistance Dogs:** those trained by "Dogs for the Disabled", "Support Dogs" or "Canine Partners" to assist a disabled person with a physical impairment. These dogs should be wearing a jacket inscribed with the name of the relevant charity.

In addition, the owners of all these dogs will carry an identity card with the name of the relevant charity.

**22. Additional specifications for wheelchair accessible vehicles.**

- 1) Each vehicle must have been manufactured or properly adapted to carry at least one person seated in their wheelchair (which includes electrically driven wheelchairs) and have an approved wheelchair clamping system installed. A full specification for wheelchair accessible vehicles can be found in Appendix O.

The system of clamping a wheelchair must be of a proprietary type and been installed to manufacturers specifications.

A certificate of professional fitting by a competent person must be produced.

- 2) Each wheelchair user conveyed must be capable of being properly secured with a lap and diagonal seat belt made available through the vehicles adaptation or design and separate from the system holding the wheelchair.

A certificate of professional fitting by a competent person must be produced.

**Belts attached to a wheelchair in order to assist a person to remain in it whilst the wheelchair is in use will NOT be sufficient.**

- 3) If the vehicle is not fitted with a mechanical ramp, wheelchair ramps **must** be carried and be available for use. Storage of the ramps when not in use must not impede access or egress of passengers or otherwise compromise their safety. Ramps are to be clearly marked with the vehicles registration number.
- 4) When a designed or adapted vehicle is presented for testing, all seat configurations shall be made known and the interior layout of the seating will be noted. When presented, each vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.

Whilst available for hire, if such a vehicle is not being used for a passenger in a wheelchair, only a foldaway seat which complies with current construction and use regulations may be used to substitute the wheelchair space.

Any seats replacing the wheelchair space which have to be bolted or locked into place will not be accepted since these present problems of storage of the displaced seats when wheelchair passengers are being carried.

Any hackney carriage licence granted specially for the provision of a London style cab or Mini Bus type wheelchair converted vehicle, shall only remain valid and in force for as long as a vehicle of this type is provided.

Should any proprietor wish to dispose of a vehicle with the benefit of such a licence, this condition will continue to apply to any new proprietor.

**All drivers, whether proprietor or lessee, who use a wheel chair accessible vehicle must attend a Passenger Assistance Training course and lodge the attendance/pass certificate with the Licensing Office.**

**Refusal to accept a wheelchair user as a fare paying passenger, for any reason, will not be tolerated and a prosecution may follow. Any wheelchair accessible vehicle found to be not carrying the necessary ramps or claiming ramps to be damaged will be immediately suspended. On a second offence of this kind, the Licensing Authority may refer the matter to the Licensing Committee with a view to revoking the vehicle and driver licence.**

**23. A licensed vehicle will be permitted to tow a trailer.**

**Provided that:**

1. The proprietor presents the trailer for inspection by the Council prior to its use and again at each inspection of the vehicle on which the trailer is to be towed.
2. The trailer may only be used on a pre-booked journey when excess luggage is to be carried and not for general use.
3. The trailer may be used with any licensed vehicle, provided that the trailer, vehicle and their towing fittings have been inspected and approved by the Council.
4. The trailer complies with all aspects of current legislation and is of a type and weight, when laden, recommended by the vehicle manufacturer as being suitable for the intended towing vehicles weight capacity i.e. not more than 50% of the kerb side weight of the towing vehicle.
5. That the vehicle towing must be suitable in all other aspects for towing the intended trailer in accordance with regulations under the Road Vehicles (Construction and use) Regulations 1986.
6. That the trailer be in good condition and is no longer than 10 years old, proof of age must be produced.
7. That the trailer must be manufactured for the purpose for which it is intended.

8. That the trailer must be plated by its manufacturer specifying the maximum load to be carried.
9. A trailer with a maximum designed laden weight of more than 750 kg must have a system of overrun braking operated by the slowing of the towing vehicle or a braking system properly coupled to the braking system of the towing vehicle and which is properly maintained.
10. Must comply in all aspects with the current vehicle/trailer lighting regulations and when in use show the towing vehicles registration number in accordance with such legislation.
11. No advertising to be permitted on any part of the trailer without prior written authority.
12. That the trailer be fitted with securely fastened covers, which can be hardtop or canvas tarpaulin type.
13. When the trailer is used with the vehicle, the additional licence plate issued by the Council specifically for that trailer shall be clearly displayed on the rear of the trailer. Such licence plate number must correspond to the plate number of the towing vehicle.
14. That a spare wheel and suitable jack for the trailer be carried whilst the trailer is in use.
15. The tow bar fitted to the towing vehicle used must be of a type approved by the manufacturer of the vehicle and fitted by an approved agent. The safety chain attachment must be correctly fitted from the trailer to the towing vehicle when in use.
16. The vehicle to be insured to tow the trailer for public/private hire and reward of which proof of cover must be produced.
17. That a charge will be made for the inspection of the trailer and additional plate which will be recouped from the proprietor of the vehicle.
18. That a Council licensed Hackney Carriage/Private Hire driver be permitted to tow a trailer whilst driving a licensed vehicle providing that:
  - a) The driver holds the appropriate category on his DVLA licence, which must be produced to the Council
  - b) It is the proprietor's responsibility to ensure that the trailer towed by his vehicle complies with the legislation and licensing conditions.
  - c) It is the proprietor's responsibility to ensure that the driver towing the trailer holds the appropriate category DVLA licence.
19. When in use the trailer shall not carry a load in excess of the trailers recommend limit.

- 20 When in use the trailer shall not be loaded in such a manner whereby the load could be considered as unstable or likely to cause danger to other road uses.
- 21 Should the trailer be towed by a multi seat type vehicle i.e. a minibus, there must be sufficient distance between the rear of the vehicle and the load carrying area of the trailer to allow the rear doors of the towing vehicle to be opened and used in times of an emergency.
- 22 The trailer will be fitted with a properly maintained parking brake which when the trailer is in use and standing uncoupled from a vehicle must be activated.

#### 24. Rank Discipline

Hackney carriage drivers are reminded that it is an offence under the Town Police Clauses Act 1847, to leave a Hackney Carriage unattended in a public place. Any Parking, outside of agreed parameters, on the rear of a Hackney Carriage rank will therefore be dealt with by way of a fixed penalty notice or penalty points. Hackney carriage drivers are expected to obey rank discipline, in that vehicles should immediately move forward when the vehicle at the front of the rank leaves.

#### 25. Penalties

The Council may under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976, suspend or revoke the licence hereby granted, if any of the above conditions are not complied with and it is an offence punishable on summary conviction by a fine not exceeding level 3, to fail to comply with Conditions 10, 13 and 14 above.

- ◆ **If the licence holder is aggrieved by any of these conditions, they do have the right of appeal to the Council's Licensing Committee and/or to the Magistrates' Court. The reason for such an appeal must be stated clearly in writing within 21 days of the receipt of these conditions.**
- ◆ **In the case of any such appeal to the Licensing Committee, the letter of appeal should be addressed to the Licensing Manager, Environmental and Protective Services, 33 Sheepen Road, Colchester, CO3 3WG.**
- ◆ **(The Council referred to in this document, at all times is the Colchester Borough Council).**

#### 26. General Guidance Notes for the Use of Seatbelts

All licensed vehicles must be fitted with seat belts. Hackney carriage drivers may claim exemption from wearing a seat belt when plying for hire or carrying passengers for hire. Private hire drivers may only claim exemption from wearing a seat belt when a fare paying passenger is actually in the vehicle **and at no other time.**

A summary of the law on seat belts, at 18 September 2006 follows. Drivers are reminded that it is their responsibility to ensure that they keep up to date with any changes to the legislation. Please refer to the conditions for useful reference points.

**Driver:** Seat belt must be worn if fitted unless exemption applies.

**Adult Passengers:** Seat belts must be worn whether travelling in the front or rear seat.

**Child under 3 years old:** When travelling in the front seat appropriate child restraint **must** be used. When travelling in the rear seat appropriate child restraint **must** be used.

**Child aged 3 to 11 and under 1.35 metres tall:** When travelling in either the front or rear seats, appropriate child restraint **must** be used.

**Child aged 12 over 1.35 metres tall:** Whether travelling in the front or rear seat a seat belt **must** be worn if fitted.

**Babies must not be conveyed in arms/on lap under any circumstance.**

**A seat belt must NEVER be put around two people.**

**Travelling in Taxis and Private Hire:** Taxis etc cannot be expected to have the right child seat or booster unless parents have brought one with them. If child seats or boosters are not available in a taxi:

Under 3s must travel unrestrained in the rear only.

Those 3 years and above must use an adult belt in the rear only.

**A child up to 135cms in a front seat of ANY vehicle MUST use the correct child seat or booster.**

**IMPORTANT: DRIVERS MUST NOTE THAT THE LAW REGARDS THE DRIVER OF A VEHICLE AS BEING RESPONSIBLE FOR ENSURING THAT CHILDREN WEAR SEAT BELTS.**





## Appendix F

### Private Hire Vehicle Licensing Conditions of Licence

Any vehicle used under a private hire vehicle licence for hire and reward purposes has to receive pre booked bookings through an operator and must be driven by the holder of a Colchester Borough Council hackney carriage/private hire drivers licence. Once licensed the vehicle can **only** be driven by a person holding a Colchester Borough Council hackney carriage/private hire drivers licence whether it is being used for hire and reward or social and domestic purposes. Spouses and Partners are therefore unable to drive a licensed vehicle unless they too hold a Colchester Borough Council hackney carriage/private hire drivers licence.

#### General Conditions of application

A private hire vehicle licence remains in force for one year. A vehicle licence application form can be obtained from the Customer Service Centre- at Angel Court, High Street, Colchester, CO1 1FL. If the vehicle is already licensed a letter with the renewal application forms will be sent to you inviting you to renew.

A vehicle must be under **five** years of age from its date of first registration before being first granted a licence and must pass an inspection/examination undertaken by Riverside at its workshop located at Unit 7, West Side, Stanway, Colchester, this inspection can be arranged by contacting the Customer Service Centre.

Thereafter the Council will ordinarily inspect the vehicle once during each 12 month licensing period until the vehicle is over 5 years old when it will **also** need to be examined prior to the licence being renewed. . From 5 to 9 years old the vehicle will undergo testing twice a year and from 9 to 12 years old three times a year You will be notified in writing of the time and date when the vehicle is required for inspection. This examination is in addition to the vehicles MOT and does not replace the requirement for the vehicle to hold a MOT Certificate.

The cost of one inspection/examination is included in the vehicle licence fee but all other re inspections/examinations, for example on change of a vehicle during a licence period, will be charged for in accordance with the published scale of fees. If a licence is transferred during the licensing period no refund of any fee or inspection fee is applicable. Riverside workshop charge a fee for any missed appointment unless twenty four hours of cancellation is given. **Failure to comply with the Council's testing requirements will result in the immediate suspension of the vehicle until such time an inspection test has been undertaken. Consideration will also be given to the issue of penalty points to the owner of the vehicle concerned.**

A vehicle must always be inspected after it has been involved in a road traffic accident or where damage has been caused to it, however minor or limited the damage appears to be. You must also present the vehicle for inspection after it has been repaired. Any such damage must be reported to the Licensing Office **in**



**writing** within 72 hours. A breach of this condition may result in penalty points being endorsed on your hackney carriage/private hire drivers licence or your driver's licence being suspended or revoked.

The basic procedure for the grant or renewal of a private hire vehicle licence is outlined as follows:

When the vehicle has been inspected/examined and the application/renewal form has been completed you must telephone the Customer Service Centre at Angel Court to make an appointment to see an appropriate member of staff. On attendance the following documentation **must**, without exception, be produced:

- a. Vehicle registration document or, if this has been sent away, the bill of sale. Please note that any bill of sale must show the vehicle type, registration number, purchase details, colour of vehicle and the date the vehicle was first registered.
- b. A current insurance certificate or cover note showing that compliance with part vi of the Road Traffic Act 1988 and the use of the vehicle for public/private hire and reward. Please note that any named person on the policy **must** hold a Colchester Borough Council hackney carriage/private hire drivers licence.
- c. A current MOT Certificate if the vehicle has been registered for three years or more.
- d. Your DVLA driving licence. Original and both parts if a photo licence. A copy is not acceptable (A DVLA driving licence need not be produced if the licence is applied for in a company name and the registration document is held in a company name).
- e. The correct fee.

If at any time you wish to replace your vehicle the procedure will largely be as set out as above.

The Council requires and is empowered by law to ensure that vehicles are properly maintained and insured at all times. A copy of any new MOT certificate must be presented to the Customer Service Centre within 7 days of the date of issue. Similarly the Council will require sight of any new insurance certificate/cover note within 7 days of date of issue. Insurance Brokers may fax a copy to us direct on 01206 282598 but it is the responsibility of the vehicle licence holder to satisfy him/herself that this has been done.

Once the application/renewal process is complete the Council will issue a licence plate to the vehicle licence holder of the vehicle. The licence plate must be affixed **securely** on the rearmost part of the vehicle as set out in the vehicle conditions. The necessary fixing kits are supplied by the Licensing Office. It is an offence to not display a licensing plate on a licensed vehicle. Internal side plates must be displayed facing outwards on the windows of the rear doors in such a position that customers can see the number prior to getting into the vehicle. Council supplied door signage must also be affixed at the top of both vehicle front doors.

It is the licence holders responsibly to ensure they apply for their licence renewal in good time. There is no legal obligation on the Council to issue reminder letters, but at present the Council issues a reminder, renewal details and an application form prior to licence expiry. Failure to renew a licence by the due date or by the non production of required documentation will result in the applicant having to reapply, in which case any vehicle must meet the criteria for vehicle age at the time of re application.

The transfer of a private hire vehicle to someone else, within a licensing year is permitted, subject to and provided that all the other terms and conditions are complied with. A fee for transfer is applicable. Should a licence be transferred without the necessary application to the Council the vehicle licence stands to be suspended or revoked.

If you are seeking to change your vehicle it is strongly suggested that you contact the Licensing Office to ascertain if the proposed vehicle is suitable, before you have made any commitment to purchasing it.

### **Private Hire Vehicle Specification (for Saloon/Estate/Minibus and Limousine vehicles)**

Private hire vehicle licence holders and operators are specifically requested not to use **black** vehicles.

The vehicle must be suitable for use as a private hire vehicle with facilities for the carriage of a minimum of four passengers and their luggage in comfort.

The vehicle must have at least four doors unless it is a minibus type vehicle (multi seat vehicle), in which case the minimum opening of the side door must be at least 864mm (2 feet 10 inches)

Each passenger must have a minimum of (432mm/17 inches) of personal sitting space. For the rear seats this will be measured in a straight line lengthways across the front edge of the seat.

Depending on the condition and type of vehicle and subject to it passing each inspection it could be licensed up to a maximum age of:

- a. In the case of a saloon/estate/ people carrier type vehicle up to twelve years.
- b. In the case of a minibus type vehicle up to twelve years.
- c. Limousines and vintage cars may be licensed irrespective of age provided they pass the Councils inspections and their condition remains satisfactory.

#### **1. Maintenance of Vehicle**

The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Road Vehicles (Construction and Use) Regulations shall be fully complied with.

## 2. Alteration of Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the approval of the Council, at any time when the Private Hire vehicle licence is in force.

## 3. Identification Plate

The plate identifying the vehicle as a yellow private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(5) & 48(6a) of the Local Government (Miscellaneous Provisions) Act 1976, **must be securely fixed to the outside rear of the vehicle in a conspicuous position, adjacent to the rear number plate (if possible)** and in such manner as to be easily identified by any person and removed by an authorised officer of the Council or a Police Constable, as may from time to time be necessary.

A further identification plate **must be securely fixed to the outside front of the vehicle, at bumper level, adjacent as possible to the front number plate** and in such a manner as to be easily identified by any person and be removed by an authorised officer of the Council or a Police Constable, as may from time to time be necessary.

## 4. Interior Markings

The proprietor must cause to be clearly displayed and maintained inside the vehicle and in such a position as to be visible at all times to persons conveyed in it, the number of the vehicle licence and the number of passengers allowed to be carried by the licence

## 5. Safety Equipment

(a) Where a fire extinguisher is provided by the proprietor:

- i) It must be of a suitable, efficient and appropriate type complying with British Standard BS 5423.
- ii) It must be fixed in the vehicle in such a position as to be readily available for use.
- iii) It must be inspected by a competent person every six months and those inspections must be recorded on a self-adhesive label, which has been applied to the extinguisher.

(b) Where a first aid kit is provided, it must have appropriate first aid dressings and appliances. Equipment must be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

(c) In addition, all forward facing seats in the vehicle must be fitted with a seat belt complying with the current Road Vehicles (Construction and Use) Regulations including mini-buses and must also be used in accordance with any current or future legislation or guidelines as issued or determined by central government in relation to the use of seatbelts. This will however ordinarily exclude limousines and vintage cars.

