



# **Hackney Carriage & Private Hire Licensing Policy**

Colchester Borough Council

1 October 2016

# Foreword

Welcome to the latest edition of Colchester's Hackney Carriage and Private Hire Licensing Policy and Conditions.

Colchester is seeking to promote and enhance its reputation as a safe and vibrant, welcoming and prosperous borough and it recognises the importance of the licensed trade in helping to achieve this. Licensed drivers are both front line ambassadors in promoting Colchester to residents and visitors alike and a vital and integral part of Colchester's integrated transport strategy.

We recognise that drivers and operators need a licensing service which is dynamic and responsive, capable of adapting to changes in the economy in which they operate and with this in mind we have made a number of significant changes to the policy.

The policy sets out the relevant information on how applications will be determined and how drivers and operators are expected to operate to pursue and promote the following licensing objectives:

- Protection of the public, safeguarding children and vulnerable persons; and the prevention of crime and disorder
- The safety and health of drivers
- Establishment of professional and respected hackney carriage and private hire trades
- Vehicle safety, comfort and access
- Encouraging environmental sustainability

We hope that this revised Licensing Policy is clear and easily understood and reflects the needs of both the trade and the travelling public.

We commend it to you and sincerely believe that it will make a positive difference to all parties.

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Colchester is Britain's oldest recorded town with a unique history and heritage attracting in excess of 6 million visitors' trips a year; the evening and night time economy attracting 1.14 million visitors. It is also a vibrant, thriving, prosperous and welcoming town and home to more than 180,000 residents living in communities based not only in and around the town centre but in the coastal, rural and riverside areas of the Borough. The population is expected to rise to 233,400 by 2035 with the regeneration of key areas of the borough and the creation of new communities.

The unique geography of the town centre means that the vast majority of licensed venues and a number of visitor attractions are located within the area circled by the old roman wall whilst the town's main railway station is a mile to the north of the town centre and the bus station located to the south just outside the roman wall. Hackney carriage and private hire vehicles are an integral part in the town's integrated transportation system and in addition provide a vital service in rural areas, late at night, and for persons with specific mobility needs.

## **Introduction and Guide to the Policy**

1.1 The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 provide the broad framework for the licensing of drivers, vehicles and operators but the detail relating to how this is done and the standards to be applied are matters for the Council to determine.

1.2 This Licensing Policy (hereafter referred to as 'the Policy'), states how the Council will exercise its functions in the determination of applications and issuing, reviewing or revoking licenses; vehicle standards and limits on vehicle numbers; other relevant licensing matters; and how drivers and operators are expected to operate to pursue and promote the licensing objectives of:

- Protection of the public, safeguarding children and vulnerable persons; and the prevention of crime
- The safety and health of drivers
- The establishment of professional and respected hackney carriage and private hire trades
- Vehicle safety, comfort and access
- Encouraging environmental sustainability
- Promoting Colchester as a vibrant, prosperous, thriving and welcoming place

1.3 The aim of the Policy is to regulate and support the licensed trade as front line ambassadors in promoting Colchester to residents and visitors alike and to facilitate well operated and responsible businesses which form a vital and integral part of Colchester's integrated transport strategy. The Council will work with partner agencies in order to promote the policy objectives and aims.

1.4 Where exercising discretion in the carrying out of its functions the Council will have regard to the Policy.

1.5 The Policy applies to:

- **Hackney carriages** – a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means it may stand at ranks or can be hailed in the street by members of the public.
- **Private hire vehicles** – licensed to carry no more than 8 passengers but must be booked in advance by customers through an operator and may not ply for hire in the street.
- **Drivers** of hackney carriage and private hire vehicles
- **Private hire operators**.

1.6 The Policy comprises this document and the annexes and appendices set out below. The annexes and appendices contain detailed information on the Council's requirements and conditions and must be read in full alongside this document.

- **Pre-Licensing Standards and Conditions for**
  - Drivers
  - Hackney Carriage Vehicles
  - Private Hire Vehicles
  - Operators
- CCTV Policy
- Convictions Policy
- Penalty Points Scheme
- Exemption Policy
- Plate Allocation Policy
- Horse Drawn Vehicles
- Stretch Limousines

## The Strategic Plan

1.6 The Council's strategic plan is the overarching strategy for the Borough setting out the direction and potential for the Borough and integrating social, economic and environmental strategies to create a Borough that is -

**Vibrant** promoting our heritage and working hard to shape our future  
**Prosperous** generating opportunities for growth and supporting infrastructure  
**Thriving** attracting business and selling Colchester as a destination  
**Welcoming** a place where people can grow and be proud to live

1.7 The Policy aims to contribute to this vision by ensuring that the licensed trade plays a significant role not only in the Borough's transport strategy but also in helping to promote Colchester and thereby enhancing our reputation as a destination and encouraging further investment.

## Aspirations for the Borough

1.8 The Council is committed to achieving the goals set out in its Strategic Plan to create a vibrant, prosperous, thriving and welcoming town. In relation to the licensed trade the Policy will support the plans to -

- Promote Colchester's heritage and wide ranging tourism attractions to enhance our reputation as a destination
- Ensure Colchester is a welcoming and safe place for residents, visitors and

- businesses with a friendly feel that embraces tolerance and diversity
- Promote Colchester to attract further inward investment and additional businesses, providing greater and more diverse employment and tourism opportunities
- Ensure transport infrastructure keeps pace with housing growth to keep the Borough moving

## **Links to Other Strategies, Policies and Initiatives**

1.9 In preparing the Policy, the Council has had regard to and consulted those involved in its local strategies on transport, crime prevention, safeguarding, planning, culture, tourism and economic development. The Policy therefore integrates, as far as is reasonably practicable, with other key Council policies to ensure the promotion of the Council's Strategic Plan. Particular regard has also been given to the 2015 Unmet Demand Survey.

## **Fees**

1.10 The Council recognises that in setting fees in relation to the licensing of vehicles, drivers and operators, under sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976, it must take into account any surplus or deficit generated from the fees levied in previous years. Any surplus or deficit identified in the licensing regime will only be applied to that part of the system from which it has been raised or lost.

## **Relevant legislation**

1.11 In writing the Policy and in exercising its functions the Council has had and will continue to have regard to all relevant legislation including, but not limited to, the Town Police Clauses Act 1847 and 1889; Local Government (Miscellaneous Provisions) Act 1976 (as amended); Transport Act 1985 and 2000; Crime and Disorder Act 1998; Environmental Protection Act 1990; Equality Act 2000; Road Traffic Acts; Health Act 2006; Human Rights Act 1998.

## **Consultations and Implementation of the Policy**

1.12 In reviewing the Policy the Council has consulted its licence holders, Essex Police, relevant Council departments, groups representing customers and the public.

1.13 The comments received in response to the consultation were considered by the Licensing Committee at its meeting on 13 December 2017.

1.14 The Policy will take effect on 1 January 2018 and unless otherwise stated all the provisions contained within the Policy will come into immediate effect. The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

## **Protection of the Public; Safeguarding Children and Vulnerable Persons; and the Prevention of Crime**

2.1 The key consideration of the Council in licensing hackney carriage and private hire drivers, operators and proprietors is the safety of the travelling public. The protection of the public; safeguarding children and vulnerable persons; and the prevention of crime are therefore key factors in this Policy.

### **Fit and Proper Test**

2.2 The application of the fit and proper test is essential to ensure that the Council's licensing scheme protects the public. The test requires that –

- The Council must not grant a licence unless it is satisfied that the applicant is a fit and proper person to hold a licence.
- The Council is also entitled to suspend or revoke a licence if there is evidence to suggest that the individual is not a fit and proper person, and specifically
  - if they have been convicted since the grant of the licence of an offence involving dishonesty, violence or indecency.
  - for non-compliance with the licensing requirements of the relevant and related legislation.
  - for any other reasonable cause.

2.3 There is no definition within the act of 'fit and proper'. The Council therefore uses the following tests when deciding upon the suitability of an individual –

Drivers - Would you (as a member of the Licensing Committee or other person charged with the ability to grant a private hire or hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care to get into a vehicle with this person alone?

Private Hire Operators - Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?

Vehicle Proprietors – Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes.

and has regard to the following –

"Its purpose therefore is to prevent licences being given to or being used by those who are not suitable people, taking into account their driving record, their driving experience, their sobriety, mental and physical fitness,

honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers". (Leeds City Council v Hussain2002)

2.4 To assist in determining the question of whether a person is fit and proper the Council has drawn up a Convictions Policy to categorize and assess the risk to the public of a wide variety of criminal and motoring convictions. It should be noted that the convictions listed are by no means exhaustive; it is anticipated that any convictions not listed will have close enough themes to enable parallels to be drawn from other listed convictions. Also included within the Convictions Policy is the stance to be taken on other forms of intelligence which can be considered by the Committee as part of its fit and proper test.

2.5 The Convictions Policy works alongside the Council's Penalty Point Scheme and points can be given under both schemes. Where the total of these points exceeds 12 in any one year a licence holder should expect consideration to be given to the suspension or revocation of their licence.

2.6 In determining whether an applicant is fit and proper, each case will be considered on its own merits and the Council will have regard to the applicant's -

- Right to Work in the United Kingdom
- Convictions, cautions and other formal action etc. in line with the Council's Convictions Policy
- Penalty Points issued under the Council's Penalty Point Scheme
- Any complaints and allegations
- Any intelligence made available to the Council by the Police and other partner agencies
- Anything considered by the Courts which hasn't resulted in a conviction
- Motoring convictions and penalty notices in line with the Council's Convictions Policy
- Health
- Local knowledge
- Ability to communicate in the English language
- Any other matter that might call into question the person's ability to meet the fit and proper person test.

2.7 The Council is empowered by law to carry out verification with the Disclosure and Barring Service to confirm the existence and content of any criminal record and any other intelligence held in the person's name. The Council may also contact other agencies to request information held on a person.