**See 20 for seat belt information, for guidance on the use of seat belts for children, or visit the web sites of the Department of Transport at [www.dft.gov.uk](http://www.dft.gov.uk) or The Royal Society for the Prevention of Accidents at [www.rospa.com](http://www.rospa.com) (checking the child seat belt section).**

This information was correct at the time that these conditions were updated.

**Drivers are, however, advised that they have a responsibility to ensure that they are familiar and up to date with seat belt and any other relevant construction and use and safety legislation which is available from the above web sites.**

## **6. Signs, Notices, etc**

- (a) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever can be displayed on, in, or from the vehicle, except as may be required by any statutory provision (including by-laws), or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taximeter fitted to the vehicle.
- (b) Door signs as supplied by the Council will be affixed and maintained on the top of the nearside and offside front doors of the vehicle. The signage will incorporate the Councils corporate logo which is exclusive to the Council and permission for its further use must be sought from the Licensing Manager.
- (c) Operator signage must be affixed and maintained on the nearside and offside rear doors and should be to the following specification, unless prior written authority has previously been obtained from the Licensing Manager. The sign must be 21 x 30 cm (8¼" x 11¾") overall with a white background and a border 0.6 cm (¼") from the edge, the border to be the same colour as the lettering. The sign must state only the name, address and telephone number of the proprietor of the vehicle and the legend "Licensed Private Hire Vehicle Pre-booked only". The size of the lettering for the address and legend must be not less than 2 cm (¾"); the name must not be greater than 5 cm (2") and the telephone number must not exceed 6.5 cm (2½"). The proprietor may however choose the colour of the lettering if they so wish. The use of the Borough Coat of Arms is prohibited on private hire vehicles.
- (d) The proprietor must cause to be fixed and maintained, rear door signage on the inside of the vehicle facing outwards, affixed in such a position to be seen by any passenger opening the rear doors. This signage will show the plate number of the vehicle.
- (e) The proprietor must cause to be fixed and maintained the appropriate no smoking signage required by the Smoke-Free (Signs) Regulations 2007.
- (f) The proprietor may display such signs etc, as may from time to time **be approved by the Council.**
- (g) The use of roof lights on private hire vehicles is prohibited.

## 7. Change of Address

The proprietor must notify the Council in writing of any change of their address during the period of the licence and within **seven days** of such a change taking place.

## 8. Convictions

The proprietor must within **seven days** disclose to the Council **in writing** details of **any** conviction, caution or fixed penalty endorsement imposed on them (or, if the proprietor is a company or partnership, on any or the directors or partners) during the period of the licence.

## 9. Deposit of Driver's Licence

If the proprietor permits or employs any other person to drive the vehicle as a Private Hire vehicle, they must before that person commences driving the vehicle, ensure that the driver delivers to them their Council issued hackney carriage/private hire driver's licence.

This must be retained by the proprietor until such times as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of the proprietor, unless the driver has already deposited their licence pursuant to Clause 9 of the conditions of their Council driver's licence, with a proprietor of a private hire vehicle.

**It is an offence for any person other than a licensed private hire/hackney carriage driver with this Authority, to drive or be allowed to drive a private hire vehicle that has also been licensed by this Council.**

## 10. Insurance

A fully paid up insurance policy in respect of the vehicle covering the carriage of passengers for hire or reward, and complying with the requirements of Part VI of the Road Traffic Act 1988, must be in force during the currency of the Council's vehicle licence **and the certificate of this policy must be produced to the Licensing Manager, or any other authorised officer at all such times and places as may reasonably be required.**

## 11. Taximeter

If the vehicle is provided with a taximeter, all of its fittings must be fixed to the vehicle with seals or other appliances, so that it will not be practical for any person to tamper with them, except by breaking, damaging or permanently displacing the seals or other appliances.

The vehicle may only be equipped with a taximeter of the type specified by the Council in respect to private hire vehicles, or such other type of taximeter as may be approved from time to time by the Council.

## 12. Type of Vehicle

- i) The vehicle must be suitable for use for hire with facilities for the carriage of a minimum of four people and their luggage and must have at least 4 doors, unless it is a minibus type vehicle with only 3 doors, in which case, the minimum opening of the sliding door must be at least 86 cm (2' 10"). **The vehicle must not closely resemble a London Style Taxi (London Cab) such as the TX1, Fx4 or Metrocab for example.**
- ii) All newly registered or re-registered vehicles, with the exception of limousine or vintage cars, must run on unleaded fuel, or an alternative environmentally friendly fuel such as LPG, (Liquid Petroleum Gas) or diesel.
- iii) This Authority specifically requests that both Operators and owner drivers avoid the use of Black vehicles for private hire use.

## 13. Accidents

Any accident causing damage and which may materially affect the safety, performance or appearance of the vehicle, or the comfort or convenience of the passengers, must be reported to the Licensing Manager within **72 hours** of its occurrence. The vehicle must also be presented to the Councils approved garage for inspection as soon as practically possible.

## 14. Transfers

If the vehicle for which this licence has been granted is transferred to a person other than the proprietor or proprietors that are named on this licence, then the present proprietor must within **14 days** of the transfer give notice in writing to the Licensing Manager, specifying the name and address of the person to whom the vehicle has been transferred. The appropriate documentation must also be completed and fee paid, by appointment with the Customer Service Centre.

## 15. Return of Plates

- a) Private Hire vehicle licence plates remain at all times the property of the Council and must be returned to the Licensing Manager or other authorised officer if the licence holder has failed to renew the licence, or on the death of a sole proprietor or upon their giving up the business.
- b) **On renewal of the vehicle licence, the expired plate must be returned to the Licensing Manager or other authorised officer within 7 days of the expiry of that licence.**

## 16. Carriage of Guide, Hearing and other Assistance Dogs

Under section 37 and 37(a) of the Disability Discrimination Act 1995 it is mandatory for hackney carriage and private hire vehicles to carry guide, hearing and other assistance dogs accompanying disabled people and to do so without additional charge. The dog must be allowed to remain with the passenger.

**Only** in cases where a driver has been issued with a notice and **Certificate of Exemption** on medical grounds will they be exempt. Where a notice of exemption has been issued to a driver, it must be exhibited in the vehicle by fixing it facing outwards either to the windscreen or in a prominent position on the dashboard.

Failure to comply with these duties is an offence and if found guilty you may be liable of a fine, at present, up to £1000.00.

It is also an offence under Section 49(2) of the Act if, with intent to deceive, you:

- a) Forge, alter for use a Certificate or Notice of Exemption.
- b) Lend a Certificate or Notice of Exemption to any other person.
- c) Allow it to be used by any other person.
- d) Make or have in your possession any document which closely resembles a Certificate or Notice of Exemption.

### Types of Dogs covered:

**Guide Dogs:** trained by Guide Dogs for the Blind Association to guide a visually impaired person. These dogs normally wear a harness.

**Hearing Dogs:** trained to assist a deaf person. These dogs wear a jacket with the words "Hearing Dogs for Deaf People".

**Other Assistance Dogs:** those trained by "Dogs for the Disabled", "Support Dogs" or "Canine Partners" to assist a disabled person with a physical impairment. These dogs should be wearing a jacket inscribed with the name of the relevant charity.

In addition, the owners of all these dogs will carry an identity card with the name of the relevant charity.

## 17. Additional specifications for wheelchair accessible vehicles.

- 1) Each vehicle must have been manufactured or properly adapted to carry at least one person seated in their wheelchair (which includes electric driven wheelchairs) and have an approved wheelchair clamping system installed. A full specification for wheelchair accessible vehicles is shown in Appendix O.

The system of clamping a wheelchair must be of a proprietary type and been installed to manufacturers specifications.

- 2) Each wheelchair user conveyed must be capable of being properly secured with a lap and diagonal seat belt made available through the vehicles adaptation or design and independent from the system holding the wheelchair.

A certificate of professional fitting by a competent person must be produced.

**Belts attached to a wheelchair in order to assist a person to remain in it whilst the wheelchair is in use will NOT be sufficient.**

- 3) If the vehicle is not fitted with a mechanical ramp, wheelchair ramps **must** be carried and be available for use. Storage of the ramps when not in use must not impede access or egress of passengers or otherwise compromise their safety. Ramps must be clearly marked with the vehicles registration number.
- 4) When a designed or adapted vehicle is presented for testing, all seat configurations shall be made known and the interior layout of the seating will be noted. When presented, each vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted by the Council (to a maximum of 8) to be carried.

**Whilst available for hire, if such a vehicle is not being used for a passenger in a wheelchair, only a foldaway seat which complies with current construction and use regulations may be used to substitute the wheelchair space.**

**Any seats replacing the wheelchair space which have to be bolted or locked into place will not be accepted since these present problems of storage of the displaced seats when a wheelchair is being carried.**

**18. A licensed vehicle will be permitted to tow a trailer provided that**

1. The proprietor presents the trailer for inspection by the Council prior to its use and again at each inspection of the vehicle on which the trailer is to be towed.
2. The trailer may only be used on a pre-booked journey when excess luggage is to be carried and not for general use.
3. The trailer may be used with any licensed vehicle, provided that the trailer, vehicle and their towing fittings have been inspected and approved by the Council.
4. The trailer complies with all aspects of current legislation and is of a type and weight when laden recommended by the vehicle manufacturer as being suitable for the intended towing vehicles towing weight capacity i. e. not more than 50% of the kerb side weight of the towing vehicle.
5. That the vehicle towing must be suitable in all other aspects for towing the intended trailer in accordance with regulations under the Road Vehicles (COnstruction & Use) Regulations 1986.
6. That the trailer be in good condition and is no longer than 10 years old, proof of age must be produced.



7. That the trailer must be manufactured for the purpose for which it is intended.
8. That the trailer must be plated by its manufacturer specifying the maximum load to be carried.
9. A trailer with a maximum designed laden weight of more than 750 kg must have a system of overrun braking operated by the slowing of the towing vehicle or a braking system properly coupled to the braking system of the towing vehicle and which is properly maintained.
10. Must comply in all aspects with the current vehicle/trailer lighting regulations and when in use show the towing vehicles registration number in accordance with such legislation.
11. No advertising to be permitted on any part of the trailer without prior written authority.
12. That the trailer be fitted with securely fastened covers, which can be hardtop or canvas tarpaulin type.
13. When the trailer is used with the vehicle, the additional licence plate issued by the Council specifically for that trailer shall be clearly displayed on the rear of the trailer. Such licence plate number must correspond to the plate number of the towing vehicle.
14. That a spare wheel and suitable jack for the trailer be carried whilst the trailer is in use.
15. The tow bar fitted to the towing vehicle used must be of a type approved by the manufacturer of the vehicle and fitted by an approved agent. The safety chain attachment must be correctly fitted from the trailer to the towing vehicle when in use.
16. The vehicle to be insured to tow the trailer for public/private hire and reward of which proof of cover must be produced.
17. That a charge will be made for the inspection of the trailer and additional plate which will be recouped from the proprietor of the vehicle.
18. That a Council licensed hackney carriage/private hire driver be permitted to tow a trailer whilst driving a licensed vehicle providing that:
  - a) The driver holds the appropriate category on his DVLA licence, which must be produced to the Council
  - b) It is the proprietor's responsibility to ensure that the trailer towed by his vehicle complies with the legislation and licensing conditions.
  - c) It is the proprietor's responsibility to ensure that the driver towing the trailer holds the appropriate category DVLA licence.

19. When in use the trailer shall not carry a load in excess of the trailers recommend limit.
20. When in use the trailer shall not be loaded in such a manner whereby the load could be considered as unstable or likely to cause danger to other road uses.
21. Should the trailer be towed by a multi seat type vehicle i.e. a minibus, there must be sufficient distance between the rear of the vehicle and the load carrying area of the trailer to allow the rear doors of the towing vehicle to opened and used in times of an emergency.
22. The trailer will be fitted with a properly maintained parking brake which when the trailer is in use and standing uncoupled from a vehicle must be activated.

## 19. Penalties

The Council may under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976, suspend or revoke the licence hereby granted, if any of the above conditions are not complied with and it is an offence punishable on summary conviction by a fine not exceeding level 3, to fail to comply with Conditions 10, 13 and 14 above.

- ◆ **If the licence holder is aggrieved by any of these conditions, they have the right of appeal to the Council's Licensing Committee and/or to the Magistrates Court. The reason for such an appeal must be stated clearly in writing within 21 days of the receipt of these conditions.**
- ◆ **In the case of any such appeal to the Licensing Committee, the letter of appeal should be addressed to the Licensing Manager, Environmental and Protective Services, 33 Sheepen Road, Colchester, CO3 3WG**

**(The Council referred to in this document, at all times is the Colchester Borough Council)**

## 20. General Guidance Notes for the Use of Seatbelts

All licensed vehicles must be fitted with seat belts. Hackney Carriage drivers may claim exemption from wearing a seat belt when plying for hire or carrying passengers for hire. Private Hire drivers may only claim exemption from wearing a seat belt when a fare paying passenger is actually in the vehicle **and at no other time.**

A summary of the law on seat belts, as at 18 September 2006 follows. Drivers are again reminded that it is their responsibility to ensure that they keep up to date with any changes to legislation. Please refer to the conditions for useful reference points.

**Driver:** Seat belt must be worn if fitted unless exemption applies.

**Adult Passengers:** Seat belts must be worn whether travelling in the front or rear seat.

**Child under 3 years old:** When travelling in the front seat appropriate child restraint **must** be used. When travelling in the rear seat appropriate child restraint **must** be used.

**Child aged 3 to 11 and under 1.35 metres tall:** When travelling in either the front or rear seats, appropriate child restraint **must** be used.

**Child aged 12 over 1.35 metres tall:** Whether travelling in the front or rear seat a seat belt **must** be worn if fitted.

**Babies must not be conveyed in arms/on lap under any circumstance.**

**A seat belt must NEVER be put around two people.**

**Travelling in Taxis and Private Hire:** Taxis etc cannot be expected to have the right child seat or booster unless parents have brought one with them. If child seats or boosters are not available in a taxi:

Under 3s must travel unrestrained in the rear only.

Those 3 years and above must use an adult belt in the rear only.

**A child up to 135cms in a front seat of ANY vehicle MUST use the correct child seat or booster.**

**IMPORTANT: DRIVERS MUST NOTE THAT THE LAW REGARDS THE DRIVER OF A VEHICLE AS BEING RESPONSIBLE FOR ENSURING THAT CHILDREN WEAR SEAT BELTS.**



## **Appendix: G**

### **Stretched Limousines, Vintage / Classic Vehicles and Fire Engines**

#### **Stretch Limousines**

These conditions made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a stretched limousine. A stretch limousine is usually a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. The purpose of these conditions is to protect public safety, They apply in addition to the Councils standard vehicle conditions.

#### General Conditions:

- a. Seating capacity must be limited to eight passengers even if the vehicle is capable of carrying more than eight passengers.
- b. All Operators will be required to sign a declaration stating that the vehicle will not carry more than eight passengers and at the time of the booking, this restriction will be explained to the hirer.
- c. No passengers will be carried in the front compartment
- d. Every seat shall be at least 400mm in width measured along the seat base.
- e. Every seat shall have fitted a suitable seat belt or restraint.
- f. It is the driver's responsibility to ensure that passengers use seat belts provided when the vehicle is moving.
- g. Passengers must remain seated when the vehicle is moving.
- h. Children under the age of 14 years shall not be carried in a stretched limousine unless accompanied by a responsible adult, excluding the driver.
- i. No alcohol shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of same.
- j. Where alcohol is supplied in the vehicle, the Operator shall deposit a copy of the appropriate Licensing Act 2003 licence(s) with the Council. No person under the age of 18 years being conveyed in a stretched limousine shall be allowed to consume alcohol.

#### Vehicle Conditions:

- a. A valid SVA (single vehicle approval) certificate must be provided for the vehicle.
- b. A valid certificate of conversion by an approved USA converter (either a Qualified Vehicle Modifier (QVM) or a Cadillac Master Coachbuilder (CMC) must be provided for the vehicle.
- c. A DVLA V5 or equivalent shall be produced to confirm registration.
- d. A plate affixed to the door pillar shall confirm the weight of the vehicle.

- e. The vehicle shall be equipped with a minimum of four road wheels and a full sized spare wheel.
- f. The vehicle will be equipped with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed.
- g. Seat belts must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.
- h. Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.
- i. A stretch limousine will be subject to a twice yearly vehicle inspection, at intervals to be specified by the Council, at its authorised testing station. A third test may be required, if deemed appropriate.

### **Vintage / Classic Cars**

These conditions apply in addition to the Councils standard vehicle conditions.

- a. A Single Vehicle Approval (SVA) certificate or equivalent for the vehicle is to be submitted.
- b. Seat belts complying with current legislation must be fitted in respect of each passenger seat.
- c. The vehicle will be equipped with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed. The full size spare wheel that is required, must also be fitted with the same class of tyre.
- d. Vehicles licensed under these conditions will be subject to a twice yearly vehicle inspection, at intervals to be specified by the Council, at its authorised testing station. A third test may be required if deemed appropriate.