2.8 The evidential threshold that will be applied by the Licensing Committee is based on the balance of probabilities and not on proving 'beyond reasonable doubt' which is the criminal standard of proof.



## **Protection of the Public**

2.7 The protection of the public has been interpreted in its widest sense encompassing not only issues of safe driving and vehicle safety but also such matters of domestic violence and other indicators of aggression which demonstrate on the part of the perpetrator an inability to control their behaviour.

2.9 Other matters that will be considered by the Council in relation to this objective include, but are not restricted to, the failure to adhere to the Council's licensing conditions and procedures; any indicator of dishonesty; and omitting to work with the Council, Police and any other relevant enforcement agency.

2.10 The Council has investigated a small number of complaints concerning drivers who have used details supplied to them for the purposes of their business to contact a passenger at a later date. Drivers must not engage in sexual conversations, make inappropriate comments or have sexual contact with passengers on or after their duty, even where there is consent. Any allegation of such behaviour will result in the Council carrying out a full investigation and may result in action being taken to prevent a person from driving even where evidence has not been tested in any other arena. Drivers and Operators must not use contact details obtained in the course of their business for any purpose other than business, neither should they respond to overtures from customers.

2.11 The matters will be considered and regulated through the Council's Application Procedures, enforcement activities and Penalty Point Scheme.

## **Safeguarding Children and Vulnerable Persons**

2.12 Everyone who comes into contact with children and vulnerable persons has a responsibility to protect them from harm. Licensed drivers, who are often working at times when other agencies are not operating or are poorly represented, can act as the eyes and ears of the town and by working in partnership with the Police, Council and other agencies can help to make a positive difference.

2.13 To support this role and recognising the importance of licensed drivers in the local night time economy the Council has introduced mandatory safeguarding training as part of the application process for licensed drivers wishing to obtain or renew a driver's licence. . The Council's Code of Conduct for Working with Vulnerable Passengers is also designed to promote good safeguarding practices for drivers and the Council expects these standards to be embedded into a driver's working practice.

2.14 The Council expects drivers and operators to report their concerns to the appropriate authority and has drawn up a referral guide to assist in this process.

2.15 The Council also acknowledges that a small minority of licensed drivers across the country have abused their position of trust to sexually exploit children. Therefore, where there are safeguarding concerns that arise from more than rumour or innuendo, the Council will carry out a full investigation and every decision will be made with the safety of the vulnerable individual foremost. This may mean that action is taken to prevent a person from driving even where evidence has not been tested in any other arena.

## **Safety and Health of Drivers**

3.1 The Council recognises that licensed drivers are a valuable asset to the Borough and their safety and health is a key concern.

### **Driver Safety**

3.2 The Council's mandatory safeguarding training and its Code of Conduct for working with Vulnerable Persons is designed not only to ensure that drivers are aware of the issues around safeguarding but also to ensure that they are aware of the steps they need to take to protect themselves from possible allegations of misconduct.

3.3 Licensed drivers provide a service to the public and there is a reciprocal aspect to this trade. In recognition of this the Council supports the use of a Driver and Passenger Charter which sets out the behaviour that drivers can expect of their passengers together with that expected of them. Drivers are encouraged to display this in their vehicles.

3.4 The Council supports the installation of security measures such as a screen between the driver and passengers however care must be taken to ensure such measures don't impede the ability of the driver and passenger to communicate.

3.5 The installation of CCTV has proved to be an essential tool for drivers in protecting themselves against allegations of misconduct and in helping to identify culprits in where problems have occurred. The Council has therefore determined that with effect from 1 January 2019 all newly licensed vehicles must be fitted with CCTV and existing vehicles must be fitted with CCTV within a year of the renewal of their licence.

3.6 The Council will continue to update the trade on matters in relation to driver safety to ensure that they have the relevant information to make informed choices.

### **Taxi Rank Marshalling**

3.7 The Council values greatly the work of the taxi marshals who operate at the High Street rank and are supplied by a licensed venue in the town. Their work helps to ensure the orderly management of queues, reducing the potential for conflict between drivers and passengers and helping to ensure the swift dispersal of patrons from town centre venues. The presence of an enforcement agency increases the public's perception of safety and contributes to the aim to make Colchester a vibrant and welcoming place.

3.8 The Council will seek to promote the other ranks in the town centre and in particular wishes to raise the profile and use of the rank in Head Street which is located close to a number of licensed venues and would be a valuable asset in the dispersal of patrons from this area. It is recognized that there are problems with the public parking illegally in this rank and will work with its partners to address this issue and in collaboration with the trade to increase the profile and use of this rank. The Council will seek to utilise any opportunities presented by redevelopment in the Town Centre to

address the need to increased rank space.

## **Driver Health**

3.10 The Council requires drivers to meet Group 2 Standards of Medical Fitness; this is the same standard applied by the DVLA to the licensing of lorry and bus drivers. The Council has taken this view because drivers are on the road for longer hours than most car drivers; they may have to assist disabled passengers and handle luggage; and carry members of the public who have expectations of a safe journey.

## **Age Limits**

3.12 The Council does not set maximum age limits for drivers beyond the statutory periods for holding a full driver licence. Applicants and licensed drivers seeking to renew their licence will be considered on an individual basis.

3.13 Drivers seeking to renew their licence after the age of 65 will be required to have annual medicals and those over the age of 70 will also be required to have an eyesight test.

## **Establishment of Professional and Respected Hackney Carriage and Private Hire Trades**

4.1 The Council supports the aim of regulating and supporting the licensed trade by setting clear and transparent standards and procedures and enforcing these in a consistent and fair manner.

4.2 These standards and procedures are set out in the following documents attached as annexes and appendices -

- Pre-Licensing Standards and Conditions for
  - Drivers
  - Hackney Carriage Vehicles
  - Private Hire Vehicles
  - Operators
- CCTV Policy
- Convictions Policy
- Penalty Points Scheme
- Exemption Policy
- Plate Allocation Policy
- Horse Drawn Vehicles
- Stretch Limousines

4.3 It is important that the Policy remains a responsive document capable of change to reflect an evolving business environment. The Council is therefore committed to continued engagement with the licensed trade through a variety of mediums.

## **Knowledge Tests**

4.4 Effective communication with passengers is essential and therefore as part of the application process the Council requires drivers to take an English language/numeracy test.

4.5 Not knowing the way or taking customers on an indirect route to a location is a common cause of dispute therefore the Council requires that all drivers have a good working knowledge of the area. The Knowledge Test comprises questions on the topography of the area, driver conditions, and driving knowledge (similar to the theory test).

## **Dress Code**

4.6 The Council regards its drivers as ambassadors for the Borough and therefore first impressions are important. All drivers are required to be clean and respectable in person, appearance and the way they dress to conform to the Council's dress code:

### **Permitted clothing**

- Tops, shirts, blouses, t-shirts, polo shirts or sweat tops – These should cover the shoulders and be capable of being worn inside trousers/skirts and shorts. Shirts or blouses can be worn with a tie or open necked.

- Trousers, skirts, shorts - Trousers may either be full length or shorts, if tailored. Clothing should be of sufficient length when the driver is seated as to not offend against decency.
- Footwear – This should be smart and appropriate for driving; and must fit around the heel of the foot.
- Cultural dress – This is acceptable providing it meets similar standards of decency and smartness.

Clothing not permitted – unclean or damaged clothing, clothing bearing offensive or suggestive words, graphics or logos; vests or singlets; track suit or jogging bottoms; ripped jeans; sports shirts (e.g. football, rugby or cricket tops); clothing with studs or similar adornments; beach type footwear such as mules and flip flops; baseball caps; and any clothing that obscures the face.

## Training

4.7 In addition to the requirement for new drivers to undertake mandatory safeguarding training, the Council, during the lifetime of a driver's licence, may require a licence holder to undertake reasonable and appropriate training to meet the needs and demands of the job. In requiring such training the Council will set a reasonable timeframe for its completion and these requirements will be notified to the driver in writing. If the driver refuses or fails to attend or does not meaningfully participate in the training or attain the training accreditation the driver's licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.

4.8 The driver of any wheelchair accessible vehicle must undertake appropriate training, approved by the Council, to ensure that passengers' needs are addressed appropriately and that they are conveyed safely.

## Enforcement

4.9 It is essential for the safety of the public and the reputation of the trade that licensed drivers and operators; and their vehicles comply with the terms of their licence and the requirements of the Council's Policy.

4.10 Effective hackney carriage and private hire regulation depends on partnership working and in particular the relationship between the trade, Council departments, the Police, DVLA and VOSA. The Council has an intelligence sharing protocol in place with Essex Police that enables relevant information to be shared even before an arrest or conviction is made.

4.11 The Council will take a risk based approach to enforcement with a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference. The principles of enforcement are:

- Taking firm action against those who flout the law or act irresponsibly
- Assisting the trade in meeting their legal obligations
- Promptly acting on complaints and issues of concern.

## **Complaints**

4.12 Complaints can be reported online using the Taxi Complaint Form or via the Council's Customer Service Centre. All complaints will be assessed by the Licensing Team and those found to be genuine will be investigated.

## **Penalty Point Scheme**

4.13 The Council's Penalty Point Scheme provides a stepped enforcement process for those licence holders who have contravened licence conditions or associated legal provisions. This scheme does not prejudice the Council's ability to take any other action it is entitled to take under conditions, bylaws or regulation. In relevant cases, where it is considered necessary, an existing licensed driver may also be required to take the Council's knowledge test and/or driving assessment at their own expense.

## **Cross Border Working**

4.14 The Council recognises that cross border hiring, whereby private hire vehicles and/or drivers which have been licensed to operate by another Council work in the Borough, is a potential problem. The driver and/or vehicle may have been licensed by an authority which has lower standards than those that apply in the Borough. The Council has no powers to take direct action were any conditions of the licence are broken or the driver provides poor service to customers; the contraventions must be referred on to the relevant local authority. This matter is being kept under review by the Essex Licensing Officers Forum.