## **Fire Engines / Novelty Vehicles.**

These types of vehicle are licensed in general accordance with the standard Hackney Carriage / Private Hire vehicle and driver conditions. The conditions that follow also apply to these types of vehicle.

- a. The vehicle will be examined and issued with a certificate of fitness (in the form of an MOT or a HGV equivalent) prior to licensing. A further test, at the discretion of the Council, will be then be required during the twelve month validity of the certificate.
- b. The driver shall hold a full driving licence suitable for the vehicle concerned.
- c. Seating capacity must be limited to eight passengers even if the vehicle is capable of carrying more than eight passengers.
- d. All Operators will be required to sign a declaration stating that the vehicle will not carry more than eight passengers and at the time of the booking, this restriction will be explained to the hirer.
- e. Children under the age of 14 years shall not be carried in the vehicle unless accompanied by a responsible adult, excluding the driver.
- f. Physical assistance shall be given by the driver to ensure the safety of the passengers whenever they are entering or leaving the vehicle. Passengers are to be advised that they must not attempt to enter or leave the vehicle without such assistance.
- g. Suitable steps will be carried on the vehicle to assist access and egress from the passenger compartment.
- h. All passengers must enter or leave the vehicle by the passenger doorway adjacent to the pavement.
- i. Seating is to be secured anchored to the floor and seatbelts complying with current legislation must be fitted in respect of each passenger seat.
- j. Suitable signage shall be displayed in the passenger compartment advising passengers to wear seat belts.
- k. An audible alarm system shall be fitted to the passenger compartment doors, to alert the driver should the door be opened, and shall be in a tested working condition whenever the vehicle is carrying passengers.
- l. The floor area of the vehicle must be kept unobstructed at all times.
- m. All external lockers on utility vehicles must be kept locked at all times.
- n. In the case of the use of a fire engine all reflective tape and lettering is to be removed. Blue lights and the siren are to be disabled. No person involved in the operation of the vehicle is to wear a uniform or hat which may give the public the impression that the individual is a member of the fire service.
- o. No alcohol shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of same.
- p. Where alcohol is supplied in the vehicle, the Operator shall deposit a copy of the appropriate Licensing Act 2003 licence(s) with the Council. No

person under the age of 18 years being conveyed in a stretched limousine shall be allowed to consume alcohol.

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Appendix: H  
**COLCHESTER BOROUGH COUNCIL**



Local Government (Miscellaneous Conditions) Act 1976

**PRIVATE HIRE OPERATORS LICENCE  
CONDITIONS**

The following conditions will apply to all persons being the holder of a private hire operators licence issued by Colchester Borough Council.

- 1 The premises from which an operator conducts their business must be located within the Colchester Borough Council borough boundaries and have received planning permission for such use.
- 2 Where radio communications are used in order to carry out the business of an operator there must be in force a licence to use such a radio issued by the Department of Trade and Industry. The licence will be displayed on the company premises and a copy will be supplied annually to the Licensing Office.
- 3 The operator will have in place a current public and employees liability insurance policy to the minimum value of £2,000,000. The insurance certificate must be displayed on the premises and a copy will be supplied annually to the Licensing Office.
- 4 The council issued operators licence shall be clearly displayed on the premises.
- 5 If employing more than five or more people the operator must have carried out an assessment of health and safety risks to drivers and others who may be affected by your business in accordance with the Management of Health and Safety at Work Regulations 1999.
- 6 The applicants for a Private Hire Operators Licence, whether a proprietor or company director are required to provide a basic or enhanced CRB check at the time of initial application, along with evidence of financial standing, and upon renewal. This will be at the applicant's cost.
- 7 A licensed operator will maintain a current record of all private hire and hackney carriage vehicles operated by him/her or operating under his/her operating licence. The record shall show for each vehicle,
  - a) The private hire or hackney carriage vehicle licence issued by the Council.
  - b) The name, address and telephone number of the proprietor/driver.
  - c) The make and registration number of the vehicle.
  - d) The date the vehicle was accepted under their operator's licence.

- e) A service history of each vehicle including details of any modifications thereto and details of all accident repairs.
- f) The date the vehicle ceased to accept work under the operators licence.

These records will be periodically inspected at the operator's licensed place of business and must be retained for a minimum period of 12 months from the date the vehicle ceases to be licensed..

- 8 The operator will maintain a current record of all drivers working under their operator's licence.

The record will include:

- a) The full name, address, telephone number and mobile number of the driver.
- b) Copy of their Council issued driver's licence,
- c) The vehicle the driver uses.
- d) A copy of this record will be supplied to the Licensing Office every Quarter day (31 March, 30 June, 30 September and 31 December each year). The records may also be inspected at the operator's business premises periodically by an authorised officer of the Council or a Police Officer.
- e) When driver commences working under an operator, the operator will notify the Council within 7days.
- f) When a driver leaves an operator, the operator will notify the Council within 7 days giving the reasons why.

- 9 The operator will keep on file a current legible copy or computerised record of the D. V. L. A. driver's licence held by every driver accepting work under their operator's licence. They will ensure that at all times the DVLA permits the holder to drive the class of vehicle allocated to or owned by the driver.

- 10 The operator will maintain on file a legible copy or computerised record of the current insurance certificate or cover note of all vehicles accepting work under their operator's licence. They will ensure that all the vehicles used in relation to their operator's licence are at all times properly insured for the use as a private hire vehicle.

- 11 The operator will keep on file a legible copy or computerised record of the MOT certificates (where applicable) of all vehicles accepting work under their operator's licence are properly in force.

- 12 The operator will take all reasonable steps to ensure that at all times vehicles operating under their operator's licence comply with all the statutory requirements and licensing conditions relating to the mechanical and bodywork conditions of the vehicle, including cleanliness. They will ensure that the vehicle

complies with all the licensing conditions in relation to permissions for door advertising and the display of the vehicles licence plate.

- 13 The operator shall not permit the words “taxi” or “cab” to appear on any private hire vehicle operated by them or operating under their operator’s licence. This condition also relates to any advertising by the operator.
- 14 It will be the responsibility of the operator to ensure that all private hire vehicles under his/her control display the door signs in accordance with the private hire vehicle conditions These signs are compulsory and must remain on the vehicle at all times.
- 15 The operator shall notify the Licensing Office within **seven** days of any change of operating address.
- 16 The operator shall keep a legible record either in book or computerised form, of every booking accepted by him either from a hirer or by request of another licensed operator.

A booking record shall be completed at the time of booking and before the start of the journey and shall show as a minimum for each booking:

- a) The date and time the booking was received.
- b) The address at which the hiring is to commence.
- c) The date and time the hiring is to start.
- d) The name of the person making the hiring.
- e) The address at which the hiring is to end.
- f) The licence number or call sign of the vehicle allocated.
- g) The name or licence number of the driver allocated.
- h) How the booking was made, i.e. by telephone, personal call etc.
- i) Remarks, including details of any sub contracting.

The record shall be kept for a minimum period of six years.

- 17 Telephone diversions from the operator’s business number are only permitted where they are diverted to either a person whose name appears on the operators licence or to a person employed by that operator to accept such bookings.
- 18 The use of a Citizen Band Radio Transmitter/Receiver will not be permitted in a licensed vehicle.
- 19 The licensed operator shall not have or use a Radio Scanner Receiver in a licensed vehicle or in the course of their business. Pending an investigation into a complaint regarding a radio scanner the private hire operators licence may be suspended.
- 20 The operator will report to the Licensing Office within **72 hours** details of any accident or other damage sustained by a vehicle operating under their operator’s licence.

- 21 The operator is to ensure that all drivers operating under their operator's licence, when carrying passengers for hire or reward, are dressed in accordance with the licensing dress code or company conditions.
- 22 The operator must renew his operator's licence annually in such a manner so as to provide a continuous licensed period.
- 24 The operator will on the request of an officer of the Licensing Authority or a Police Officer produce their operator's licence or any other record reasonably requested for inspection.
- 25 The operator will keep a full copy of the Councils Licensing Policy, including all appendices, on the premises for the reference purposes of the licence holder, his controllers and drivers.
- 26 The operator shall be totally responsible for the conduct and actions of controllers operating under their operator's licence.
- 27 The holder of a Private Hire Operators licence will be required to produce a list of names and addresses and a basic CRB check for each Controller in his employ, initially at the time of first employment and then upon licence renewal.
- 28 The operator shall ensure that details of all bookings accepted are recorded in such a way that the contract between the operator and the hirer can be honoured.
- 29 The operator shall have a responsibility towards reimbursement to the hirer in the event of a contract not being satisfactorily honoured.
- 30 The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-
  - a Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause punctually attend at that appointed time and place. Every effort should be made to inform the hirer of any delay occurring or likely to occur.
  - b Keep clean, adequately heated, ventilated and lit any premises which the operator provides for the staff and to which the public have access, whether for the purpose of booking or waiting.
  - c Ensure that any public waiting area provided by the operator has adequate seating facilities.
  - d The interior and exterior of any public waiting area should be kept clean and in good repair.
  - e The operator shall ensure that where any passenger's waiting room or area is provided it is kept separate from any driver rest area or the operations room.

- f The operator shall ensure that no member of staff, drivers or proprietors congregate in any passenger waiting room or area.
- g The operator shall request that members of his/her staff, drivers, vehicle proprietors, passengers or prospective passengers should not congregate on any public road, footpath or any other public place while waiting for the arrival of a vehicle.
- h Ensure that any telephone facilities and radio equipment are maintained in a sound condition.
- i Travel Tokens are to be accepted by the operator and all of their drivers for local journeys under any authorised travel token type scheme. An operator or driver cannot impose any limit on amounts taken for an individual fare

### **31 Penalties**

When the Council has evidence to support a prosecution before the Courts or evidence of a breach of licence conditions, those matters can be dealt with by

- a) Advice, written or verbal.
- b) A formal caution,
- c) Use of the Penalty Points system
- d) Proceedings before the Courts or the Council's Licensing Committee.

The Council however retain the right under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 to suspend or revoke the licence granted if any of the above conditions are not complied with.

If the licence holder is aggrieved by any of these conditions, they have the right of appeal to the Council's Licensing Committee and / or the Magistrates Court. The reasons must be stated clearly, in writing and within 21 days of the receipt of these conditions. The letter should be addressed to The Licensing Manager, Environmental and Protective Services, 33 Sheepen Road, Colchester, CO3 3WG.

## **Appendix: I**

### **Additional Information on Hackney Carriage / Private Hire Applications by Foreign Nationals**

In addition to the application requirements set out in “Hackney Carriage Licensing-Drivers”, Colchester Borough Council may consider the following relating to applications made by foreign nationals.

#### **Eligibility to work in the UK**

An applicant must be eligible to work in the UK and the applicant will be required to provide evidence of this. Further information on working in the UK is available on [www.ukvisa.gov.uk](http://www.ukvisa.gov.uk)

#### **English Language**

Where an applicant’s first language is not English the applicant will need to demonstrate that they have a basic standard of English speaking and understanding.

#### **Driving Licence**

Colchester Borough Council must satisfy itself that an applicant holds an appropriate driving licence to drive in the UK for occupational purposes. Some foreign driving licences can be used for 12 months after residency, after which time an application must be made to the DVLA for a UK licence. EEC driving licence holders may use this licence for occupational driving up to certain age limits or for 3 years after becoming a resident, or until 70 years old, whichever is the sooner. As an occupational driver, however, the DVLA advises that a driver registers with them and applies for a UK counterpart to go with the EEC licence.

Further information on driving licences is available on [www.direct.gov.uk](http://www.direct.gov.uk)

#### **Criminal Convictions**

As part of the application procedure for a dual Hackney Carriage / Private Hire Drivers Licence the applicant is required to show that they are a fit and proper person to hold that licence. All applicants are required to complete a Criminal Record Bureau (CRB) check. To complete this check, applicants must provide all their addresses for the past five years, including any addresses outside of the UK. The CRB check will show any convictions that have been committed in the UK.

In addition to this check, foreign nationals will be required to provide the Council with a Criminal Record check from countries they have been resident in, outside the UK. If the country concerned does not produce such information, the applicant will be required to produce a certificate of good conduct from the Embassy concerned. The certificate must be an original and if in a foreign language must be accompanied by an original certified translation from a sworn translator to enable the Council to ensure the applicant has not committed an offence in a foreign country that would make them unsuitable for licensing as a taxi or private hire driver.

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## Appendix: J

### TAXI ADVERTISEMENT CONTENT

All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do.

Each proposal will be considered on its own merits but the following advertisements **will NOT be approved**:

- Those with political, ethnic, religious, sexual or controversial text.
- Those for escort agencies, gaming establishments, massage parlours, lap dancing clubs or sex establishments.
- Those displaying nude or semi nude figures.
- Those which seek to involve the driver as an agent of the advertiser.
- Those likely to offend public taste.
- Those which seek to advertise more than one company / service or product.
- Tobacco advertising.

**No advertisement can be displayed on a licensed vehicle without PRIOR written authorisation being given by the Licensing section.**

Rev 20/5/11



## Appendix: K

### CONDITIONS TO BE ATTACHED TO THE LICENCE FOR A HORSE-DRAWN CARRIAGE

#### INTERPRETATION

Throughout this document, the following shall apply: -

"The Council"	-	means Colchester Borough Council
"Veterinary Surgeon"	-	means a Member or Fellow of the Royal College of Veterinary Surgeons

1. No horse drawn carriage may be used without a Licence issued by this Council. Such a Licence will not be issued unless all the required documents have been produced or other requirements satisfied as detailed in these Conditions.
2. A horse used to draw any Carriage licensed by this Council shall not be less than 14.2 hands in height and shall be of a suitable conformation.
3. Details of all horses shall be lodged with this Authority and all horses shall be individually identifiable.
4. All horses will be identified on any such Fitness Certificate by noting a freeze brand, any microchip or using a marking chart.
5. A Certificate of fitness, issued by an Equine Veterinary specialising within a large animal practice shall be produced in respect of each Horse to be used for the purposes of this Licence.
6. Such certificate shall have been issued within 28 days of the proposed grant of any Licence or its renewal.
7. A Certificate of fitness may take the form of a letter written by an Equine Veterinary as above.
8. No horse may be permitted to work in inclement weather, except in the case of a short summer downpour.
9. Only persons Licensed by this Authority may drive a Licensed Carriage, such a Licence will only be issued once the Council are satisfied, after an application process has been satisfied, that the applicant is deemed to be a properly qualified, 'fit and proper' person to hold such a Licence.
10. The licence holder shall, at all times, when acting in accordance with the driver's licence wear the official badge issued by the Council in such a position to be visible.
11. The licence holder shall, at the request of any authorised officer of the Council or of any police officer, produce his licence for inspection.

12. The licence holder shall notify the Council of any change of address and, if not self employed, any change of employer.
13. Any change in the medical condition of the licence holder, which could impair his driving ability, shall be notified immediately to Council.
14. At all times when drawing the carriage, the horse must be well groomed, adequately shod and fit.
15. In the event of any Police Officer, RSPCA Inspector or an Authorised Officer of the Council having reason to suspect that an animal being used in relation to the Licence issued is unfit, it shall be taken out of use immediately until it is examined by an Equine Veterinary.
16. The Licensee shall meet the costs of any such examination.
17. Where any Horse is found to be unfit, its use in the operation of the Licence shall be discontinued until such time as it is declared fit in writing by an Equine Veterinary specialising within a large animal practice.
18. Every part of a harness used in the course of drawing a Carriage shall be kept fully maintained to ensure the comfort of any Horse used and shall be properly attached to the Carriage.
19. No horse shall be permitted to draw a Carriage or be harnessed to or otherwise attached to a Carriage for more than six hours in total in any one day.
20. If the horse is so harnessed to a Carriage for a period of three consecutive hours, the proprietor or driver shall ensure that the animal is rested for a period of not less than one hour, during which time the animal must be fed and watered.
21. No horse, which has been used to draw a Carriage for a total of six hours on any one day, may be used at any other time during the remainder of that day or for any other purpose.
22. No horse shall be used if it is in such a condition so as to expose any person being conveyed in such a carriage, or any pedestrian, on any street, or thoroughfare to risk of injury.
23. The carriage shall be suitable in type, size and design for the purposes of public hire and shall be fitted with rubber rimmed wheels.
24. The carriage shall display the Council's Plate upon the rear of the carriage, such plate must not be concealed from public view.
25. The proprietor or driver of the carriage shall not carry or permit to be carried in that carriage any greater number of passengers than the number of passengers which the carriage is licensed to carry.
26. The carriage shall be produced for examination and inspection by an authorised Officer of the Council, or such other agency as the Council may think fit, and the cost of such inspection shall be borne by the Licensee.