4.15 Drivers will be expected to be able to provide proper evidence of cross border working if requested by an authorized officer.

## **Driver Proficiency**

4.16 In line with its duty to ensure the safety of the travelling public and in order to address the persistent complaints relating to driver standards the Council requires all new drivers to complete and pass a hackney carriage/private hire driver assessment test with a Council approved driving assessor.

4.17 If the Council receives a complaint in relation to your driving or has concerns in relation to the number of DVLA points on your licence, it may require you, at your own expense, to undertake a hackney carriage/ private hire driver's assessment with a Council approved driving assessor.

## Fares

4.19 The hackney carriage tariff for fares is determined by the trade and implemented at its request by the Council. The Council takes the view that the fees scales are best determined by the trade itself as they have a direct relationship with the market and are also best placed to determine their costs.

4.20 The tariff is a maximum tariff and the Council welcomes competition, particularly in relation to telephone bookings, with firms offering a differentiation in services, for example off peak reductions.

4.21 The Council has no power to set fares for private hire vehicles.

## Number of Vehicles

4.22 The Council restricts the number of hackney carriage vehicles licensed to 131. This figure has been established through unmet demand surveys commissioned by the Council. The most recent unmet demand survey carried out in 2015 indicated that there was no significant unmet demand.

4.23 Plate numbers 101 to 131 are for vehicles that must be fully wheelchair adapted; this means having the facility to load and unload wheelchairs directly into the vehicle. All new vehicles on these plates must be adapted.

4.24 In the event that application is made for a horse drawn hackney carriage vehicle a special identification hackney carriage plate specific to this use will be issued.

4.25 The allocation or reallocation of a hackney carriage plate will be carried out in accordance with the Council's Hackney Carriage Plate Allocation Policy and Process.

## **Vehicle Safety, Comfort and Access**

5.1 The Council has a duty of care to the public and central to this duty is the safety of licensed vehicles. To maintain standards of safety the Council has set out its requirements in terms of vehicle testing, accident reporting and the age of vehicles etc. in its Private Hire Vehicles - Pre-Licensing Standards and Conditions and Hackney Carriage - Pre-Licensing Standards and Conditions.

### **Accessibility**

5.2 The Council is committed to social inclusion and therefore considers it a high priority that people with disabilities have access to all forms of public transportation.

5.3 The trade has a duty to provide a service to people with disabilities in the same way as it provides a service to any other passenger and therefore the Council is committed to work with operators and drivers to improve drivers' awareness of the needs of disabled people and to ensure best practice. New drivers will be required to undertake disability awareness training and where complaints have been made in relation to the carrying of a disabled passenger any driver may be required to undertake disability awareness training at their own expense.

5.4 The Equality Act 2010 states taxis and private hire vehicles must carry assistance dogs unless they have been issued with a medical exemption certificate. It is currently very difficult for people with vision impairments to verify the validity of these certificates. However, this can be overcome through the creation of tactile medical exemption certificates and it is the Council's policy to introduce these for licence holders with exceptions. The tactile certificate will take the form of a raised or embossed "E" on an exemption certificate, larger than braille in size, and much simpler for those who do not read braille, making the certificate more accessible.



## Encouraging Environmental Sustainability

### Air Pollution

6.1 European wide emission limits are improving air quality and the Council is therefore committed to improving, as far as possible, the efficiency of vehicles licensed by the Council.

6.2 The Council supports measures to reduce the levels of CO2 Nitrogen Dioxide and particles emitted. Hybrid or fully electric vehicles are welcomed. Liquid Petroleum Gas (LPG) conversions are therefore acceptable if carried out by an approved converter.

6.3 Objective 4 of the Colchester Low Emission Strategy is to develop and implement measures to encourage emission reductions in Colchester. In line with the Healthier Air for Colchester Air Quality Action Plan the Council has set the following compliance dates and standards for emissions from licensed vehicles –

- Euro 5 for diesel vehicles / Euro 4 for petrol from 2018
- Euro 6 for diesel vehicles / Euro 4 for petrol from 2020

6.4 The Council further requires that drivers of licensed vehicles turn off their engines when waiting in the Borough's Air Quality Management Areas as set out on the plan at Annex 6.

## **Promoting Colchester as a vibrant, prosperous, thriving and welcoming place**

7.1 Colchester is proud to be famous for being the oldest recorded town in the Country and receives visitors from all over the world. It is seeking to promote and enhance its reputation as a safe and vibrant, welcoming and prosperous borough and it recognises the importance of the licensed trade in helping to achieve this.

### **Ambassadors for the Borough**

7.2 Licensed drivers are both front line ambassadors in promoting Colchester to residents and visitors alike. The Council therefore welcomes the support of its licensed drivers in fulfilling this role and has acknowledged the importance of this role by including general questions on Borough, tourism and entertainment within the Knowledge test.

7.3 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 can have a detrimental effect on their stay and whether they return. 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.

7.4 A positive, friendly and helpful manner when dealing with both residents and visitors alike promotes the trade, 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.

# Annex 1 - Driver Pre-Licensing Standards and Conditions

The Council issues a dual 3 year hackney carriage/private hire driver's licence; on occasions a licence may be issued for a shorter period of time. Licences are granted for one year if you are over 65 years.

These conditions are attached to the private hire driver element of the licence.

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

Where there appears in the licence conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

These conditions should be read in conjunction with the Council's Policy documents and in particular regard should be given to the Penalty Points Scheme and Convictions Policy.

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## Pre-Licensing Standards

In order to be licensed as a hackney carriage/private hire driver you must –

1. Be over 18 years of age and have held a full UK Driving and Vehicle Licence Agency (DVLA) (or EU equivalent) driving licence for at least three years. You must supply a DVLA issued counterpart (until withdrawn by the DVLA) or your European Community/European Economic Area (EC/EEA) licence with the application.
2. Complete the application form and supply the required fee and documentation to support your application including evidence that you may legally work in the UK.

**Please note** - If circumstances come to light during the lifetime of the licence that you no longer have a right to work in the UK, the licence will be revoked.

3. Be vetted by the Disclosure and Barring Service (DBS) as part of the application process and then on renewal of your badge.

**Please note** – Applicants for Hackney Carriage/Private hire drivers' licences are exempt from the provisions of the Rehabilitation of Offenders Act 1974. You must therefore disclose all previous cautions and convictions whether they are "spent" or not. You should have regard to the Council's Convictions' Policy. Any conviction or caution that is relevant to the determination of whether you are a fit and proper person to hold a licence will be taken into consideration when determining the application.

4. Have completed, at your own expense, an independent medical examination to determine whether you meet the criteria set out in the 'Medical Aspects of Fitness to Drive' Group 2 standard and been found to be medically fit to hold a licence. This medical must be supplied to the Council before a licence can be granted and is required on initial application for a licence and then every 5 years to the age of 65

# Annex 1 - Driver Pre-Licensing Standards and Conditions

when a medical will then be required annually. If you are over the age of 70 years you are required to undergo an eyesight test upon initial application and then annually upon renewal of your licence. Exceptional arrangements may be made if you have insulin treated diabetes and are able to meet a series of medical criteria.

5. Be found to be a fit and proper person to hold a private hire operator's licence by the Council having regard to its Hackney Carriage/Private Hire Licensing Policy, its relevant annexes and appendices.

6. Have completed a hackney carriage/private hire driver assessment test with a Council approved driving assessor. This assessment is to be completed at your own expense.

7. Have undertaken a Passenger Assisted Transport training course at your own expense; the certificate must be produced to the Council.

8. Have undertaken the Council's Mandatory Safeguarding Training.

9. Have passed the Council's English test and supplied proof of having done so to the Council.

10. Have passed the Council's knowledge test.

**Please note** – The 30 minutes test comprises 25 questions picked at random from the Council's driver and vehicle conditions, place locations, shortest routes between two points, the Highway Code, tourism and basic arithmetic. To pass the test a minimum of 20 questions have to be answered correctly. The test paper will be marked immediately and you will be advised of the outcome; the Adjudicators decision is final and no discussion of individual questions will be entered into. If you don't pass the test you will be permitted two further attempts at a minimum of fortnightly intervals when a further fee per test will be payable; these re-tests must be completed within three months of the initial application being made/test being taken. A different question paper will be selected for each test re-sit. If three tests are failed you must wait three/six months before you can reapply. Failure to pass the knowledge tests after 3 attempts will deem the applicant unsuccessful and the application fee will be refunded minus the administration fee.

Drivers re-applying after the failure of 3 knowledge tests will be treated as a new driver and will be required to undertake all the tests and other requirements applicable to a new driver.

11. If you have lived in a country, other than the UK, for one or more continuous periods of 6 months since the age of 10 years, you need to submit a 'Certificate of Good Conduct' issued by the relevant non-UK country. The certificate must be an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. The certificate must document any convictions recorded against you or confirm 'good conduct'.

12. Declare if you have previously held a hackney carriage and/or private hire

# Annex 1 - Driver Pre-Licensing Standards and Conditions

drivers' licence whether with this authority or another local authority.

13. As an existing driver, if you allow your licence to lapse you will be treated as a new driver and will be required to undertake all the tests and other requirements applicable to a new driver.

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## Driver Conditions

As the holder of a private hire driver's licence you must comply with the following conditions:

### 1. Conditions of licence

- 1.1 The combined hackney carriage/private hire driver's licence (hereinafter referred to as 'driver's licence') is valid for three years from the date of its grant.
- 1.2 You must present your driver's licence or a copy thereof to the proprietor/operator at the beginning of your employment and immediately after any renewal of the licence.
- 1.3 On the request of an authorised officer of the Council or a Police officer, you must produce your licence for inspection.
- 1.4 You must keep a copy of these driver conditions in the licensed vehicle you are using.
- 1.5 You must not act as a driver without the consent of the licensed proprietor of the vehicle.
- 1.6 You must notify the Council in writing, within 7 days, of any change of name or address.
- 1.7 At all times when your vehicle is available for hire, you must wear your driver's badge in a position where it can be seen. You must not wear your badge other than when carrying out work in connection with your business.
- 1.8 You must not allow your driver's badge to be used by any other person or cause or permit any other person to wear it. Nor permit any person to damage, deface, mutilate or obscure a driver's badge or any part of it.
- 1.9 Your licence and badge remains the property of the Authority at all times. They must be returned forthwith if your employment as a licensed driver ceases, or if the licence expires and is not renewed, or where the licence is suspended or revoked.

# Annex 1 - Driver Pre-Licensing Standards and Conditions

- 1.10 If your immigration status changes, for example your permission to stay in the UK has been curtailed, you have been served a deportation notice or have been convicted of an immigration offence, you must return your licence and badge to the Council within 7 days.
- 1.11 You must complete mandatory or any other training that the Council deems necessary and appropriate; this may include training required because of convictions or penalty points awarded against you or as a result of a complaint.

## 2. Driver Conduct

### You must -

- 2.1 Behave in a civil, polite and orderly manner at all times in the course of carrying out your duties as a licensed driver. You must not behave in a way that will-
- Cause any person to take offence at your actions.
  - Cause any person to believe your actions are inappropriate.
  - Cause any person to fear for their physical safety.
  - Cause any person to doubt your integrity.
  - Bring into disrepute the integrity of the Council for having issued a licence to you.
- 2.2 Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 2.3 Drive with the utmost care and consideration to other road users and pedestrians
- 2.4 Convey a reasonable amount of luggage, including wheelchairs and children's pushchairs (provided they can be carried in a safe manner) and provide reasonable assistance in loading and unloading such luggage.
- 2.5 Give reasonable assistance to elderly, vulnerable or disabled persons entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey
- 2.6 Not drink or eat in the vehicle nor play any radio or sound equipment, which is not connected with the operation of the business, without the hirer's consent.
- 2.7 Ensure that the vehicle licence plates are not willfully or negligently concealed from public view.
- 2.8 If you have agreed or have been hired to be in attendance with the vehicle at an appointed time and place you must, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at the appointed time and place.

# Annex 1 - Driver Pre-Licensing Standards and Conditions

- 2.9 Not smoke tobacco or any other like substance in a licensed vehicle nor use an electronic cigarette or similar device.
- 2.10 Not drive a vehicle while having use of illegal drugs or having used legal drugs, including alcohol.
- 2.11 Not use a handheld mobile phone nor any other handheld mobile device (including a PDA) which performs an interactive communication function by transmitting and receiving data, other than a two way radio.
- 2.12 Not drive a vehicle if you no longer hold, have had suspended, or are disqualified from holding a DVLA licence for that type of vehicle.
- 2.13 When hired to drive to a particular destination, subject to any directions given by the hirer, proceed to that destination by the shortest route.
- 2.14 Not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
- 2.15 Not solicit, by calling out, or otherwise importuning any person to hire or be carried for hire. Neither is it permitted to accept an offer for the hire of the vehicle except where it is first communicated to you by the Operator.
- 2.16 Not permit the vehicle to be parked or ply for hire on a taxi rank.
- 2.17 Present the vehicle in a clean and tidy condition for each journey.
- 2.18 Have consent to drive a private hire vehicle from the proprietor of the vehicle.
- 2.19 Not use the horn as a means of signaling that the vehicle has arrived for a hire.
- 2.20 Not convey, nor permit to be conveyed, in the vehicle more than the number of persons specified in the licence and referred to on the vehicle licence plate.
- 2.21 Not carry other persons in the vehicle when hired, without the express consent of the person hiring the vehicle.
- 2.22 Turn off your engine when waiting in the Borough's Air Quality Management Areas as shown on the Plan attached at Appendix 6.
- 2.23 Obey all traffic regulations and directions at all times.
- 2.24 Fulfil your responsibility to ensure compliance with any legislation relating to the length of working hours.

## 3. Dress Code

# Annex 1 - Driver Pre-Licensing Standards and Conditions

- 3.1 You must at all times be respectably dressed, clean and tidy in appearance and adhere to the Council's dress code -

## Permitted clothing

- Tops, shirts, blouses, t-shirts, polo shirts or sweat tops – These should cover the shoulders and be capable of being worn inside trousers/skirts and shorts. Shirts or blouses can be worn with a tie or open necked.
- Trousers, skirts, shorts - Trousers may either be full length or shorts, if tailored. Clothing should be of sufficient length when the driver is seated as to not offend against decency.
- Footwear – This should be smart and appropriate for driving; and must fit around the heel of the foot.
- Cultural dress – This is acceptable providing it meets similar standards of decency and smartness.

Clothing not permitted – unclean or damaged clothing, clothing bearing offensive or suggestive words, graphics or logos; vests or singlets; track suit or jogging bottoms; ripped jeans; sports shirts (e.g. football, rugby or cricket tops); clothing with studs or similar adornments; beach type footwear such as mules and flip flops; baseball caps; and any clothing that obscures the face.

This list is not exhaustive and where you are unsure please contact the Licensing Team for further advice.

## 4. Fares and Journeys

### You must

- 4.1 If requested by the hirer, provide a written receipt for the fare paid. Each receipt should show the date and destination of journey, driver badge number and amount paid.
- 4.2 At the start of a hired journey, where a meter is fitted, ensure the meter is turned to the correct tariff and running and that it remains in operation until the termination of the hiring. This applies to all bookings.
- 4.3 Not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.
- 4.4 Ensure the dial of the taximeter is kept properly illuminated throughout any part of a hiring which is during the hours of darkness and at any other time at the request of the hirer.
- 4.5 Not demand a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a meter, the fare shown



# Annex 1 - Driver Pre-Licensing Standards and Conditions

on the face of the meter.

- 4.6 When driving a private hire vehicle, equipped with a meter, ensure that a table of fares as issued by the Private Hire Operator/Proprietor is kept within the vehicle, displayed in a clearly visible position, and made available to any passenger or authorised officer on request.
- 4.7 Not demand a fee for carrying a wheelchair or other mobility aids.

## 5. Convictions, Cautions, Criminal Investigations and Penalty Points

### You must

- 5.1 Notify the Authority, in writing, within a period of 7 days, of any conviction, caution or charge for a criminal offence, motoring offence, disqualification or fixed penalty notice imposed or being the subject of a criminal investigation whilst the licence is in force.
- 5.2 Following conviction or the issue of a fixed penalty notice which results in points being given on your DVLA licence, produce your licence to the Council within 7 days of its return from the DVLA, court of fixed penalty office following the endorsement of the offence.
- 5.3 In the event that you are disqualified from driving, immediately inform the Council and surrender your driver's badge and where appropriate the vehicle plate.
- 5.4 Make application and pay for a further DBS check, if required to do so by the Council in order that it may fully investigate any complaints or matters in which you are involved.

## 6. Fitness to Drive and Medical Evidence

- 6.1 You must inform the Authority, in writing, immediately, of any deterioration in health or injury that would affect your ability to drive a licensed vehicle.
- 6.2 Up to the age of 65 you must undergo a medical examination to DVLA Group 2 standard every 3 years, to assess your fitness to drive. The certificate of examination must be submitted to the Council. This examination must be carried out at the Surgery with whom you are registered and will be at the driver's expense.
- 6.3 If you are suffering from a known and notifiable medical disorder or are over the age of 65, you will be required to undergo a medical examination to Group 2 standard annually. The certificate of examination must be submitted to the Council. This examination must be carried out at the Surgery with whom you

# Annex 1 - Driver Pre-Licensing Standards and Conditions

are registered and will be at the driver's expense.

- 6.4 If you are over the age of 70 you must have an eyesight test, this is in addition to the eyesight test carried out at the annual medical. The certificate of examination must be submitted to the Council. This examination is carried out at the driver's expense.
- 6.5 The Council may refer you for a further medical, specifically where you suffer from a serious medical conditions which is diagnosed between your last Group 2 medical assessment and your next medical assessment. The certificate of examination must be submitted to the Council. Note – This examinations is at the expense of the driver and may be at a clinic or hospital as directed by the Council.

## 7. Found Property

- 7.1 A driver shall, after the termination of each hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein.
- 7.2 Items found in a licensed vehicle must be registered by the driver on [Essex Police's website](#). Items should be held for a minimum of 28 days.
- 7.3 The following found items must be surrendered to the Police and cannot be retained:
- Firearms / explosive material - These items are a threat to your safety. It is unlawful for you to retain them, please call 999 and Essex Police will arrange for collection.
  - Knives/offensive weapons/drugs/unidentified substances - This item is a threat to your safety. It is unlawful for you to retain this item, please call 101 and Essex Police will arrange for collection.
  - Offensive material/ items believed to be used in or in connection with a crime - It is unlawful for you to retain this item, please call 101 and Essex Police will arrange for collection.

Passports, driving licences or other government documents, for security reasons, must be sent back to the issuing authority as it is unlawful for you to retain these items.

## 8. The Carriage of Animals

- 8.1 You must not carry, in a private hire vehicle whilst being hired, any animal which belongs to or is being looked after by yourself, the proprietor or operator of the vehicle.

# Annex 1 - Driver Pre-Licensing Standards and Conditions

- 8.2 Animals in the custody of passengers may be carried, at your discretion, provided they are restrained in a safe manner.
- 8.3 You must carry assistance dogs. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs which assist people with disabilities, and other assistance dogs.
- 8.4 If you have a medical condition, which may be exacerbated by such dogs, you may apply to the Authority for exemption from the condition 8.3 above. A certificate of exemption will be supplied on production of suitable medical evidence.
- 8.5 You cannot charge a fee for carrying an assistance dog when it is acting in its capacity as an assistance dog.