27. The Council shall be notified of any proposed alteration to any part of the carriage before such alteration is carried out.
28. The carriage shall be fitted with a sufficient drag-chain and slipper or other sufficient brake.
29. The floor of the carriage shall be covered with mats of a suitable material.
30. The seats of the carriage shall be properly cushioned or covered, fittings and furniture shall be kept clean and adequate for the convenience of persons conveyed therein.
31. Where the carriage is fitted with a roof or means of protection against the weather, such roof or means of protection shall be watertight and there should be a means of opening and closing any windows fitted.
32. The proprietor or driver of the carriage shall keep all of its fittings and equipment in a clean and safe condition, well maintained and in every way fit for public service.
33. The proprietor or driver of a Carriage shall ensure that whilst a Horse is being rested in accordance with these Conditions, it shall not remain harnessed, or otherwise attached to a Carriage, or used for any other purposes in connection with a Carriage or other conveyance.
34. The proprietor or driver of the carriage shall be in possession of a current Carriage Licence issued by the Council.
35. The proprietor or driver of the carriage shall not at any time when the carriage is plying for hire or used to carry passengers, drive or allow it to be driven wantonly or recklessly.
36. The driver of a carriage shall not at any time when the carriage is plying for hire or used to carry passengers under a Council Licence consume **any alcoholic** beverage.
37. In addition to a fully paid up policy of Insurance in respect of Hire and Reward, insurance relating to public liability shall be in force during the period of the Licence covering the carriage when it is being used for the purposes of hire and reward in the sum of £5m.
38. Such Insurance shall be produced to a Police Officer or an Authorised Officer of the Council at such times and at such places as may be reasonably required.
39. The proprietor or driver of the carriage shall not, in any street within the Borough, feed or allow to be fed any animal whilst harnessed or otherwise attached to the carriage, except with food contained in, a proper nose bag suspended from the head of the animal, from any centre pole of the carriage, or which is in a proper container or which is being held and delivered with the hand of the person feeding the animal.

40. The proprietor or driver of the carriage shall have available the means of providing water and hay for any Horse used to draw the carriage and the said Horse shall have access to such water / hay at regular intervals.
41. The licence holder shall be responsible, when in charge of the vehicle, for the collection and satisfactory hygienic disposal of horse excrement, as soon as reasonably practicable, after the excrement has been deposited.
42. The proprietor or driver of a carriage shall clearly display the charges for the journey and ensure that it is legible at all times.
43. The Driver of the Carriage shall be Licensed by the Council and fully qualified to drive any carriage of the type in use.
44. The driver of the carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in, entering or alighting from the carriage.
45. The driver of the carriage shall not smoke at any time when the carriage is being used to convey passengers.
46. The driver of a carriage shall not provide any alcohol in the carriage unless there is in force an appropriate licence permitting the sale or supply of same.
47. The driver of a carriage shall at all times when the carriage is plying or standing for hire or used to carry passengers wear the badge as provided by the Council in such a position and manner as to be plainly visible.
48. The driver of a carriage shall not, at any time whilst the carriage is plying or standing for hire by or used to carry passengers, operate a radio or other sound-reproducing equipment.
49. The driver of a carriage when plying for hire or carrying passengers shall proceed without delay between the points determined by the Carriage Licence issued in respect of the carriage.
50. The driver of a carriage shall, after dropping off any person carefully search the carriage for any property which may have been left therein.
51. The proprietor or driver of a carriage shall, if any property is left in the carriage take it as soon as possible and, in any event within 72 hours, to a police station in the Borough or the Licensing Authority.
52. The driver 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 carriage.
53. The proprietor or driver of the 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 the purposes.
54. The proprietor or driver, or any person travelling on or using the carriage shall not blow or play upon any horn or other musical instrument, or ring any bell.

55. Any driver who shall knowingly convey in the carriage the dead body of any person shall immediately thereafter notify the fact to the Chief Environmental Health Officer of the Council and shall not further use the carriage for public hire without the consent of that Officer.
56. The Council reserves the right to suspend or revoke a Licence at any time should the proprietor or driver fail to kept within these conditions or fails to operate the carriage on a regular basis during the period of the Licence.
57. The Council shall give 21 days notice of their intention to revoke or suspend a Licence.
58. Should the Licence holder wish to appeal against the Councils intention they may, within 21 days from the date of the Council's letter, appeal in writing to the Licensing Manager.
59. The Conditions of this Licence may be added to or varied by the Council at any time.

**FEES AND CHARGES RELATING TO HACKNEY CARRIAGE & PRIVATE  
HIRE DRIVERS, VEHICLES AND OPERATORS 2009/2010  
EFFECTIVE AS FROM THE 1<sup>st</sup> April 2009**

<b>VEHICLE &amp; OPERATORS LICENCES</b>	<b>COST</b>
Hackney Carriage	£300.00
Private Hire Vehicle	£260.00
Operators Licence - 1-2 Vehicles	£285.00
Operators Licence - 3 or more vehicles	£340.00
Operators Licence transfer fee	£ 85.00
Operators change fee	£ 35.00
<b>DRIVERS LICENCES</b>	
<b><u>1st Application</u></b>	
Oral Test	£ 35.00
Knowledge Test - Initial fee (Reimbursed if licence applied for)	£ 35.00
Knowledge Test - re-sit fee (Not reimbursed)	£ 35.00
Initial licence valid for up to three years	£185.00
<i>Plus Criminal Records Bureau (CRB) check fee, currently:-</i>	£ 36.00
Renewal valid for up to three years	£125.00
<i>Plus Criminal Records Bureau (CRB) check fee, currently:-</i>	£ 36.00
<b>LICENCE TRANSFERS</b>	
Vehicle to vehicle ( <i>change of vehicle</i> )	£ 85.00
Person to person ( <i>transfer of licence</i> )	£ 85.00
Private Hire Vehicle to Hackney Carriage Vehicle	£ 85.00
<b>VEHICLE INSPECTION</b>	
Vehicle inspection fee	£ 50.00
Vehicle inspection fee ( <i>BRAND NEW vehicle only</i> )	£ 30.00
<b>REPLACEMENT</b>	
Plates ( <i>unless faded</i> )	£ 25.00
Drivers badge	£ 15.00
Replacement vehicle window cards	£ 3.00
<b>FEES CHARGED BY WESTSIDE DEPOT</b>	
Vehicle retest fee - excluding exhaust emission failures	£ 12.50
- including exhaust emission failures	£ 17.50
Vehicle test non-attendance charge ( <i>Paid to Westside direct when less than 24 hours notice of cancellation</i> )	£ 20.00
Standard Roof Sign	At Cost
Replacement Roof Sign      Currently £62.00	At Cost
Standard Door/Bonnet signs	At Cost
Replacement Door/Bonnet signs      Currently £21.15	At Cost

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## Appendix M

### Plate exemption policy for licensed private hire vehicles

#### 1. Statement of intent

1.1. The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. The principal objective is to formalise the use of discretionary power to allow chauffeur driven vehicles to operate without displaying external licence plates.

#### 2. Introduction (not part of Policy).

2.1. The Local Government (Miscellaneous Provisions) Act 1976 requires that identification (licence) plates be displayed on licensed private hire vehicles, and that licensed drivers of those vehicles wear a driver's badge.

2.2. For vehicles used by the "general public," display of identification plates on a licensed vehicle and of the driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public and to enforcement authorities that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety.

2.3. There are occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business. The display of Local Authority licence plates externally may also deter some corporate customers from using the service; and in some circumstances the identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk. For example, vehicles used by Government Ministers or celebrities.

2.4. Until January 2008, chauffeurs and vehicles exclusively hired for more than seven days by a single client were exempted from licensing requirements (S75 of the Act). Chauffeurs are now included in the ordinary "private hire" licensing requirements and must secure PH licences for their cars and drivers – and comply with all of the conditions and legal requirements including display of vehicle licence plates and driver badges. Chauffeurs must also obtain an operators' licence and have premises in this district where bookings are taken and records kept.

There are a number of companies currently offering traditional chauffeur services across the United Kingdom, based in Colchester.

2.5. The legislation does give us discretion to exempt vehicles from the need to display the Council's approved identification plate and, where that exemption applies, the requirement for the driver to wear a private hire driver's badge.

2.6. The Council will only exercise these discretionary powers in rare cases, where we are satisfied that there is a genuine operational business need and business requirement, and where we are certain that the safety of the public will not be compromised as a result.

**2.7. There is no "right" to plate exemption, nor is there any right of appeal against the Council's decision NOT to exercise its discretion and allow an exemption.**

2.8. In creating a policy Colchester Borough Council does not seek to provide a definitive list



of vehicles it considers to be suitable (subject to use) for exemption from the requirement to display external identification plates.

- 2.9. The policy outlines the type of operational business need and business requirement and describes the minimum standard of vehicle comfort and type appropriate before we will consider an application for plate exemption. The policy should be read in conjunction with our existing policy relating to private hire vehicles and establishes additional criteria that the Council (and its officers) will take into account when determining an application for a private hire vehicle to be exempt from displaying external identification plates.

### 3. The Policy

- 3.1. Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of **individual** vehicles only. **Applications for exemptions relating to a fleet of vehicles will not be allowed.**
- 3.2. Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose.
- 3.3. We will only exercise these discretionary powers in rare cases, where we are satisfied that there is a genuine operational business need and business requirement and that the safety of the public will not be compromised as a result.

#### Temporary exemption:

- 3.4. A properly authorised officer of the Council will have delegated power to issue a plate exemption notice for a specific licensed private hire vehicle to exempt it from displaying a licence plate on a specified date for a period of time not exceeding one week if he is satisfied that the vehicle proprietor has shown that there is a genuine operational business need and business requirement – such as the examples below.
- *use at a wedding or a funeral,*
  - *use by a civic dignitary or in connection with a civic ceremony,*
  - *chauffeur driven guided tours wholly or mainly for overseas clients,*
  - *uniformed chauffeur driven services wholly or mainly for business*
  - *clients use by HM Prison Service where there are security*
  - *considerations,*

Where in the opinion of the authorised officer no genuine operational business need exists or the plate exemption period falls outside delegated limits the vehicle proprietor may ask the Licensing Sub-Committee to exercise the Council's discretion.

#### General exemption:

- 3.5. Applications for exemption from the requirement to display an external identification plate on the rear of a private hire vehicle for the duration of the licence will generally only be considered where the requirements listed below are met:
- \* Work undertaken is exclusively "chauffeured" in nature. The chauffeur and vehicle are specifically hired to provide transport to a company or person, and/or where the display of a licence plate may affect the dignity or security of the persons carried.
  - \* Vehicles must be of a standard of comfort and equipped to a level equal or above luxury models of vehicles such as Mercedes Benz E or S Class, BMW 7 Series, Lexus GS or LS, Audi A8, Rolls Royce and Bentley saloons. (The highest specification executive type saloon cars from other manufacturers may also be considered). Minibuses and MPV type vehicles will not be considered.

- \* Vehicles models must be four door saloons or coach built bespoke vehicles.
  - \* Vehicles will generally be black, silver or grey to accord with chauffeuring convention.
  - \* Vehicles must be in pristine condition with no visible defects, dents or blemishes to the external bodywork, wheels or internal trim and seating.
  - \* Vehicles will be not more than two years old when first licensed and not older than five years when re-licensed. If the vehicle is a current model this to be extended until twelve months after production ceases of that model.
  - \* The safety of the travelling public will not be compromised by exempting the specified vehicle from displaying an identity plate.
- 3.7. An application for a vehicle to be exempted from displaying an external identification plate must be made, in writing, by the vehicle proprietor. Additional documentation, to support the application, should be supplied by the applicant. This may be in the form of a formal written annual contract or by letter from the client indicating why a plate exemption is considered necessary. Where such documentation is not provided to the satisfaction of the Council the application will be refused. The Council will maintain commercial confidentiality.
- 3.8. Officers will assess whether or not there is a genuine operational business need and whether or not the vehicle is considered to meet the criterion at 3.5.
- 3.9. In the event of an applicant being dissatisfied with the decision of the officer, the applicant may make a written application for a review of the decision by the Licensing Sub-Committee.
- 3.10. The Licensing Committee, when considering a review of the Officer's decision, will hear oral or written representation made by the proprietor of the vehicle or his agent together with any other relevant oral, documentary or physical evidence.
- 3.11. If the Licensing Committee is satisfied a genuine operational business need exists and the vehicle is suitable for its purported purpose a plate exemption notice may be issued for the specified vehicle. The Licensing Sub-Committee can specify the dates and times the exemption will apply or exempt the vehicle for the whole period the vehicle licence is in force and attach any conditions to the exemption.
- 3.12. If the Licensing Committee considers no genuine operational business need exists for a plate exemption the vehicle proprietor will be notified of the refusal and advised there is no statutory right of appeal against the decision.
- 3.13. Where an application is granted and a vehicle is exempted from displaying its external identification plate an exemption notice will issued as soon as practical after the decision is made.
- 3.14. Where a vehicle is exempted from the requirement to display an external identification plate the vehicle will also be exempted from the need to display the internal licence plate.
- 3.15. Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will run concurrently with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.
- 3.16. Exemption notices may be renewed annually subject to the vehicle under going a re-

inspection by a licensing officer to ensure that it continues to be fit for purpose.

- 3.17. The Licensing Manager will authorise appropriate officers to determine any application for renewal of an exemption notice.
- 3.18. Other than where to do so would conflict with the requirements of this policy, all vehicles granted an exemption notice must, in addition to the requirements of this policy, comply with the Council's Private Hire driver and vehicle conditions. **The below conditions apply to all private hire vehicles granted an exemption by Colchester Borough Council from the requirement to display an external identification plate, and are in addition to the criteria and conditions set out in the council's general requirements and conditions pertaining to licensed private hire vehicles and drivers.**
- a. The identification plate and exemption notice provided by the Council pursuant to requirements of the Local Government (Miscellaneous Provisions) Act 1976 shall remain the property of the Council.
  - b. The exemption notice issued by the Council will be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.
  - c. When issued with an exemption notice, the vehicle will not be required to display any other signs (including the internal licence plate) which the Council may at any time require private hire vehicles to display.
  - d. The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.
  - e. During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.
  - f. During the period of the exemption notice the driver of the vehicle whilst engaged on private hire work will be smartly dressed in a plain navy, black or grey formal chauffeur's uniform (or equivalent for a chauffeuse).
  - g. Whilst not compulsory, at this moment in time, it is desirable that the proprietor is a member of the British Chauffeurs Guild or a similar professional organisation.
  - h. The proprietor shall within 48 hours notify the Council of any change in the use of the vehicle.
  - i. The proprietor shall not use the vehicle for private hire purposes other than for chauffeur use (i.e. not for normal airport journeys or daily private hire use).**
  - j. The driver and passenger front side window glass and the front windscreen must be clear. However, tinted windows can be fitted to the side and rear window glass of the vehicle provided that they comply with current legislation.
  - k. The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the council of the sale/transfer of ownership immediately and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council; in which case, only the exemption notice has to be returned.
  - l. A taximeter will not be installed in the vehicle.

## Appendix N

### Assessing applicants for a HC/PH licence in accordance with C1 standard (Diabetic control)

The following arrangements mean that those with good diabetic control and who have no significant complications can be treated as “exceptional cases” and are not therefore precluded from being licensed as HC/PH drivers:

- Should not to have suffered an episode of hypoglycaemia requiring the assistance of another person in the last 12 months.
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia.
- To provide evidence of at least twice daily blood glucose monitoring at times when driving either a HC or PH vehicle.
- Must keep a fast acting carbohydrate in the vehicle at all times when driving
- To have no other condition, which would render the driver a danger when driving a HC or PH vehicle.
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to Colchester Borough Council Licensing Section (as well as the DVLA) any significant change in condition.



# COLCHESTER BOROUGH COUNCIL



## GENERAL INFORMATION RELATING TO OBTAINING HACKNEY CARRIAGE / PRIVATE HIRE VEHICLES & DRIVER LICENCES.

### Appendix: O

#### 1. GENERAL

- 1.1 Before any vehicle can be lawfully used as a hackney carriage or a private hire vehicle it has to be licensed by the Council.
- 1.2 No person is legally permitted to drive any vehicle licensed by the Colchester Borough Council as a hackney carriage or private hire vehicle unless they hold a hackney carriage/private hire driver's licence issued to them by Colchester Borough Council.
- 1.3 It is an offence for any other person (wife/partner etc.) not licensed by the Council to drive a hackney carriage or private hire vehicle for any purpose except in the case of an authorised mechanic who is road testing a licensed vehicle.
- 1.4 Applicants must have held a full DVLA UK driver's licence or equivalent (as recognised by the DVLA) for a continuous period of not less than 36 months (3 years).
- 1.5 Operators, drivers, hackney carriage and private hire licenses are all subject to legislation and Council conditions, copies of which accompany, whichever licence is granted. You are advised to read them carefully and should note that failure to comply with any of them could lead to either suspension or revocation of a licence.
- 1.6 Under hackney carriage/private hire driver and vehicle licences you are also subject to local hackney carriage bylaws and you are strongly recommended to obtain a copy and ensure you comply with them, as failure to do so can also lead to suspension or revocation of a Licence.
- 1.7 Should you have any query in regards to the licensing of drivers, vehicles or operators, or in respect of any of the Council's conditions, you are advised to contact the Customer Service Centre at Angel Court, High Street, Colchester or telephone (01206) 282702 where a member of the team will be pleased to assist you.