## 9. Wheelchair Accessible Vehicles

- 9.1 If you drive a wheelchair accessible vehicle you must be appropriately trained to secure and carry such passengers:
- be fully conversant with the correct method to operate ramps, lifts and wheelchair restraints that can be fitted to the vehicle.
  - ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and that the brakes of the wheelchair have been applied prior to the vehicle setting off.
  - ensure that any wheelchairs, equipment and passengers are carried in such a way that no danger is likely to be caused to any passenger, in accordance with the Road Vehicles (Construction & Use) Regulations 1986.

## 10. Certificate of Motor Insurance

- 10.1 You must ensure that the vehicle driven by you is insured as a licensed vehicle and that you are personally covered to drive the vehicle.

## 11. Condition of the Vehicle

- 11.1 You are responsible for ensuring that the licensed vehicle you drive is in a roadworthy condition and complies with the relevant legislation and with the Council's licensing conditions for that vehicle.
- 11.2 You must report an accident in a private hire vehicle within 72 hours of the occurrence, where damage materially affects the safety, performance and

# Annex 1 - Driver Pre-Licensing Standards and Conditions

appearance of the licensed vehicle, or the comfort or convenience of persons carried.

## 12. Seat Belts and Child Seats

- 12.1 You must wear your seat belt unless [exempt](#).
- 12.2 You have a responsibility to ensure that you are familiar and up to date with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts and any other relevant construction and use and safety legislation.
- 12.3 If the [correct child car seat](#) provisions are not available children can travel without a car seat but only if they travel on a rear seat and wear an adult seat belt if they are 3 years or older; or without a seat belt if they're under 3 years of age.

## 13. Rank Discipline

- 13.1 It is an offence 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.
- 13.2 You are expected to obey rank discipline; vehicles should immediately move forward when the vehicle at the front of the rank leaves.

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## Appeals

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

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## Application and Renewal Process

Details of the application and renewal process are available separately and on the Council's website.

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# Annex 1 - Driver Pre-Licensing Standards and Conditions

## Determination of Application

The Council will deal with applications as follows –

1. The application will be reviewed by a member of the Licensing Team and if any issues are identified the applicant/licence holder will be contacted and may be interviewed by a member of the team.
2. If no issues are identified or those that are identified are resolved, the application will be granted. In all other cases a report will be prepared for the Licensing Manager setting out the facts of the matter to be considered.
3. The Manager will review the case file and, where appropriate, will interview the applicant/licence holder and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
4. In the first instance the applicant/licence holder has a right of appeal to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing to [licensing.team@colchester.gov.uk](mailto:licensing.team@colchester.gov.uk) or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of suspension/revocation.
5. If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.
6. There is a further right of appeal to the Magistrates Court. Any such appeal must be made in writing, within 21 days from the date of the decision/notification of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.
7. Where an appeal has been made in the case of the renewal of a licence the driver may continue to drive until the appeal has been determined.

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**Implementation of the Policy** - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

# Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

Only those vehicles which comply with the specifications set out below can be granted a hackney carriage vehicle licence by Colchester Borough Council.

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## Introduction

A hackney carriage vehicle licence remains in force for a year.

Any car to be used as a hackney carriage must be –

- Capable of carrying at least four passengers, but no more than eight including any passenger in a wheelchair.
- Side loading and of a type approved by the Council.
- Capable of carrying a wheelchair in the boot.
- Meet the European Whole Vehicle type approval or British National Type approval
- Meet all other pre-licensing standards set out below.

In addition –

- any vehicle to be used as a hackney carriage on plates 101 to 131 must, on replacement of the vehicle, be fully wheelchair adapted; this means having the facility to load and unload wheelchairs directly into the vehicle.

## PLEASE NOTE:

Always make sure that any vehicle you intend to licence meets all the conditions before you pay for it or enter into any credit agreement.

The Council is not liable if you purchase a vehicle which cannot be licensed because it does not meet the pre-licensing conditions.

If you have any doubts about whether your particular vehicle is acceptable, contact the Licensing Team.

**Once your vehicle has been licensed it cannot be driven by anyone else unless they hold a hackney carriage/private hire driver's licence and a valid PATS certificate. This means that your spouse, partner or children will be unable to drive the vehicle at any time, even on holiday, unless they hold a current hackney carriage/private hire driver's licence. Such use could invalidate your insurance cover.**

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## Pre Licensing Standards

Only those vehicles which comply with the specification detailed below can be granted a hackney carriage vehicle licence by Colchester Borough Council.

# Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

## 1. Vehicle Age and Condition

1.1 An application for a hackney carriage will not be accepted if the vehicle is five years or older. The age of the vehicle will be taken from the date of first registration on the log book and therefore this must be submitted with the application.

1.2 The vehicle will continue to be licensed until it reaches 12 years of age or 15 years of age for a purpose built taxi.

1.3 The vehicle must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

1.4 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.

## 2. General Specification

2.1 Where vehicles have not been manufactured in the UK or imported by the manufacturer, they must have an appropriate "Type Approval" which is either an EC Whole Vehicle Type Approval (ECWVTA) or British National Type approval. Vehicles must not have been altered since that approval was granted. An Individual Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, must comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

2.2 No fittings, other than those approved in this Policy or required in the examination and test by the Council's authorised testing station, may be attached to or carried on the inside or outside of the vehicle.

2.3 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) or be hybrid or fully electric. Where petrol or diesel vehicles are used they must comply with the following compliance dates and standards for emissions from taxis -

- Euro 5 for diesel vehicles / Euro 4 for petrol from 2018
- Euro 6 for diesel vehicles / Euro 4 for petrol from 2020

2.4 All vehicles must be of a size to have adequate luggage accommodation with suitable restraints to prevent items in non-saloon vehicles becoming unsecured. All vehicles must be capable of carrying a wheelchair, as luggage, in a reasonable manner.

## 3. Colour

3.1 Hackney Carriages must have a black full body livery.

# Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

## 4. Body of the Vehicle

4.1 The vehicle must have no untreated or unrepaired body defect or significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered. All rust spots and repairs in excess of 100 millimetres diameter are to have been prepared and repainted with matching colour up to insurance finishing standard

4.2 The paintwork must be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.

## 5. Wheels

5.1 The vehicle must have four road wheels unless agreed by the Licensing Committee.

5.2 Space-saver spare tyres, where supplied as standard equipment to the vehicle, will be accepted. Provision must be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. [Please note](#) - a vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.

5.3 Any spare wheel must conform to construction and use regulations.

5.4 A wheel brace and jack to enable the effective change of a tyre and wheel must be carried, except where Paragraph 5.5 applies.

5.5 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.

5.6 If a vehicle is fitted with 'run flat' tyres, the vehicle must be fitted with a tyre pressure sensor / warning device.

## 6. Steering

6.1 It is recommended that the vehicle should be right hand drive but a left hand drive vehicle will be considered.

## 7. Doors

7.1 The vehicle must have a minimum of 4 opening 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.



## Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

7.2 All vehicles must have doors that open sufficiently wide to allow easy access and egress from the vehicle.

7.3 All doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

7.4 The interior door handle must be clearly visible and easily accessible to passengers.

### 8. Seats

8.1 Each passenger must have a minimum of 432mm of personal sitting space, for the rear seats this will be measured in a straight line lengthways across the front edge of the seat.

8.2 Each seat must be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.

8.3 Where seat covers are used they must be properly affixed to the seat so as not to become loose during use. They must be clean and undamaged.

### 9. Windows

9.1 Opening windows must be provided in the rear of the vehicle capable of being opened by the rear seat passengers.

9.2 Vehicle windows must have visual transmission of light of not less than 70% in respect of windscreens and windows to either side of the driver.

9.3 Tinted windows are not permitted nor shall the vehicle be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

### 10. Heating and ventilation

10.1 Vehicles must have an efficient heating and ventilation system.

### 11. Wheelchair carrying facilities

11.1 Any vehicle that has the facility for the carriage of wheelchair(s) and wheelchair passengers must comply with current equality act requirements and must be inspected by a Council approved garage to determine its suitability. It must -

- a. Have the facility to load and unload wheelchairs directly into the vehicle.

## Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

- b. Be fitted with approved anchorages that must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers must be independent of each other. Anchorages must also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- c. Be fitted with a ramp or ramps for the loading of a wheelchair and passenger must be available at all times. An adequate locking device must be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision must be made for the ramps to be stored safely in the vehicle when not in use.

11.2 The vehicle must be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations immediately prior to being first licensed and at each subsequent twice yearly test and be so certified. The certification must be submitted at the time of first license and on renewal.

### 12. CCTV Systems

12.1 CCTV surveillance systems, which must comply with the Council's CCTV Policy (see Appendix 1), must be installed in vehicles with effect from 1 January 2019 as follows

- On first licensing for new vehicles
- Within a year of the renewal of their licence for existing licensed vehicles

### 13. Tyres

13.1 All tyres, including the spare tyre, must comply with the vehicle manufacturer's specification.

13.2 Re-cut tyres are not acceptable for vehicles that are internationally classified as M1 passenger vehicles and remould tyres must only be acceptable if they carry a recognised approval marking (BSAU144e) and display:

- Nominal size
- Construction type (e.g. radial ply)
- Load capacity
- Speed capability

### 14. Electrical Equipment

14.1 Any additional electrical installation to the original equipment must be adequately insulated and be protected by suitable fuses.

# Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

## 15. Seat Belts

15.1 The vehicle must be compliant with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts. This will however ordinarily exclude limousines and vintage cars.

15.2 If the [correct child car seat](#) provisions are not available children can travel without a car seat but only if they travel on a rear seat and wear an adult seat belt if they are 3 years or older; or without a seat belt if they're under 3 years of age.