#### 1.8 TYPES OF LICENCES

- a) **Private Hire Operator's Licence.** Enables the holder to operate private hire vehicles. One type of operator's licence covers one to two vehicles, and another allows for three or more. Only licensed operators can legally accept bookings for the hire of these vehicles (see b.), whether he owns the vehicles or not. By law the operator will need to keep a record of every booking taken as set out in the Council's conditions.
- b) **Private Hire Vehicle Licence.** Any vehicle used under a private hire vehicle licence for hire and reward has to receive pre-booked bookings through an operator and must be driven by the holder of a Colchester Borough Council hackney carriage/private hire driver's licence.

- c) **Hackney Carriage Vehicles.** Can be flagged down in the street or used from a taxi rank. They may be used as private hire vehicles without the need of an operator. The vehicle must be driven by the holder of a Colchester Borough Council hackney carriage/private hire driver's licence
- d) **Hackney Carriage/Private Hire Driver's Licence.** Any person driving a hackney carriage or private hire vehicle whether self employed or used on behalf of a licensed operator will need a hackney carriage/private hire driver's licence issued by Colchester Borough Council.

### 3. HOW TO OBTAIN A DRIVERS LICENCE APPLICATION PACK

- 3.1 Apply in person or telephone the Customer Service Centre for an appointment to attend to see an advisor at the Customer Service Centre, Angel Court, High Street, Colchester CO1 1FL Telephone (01206) 282702.
- 3.2 In order to obtain an application/information pack a fee of £35.00 has to be paid and an oral test passed. If passed an application information pack will be issued. The £35.00 is not refundable should the oral test be failed or the application is not taken up but will be allowed against the total cost of the licence if the application is successfully completed.
- 3.3 At the time you attend for the oral test you will need to produce without exception, and copies will be made of, the following documents:
- Passport or some other form of photo identity,
  - DVLA driver's licence or a DVLA recognised driver's licence,
  - Birth certificate,
  - Two utility bills,
  - Two character reference details, and
  - A marriage certificate or deed poll document, where there has been a change of surname.

You will be asked to complete a driver's licence mandate enabling the Council to obtain your driver's licence history and referees will be contacted.

You will also be given the option at this stage of the application process to complete the documentation and pay the present fee of £44.00 in respect of your Criminal Records Bureau check. **A CRB disclosure will be considered valid for six months from the date of issue shown on the disclosure. It therefore follows that a knowledge test must be passed within this six month period or a further CRB disclosure will be required at the applicant's expense.** All non UK applicants for a hackney carriage/private hire drivers licence are required to provide to the Authority, in written English, a Certificate of Good Conduct or the equivalent from the appropriate Embassy or High Commission of the country(s) in which they have lived.

Photographs are taken after the oral test has been passed.

- 3.6 The next stage is to study the application information pack in readiness for a knowledge test. The pack consists of:
- Colchester Borough Council driver and vehicle conditions and these guidelines,
  - Knowledge test content information,

On receipt, by the Professional Support Unit, of two satisfactory references and your DVLA driver's licence history you will be contacted for you to make an appointment for the

knowledge test to be taken if you feel that you are ready to do so. If you do not consider yourself to be in a position to take the knowledge test arrangements will be made for you to contact the appropriate department for an appointment at a later date.

- 3.5 A further £35.00 is then payable for the knowledge test to take place. This is non-refundable should the test be failed. Only the first £35.00 is allowed against the total cost of the Licence fee should it be successfully completed.
- 3.6 Where a knowledge test is failed a further two attempts set at a minimum of fortnightly intervals is allowed at a cost of £35.00 per test. Should these tests be failed then further knowledge tests can be taken after a period of three months has elapsed for a further non-fundable fee of £35.00 per test. Retest fees are not allowable against the cost of the Driver's Licence.
- 3.7 When the knowledge test has been passed a full application pack will be supplied.

#### 4. DRIVER LICENCES

- 4.1 Colchester Borough Council issues a dual driver's licence that enables the holder to drive either a hackney carriage or private hire vehicle.
- 4.2 Hackney carriage/Private hire driver's licences are issued for periods of up to three years.
- 4.3 In some circumstances however, there may be occasions when, a one year probationary licence could be granted by either the Licensing Manager or the Council's Licensing Committee.

#### 5. APPLICATION FOR OBTAINING A DRIVER'S LICENCE

- 5.1 On successful completion of the knowledge test you will be supplied with an application pack. The pack contains various forms that must be completed. These are:
- a) An application form,
  - b) A form enabling the Council to request an enhanced criminal record check from the Criminal Records Bureau, if not completed earlier.
  - c) A Group 2 medical certificate, which must be completed after you have been medically examined by your own Doctor or another Doctor at **your** surgery. (Your application for a licence may be deemed as invalid if it is found that your own Doctor has not completed and signed this form). Your Doctor will charge you for carrying out the medical, the amount of which will be a matter for determination between yourself and your Doctor.
- 5.2 With the exception of the medical form, return all **fully completed** forms, by appointment, in person to the Customer Service Centre, Angel Court, High Street, Colchester CO1 1FL. The Application form **MUST BE FULLY COMPLETED WITH EVERY QUESTION FULLY ANSWERED**
- 5.3 On receipt of these completed forms, your character references will be checked and the criminal record check form sent to the Criminal Records Bureau, (if not previously done so), to enable the Council to obtain an enhanced criminal record disclosure. The Criminal Records Bureau will also send you a copy of all information that it sends to the Council.

(See item 6 of these guidelines for those matters which may preclude you from obtaining a licence.)

- 5.4 Providing satisfactory replies are received from your character references and the Criminal Record Bureau enhanced disclosure (in the case of non UK applicants the Certificate of Good Conduct) shows no convictions or other information that will cause your application to fail or contravene the Council's pre-licensing standards/conditions (see listed below), you will be advised that the Group 2 medical examination can go ahead. Please note however that there is nothing stopping you from having the Group 2 medical carried out before our checks have been completed, but you do so at your own risk, as a satisfactory medical examination does not automatically mean you will be granted a hackney carriage or private hire driver's licence.
- 5.5 The medical form once it has been fully completed and certified by your Doctor that you are fit to carry out the duties of a Hackney carriage /Private Hire Driver then becomes your Medical Certificate.
- 5.6 Your hackney carriage/private hire driver's licence and a drivers badge will only be granted upon receipt of a satisfactory Medical Certificate, enhanced disclosure, character references, application form and payment of the outstanding balance of your fee.
- 5.7 The Council reserves the right to require any further information it deems necessary in order to satisfy the requirement of you being a fit and proper person to hold such a licence.

## 6. PRE-LICENSING STANDARDS

- 6.1 In order to grant a driver's licence the Council is required by law to ascertain that you are a 'fit and proper' person to hold such a licence, are reliable and of good character.
- 6.2 In being considered for an initial driver's licence or thereafter on any renewal of a licence you shall,
- a) NOT have been convicted of a serious motoring offence during the previous **five** years;
  - b) NOT have been convicted of more than three motoring offences during the previous **three** years;
  - c) NOT have been disqualified from driving for any period during the previous **five** years;
  - d) NOT have been convicted of driving whilst disqualified during the previous **five** years;
  - e) NOT have been convicted of driving any vehicle whilst uninsured against third party risks during the previous **five** years (in exceptional circumstances, this may be waived if the Court has ruled it to be a purely technical offence);
  - f) NOT have been convicted of a criminal offence involving a custodial sentence of more than six months during the previous **ten** years;
  - g) NOT have been convicted of any criminal offence during the previous **five** years;



- h) NOT have, when making the application, any prosecution pending for a criminal offence or serious motoring offence;
- i) NOT have had either a hackney carriage or private hire driver's licence revoked by any authority during the previous three years or five years if revoked under Condition 13 of the Driver's Licence Conditions (Insurance Offences).

6.3 Where a hackney carriage/private hire driver's licence is granted and you are found to have had a prosecution or conviction pending prior **to the granting of your licence, you place the continuation of that licence in jeopardy and may stand to have the licence suspended or revoked.**

## 7. DRIVER APPLICATION AND VETTING PROCEDURE

7.1 You are required to declare any convictions, cautions or fixed penalty notices you may have, or have held, even though they might be spent under the Rehabilitation of Offenders Act 1974 whether you are submitting a new application or renewing a licence to drive. This information will be treated in the utmost confidence and is only taken into account in relation to your application.

- a) A criminal record or other information (that is more than old 5 years from the date of application) may not necessarily prevent you from gaining a hackney carriage or private hire licence unless the authority considers that such a conviction/convictions renders you as not being considered as 'a fit and proper' person and unsuitable to hold such a licence. In making this decision the Licensing Authority will consider when the offence was committed, the nature of the offence, and what age you were at the time, together with any other relevant factors.
- b) If you are refused a hackney carriage/private hire driver's licence on the grounds that you are not 'a fit and proper person' to hold such a licence you have a right of appeal to the Council's Licensing Committee and / or a Magistrates' Court.
- c) If you would like to discuss, in confidence, what effect a conviction might have on your application then please telephone (01206) 282222 and ask to speak to a Licensing Enforcement Officer, such conversation will remain confidential unless it is deemed necessary to become part of the application process.

## 7.2 RENEWAL OF DRIVER'S LICENCES

On renewal, following the first issue of the Licence, **all** the above forms with exception of the character reference, will again have to be completed this includes the enhanced Criminal Records Bureau form. You will also have to produce your DVLA driver's licence (both parts with photo style licences), passport/birth certificate and two utility bills for examination and photocopying.

7.3 Hackney carriage and private hire driver's licences are subject to legislation, Council conditions and bylaws. Copies of the conditions are as previously supplied prior to your knowledge test.

7.4 You should read the conditions carefully as failure to comply with them could lead to either the refusal to renew a licence or suspension or the revocation of your hackney carriage or private hire licence.

- 7.5 The Licensing Authority is empowered in law to check with the Criminal Records Bureau for the existence and content of any criminal record held by you.
- 7.6 You will also receive a copy of any information held on you by the Criminal Records Bureau. It will be send to you direct by the Bureau.
- 7.7 The hackney carriage/private hire driver's licence issued will be handed, in the case of a hackney carriage to the hackney carriage licence holder or in the case of a private hire vehicle to the private hire operator prior to the commencement of any period of driving for hire and reward.
- 7.8 The Council will also issue a driver's badge which must be displayed in the vehicle whilst the vehicle is being used for hire and reward, in such a position so as to be easily seen by any passenger.
- 7.9 The badge issued remains the property of the Colchester Borough Council and must be handed back to the Council on expiry or where the hackney carriage/private hire driver's licence has been suspended or revoked.

## **8. MEDICAL EXAMINATIONS OF LICENSED DRIVERS**

- 8.1 Your medical examination will be at your own expense, on each renewal of your hackney carriage/private hire driver's licence. It is suggested that an appointment is made with your Doctor 4/6 weeks prior to licence expiry.
- 8.2 Please note that there may be circumstances whereby the Licensing Manager will require your authorisation, to seek information in regard to your medical records at any time during the period you are licensed as a hackney carriage or private hire driver. Any failure to provide that authorisation will affect whether you remain the holder of a licence.

## **9 HACKNEY CARRIAGE VEHICLES**

- 9.1 The total number of hackney carriage vehicle licences granted by the Council is currently regulated This number would ordinarily only be increased by the Council in accordance with the provisions of Section 16 of the Transport Act 1985, where a survey has indicated that there are insufficient numbers of hackney carriages to meet customer's demands. The Council is required to pay for such surveys and the costs may therefore be passed onto the hackney carriage trade.

## **10. GENERAL INFORMATION REGARDING THE LICENSING OF PRIVATE HIRE VEHICLES**

- 10.1 Before a vehicle can be used to convey passengers for hire and reward, it has to be licensed by the Council. From then on, the only persons able to legally drive the vehicle also have to be licensed by the Council whether it is being used for hire and reward or for social and domestic purposes.
- 10.2 A private hire vehicle licence remains in force for one year. A vehicle licence application form can be obtained from the Customer Service Centre at Angel Court, High Street, Colchester CO1 1FL. If the vehicle is already licensed a letter with the renewal application forms will be sent to you inviting you to renew. It is, however, the licence holders responsibility to ensure that the vehicle licence is renewed in good time.

- 10.3 A vehicle must be under five years of age from its date of first registration before being first granted a licence and must pass an inspection/examination undertaken by Riverside at its work shop located at Unit 7, West Side, Stanway, Colchester, this inspection can only be arranged for you through the Customer Service Centre.
- 10.4 Thereafter the Council will ordinarily inspect the vehicle once during each 12 month licensing period until the vehicle is over 5 years old when it will also need to be examined prior to the licence being renewed. . From 5 to 9 years old the vehicle will undergo testing twice a year and from 9 to 12 years old three times a year. You will be notified in writing of the time and date when the vehicle is required for inspection. This examination is in addition to the vehicles MOT and does not replace the requirement for the vehicle to hold a MOT Certificate. All licensed vehicles are required to have an MOT certificate once they are 1 year from the date of their first registration.
- 10.5 The cost of one inspection/examination is included in the vehicle licence fee but all other re-inspections/examinations for example, on change of a vehicle during a Licence period, will be charged for in accordance with the scale of fees attached. Please note that the Council could require a vehicle to be inspected up to three times a year should it be felt necessary. Riverside workshop charge a fee for any missed inspection unless 24 hours notice of cancellation is given. Failure to comply with the Council's testing requirement will result in the vehicle being immediately suspended until such time the required inspection has been undertaken and consideration will be given to the issue of penalty points to the owner of the vehicle.
- 10.6 A vehicle must always be inspected after it has been involved in a road traffic accident or where any damage has been caused to it however minor or limited the damage may appear to be. You must also present the vehicle for inspection after it has been repaired. Any such damage must be reported to the Licensing Office in writing within 72 hours. Failure to do so is a breach of the legislation and Council hackney carriage and private hire vehicle licence conditions and may result in your driver's licence and/or vehicle licence being suspended or revoked.
- 10.7 When your vehicle has been inspected / examined you should then attend, by appointment, the Customer Service Centre at Angel Court. You will then be issued with your vehicle licence documents and your vehicle plates which **MUST** be fitted to the vehicle in accordance with the private hire vehicle conditions.
- 10.8 Procedure for granting a private hire vehicle licence or renewing a hackney carriage or private hire vehicle licence is as follows:

When the vehicle renewal application form has been completed, it must be brought, by appointment, or sent to the Customer Service Centre together with the appropriate licensing fee. (As shown on the fee sheet attached). The following, with no exceptions, must also be produced:

- a) Vehicle Registration Document or, if this has been sent away, the bill of sale, (please note that any Bill of Sale must show the vehicle type, registration number, purchase details, colour of vehicle and the date the vehicle was first registered),
- b) A current insurance certificate showing that compliance with part vi of the Road Traffic Act 1988 and the use of the vehicle for public/private hire and reward,
- c) A current MOT Certificate.

- d) Your DVLA driving licence. Original and both parts if photo licence, a copy is not acceptable. ( In the case of a private hire vehicle where the application is made by company and the vehicle registration document is held in the name of the same company a DVLA driving licence need not be produced).
- e) An MOT test certificate if applicable, and
- f) The correct fee.

10.9 If at any time you wish to replace your vehicle the procedure will largely be as set out in paragraph 10.8 items A to F.

10.10 The Council requires and is empowered by law to ensure that vehicles are properly maintained and insured at all times. A copy of any new MOT Certificate must be sent to the Licensing Office within 7 days from the date of issue. In regard to insurance, the Council will require to see any new certificates/cover notes of insurance within 7 days from the date of their issue. Insurance brokers may fax a copy to us direct on 01206 5282598 but it is the licence holders responsibility to ensure this has been done.

10.11 The Council will issue a licence plate to the proprietor (vehicle licence holder) of the vehicle. The licence plate, which must be affixed **securely** on the rearmost part of the vehicle as set out in the vehicle conditions. The necessary fixing kits are supplied by the Licensing Office. Internal side plates must be displayed facing outwards on the windows of the rear doors or on any quarter glass beside the doors in such a position that customers can see the number prior to getting into the vehicle. The front vehicle licensing plate is to be securely affixed to the front of the vehicle, adjacent to the front registration plate. Any Council issued door signage must also be affixed to the **top** of both vehicle front doors.

10.12 The transfer of a hackney carriage or private hire vehicle to someone else, within a licensing year is permitted, subject to and provided all the other terms and conditions are complied with. The fee for such a transfer is shown on the attached fee sheet. Should a vehicle be transferred without the necessary application to the Council the vehicle licence stands to be suspended or revoked.

10.13 If you are seeking to change your vehicle **it is strongly suggested that you contact the Licensing Office to ascertain if the proposed vehicle is suitable, before you have made any commitment to purchase it.**

10.14 Similarly, if you enter into any partnership within the licensing year, full details must be supplied to the Customer Service Centre at Angel Court.

## 11. PRIVATE HIRE OPERATORS

11.1 Whilst hackney carriage vehicles are allowed to ply and rank for hire a private hire vehicle can only be legally operated though pre-booked booking for hire.

11.2 Any person taking such booking for hire is required to have an operator's licence issued by Colchester Borough Council and an operating base within the Borough from which to operate.

11.3 Operators must keep records of all bookings in the manner prescribed by the Council's conditions for private hire operators.

11.3 The Council's Licensing Enforcement Officers or a Police Officer may inspect these records at any reasonable time. Failure to keep proper records could lead to the revocation of the operator's licence

## **12 HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE SPECIFICATION FOR SALOON/ESTATE/MINIBUS/LONDON STYLE TAXIS/LIMOUSINE VEHICLES**

- 12.1 The vehicle must be suitable for use as a hackney carriage/private hire vehicle with facilities for the carriage of a minimum of four passengers and their luggage.
- 12.2 The vehicle must have at least four doors unless it is a minibus type vehicle (multi seat vehicle), in which case the minimum opening of the side door must be at least 864mm (2 feet 10 inches)
- 12.3 Each passenger must have a minimum of *(432mm/17 inches)* of personal sitting space. For the rear seats this will be measured in a straight line lengthways across the front edge of the seat.
- 12.4 Depending on the condition and type of vehicle and subject to it passing each inspection it could be licensed up to a maximum age of;
- a) In the case of a saloon/estate/ vehicle up to 12 years.
  - b) In the case of a mini bus (MPV) type vehicle up to 12 years.
  - c) In the case of a London style 'Taxi' type vehicle (commonly known as black cabs) up to 15 years.
  - d) In the case of a limousine or vintage cars, they may be licensed irrespective of age, provided they pass the Council's inspections and their condition remains satisfactory.
- 12.5 All London style 'Taxi' vehicles must be fitted with automatic safety door locks which are properly maintained and kept in good and efficient working order, operating in the locked position whilst the vehicle is in motion.
- 12.6 All hackney carriages must carry a black livery and display a roof sign showing the words Colchester Borough Council 'TAXI'. This sign must be illuminated when the vehicle is for hire, and switched off when the vehicle is hired and authorised door signs.
- 12.7 All vehicles except limousines or vintage cars are required to run on unleaded fuel, diesel or liquid petroleum gas (LPG).
- 12.8 The Council will not licence any vehicle fitted or adapted with side facing seats, except in the case of some limousines or vintage vehicles.
- 12.9 In the case of a London style/FX4 type vehicle, or a mini bus (multi people vehicle) the passenger capacity, as mentioned above, will be used for fitted traversed beach seats. Otherwise each seat will be counted except for the driver's seat, up to a maximum of 8 seats. Rearward facing seats are only permissible in London style hackney carriages and when fitted with proper seat belts.

- 12.10 Please note that the Council is only permitted to licence vehicles for the carriage of up to 8 passengers for hire and reward. A maximum of eight passenger seats in a vehicle is therefore only permissible, with any additional seats being required to be removed.
- 12.11 You are advised to carry a suitable and efficient fire extinguisher that complies with the current standards for vehicle extinguishers.
- 12.12 If carried the extinguisher shall be supported in a suitable quick release bracket and fixed in such a position as to be readily available for use even if luggage is being carried. Or in such other position as the Council may in any specific case agree.
- 12.13 If carried the fire extinguisher fitted must have a current certificate of inspection which will be produced to the Councils authorised officer or appointed vehicle inspector at the time of the annual test or when requested.
- 12.14 All forward facing seats in any vehicle about to be or which is licensed by the Council, including London style 'Taxi' vehicles and mini buses (multi-seat vehicles), shall be fitted with individual seat belts complying with the current seat belt regulations. Except in the case of limousines and vintage cars manufactured prior to the introduction of the compulsory fitting of seat belts.
- 12.15 Any vehicle constructed or adapted for the conveyance of disabled person or persons confined to a wheelchair shall have properly approved restraining devices fitted that must be properly used/attached when such a person is being conveyed in any such vehicle. Such retaining straps will be over and above the fitted vehicle seat belt or wheelchair seat belt.
- 12.16 Any ramps or other equipment used to place or assist disabled persons, wheelchairs etc., into a vehicle shall be the correct type and conform to the current standards in force for such ramps etc., and be properly secured whilst the vehicle is in motion. All ramps are to be clearly marked with the vehicles registration number. Such equipment must be properly fitted and certified. Any vehicle found to be not carrying the necessary equipment will be immediately suspended. All drivers using such vehicles will be required to hold a certificate of awareness in relation to the conveying of wheelchair bound and disabled passengers.
- 12.17 Where a hackney carriage or private hire vehicle is equipped with a 'first aid' kit it should be in such a position in the vehicle as to be readily visible and available for immediate use in an emergency. Kits should be green in colour, and bear a white cross.

### **13. VEHICLE LICENCE PLATES**

- 13.1 Vehicle plates are owned by Colchester Borough Council and are issued with the vehicle licence; they remain the property of the Council notwithstanding that the vehicle licence may have expired.
- 13.2 The plate must be returned to the Council should the vehicle be taken off the road or the Vehicle Licence has expired, no longer being used or as in the case of a serious mechanical defect, or road accident.
- 13.3 Plates **MUST** be returned to the Council upon the vehicle licence expiring, or it having been suspended or revoked. This is a legal requirement.

- 13.4 Plates supplied with the vehicle licence must be openly displayed and be **securely** fixed to the outside rearmost and front of the vehicle in a conspicuous position. Ideally this should be adjacent to the rear and front number plate.
- 13.5 The internal identification plates issued are required to be displayed inside the vehicle and in such a position so as to be easily seen by any passengers prior to entry into the vehicle.
- 13.6 In most instances a charge will be made for the replacement of lost or damaged plates.

#### **14. ADVERTISING ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES.**

- 14.1 Hackney carriage/private hire proprietors are permitted to display advertising on their licensed vehicles. **This is subject to obtaining the prior written approval of the Council as to the type, size and content of the advertising to be displayed.** This advertising can only relate to their own business.
- 14.2 Samples showing the type of proposed advertising sign, its lettering, colours and content shall be forwarded for approval by the Council **prior** to any advertising or similar displayed on the vehicle. Such approval has to be obtained in writing.
- 14.3 Advertising may also be displayed in the spaces provided in the passenger compartment of London 'Taxi' type vehicles but approval must be obtained as set out in 14.2 above.

#### **15. PENALTIES.**

- 15.1 There are two main Acts of Parliament under which Drivers, hackney carriage/private hire vehicles, private hire operators owners and drivers are governed; they are the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions Act) 1976 (As Amended).
- 15.2 **THE TOWN POLICE CLAUSES ACT 1847** (deals only with hackney carriages drivers and vehicles).

Summarised below are offences that could attract a fine on Level 1 of the penalty fines scale as determined by the Criminal Justice Act 1991.

- a) Failing to exhibit a notice specifying the number of persons permitted to be carried, to fail to carry such number of persons or less if required to do so.
- b) Refusing to drive the carriage to any place within the Borough without reasonable excuse.
- c) Demanding more than the sum agreed if a sum has been agreed before a particular journey.
- d) Must not agree with a hirer that they shall pay more than the sum allowed by the table of fares.
- e) Must not agree with a hirer to carry the hirer for a particular distance at a particular sum and then fail to do so.
- f) To take a fare greater than that permitted by the table of fares.

- g) To invite or permit other persons to ride in the carriage, whilst hired, without the express permission of the hirer.
- h) For an authorised driver/proprietor of a Hackney Carriage to permit an unauthorised person to drive.
- i) Drive in a furious manner or be intoxicated.
- j) Leave a hackney carriage unattended in the street or other public place.
- k) Obstruct or hinder any other hackney carriage.

15.3 **THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976.** (deals with hackney carriages/drivers, private hire drivers/vehicles and private hire operators).

Below are listed offences which could attract a fine on Level 3 of the penalty fines scale as determined by the Criminal Justice Act 1991.

- a) To require a fare, other than that shown on the taximeter, for a journey ending outside the Borough. Unless a specific fare or rate of fare was agreed with the hirer before the journey commenced which must not be greater than the table of fares.
- b) To use a hackney carriage for private hire work for a single booking except at a rate of fares not greater than that prescribed by the table of fares. In these cases the fare shall be calculated from the point the hirer commences his journey.
- c) Prolonging without reasonable cause either the distance or the time for a journey.
- d) Obstructing an authorised officer of the Council or a constable acting in pursuance of the statutes governing hackney carriages/private hire vehicles.
- e) For the proprietor of a hackney carriage/private hire vehicle to fail to present his vehicle for inspections when required by the Council.
- f) Failing to produce a certificate of insurance or cover note of the policy of insurance for the licensed vehicle as so required by the Council.
- g) Failing to return the vehicle licence plates or drivers badge on expiry, suspension or revocation of the licence.
- h) Failing to notify the Council in writing of any damage caused to a licensed vehicle whether involved in a road traffic accident or otherwise within 72 hours.
- i) A licensed driver failing to notify the Council in writing within 7 days of any court convictions or fixed penalties received.
- j) A private hire vehicle need not have a taximeter fitted, but if it does it must be tested and approved by the Council, it is an offence to tamper with any seal or alter any taximeter with intent to mislead.



- k) If you take passengers or goods outside the Colchester area you will not need to have a licence issued by any other Council for that area, **provided** the vehicle is not made available for hire in that other area.
- l) You will not need a private hire vehicle licence if the vehicle is used **solely** in connection with funerals or weddings.
- m) A private hire vehicle may be granted dispensation, in very limited circumstances, to display any plates or notices by the Council.

The above is a very brief summary of the various penalties under the said Acts. It is neither exhaustive nor authoritative and applicants are advised to consult the statutes for their full text.

The Council's current comprehensive conditions **must** be read in conjunction with the brief guidelines above. The conditions may be varied at any time by the Council or by Statute and shall overrule anything contained in these guidelines.

You are advised to contact the Customer Service Centre at Angel Court High Street Colchester CO1 1FL. (01206) 282702 should you have any query in regard to the licensing of drivers or vehicles or their use.

Failure to observe the provision of the statutes or Council conditions could lead to suspension or revocation of the licence both for the vehicle, the driver and the operator.





<b>Hackney Carriage and Private Hire Vehicles Mechanical Inspection Certificate</b>
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**Appendix P**

Type of Inspection: 

New App	C.O.V	Annual	6 Year	Special	R.T.A
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Owner/Driver's Name: \_\_\_\_\_

Documents Seen: 

DVLA Licence (Both parts)	Insurance Certificate /Cover Note	M.O.T Certificate
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Registration Number		Make/Model	
Date of Original Registration		Date of M.O.T (if applicable)	
Number of Doors		No. of Seats (Max 8 excluding Driver)	

NOTE: Where vehicle is brand new, Inspection Terms 1-12 apply only.  
All other vehicles, standard M.O.T Inspection and all other terms apply.

No.	Inspection Item	Check	Pass	Fail
1	Excise Licence Disc	See Note		
2	Vehicle Licence Plate Vehicle Plate No:	See Note		
3	Safety Door Locks	If fitted, working correctly		
4	Seat Belts	See Note		
5	Taximeter	See Note		
6	Speedometer Odometer reading	Working/Accurate		
7	Fire Extinguisher: Optional			
8	First Aid Kit: Optional			
9	Type of Fuel	U.L/Diesel/Gas/Hybrid		
10	Fare Notice: Optional (PH) Compulsory (HC)	Notice clearly displayed		

11	Signage/Roof Signs	See Note		
12	Insurance	Includes Third Party Liability and Hire and Reward. Is valid.		
13	Condition of electrical wiring			
14	Check for fuel, oil and water leaks			
15	Condition of fuel tank, pipes and fixings			
16	Condition of engine/gearbox, mountings and stays.			
17	Condition of propeller and axle shafts (if exposed) to include rubber boots			
18	Condition of clutch pedal, cable/linkage, adjustment and hydraulics			
19	Exhaust smoke emission			
20	Engine fumes inside vehicle			
21	Condition of all tyres	Front Rear Spare		
22	Condition of Brakes	Footbrake Handbrake		
23	Condition of Steering			
24	Condition of Lights			
25	Condition of Suspension			
26	Condition of vehicle bodywork and interior	See Note		
27	Wheelchair accessible vehicles additional checks	See Note		

I have examined this vehicle and consider it fit/unfit for further service on the road.

Comments/Observations:

Signed:  
Name:

Position:  
Date:

Receipt No:

Inspection Fee Paid: £  
*(Only applies to re-tests and tests on C.O.V)*

Receipt No:

### Inspection Notes

No	Inspection Check
1	Excise Disc must be displayed, be valid and be for the correct taxation class. If an Excise Disc is out of date, the plate should be removed.
2	The Vehicle Licence Plate should be <u>securely</u> fitted to the rear of the vehicle. Where required a front licence plate should also be <u>securely</u> fixed to the front of a vehicle. Following a change in legislation, any owner/driver claiming an exemption to display a licensing plate, will be required to produce a valid, in date, exemption letter at the time of inspection. <u>The fitting of plates by the use of bungee type fittings is unacceptable.</u>
4	Each forward-facing seat in a licensed vehicle must be fitted with a seat belt which complies with the current Road Vehicles (Construction and Use) Regulations. This includes London-type taxis, but excludes limousines and vintage cars.
5	A Taximeter is compulsory in a Hackney Carriage Vehicle. When fitted it should be clearly visible to passengers, accurate, sealed and illuminated when the vehicle is for hire.
11	<p>Hackney Carriage: The vehicle must be black in colour and be fitted with an approved roof sign bearing the word "Taxi". Council supplied door signs should be displayed on the top section of the front doors.</p> <p>Private Hire: Operator door signage should be displayed on the front doors of the vehicle.</p> <p>Both types of vehicle should display appropriate non smoking signage in accordance with current legislation.</p> <p>If any other signage is displayed on the vehicle, a letter of authority to do so, issued by the Licensing department, must be produced.</p>
26	An assessment of the condition of the vehicle bodywork, windows and trim both internally and externally. The assessment will include such items as the seats, floor covering, luggage space, mirrors etc.
27	All wheelchair accessible vehicles should be fitted and comply with all the relevant legislation and Department of Transport guidance. Ramps must be marked with the vehicle registration number. Both ramps and security straps will be inspected and be seen to be working correctly.

Appendix Q:

## Staying safe-guidance for Hackney carriage drivers

As a taxi driver you are dealing with strangers, often in isolated places and carrying cash. Taking people off the streets or from ranks with no knowledge of their home address or telephone number means that if they cause trouble you are especially vulnerable. If you work at night you are likely to have to deal with people who have drunk too much alcohol. All this means you may be at risk of violence.

This guide is to help you to think of things that you can do to stay safe.

### **Cash management**

- If you can, drop off cash during your shift so that you carry as little in your car as you can. If you can't, keep your cash hidden from view in a secure box.

### **Adjustments to your vehicle**

- Some drivers of saloon cars fit their car with a screen to protect them from assault. Screens are made from materials that withstand a knife attack or hard body impact, and can be fitted and taken out easily.
- Installing CCTV cameras has been shown to lead to reduced threats and violence against drivers. Signs in the vehicle can highlight the presence of CCTV to passengers. Cameras can be bought or rented, and the cost may be offset by reduced insurance premiums. They can be useful when there is a dispute with a passenger – it is not just your word against theirs.
- Fitting a convex mirror that gives you a full view of the rear of your car will help you to see what a passenger directly behind you is doing.

### **Carry with you**

- A spare key, in case an assailant throws your keys away.
- A mobile phone.
- A note pad and pen to record incidents.
- An emergency card with your name, date of birth, blood group, allergies and a contact number for emergencies.
- An explanation of the fare structure, so that you can explain it to a passenger who feels that you are over-charging them.

### **If you are linked to a control centre**

- Use your radio to tell them where you are going. This will mean the controller has the information, and the passenger will know they do. Alert the controller of any changes along the way.
- Have a pre-arranged code word that you can use if a passenger becomes threatening, so that you can call for help without making the passenger suspicious.
- Some control rooms have GPS and can track the progress of all vehicles. Drivers have a silent button which they can activate in an emergency, which flags up their vehicle on the controller's screen.

### **Staying safe**

- You know that working at night carries most risks of violence, especially as many passengers will have been drinking. Make sure you are not tired – you need to be alert at all times.
- Trust your instinct – you have the right to refuse a passenger if you think they may present a risk.
- If you have a saloon car, control passenger access to the front. Only open the windows enough to speak to people without them being able to reach in. Only let them sit in the front if you wish.
- Communication with the passenger is important. Be polite and pleasant.
- When you travel outside your licensing area, agreeing the fare before you set off can reduce the risks of violence over a fare dispute later, when you may be in an isolated place.
- Be ready to explain the fare structure to a passenger. Many violent incidents arise from fare disputes.
- Make eye contact with the passenger when they get in the car. This helps to establish a relationship with the passenger. It also gives them the message that you could identify them.
- Explain the route you plan to take if you are going a long way round (for example in order to avoid road works) so as to prevent a dispute over the fare.