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As the holder of a hackney carriage vehicle licence you must comply with the following conditions. These conditions should be read in conjunction with the Policy. Any requirement of legislation, which affects the operations being carried out under the terms of this licence, should be regarded as if they are conditions of this licence.

Where there appears in the licence conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

## Conditions of licence

### 1. Vehicle Testing

1.1 Once licensed, the vehicle must be presented for inspection as follows –

- Up to 5 years old - once during each 12 month licensing period
- 5 to 12 years old - twice during each 12 month period

1.2 Licensed vehicles that fail an authorised examination and test will be issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has been repaired; undergone a further test at your expense; has been passed as fit for use by the approved testing station; and the Authority has received the appropriate notification.

1.3 If the defect is not repaired within 28 days from the date of the service of the suspension notice, the vehicle licence will be revoked by the Council. Where it is anticipated that repairs will take longer than 28 days you must apply to the Council to extend the period.

1.3 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

# Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

damage appears to be. You must also present the vehicle for inspection after it has been repaired.

1.4 Any damage to a licensed vehicle must be reported to the Licensing Team in writing/by email within 72 hours.

1.5 The licence of any vehicle failing to attend a required inspection will be suspended until such time as the vehicle has been inspected and passed

## 2. Licence Identification Plates

2.1 You must fix to the vehicle licence identification plates of the size, colour, design and type supplied by the Council; these plates must relate to the vehicle on which they are displayed. No other vehicle licence identification plates should be displayed on the vehicle.

2.2 You must ensure that the licence identification plates are securely fixed to the outside exterior of the hackney carriage vehicle, adjacent as possible, to the number plate and in such a manner as to ensure that the vehicle registration plate is not obscured and the plate is clearly visible from the highway and by other road users. A plate must not be placed on the rear window of the vehicle.

2.3 You must ensure that a vehicle licence identification card, as supplied by the Authority, is displayed in a position for all passengers to clearly see.

2.4 The licence plates must remain the property of the Council and must be returned within seven days, following the service on you of an appropriate notice by the Authority and/or in the event of the hackney carriage vehicle licence ceasing to be in force in respect of the vehicle.

## 3. Luggage

3.1 Luggage must be conveyed in such a way that ensures it is protected from damage and is properly secured.

## 4. Furnishing and maintenance of vehicle

4.1 You must ensure that the vehicle and all its fittings and equipment is, at all times when the vehicle is in use or available for hire as a hackney carriage, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements are complied with fully. **Please note** - It is not sufficient to wait until a compliance test to find out if the vehicle is still roadworthy.

4.2 Where a separate compartment is provided for passengers, you must provide sufficient means by which any person in the compartment may communicate with the driver.

## Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

4.3 You must at all times provide adequate lighting, heating and ventilation for the interior of the vehicle.

### 5. Auxiliary equipment

5.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus must be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use.

5.2 Any radio apparatus must be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

5.3 Any auxiliary equipment that is fitted to a vehicle must not impede the driver in any way or hinder his/her view, impede or cause hazard to passengers or other road users.

### 6. Notification of Changes affecting the Licence

6.1 You must notify the Council, in writing/email, of any change in circumstances affecting the licence within 7 days of such a change taking place.

6.2 A copy of any new MOT certificate must be submitted to the Council within 7 days of the date of issue.

6.3 Any new insurance certificate/cover note must be submitted to the Council within 7 days of date of issue. Insurance Brokers may send a copy direct to [eps.support@colchester.gov.uk](mailto:eps.support@colchester.gov.uk) but it is your responsibility to ensure that this has been done. The full insurance certificate must be sent direct to [eps.support@colchester.gov.uk](mailto:eps.support@colchester.gov.uk) within 28 days of its issue.

### 7. Signs, Notices, etc.

7.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or electronic advertising 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.

7.2 You 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 must be a minimum size of 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

## Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

for which must have been sought from the Council. The roof sign will be supplied by the Council at cost price.

7.3 Door signs as supplied or authorised by the Council, must be affixed and maintained on the top of the nearside and offside front doors of the vehicle.

7.4 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.

7.5 You must fix and maintain the rear door signage on the inside of the vehicle facing outwards in such a position that it can 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.

7.6 You must fix and maintain the appropriate no smoking signage required by the relevant regulations.

7.7 You 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 vehicles and which from time to time the Council may require.

7.8 You 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. Only the name of the business and a contact telephone or mobile telephone number is permitted.

### 8. Taximeters

8.1 A licensed hackney carriage vehicle must be fitted with a taximeter, of a type approved by the Council, and this must be fixed to the vehicle in such a way that it will not be practical for any person to tamper with it except by breaking, damaging or permanently displacing the seals or other appliances.

8.2 The taximeter must be positioned so that all letters and figures on its face must be at all times illuminated and plainly visible to any passenger.

8.3 The taximeter when standing at a rank or plying for hire must be kept locked in a position in which no fare is recorded on its face.

8.4 When the taximeter is operating there must be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that must be charged for a journey.

## Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

8.5 If the taximeter has been altered for whatever reason, the proprietor of the vehicle must forthwith make arrangements for resetting with the approved meter agent.

8.6 The vehicle taximeter must be used for every fare without exception and the fare demanded by the driver must not be greater than that shown on the meter. In the event of a hire ending outside the Authority's boundary, the fare that may be charged for the journey is the fare or rate of fare that was made at the start of the journey; the fare to be charged should be no greater than that that would have been shown on the taximeter. If a fixed fare is negotiated, the taximeter must be used in order to confirm that any negotiated fare is less than the metered fare.

### 9. Table of fares

9.1 The proprietor must ensure that the current table of fares for that vehicle is available on request at all times.

### 10. CCTV

10.1 CCTV provided within the vehicle must comply with the Council's CCTV Policy (see Appendix 1).

### 11. Lease of Vehicles

11.1 You are permitted to lease/rent your hackney carriage however you will continue to be responsible either individually, severally or jointly for compliance with the licence conditions, statutory requirements and byelaw provisions. You must inform the Council of every person who becomes responsible for the keeping, letting for hire and employ of such vehicles.

11.2 You are 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.

**Please note** - Any lease / rental agreement between you and lessee will require very careful drafting, it cannot be of concern to the Council since the Council is not party to such an 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, i.e. vehicle, and its goodwill. Similarly a licensing plate cannot be sold by the licence holder to a third party without a business, i.e. vehicle and its goodwill. In the event of this action being proven the licensing plate will be revoked and reallocated to another licensed driver using the Allocations Policy.



# Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

## 12. Livery

12.1 The vehicle must, at all times, conform to the livery requirements unless the vehicle is one that has been supplied to you by an insurance company or similar business as a result of an accident to your vehicle and it is supplied as a short term replacement only and while repairs are being carried out to your vehicle. Any such replacement vehicle must still display an approved roof light and door signs.

12.2 London style taxis must conform to the prescribed full body livery (except for the display of the uniform roof light) at all times except when they are actively displaying full body livery promotional advertising on the vehicle, permission for which has been obtained from the Council.

Please note - Any hackney carriage vehicle found not complying with the Council's livery is liable to immediate suspension.

## 13. Insurance

13.1 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 vehicle licence period. The certificate of this policy must be produced to the Council, or any other authorised officer at all such times and places as may reasonably be required. Failure to provide a copy of a valid insurance certificate will result in the immediate suspension of the licence.

## 14. Temporary Replacement Vehicles

14.1 Where a vehicle cannot be used because it is being repaired, you may apply for a temporary plate for the replacement vehicle which will enable you to continue to operate. The temporary plate may be used for up to a month; this period may be extended in exceptional circumstances following the approval of the Council.

14.2 The temporary replacement vehicle must be under five years old. If the vehicle is over five years old it must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

## 15. Return of Plates

15.1 Hackney carriage vehicle licence plates remain at all times the property of the Council and must be returned to the Council or other authorised officer if you fail to renew the licence, the licence is revoked or on the death of a sole proprietor or upon their giving up the business.



## Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

15.2 On renewal of vehicle licence, the expired plate must be returned to the Council within 7 days of the expiry of that licence.

### 16. Carriage of Assistance Dogs

16.1 You must 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.

16.2 Where a notice of exemption has been issued to you on medical grounds, it must be exhibited in the vehicle by fixing it facing outwards either to the windscreen or in a prominent position on the dashboard. You must also at all time carry a tactile exemption certificate which must be made available in appropriate circumstances.

16.3 You must not forge or alter for use a Certificate or Notice of Exemption; lend a Certificate or Notice of Exemption to any other person; allow it to be used by any other person; or make or have in your possession any document which closely resembles a Certificate or Notice of Exemption.

### 17. Additional specifications for wheelchair accessible vehicles.

17.1 The 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. 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.

17.2 Each wheelchair user conveyed must be capable of being properly secured with a lap and diagonal seat belt made available through the vehicle's 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.

17.3 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.

17.4 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.

17.5 Whilst available for hire, if such a vehicle is not being used for a passenger in a

## Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

wheelchair, only a foldaway seat which complies with current construction and use regulations may be used to substitute the wheelchair space.

17.6 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.

17.7 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.

17.8 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.

17.9 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 Team.

17.10 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 Council may refer the matter to the Licensing Committee with a view to revoking the vehicle and driver licence.

### 18. Trailers

18.1 A Council licensed Hackney Carriage/Private Hire driver be permitted to tow a trailer whilst driving a licensed vehicle provided that:

- a. The driver holds the appropriate category on his DVLA licence, which must be produced to the Council.
- b. The vehicle towing must be suitable for towing the intended trailer in accordance with the relevant regulations
- c. The trailer to be towed by the licensed vehicle complies with all legal requirements and the following conditions.
  - i. It is presented for and passes inspection by the Council's approved garage prior to its use and again at each inspection of the vehicle by which the trailer is towed. The cost of such an inspection to be borne by you.
  - ii. It is of a type and weight, when laden, recommended by the vehicle manufacturer as being suitable for the weight capacity of the intended towing vehicle i.e. not more than 50% of the kerb side weight of the towing vehicle.

## Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

- iii. No advertising is permitted on any part of the trailer without the written agreement of the Council.
- iv. When the trailer is used with the vehicle, the additional licence plate issued by the Council specifically for that trailer must be clearly displayed on the rear of the trailer. Such licence plate number must correspond to the plate number of the towing vehicle. The cost of the additional plate will be borne by you.
- v. If the trailer is 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.
- vi. 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. Alteration of Vehicle

19.1 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.

### 20. Liquid Petroleum Gas (LPG)

20.1 The following conditions apply to vehicles which are made or adapted to run on LPG. The vehicle must comply with all other pre licensing standards and conditions.

20.2 You must notify the Council if you change your vehicle to run on LPG and you must comply with the following:

- a. The installation of an LPG tank must be undertaken by an LPG approved installer, as recommended by the Liquid Petroleum Gas Association, and the certificate of compliance presented to the Council.
  - b. The vehicle must display on the front and rear windscreen a sticker stating that the vehicle has been fitted with an LPG tank; this is to alert the emergency services in the event of an accident.
  - c. You must must notify the DVLA at Swansea of the change.
  - d. The vehicle must be serviced annually by a person competent in LPG powered vehicles and a certificate of compliance must be presented to the Council.
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# Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

## Appeals

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

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## Application and Renewal Process

Details of the application and renewal process are available separately and on the Council's website.

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## Determination of Application

The Council will deal with applications as follows –

1. The application will be reviewed by a member of the Licensing Team and if any issues are identified the applicant/licence holder will be contacted and may be interviewed by a member of the team.
2. If no issues are identified or those that are identified are resolved, the application will be granted. In all other cases a report will be prepared for the Licensing Manager setting out the facts of the matter to be considered.
3. The Manager will review the case file and, where appropriate, will interview the applicant/licence holder and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
4. In the first instance the applicant/licence holder has a right of appeal to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing to [licensing.team@colchester.gov.uk](mailto:licensing.team@colchester.gov.uk) or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of the decision.
5. If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.

## Annex 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Conditions

6. There is a further right of appeal to the Magistrates Court. Any such appeal must be made in writing, within 21 days from the date of the decision/notification of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.

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**Implementation of the Policy** - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

# Annex 3 - Private Hire Pre-Licensing Standards and Conditions

Only those vehicles which comply with the specification detailed below can be granted a private hire vehicle licence by Colchester Borough Council.

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## Introduction

A private hire vehicle licence remains in force for a year.

Any car to be used for the purposes of private hire must be –

- Capable of carrying at least four passengers, but no more than eight including any passenger in a wheelchair.
- Side loading and of a type approved by the Council.
- Capable of carrying a wheelchair in the boot.
- Meet the European Whole Vehicle type approval or British National Type approval
- Meet all other pre-licensing standards set out below.

### PLEASE NOTE:

**Always make sure that any vehicle you intend to license meets all the conditions before you pay for it or enter into any credit agreement.**

The Council is not liable if you purchase a vehicle which cannot be licensed because it does not meet the pre-licensing conditions.

If you have any doubts about whether your particular vehicle is acceptable, contact the Licensing Team.

**Once your vehicle has been licensed it cannot be driven by anyone else unless they hold a hackney carriage/private hire driver's licence and a valid PATS certificate. This means that your spouse, partner or children will be unable to drive the vehicle at any time, even on holiday, unless they hold a current hackney carriage/private hire driver's licence. Such use could invalidate your insurance cover.**

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## Pre Licensing Standards

Only those vehicles which comply with the specification detailed below can be granted a private hire vehicle licence by Colchester Borough Council.

# Annex 3 - Private Hire Pre-Licensing Standards and Conditions

## 1. Vehicle Age and Condition

1.1 An application for a private hire will not be accepted if the vehicle is five years or older. The age of the vehicle will be taken from the date of first registration on the log book and therefore this must be submitted with the application.

1.2 The vehicle will continue to be licensed until it reaches 12 years of age or 15 years of age for a purpose built taxi.

1.3 The vehicle must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

1.4 All vehicles licensed as private hire vehicles and which are, from the date of first registration, over one year old must have a VOSA MOT test certificate.

## 2. General Specification

2.1 Where vehicles have not been manufactured in the UK or imported by the manufacturer, they must have an appropriate "Type Approval" which is either an EC Whole Vehicle Type Approval (ECWVTA) or British National Type approval. Vehicles must not have been altered since that approval was granted. An Individual Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, must comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

2.2 No fittings, other than those approved in this Policy or required in the examination and test by the Council's authorised testing station, may be attached to or carried on the inside or outside of the vehicle.

2.3 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) or be hybrid or fully electric. Where petrol or diesel vehicles are used they must comply with the following compliance dates and standards for emissions from taxis -

- Euro 5 for diesel vehicles / Euro 4 for petrol from 2018
- Euro 6 for diesel vehicles / Euro 4 for petrol from 2020

2.4 All vehicles must be of a size to have adequate luggage accommodation with suitable restraints to prevent items in non-saloon vehicles becoming unsecured. All vehicles must be capable of carrying a wheelchair, as luggage, in a reasonable manner.

## 3. Colour

3.1 Private hire vehicles **must not** be black. Existing licensed private hire vehicles which are black will continue to be licensed until they are 12 years of age when they must be replaced by a vehicle which is not black.

# Annex 3 - Private Hire Pre-Licensing Standards and Conditions

## 4. Body of the Vehicle

4.1 The vehicle must have no untreated or unrepaired body defect or significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered. All rust spots and repairs in excess of 100 millimetres diameter are to have been prepared and repainted with matching colour up to insurance finishing standard

4.2 The paintwork must be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.

## 5. Wheels

5.1 The vehicle must have four road wheels unless agreed by the Licensing Committee.

5.2 Space-saver spare tyres, where supplied as standard equipment to the vehicle, will be accepted. Provision must be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. [Please note](#) - a vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.

5.3 Any spare wheel must conform to construction and use regulations.

5.4 A wheel brace and jack to enable the effective change of a tyre and wheel must be carried, except where Paragraph 5.5 applies.

5.5 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.

5.6 If a vehicle is fitted with 'run flat' tyres, the vehicle must be fitted with a tyre pressure sensor / warning device.

## 6. Steering

6.1 It is recommended that the vehicle should be right hand drive but a left hand drive vehicle will be considered.

## 7. Doors

7.1 The vehicle must have a minimum of 4 opening 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.



# Annex 3 - Private Hire Pre-Licensing Standards and Conditions

7.2 All vehicles must have doors that open sufficiently wide to allow easy access and egress from the vehicle.

7.3 All doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

7.4 The interior door handle must be clearly visible and easily accessible to passengers.

## 8. Seats

8.1 Each passenger must have a minimum of 432mm of personal sitting space, for the rear seats this will be measured in a straight line lengthways across the front edge of the seat.

8.2 Each seat must be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.

8.3 Where seat covers are used they must be properly affixed to the seat so as not to become loose during use. They must be clean and undamaged.

## 9. Windows

9.1 Opening windows must be provided in the rear of the vehicle capable of being opened by the rear seat passengers.

9.2 Vehicle windows must have visual transmission of light of not less than 70% in respect of windscreens and windows to either side of the driver.

9.3 Tinted windows are not permitted nor shall the vehicle be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

## 10. Heating and ventilation

10.1 Vehicles must have an efficient heating and ventilation system.

## 11. Wheelchair carrying facilities

11.1 Any vehicle that has the facility for the carriage of wheelchair(s) and wheelchair passengers must comply with current equality act requirements and must be inspected by a Council approved garage to determine its suitability. It must -

- a. Have the facility to load and unload wheelchairs directly into the vehicle through the side doors only.

## Annex 3 - Private Hire Pre-Licensing Standards and Conditions

- b. Be fitted with approved anchorages that must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers must be independent of each other. Anchorages must also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- c. Be fitted with a ramp or ramps for the loading of a wheelchair and passenger and these ramps must be available at all times. An adequate locking device must be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision must be made for the ramps to be stored safely in the vehicle when not in use.

11.2 The vehicle must be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations immediately prior to being first licensed and at each subsequent twice yearly test and be so certified. The certification must be submitted at the time of first license and on renewal.

### 12. CCTV Systems

12.1 CCTV surveillance systems, which must comply with the Council's CCTV Policy (see Appendix 1), must be installed in vehicles with effect from 1 January 2019 as follows

- On first licensing for new vehicles
- Within a year of the renewal of their licence for existing licensed vehicles

### 13. Tyres

13.1 All tyres, including the spare tyre, must comply with the vehicle manufacturer's specification.

13.2 Re-cut tyres are not acceptable for vehicles that are internationally classified as M1 passenger vehicles and remould tyres must only be acceptable if they carry a recognised approval marking (BSAU144e) and display:

- Nominal size
- Construction type (e.g. radial ply)
- Load capacity
- Speed capability

# Annex 3 - Private Hire Pre-Licensing Standards and Conditions

## 14. Electrical Equipment

14.1 Any additional electrical installation to the original equipment must be adequately insulated and be protected by suitable fuses.

## 15. Seat Belts

15.1 The vehicle must be compliant with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts. This will however ordinarily exclude limousines and vintage cars.

15.2 If the [correct child car seat](#) provisions are not available children can travel without a car seat but only if they travel on a rear seat and wear an adult seat belt if they are 3 years or older; or without a seat belt if they're under 3 years of age.

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As the holder of private hire vehicle licence you must comply with the following conditions. These conditions should be read in conjunction with the Policy. Any requirement of legislation, which affects the operations being carried out under the terms of this licence, should be regarded as if they are conditions of this licence.