### **If you feel threatened**

- Try to stay calm. Take slow, deep breaths – this may help to lessen your anxiety.
- Be aware of your own actions and how they may be seen.
- If you can, drive to a brightly lit, busy place as these are often covered by CCTV.



- If you have a purpose built taxi or a saloon car with a screen you are likely to be safer staying in your cab than getting out.
- Do not attempt to run after a passenger who owes you their fare. Your safety is more important than the money.

### **If you are attacked**

- Do not try to fight back – it is most likely to make the violence worse for you.
- Use your horn and lights to attract attention.
- Contact your control room or call 999 to get help.
- Gather as much information about the person as you can (e.g. their clothes, accent).

### **After an incident**

- Write down everything about the incident – a description of the passenger, what they said and did.
- If you did not call them at the time, report all violent incidents to the police. Be prepared to make a witness statement. It may take time, but it may prevent the violence in the future – for you and other drivers.
- When sentencing offenders, courts have been advised to take particularly seriously assaults against people who are providing a public service, especially those who are vulnerable because they work alone at night.
- Bilking is a criminal offence. Report incidents to the police and be prepared to make a statement.
- You may be able to recover the costs of damage to your vehicle through the small claims system.

## **Staying safe: guidance for private hire drivers**

As a PHV driver you are dealing with strangers, often in isolated places and carrying cash. If you work at night you are likely to have to deal with people who have drunk too much alcohol. All this means you may be at risk of violence.

This guide is to help you to think of things that you can do to stay safe.

### **Bookings**

- Your controller should make sure that they have all the passenger's contact details for the booking, in particular their home address and telephone number if known.
- Controllers should keep a list of locations that have been the source of violence and avoid taking bookings from them.
- Controllers should be clear with the passenger about exactly where you are taking them and what the fare will be before you set off.
- If accepting a long distance booking, controllers should be clear with the passenger if the driver is going to ask for payment up-front.
- If the passenger changes the journey that they booked let them know what the revised fare will be to reduce the risk of a dispute later, when you are far from base and most at risk of violence.
- Let the controller know of any change to the booking.

### **Cash management**

- If you can, drop off cash during your shift so that you carry as little in your car as you can. If you can't, keep your cash hidden from view in a secure box.

### **Adjustments to your vehicle**

- Some drivers fit their car with a screen to protect them from assault. Screens are made from materials that withstand a knife attack or hard body impact, and can be fitted and taken out easily.
- Installing CCTV cameras has been shown to lead to reduced threats and violence against drivers. Signs in the vehicle can highlight the presence of CCTV to passengers. Cameras can be bought or rented, and the cost may be offset by reduced insurance premiums. They can be useful when there is a dispute with a passenger – it is not just your word against theirs.

- Fitting a convex mirror that gives you a full view of the rear of your car will help you to see what a passenger directly behind you is doing.

### **Carry with you**

- A spare key, in case an assailant throws your keys away.
- A mobile phone.
- A note pad and pen to record incidents.
- An emergency card with your name, date of birth, blood group, allergies and a contact number for emergencies.
- A statement explaining that it is against the law for you to take passengers other than those who have pre-booked.
- An explanation of the fare structure, so that you can explain it to a passenger who feels that you are over-charging them.

### **How your control room can help you**

- You will need them to get help for you if you are in trouble.
- Have a pre-arranged code word that you can use if a passenger becomes threatening, so that you can call for help without making them suspicious.
- Some control rooms have GPS and can track the progress of all vehicles. Drivers have a silent button which they can activate in an emergency, which flags up their vehicle on the controller's screen.

### **Staying safe**

- You know that working at night carries most risks of violence, especially as many passengers will have been drinking. Make sure you are not tired – you need to be alert at all times.
- Trust your instinct – you have the right to refuse a passenger if you think they may present a risk.
- Only open the windows enough to speak to people without them being able to reach in. Only let them sit in the front of the car if you wish.
- Communication with the passenger is important. Be polite and pleasant.
- Use your radio to tell your controller that you have started your journey. This will mean that the passenger will know you are in contact with base.
- Make eye contact with the passenger when they get in the car. This helps to establish a relationship with the passenger. It also gives them the message that you could identify them.

- Explain the route you plan to take if you are going a long way round (for example in order to avoid road works) so as to prevent a dispute over the fare.

### **If you feel threatened**

- Try to stay calm. Take slow, deep breaths – this may help to lessen your anxiety.
- Be aware of your own actions and how they may be seen.
- If you can, drive to a brightly lit, busy place as these are often covered by CCTV.
- If you have a screen you are likely to be safer staying in your cab than getting out.
- Do not attempt to run after a passenger who owes you their fare. Your safety is more important than the money.

### **If you are attacked**

- Do not try to fight back – it is most likely to make the violence worse for you.
- Use your horn and lights to attract attention.
- Contact your control room or call 999 to get help.
- Gather as much information about the person as you can (e.g. their clothes, accent).

### **After an incident**

- Write down everything about the incident – a description of the passenger, what they said and did.
- If you did not call them at the time, report all violent incidents to the police. Be prepared to make a witness statement. It may take time, but it may prevent the violence in the future – for you and other drivers.
- When sentencing offenders, courts have been advised to take particularly seriously assaults against people who are providing a public service, especially those who are vulnerable because they work alone at night.
- Bilking is a criminal offence. Report incidents to the police and be prepared to make a statement.
- You may be able to recover the costs of damage to your vehicle through the small claims system.

## COLCHESTER BOROUGH COUNCIL

Appendix S(1)

### MAXIMUM TAXI TARIFF FOR SALOON / ESTATE VEHICLES (UP TO 4 PASSENGERS)

#### RATE 1 BETWEEN 06.00 HRS UNTIL 22.00 HRS MONDAYS TO SATURDAYS

- |    |  |        |
|----|--|--------|
| a) | For the first 183m (200yds) <i>or</i> part thereof                                 | £2.60p |
| b) | For each subsequent 224m (245yds) <i>or</i> part thereof to a maximum of (3630yds) | 0.30p  |
| c) | Thereafter for each subsequent 370m (405yds) <i>or</i> part thereof                | 0.30p  |

#### WAITING TIME

For each period of 68 seconds *or* part thereof 0.30p

#### RATE 2 Between 22.00 to 06.00 hrs Mondays to Saturdays and all Sundays, Public & Bank holidays and after 18.00 hrs on Christmas & New Years Eve.

- |    |  |        |
|----|--|--------|
| a) | For the first 274m (300yds) <i>or</i> part thereof                                 | £3.40p |
| b) | For each subsequent 168m (184yds) <i>or</i> part thereof to a maximum of (3612yds) | 0.30p  |
| c) | Thereafter for each subsequent 278m (304yds) <i>or</i> part thereof                | 0.30p  |

#### WAITING TIME

For each period of 51 seconds *or* part thereof 0.30p

#### EXTRA CHARGES

##### LUGGAGE

For each article of luggage conveyed inside or outside the vehicle *and/or* for each bicycle or non-folding pram *and/or* for each person in excess of one and under five when using rates 1 and 2 only.

0.20p

(NOTE luggage means suitcases or trunks NOT briefcases or carrier bags)

NO EXTRA CHARGE SHALL BE MADE FOR A DISABLED PERSON'S WHEELCHAIR  
OR AN ACCOMPANIED/ASSISTANCE DOG

##### DAMAGE & SOILING

The driver/owner of this vehicle may recover any reasonable costs for repairs for any damage caused, or the cost of cleaning, where soiling has been caused by any human or animal discharge.

##### RECEIPTS

The driver of this vehicle will be pleased to issue you with a receipt for the fare paid.

**N.B. - Drivers of Hackney Carriages are permitted to agree a fare less than the amount shown on the meter. However, the meter must be activated on every journey and the fare charged must never exceed the amount shown on arrival.**

# COLCHESTER BOROUGH COUNCIL

Appendix S(2)

## MAXIMUM TAXI TARIFF FOR MULTI SEAT (5-8 PASSENGER) VEHICLES

<b>RATE 1</b>	<b>Between 06.00 hrs until 22.00 hrs Mondays to Saturdays</b>	
	a) For the first 183m (200yds) <i>or</i> part thereof	£2.60p
	b) For each subsequent 224m (245yds) <i>or</i> part thereof to a maximum of (3630yds)	0.30p
	c) Thereafter for each subsequent 370m (405yds) <i>or</i> part thereof	0.30p
	<b>WAITING TIME</b>	
	For each period of 68 seconds <i>or</i> part thereof	0.30p
-----		
<b>RATE 2</b>	<b>Between 06.00hrs to 22.00 hrs Monday to Saturdays when 5 or more passengers are carried or a greater amount of luggage than can be conveyed in a vehicle Licensed to carry up to 4 passengers OR Between 22.00 hrs until 06.00 hrs Mondays to Saturdays and on all Sundays, Public &amp; bank Holidays and after 18.00 hrs on Christmas &amp; New Years Eve when being used to convey up to 4 passengers</b>	
	a) For the first 274m (300yds) <i>or</i> part thereof	£3.40p
	b) For each subsequent 168m (184yds) <i>or</i> part thereof to a maximum of (3612yds)	0.30p
	c) Thereafter for each subsequent 278m (304yds) <i>or</i> part thereof	0.30p
	<b>WAITING TIME</b>	
	For each period of 51 seconds <i>or</i> part thereof	0.30p
-----		
<b>RATE 3</b>	<b>Between 22.00 hrs until 06.00 hrs Mondays to Saturdays and on all Sundays, Public &amp; Bank holidays, and after 18.00 hrs on Christmas &amp; New Years Eve, when in the case of a multi seat vehicle it is required to carry in excess of 4 passengers or a greater amount of luggage than can be conveyed in a vehicle Licensed to carry up to 4 passengers</b>	
	a) For the first 274m (300yds) <i>or</i> part thereof	£4.50p
	b) For each subsequent 168m (184yds) <i>or</i> part thereof to a maximum of (3612yds)	0.40p
	c) Thereafter for each subsequent 278m (304yds) <i>or</i> part thereof	0.40p
	<b>WAITING TIME</b>	
	For each period of 51 seconds <i>or</i> part thereof	0.40p

### EXTRA CHARGES

#### LUGGAGE

For each article of luggage conveyed inside or outside the vehicle *and/or* for each bicycle or non-folding pram *and/or* for each person in excess of one and under five when using rates 1 and 2 only. (NOTE luggage means suitcases or trunks NOT briefcases or carrier bags). 0.20p

**WHEN USING RATE 3 NO EXTRAS WILL BE CHARGED. NO EXTRA CHARGE SHALL BE MADE FOR A DISABLED PERSON'S WHEELCHAIR OR AN ACCOMPANIED/ASSISTANCE DOG**

#### DAMAGE & SOILING

The driver/owner of this vehicle may recover any reasonable costs for repairs for any damage caused or the cost of cleaning where soiling has been caused by any human or animal discharge.

#### RECEIPTS

The driver of this vehicle will be pleased to issue you with a receipt for the fare paid.

**N.B. - Drivers of Hackney Carriages are permitted to agree a fare less than the amount shown on the meter. However, the meter must be activated on every journey and the fare charged must never exceed the amount shown on arrival.**

Fares effective from 11 December 2011



# COLCHESTER BOROUGH COUNCIL



Local Government (Miscellaneous Provisions)  
Act 1976, Town Police Clauses Act 1847

## Appendix T

### DRIVER'S CONDITIONS OF LICENCE

(Note Colchester Borough Council issues combined  
Private Hire and Hackney Carriage Driver Licences)

#### 1 Conduct of Drivers

**Drivers shall, with reference to the Drivers code of conduct (Appendix B) : -**

- i) **Take all** reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them.
- ii) **Afford** all reasonable assistance with passengers and their luggage.
- iii) **At all times** be clean and respectable in person, appearance and the way they dress to conform to the Council's dress code:

#### **Ladies**

Suitable blouse or other top, and either a sensible skirt/trousers/smart jeans and appropriate and smart footwear **or** an agreed company uniform.

Track suits, football or other team shirts are not acceptable, except when permission is granted for major sporting occasions, i.e. Football and Rugby World Cup Tournaments etc.

#### **Gentlemen**

White or quiet coloured long or short sleeved shirt, with either a collar and tie or open neck or a coloured sport style top. Trousers or smart jeans. Shoes or appropriate sports shoes **or** an agreed company uniform.

Track suits, football or other team shirts are not acceptable except when permission is granted for major sporting occasions, i.e. Football and Rugby World Cup Tournaments etc.

- iv) **At all times** behave in a civil and orderly manner and not resort to using foul and abusive words or behaviour towards any passenger or member of the public whilst working.
- v) **Not**, unless the hirer has agreed they can, drink or eat in the vehicle.
- vi) **Not**, unless the hirer has agreed they can, 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.
- vii) **At no time** cause or permit noise from the vehicle or any radio or previously mentioned equipment in the vehicle which they are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

- viii) **Have the responsibility** whilst driving and when carrying passengers of ensuring that the use of the vehicle conforms in all respects to current legislation concerning the use of motor vehicles on a road.
- ix) **Within seven days** disclose to the council **in writing** details of any conviction, (criminal or otherwise), caution or fixed penalty.
- x) **Notify** the Council in writing within **seven days**, of any change of their address whether temporary or otherwise.
- xi) **At** all times when acting in accordance with this Licence wear or display the badge issued to them by the Council in such a position and manner as to be plainly and distinctly visible and readable to passengers.
- xii) **Permit** the carriage of a guide or assistance dog (unless the holder of an exemption certificate) and allow the dog to remain with its owner at no extra cost to the fare.
- xiii) **Charge** no additional fee for the carriage of a wheelchair bound person.

## 2 Number of Passengers

- i) The driver shall not convey or permit to be conveyed a greater number of passengers than the number for which the vehicle is licensed and shown on the Council issued plate fitted to the vehicle.
- ii) The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

## 3 Animals

- i) Guide or assistance dogs shall be conveyed in hackney carriage or private hire vehicles without additional charge and shall be conveyed with the passenger.
- ii) This condition is waived where the driver is in possession of an exemption certificate issued by the Council in relation to the carriage of dogs.
- iii) The driver shall not convey in any hackney carriage or private hire vehicles any animal belonging to or in the custody of themselves or the proprietor or operator of the vehicle.
- iii) Any animal other than as (i) or (ii) above, belonging to or in the custody of any passenger, which at the driver's discretion may be conveyed in the vehicle, shall only be conveyed in the rear of the vehicle.

## 4 Prompt attention

The driver of a private hire vehicle shall, if aware that the vehicle has been hired, be in attendance at an appointed time and place, or when the operator or proprietor of the vehicle has instructed them to be in attendance at an appointed time and place to punctually attend at the said appointed time and place. Unless delayed or prevented by sufficient cause. All reasonable steps should be taken by the driver to inform the operator that the vehicle has been delayed in getting to the hirer and the reasons why.



## 5 Fare to be paid

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any that has been previously agreed between the hirer and the operator for that hiring. If the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare charged is the fare as shown on the taximeter or less if the driver feels a lesser fare is appropriate the fare shall not be more than shown on the meter. The meter must therefore be used for every fare accepted, without exception.

## 6 Written receipts

The driver shall if requested by the hirer of a hackney carriage or private hire vehicle provide the hirer with a written receipt for the fare paid.

## 7 Lost property

- i) The driver shall immediately after the termination of any hiring or as soon as practicable thereafter, search the vehicle for any property which may have been accidentally left in it by a previous hirer.
- ii) Where property has been left in the vehicle and found by the driver it must be taken as soon as possible, and in any event within 48 hours, or unless sooner claimed by or on behalf of its owner, to Colchester Police Station.

It is not acceptable for a driver to return lost property to its rightful owner and attempt to make a charge, of any description, for doing so.

## 8 Return of the drivers badge

- i) The badge issued by the Council to a driver remains at all times the property of the Council.
- ii) The driver shall upon its expiry, refusal to renew, revocation or suspension of their licence return the badge to the Council **within 14 days**. To fail to do so is an offence for which prosecutions may be taken to a Magistrates Court.

## 9 Deposit of Licence

Where the driver is permitted or employed to drive a private hire vehicle of which they are not the proprietor they shall before commencing to drive the vehicle deposit their licence with that proprietor until such time as the driver ceases to be permitted or employed to drive the vehicle. **Provided that** if the driver is employed both as a hackney carriage driver and as a private hire vehicle driver, then their licence shall be deposited with the proprietor of the hackney carriage as required by Section 48 of the Town Police Clauses Act 1847.

## 10 Taximeter

If a taximeter is fitted to a private hire vehicle the driver shall not allow the fare recorded to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare shown. The meter must also be calibrated to the current hackney carriage tariff. When fitted, the taximeter **MUST** be used for every fare without exception.

## 11 Mobile Telephones

Mobile telephones used by drivers in private hire vehicles must be used strictly in accordance with the current laws governing their use.

## 12 Physical and Mental Fitness

The driver must report to the Council, as soon as practicable, any disability or physical or mental medical condition which develops or worsens and which may affect their ability to drive safely. Generally the driver's Doctor or Consultant will advise as to whether it is safe for their patient to drive

Drivers are also reminded that they are legally required to inform the DVLA at Swansea of some medical conditions.

If any such conditions occur where the driver has been advised not to drive or not to drive for hire and reward, the Council may suspend their driver's licence until such time as their Doctor or Consultant confirms to the Council in writing, that they are fit to drive for the purposes of hire and reward.

The Council reserves the right to request an examination of a driver by the Occupational Health department at Colchester General Hospital where there is doubt as to their ability to safely drive hackney carriage / private hire vehicles to convey passengers. The Council will be responsible for any fees for such examinations it has requested.

**When renewing a driving licence a fully completed Group 2 medical certificate signed by the driver's Doctor, or a Doctor at the same Surgery, must be produced otherwise a licence will not be issued.**

## 13 Insurance

- i) The driver will be responsible for ensuring that any vehicle in their charge is insured as a hackney carriage/private hire vehicle (as appropriate) for at least third party risks as required by part VI of the Road Traffic Act 1988.
- ii) If the hackney carriage/private hire driver's licence is suspended as a result of the driver's failure to comply with this condition, it will not be reinstated or re-issued until a period of three months has elapsed.
- iii) More than one suspension for this reason will result in the revocation of the driver's licence and any application for the grant of a licence will not be considered for a period of five years from the date of conviction.
- iv) Penalty points may also be issued as appropriate.

## 14 Private Hire Bookings

The drivers of private hire vehicles must not accept fares other than those made previously via the licensed operator they are currently working for.

It is an offence to take a fare without a previous booking having been made with a licensed operator; such bookings must **NOT** be made via a vehicles radio / computer or the driver's mobile telephone.

Drivers must inform persons attempting to hire them from the road side etc., of the above. Any driver accepting a hiring other than as stated above commits an offence which may lead to them having their hackney carriage/private hire driver's licence suspended or revoked.

## 15 **Parking whilst working**

Drivers of private hire vehicles who are not able to return to their operating base when working, must make sure that when they do 'park up' they do so in an appropriate place.

An appropriate place is one where it cannot be construed that they are soliciting or attempting to solicit to the public for hire.

Private hire vehicles are not allowed to park or stand on any 'taxi rank'.

## 16 **Travel Tokens**

The Travel Token scheme is currently under review, but in the meantime all drivers of hackney carriage and private hire vehicles **must** accept travel tokens in payment for local travel (within the Borough) or for journeys to places just outside the Borough. They should not be used for airport runs.

These tokens are issued to old age pensioners and some disabled people to assist them in travelling in and about Colchester Borough.

Arrangements have been made for these tokens to be exchanged at the cash desk in Angel Court between 8.30 am and 5 pm on Tuesdays, Wednesdays and Thursdays.

The driver's badge must be produced and the vehicle plate number must be given together with a claim form. The maximum amount exchanged by the cash office is £300.00. the minimum is £10.00. bagged as £5.00 of 20p, £10.00 of 50p and £20.00 of £1.00 tokens.

Some operators have made arrangements to change the tokens with the drivers and then exchange them with the Council and you should enquire with your operator to see if that is the case.

It is an offence against these conditions not to take these tokens and action will be taken against the driver concerned should any substantiated complaints be received.

## 17 **Enforcement**

The Colchester Borough Council has signed the Government's Enforcement Concordat.

Enforcement will be carried out in a manner ensuring that the Council's licence holders and the public are properly protected by using a fair and proportionate

response to all complaints and any suspected breaches of these conditions and other relevant legislation.

## 18 Penalties

The Council may under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 suspend or revoke any driver's licence granted if any of the above conditions are not complied with.

## 19 Penalty Points Scheme

The aim of introducing this scheme is to provide stepped enforcement for those licence holders who have contravened licence conditions or associated legal provisions. Introduction of this scheme does not however prejudice the Council's ability to take any other actions it is entitled to take under conditions, bylaws or regulation. In relevant cases where the Licensing Manager considers it necessary an existing licensed driver may also be required to take the Council's knowledge test at their own expense.

Details of this scheme and points allocation are shown below for information.

## 20 The use of seat belts

It is the responsibility of the driver to ensure that seat belts are used in accordance with any current or future legislation or guidelines as issued or determined by central government. **Guidance on the use of seat belts in regard to children is included in the hackney carriage/private hire vehicle conditions of licence.**

This information has been obtained from the following web sites [www.dft.gov.uk](http://www.dft.gov.uk) and [www.rospa.com](http://www.rospa.com) (checking the child seat belt section). This information was correct at the time that these conditions were updated.

**Drivers are, however, advised that they have a responsibility to ensure that they are familiar and up to date with seat belt and any other relevant construction and use and safety legislation which is available from the above web sites.**

## 21 Promoting your Business and Colchester

Colchester is proud to be famous for being the oldest recorded town in the Country and receives visitors from all over the world. It also has a vibrant University which is world renowned and attended by many overseas students. The Council therefore welcomes the support of its licensed drivers to be front line ambassadors in promoting Colchester to both its residents and its visitors.

To be such an ambassador could not be easier and quite simply comes down to the way in which passengers are treated.

First impressions are generally lasting impressions and a negative attitude from a licensed driver towards visitors who are just arriving in Colchester, can have a detrimental effect on their stay and even whether they return.

It is worth remembering, that visitors support many local trades and businesses and therefore not only directly support many jobs, but also help in the creation of much needed employment for the Borough as a whole.

A positive, friendly and helpful manner when dealing with both residents and visitors alike promotes the 'taxi' or private hire service provided by the driver, making it far more likely that the public will wish to use the service again in the future. Such an attitude therefore promotes both Colchester and the individual business. Short courses can be provided that are based on improving a driver's knowledge of Colchester and its historic importance.

## **22 Appeals**

There is a right of appeal by any licensed driver against these conditions to the Council's Licensing Committee or to a Magistrates Court.

Should you wish to appeal to the Licensing Committee you must write to the Licensing Manager, Colchester Borough Council, 33 Sheepen Road, Colchester, CO3 3WG within 21 days of receiving these conditions, stating the reasons for your appeal.

Should you wish to appeal to the Magistrates Court, you must write to The Clerk of the Court, North East Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford CM2 5PF within 21 days from the date of receipt of these conditions, stating the reasons for your appeal.

## **23 Not sure of any of the Conditions?**

If you have any questions in relation to any of these conditions then please contact the Customer Service Centre on telephone number 01206 282725 between 9am and 5pm Monday to Friday, when a member of staff will be pleased to assist you or ensure that you are connected to the appropriate officer.

## **24 Public Liability Insurance**

We would urge that all drivers, proprietors and operators seriously consider the issue of having in place an adequate public liability insurance policy. This is a business decision which can only be made by you and in which the Council has no influence.

## **25. Drivers of Wheelchair Accessible Vehicles**

Any driver using a wheelchair accessible vehicle will be required to attend and pass a Passenger Assistant Training course at their own expense. A copy of the pass certificate will be presented to the Licensing Office and a copy will be placed on the drivers file. Details of courses are available from the Licensing Office.

### **PENALTY POINT SCHEME**

The scheme will be operated as follows:

#### **1. Issuing of Penalty Points**

- (a) Where any breach of the Council's conditions or other relevant statutory provisions under the licensing acts have been positively identified, after completion of investigations, the Licensing Enforcement Officers of the Council may apply penalty points in accordance with the penalty points schedule.
- (b) Penalty points when issued will be confirmed by letter to the relevant licence holder. There will be a 21 day period, starting from the date of the letter of notification, provided to allow for any appeal to be made against the decision to issue points or as to the number of points issued. Such appeals must be in writing to the Licensing Manager
- (c) The number of penalty points issued will be at the discretion of the Licensing Enforcement Officers and in accordance with the attached table.
- (d) The Licensing Enforcement Officers retain the discretion to issue penalty points to either or both drivers and or vehicle proprietors and or operators for any contravention should the circumstances warrant such action.
- (e) The imposition of penalty points against a driver who is working on behalf of a proprietor will not necessarily result in the imposition of points to his/her employer or operator.
- (f) Any imposition of penalty points is at the discretion of officers of the Council and is not negotiable other than by way of appeal.
- (g) Penalty points issued under this scheme will have a "life" of twelve months after which they will be deemed spent. The system is based over a rolling twelve month period.
- (h) Six points become spent at the conclusion of any suspension of a driver/ proprietor. Twelve points are spent at the conclusion of any suspension of an operator.
- (j) The Licensing Committee will determine any appeals in relation to the imposition of penalty points.
- (k) Wherever reference is made in these conditions to any action by the Licensing Manager, the matter may also be dealt with by another Council officer with the appropriate delegated powers.

## **2. Action levels**

- (a) On the accumulation of 12 or more points in a twelve-month period a driver will be subject to a recommendation to the Licensing Manager for the suspension of his or her Council issued driver's licence.
- (b) On the accumulation of 12 or more penalty points in a rolling twelve-month period a proprietor /owner will be subject to a recommendation to the Licensing Manager for the suspension his/her Council issued vehicle licence.
- (c) On accumulation of 24 or more penalty points in a twelve-month period an operator will be subject to a recommendation to the Licensing Manager for the suspension his/her operators licence.

- (d) The Council will advise drivers, proprietors and operators in writing when their points accumulation for any relevant period exceeds 50% of the action level.
- (e) Where a letter is sent to a driver a copy of the letter will be forwarded to any relevant vehicle proprietor or operator they are driving for.

### **3. The suspension process.**

- a) All suspensions will be determined by the Licensing Manager or by way of a report to the Licensing Committee.
- b) The licence holder will be advised of the accrued total of penalty points and the specific infringements identified.
- c) The licence holder will be advised of the Licensing Manager's decision regarding possible suspension within 7 days of such a decision or of his decision to place the matter before the Licensing Committee.
- d) For drivers or proprietors on the first occasion of the accumulation of 12 or more points within a twelve-month period the recommendation will be suspension of licence for 28 consecutive days.
- e) For drivers or proprietors on a second occasion of the total award of 12 or more penalty points the recommendation would be for suspension of licence for 56 consecutive days.
- f) On any third accumulation of 12 points attained by a driver / proprietor would result in a recommendation to revoke his/her licence.
- g) An operator accumulating 24 points on the first occasion would result in a recommendation to suspend their operators licence for 28 consecutive days.
- h) A second accumulation of 24 points would result in a recommendation to suspend their operators licence for 56 consecutive days.
- i) Accumulation of 24 points for a third time or exceeding 36 points in any twelve month period would result in a recommendation to revoke their operators licence.
- j) Once a suspension has been served a total of 6 penalty points will be removed from the total accrued by drivers or proprietors. In the case of operators 12 points will be removed.
- k) Any driver, proprietor subject to the suspension or revocation of a licence by the Licensing Manager has a right of appeal to the Council's Licensing Committee and must do so in writing within 21 days from the date of notification of suspension/revocation to the Licensing Manager at 33 Sheepen Road, Colchester, CO3 3WG
- l) Should an appellant not be satisfied with the decision of the Licensing Manager or the Council's Licensing Committee they may appeal to a Magistrates Court against such suspension/revocation and must do so by

writing to the Clerk of the Magistrates Court within 21 days from the date of notification of such suspension/revocation.

- m) Where an appeal has been made the implementation of any suspension or revocation will be held until its determination.

**4. Record availability.**

- (a) Drivers, proprietors and operators may see their penalty point record at any time.
- (b) Vehicle proprietors and licensed operators may view their employed driver's point's record subject to making a written request giving their reasons for doing so. All such requests will be subject to the agreement of the Licensing Manager.





## COLCHESTER BOROUGH COUNCIL

Local Government (Miscellaneous Provisions)  
Act 1976



### HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S PENALTY POINT SCHEME TABLE

(Note Colchester Borough Council issues combined  
Private Hire and Hackney Carriage Licences)

	<b>Offence/Breach of Conditions</b>	<b>Maximum Points applicable</b>	<b>Driver</b>	<b>Vehicle Owner or operator</b>
1	Providing false or misleading information on licence application form, or failing to provide relevant information.	6*	x	x
2	Driver not holding a current Hackney Carriage/Private Hire driver licence	P*	x	x
3	Failure to notify the Council of change of address within 7 days			
	1 <sup>st</sup> offence	3*	x	x
	2 <sup>nd</sup> offence	9*	x	x
4	Refusal to accept hiring without reasonable cause e.g. Drunk or rude customer.	4*	x	
5	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6*	x	
6	Private hire touting/specking			
	1 <sup>st</sup> offence	9*	x	x
	2 <sup>nd</sup> offence	P*	x	x
7	Failure to display a current vehicle excise licence	12*		x
8	Using unlicensed vehicle or vehicle without insurance.	P*		x
9	Failure to produce relevant documents within timescale when requested.	4*	x	x
10	Unsatisfactory condition of vehicle, interior or exterior.	4	x	x
11	Failure to produce Hackney Carriage or Private Hire vehicle for testing when required.	4*		x
12	Using a vehicle subject to a suspension order issued by the licensing officer or a police officer.	12	x	x
13	Using a vehicle for which the licence has been suspended or revoked.	P*	x	x
14	Failure to report within 72 hours accident or damage to licensed vehicle.	6*	x	x

15	Overloading of licensed vehicle (including exceeding the licensed number of passengers)	6*	x	
16	Failure to display external licence plate as required.	6*		x
17	Failure to notify transfer of Private Hire or Hackney Carriage vehicle licence within 14 days.	6*		x
18	Failure to maintain an operational fire extinguisher in accordance with the conditions, where fitted.	3		x
19	Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day.	5*		x
20	Failure to produce on request records of drivers work activity.	5*		x
21	Using incorrect tariff or an uncertified taximeter.	6*	x	x
22	Obstruction of an authorised officer or police officer.	6*	x	x
23	Displaying any feature on private hire vehicle that may suggest it is a Taxi.	6*		x
24	Using a Private Hire vehicle the appearance of which suggests it is a Hackney Carriage.	6*		x
25	Driver not holding a current DVLA Licence.	P*	x	x
26	Failure to display driver's badge.	6*	x	
27	Failing to notify change in medical circumstances.	6	x	x
28	Unsatisfactory appearance of driver or not conforming to dress code.	4	x	
29	Failure to observe rank discipline.	4*	x	
30	Operator failure to maintain proper records of private hire vehicle.	6*		x
31	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced.	6*		x
32	Failure to produce tariff or advise charges when requested by a hirer.	3	x	x

33	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence.	4*		x
34	Unsatisfactory behaviour or conduct of driver. e.g. Abusive language etc.	3-12*	x	
35	Failure to notify the Council of any motoring or criminal convictions or cautions, in writing within seven days, during period of current licence. 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6* 12*	x x	x x
36	Failure to display internal licence plates.	4	x	x
37	Late application for renewal on expiry of a licence.	6	x	x
38	Failure to return drivers badge within 7 days after due notice being given.	4*	x	
39	Standard of driving unacceptable, witnessed by authorised officer or police officer.	6	x	
40	Misuse of mobile telephone (includes using the mobile telephone whilst the vehicle is in motion) 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6 + FPN 12 + FPN	x x	
41	Failing to accept Travel tokens for an legitimate journey	3	x	x
42	Failing to conform to statutory road signs or illegally parking	4	x	
43	Drinking or eating in a licensed vehicle without the express permission of the hirer.	3	x	
44	Playing of a music radio or other sound producing equipment without the express permission of the passenger(s).	3	x	
45	Causing excessive noise from any radio or sound producing equipment which annoys anyone either in or outside of the vehicle.	3	x	
46	Proprietor displaying an unauthorised sign. i. e. commercial advertisement on vehicle, without the Council's agreement.	6		x

47	Failure to carry assistance dog without exemption certificate.	12	x	x
48	Failure to attend at the requested time for a pre arranged booking without sufficient good cause.	4	x	x
49	Driving a licensed vehicle which is not properly maintained. 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6 12	x x	x x
50	Leaving a Hackney Carriage vehicle on a taxi rank parked and unattended without reasonable excuse.	4*	x	
51	Using a licensed vehicle without the appropriate insurance	12*	x	
52	Driver smoking in vehicle, includes the use of electronic cigarettes 1 <sup>st</sup> offence. 2 <sup>nd</sup> offence 3 <sup>rd</sup> offence	3 + FPN 12 + FPN 12 + P	x x x	
53	Driver allowing customer(s) to smoke in licensed vehicle.	6	x	
54	Smoking or allowing smoking in Operators premises. 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6 12		x x
55	Failing to deal with lost property in the appropriate manner. 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6 12	x x	
56	Failure to comply with Council vehicle livery	6	x	x
57	Illegal Ranking.	6	x	

FPN: Fixed Penalty Notice

P: Consideration of Prosecution

**Matters identified with an asterisk are direct contraventions of the Town Police Clauses Act 1847 or Local Government (Miscellaneous Provisions) Act 1976 or other statutory requirements and may result in prosecution in addition to any points penalty incurred.**

Rev 11/2012

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