Where there appears in the licence conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

## Conditions of licence

### 1. Vehicle Testing

1.1 Once licensed, the vehicle must be presented for inspection as follows –

- Up to 5 years old - once during each 12 month licensing period
- 5 to 12 years old - twice during each 12 month period

1.2 Licensed vehicles that fail an authorised examination and test will be issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has been repaired; undergone a further test at your expense; has been passed as fit for use by the approved testing station; and the Authority has received the appropriate notification.

1.3 If the defect is not repaired within 28 days from the date of the service of the suspension notice, the vehicle licence will be revoked by the Council. Where it is

# Annex 3 - Private Hire Pre-Licensing Standards and Conditions

anticipated that repairs will take longer than 28 days you must apply to the Council to extend the period.

1.3 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.

1.4 Any damage to a licensed vehicle must be reported to the Licensing Team in writing/by email within 72 hours.

1.5 The licence of any vehicle failing to attend a required inspection will be suspended until such time as the vehicle has been inspected and passed

## 2. Licence Identification Plates

2.1 You must fix to the vehicle licence identification plates of the size, colour, design and type supplied by the Council; these plates must relate to the vehicle on which they are displayed. No other vehicle licence identification plates should be displayed on the vehicle.

2.2 You must ensure that the licence identification plates are securely fixed to the outside exterior of the vehicle, adjacent as possible, to the number plate and in such a manner as to ensure that the vehicle registration plate is not obscured and the plate is clearly visible from the highway and by other road users. A plate must not be placed on the rear window of the vehicle.

2.3 You must ensure that a vehicle licence identification card, as supplied by the Authority, is displayed in a position for all passengers to clearly see.

2.4 The licence plates remain the property of the Council and must be returned within seven days, following the service on you of an appropriate notice by the Authority and/or in the event of the vehicle licence ceasing to be in force in respect of the vehicle.

2.5 If you have been granted an exemption from the requirement to display an external vehicle identification, you must carry the dispensation in the vehicle at all times and produce this on request to any officer of the Council or the Police (see Appendix 2 for information on Plate Exemptions).

## 3. Luggage

3.1 Luggage must be conveyed in such a way that ensures it is protected from damage and is properly secured.

## 4. Furnishing and maintenance of vehicle

# Annex 3 - Private Hire Pre-Licensing Standards and Conditions

4.1 You must ensure that the vehicle and all its fittings and equipment is, at all times when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements are complied with fully.

**Please note** - It is not sufficient to wait until a compliance test to find out if the vehicle is still roadworthy.

4.2 Where a separate compartment is provided for passengers, you must provide sufficient means by which any person in the compartment may communicate with the driver.

4.3 You must at all times provide adequate lighting, heating and ventilation for the interior of the vehicle.

## 5. Auxiliary equipment

5.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus must be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use.

5.2 Any radio apparatus must be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

5.3 Any auxiliary equipment that is fitted to a vehicle must not impede the driver in any way or hinder his/her view, impede or cause hazard to passengers or other road users.

## 6. Notification of Changes affecting the Licence

6.1 You must notify the Council, in writing/email, of any change in circumstances affecting the licence within 7 days of such a change taking place.

6.2 A copy of any new MOT certificate must be submitted to the Council within 7 days of the date of issue. This should be sent to [eps.support@colchester.gov.uk](mailto:eps.support@colchester.gov.uk)

6.3 Any new insurance certificate/cover note must be submitted to the Council within 7 days of date of issue. Insurance Brokers may send a copy direct to [eps.support@colchester.gov.uk](mailto:eps.support@colchester.gov.uk) but it is your responsibility to ensure that this has been done. The full insurance certificate must be sent direct to [eps.support@colchester.gov.uk](mailto:eps.support@colchester.gov.uk) within 28 days of its issue. t

## 7. Signs, Notices and Advertisements, etc.

7.1 Vehicles must not display roof signs. Other signs or advertising below roof height cannot be displayed without the prior approval of the Authority.

## Annex 3 - Private Hire Pre-Licensing Standards and Conditions

7.2 Advertising material or decorative stickers on the windows of the vehicle, including the rear window, are strictly prohibited.

7.3 Vehicles are permitted, subject to prior approval of the Council, to display signs, advertisements, notices or other markings on the outside of their vehicle subject to compliance with the following -

- a. The trade name, address and telephone number of the circuit may be displayed on front doors of the vehicle. This sign must contain the words 'pre-booked only'. It must not contain the words 'taxi' or 'cab' or any word of a similar meaning or appearance which may be taken to indicate that the vehicle is a hackney carriage which is licensed to ply for hire.
- b. Product advertising is permitted on the rear doors subject to the Council giving authority and retaining the right to request the removal of any particular advertisement, which is felt to be unsuitable.
- c. Colour copies of artwork showing the advertising as it is intended to appear on the vehicle must be sent to the Licensing Team for prior approval and any change to the advertisement must not be made without the further approval of the Council.
- d. Each application for approval of advertising material will be considered on an individual basis, but advertisements must -
  - Comply with the UK's Advertising Standards Authority's Advertising Codes; it is the responsibility of the private hire proprietor to make sure that they do so (available at [www.cap.org.uk](http://www.cap.org.uk))
  - Not advertise or promote age restricted products, such as tobacco, alcohol
  - Not contain pictures, text or graphics of a religiously discriminatory, political, racist, sexist or controversial nature
  - Not display nude, semi-nude or other figures in a sexually provocative manner or in a manner that would be considered to be objectionable
  - Not advertise any racist group or organisation that intends to promote such a group or such organisation and/or any of its activities
  - Only advertise one product or service at a time.
- e. All product advertising must be applied by a professional company and no reflective materials may be used.

## Annex 3 - Private Hire Pre-Licensing Standards and Conditions

- f. Wheelchair accessible vehicles may display the disability symbol on the wheelchair access door(s) only.
- g. Advertising material or decorative stickers on the inside of the vehicle (i.e. on the flip seat) will be permitted, subject to the Council giving authority and retaining the right to request the removal of any particular advertisement, which is felt to be unsuitable.
- h. Any damaged or disfigured advertisement signs must be removed immediately.

7.3 You must fix and maintain the rear door signage on the inside of the vehicle facing outwards in such a position that it can 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.

7.4 You must fix and maintain the appropriate no smoking signage required by the relevant regulations.

7.5 You 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 private hire vehicles and which from time to time the Council may require.

### 8. Meters

8.1 If the vehicle is fitted with a meter for recording the fare it shall display and maintain the statement of fares inside the vehicle in such a position as to be clearly visible at all times to the hirer. The statement of fares must include the minimum hire charge, the rate charged per mile and any additional charges.

8.2 If a private hire vehicle is fitted with a meter for recording a fare it must be of a type approved by the Council, and this must be fixed to the vehicle in such a way that it will not be practical for any person to tamper with it except by breaking, damaging or permanently displacing the seals or other appliances.

8.3 If a pre-booked journey for which the fare has been agreed is carried out in a private hire vehicle with a meter, the meter must be running for the duration of the journey. If the metered fare is cheaper than the agreed fare, the metered fare must be charged.

8.4 The taximeter must be positioned so that all letters and figures on its face must be at all times illuminated and plainly visible to any passenger.

# Annex 3 - Private Hire Pre-Licensing Standards and Conditions

8.5 When the taximeter is operating there must be recorded on the face of the meter in clearly legible figures a fare not exceeding that stated in the statement of fares as displayed in the vehicle unless a rate has been separately agreed between the hirer and the licensed private hire operator at the time of booking and prior to the journey commencing.

## 9. CCTV

9.1 CCTV provided within the vehicle must comply with the Council's CCTV Policy (see Appendix 1)

## 10. Insurance

10.1 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 vehicle licence period. The certificate of this policy must be produced to the Council, or any other authorised officer upon request. Failure to provide a copy of a valid insurance certificate will result in the immediate suspension of the licence.

## 11. Temporary Replacement Vehicles

11.1 Where a vehicle cannot be used because it is being repaired, you may apply for a temporary plate for the replacement vehicle which will enable you to continue to operate. The temporary plate may be used for up to a month; this period may be extended in exceptional circumstances following the approval of the Council.

11.2 The temporary replacement vehicle must be under five years old. If the vehicle is over five years old it must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

## 12. Return of Plates

12.1 Private Hire vehicle licence plates remain at all times the property of the Council and must be returned to the Council or other authorised officer if you fail to renew the licence, the licence is revoked or on the death of a sole proprietor or upon their giving up the business.

12.2 On renewal of vehicle licence, the expired plate must be returned to the Council within 7 days of the expiry of that licence.

## 13. Carriage of Assistance Dogs



## Annex 3 - Private Hire Pre-Licensing Standards and Conditions

13.1 You must 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.

13.2 Where a notice of exemption has been issued to you on medical grounds, it must be exhibited in the vehicle by fixing it facing outwards either to the windscreen or in a prominent position on the dashboard. You must also at all times carry a tactile exemption certificate which must be made available in appropriate circumstances.

13.3 You must not forge or alter for use a Certificate or Notice of Exemption; lend a Certificate or Notice of Exemption to any other person; allow it to be used by any other person; or make or have in your possession any document which closely resembles a Certificate or Notice of Exemption.

### 14. Additional specifications for wheelchair accessible vehicles.

14.1 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. 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.

14.2 Each wheelchair user conveyed must be capable of being properly secured with a lap and diagonal seat belt made available through the vehicle's 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.

14.3 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.

14.4 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.

14.5 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.

14.6 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.

## Annex 3 - Private Hire Pre-Licensing Standards and Conditions

14.7 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.

14.8 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 Team.

14.9 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 Council may refer the matter to the Licensing Committee with a view to revoking the vehicle and driver licence.

### 15. Trailers and Roof Carriers

15.1 A Council licensed Hackney Carriage/Private Hire driver be permitted to tow a trailer whilst driving a licensed vehicle provided that:

- a. The driver holds the appropriate category on his DVLA licence, which must be produced to the Council.
- b. The vehicle towing must be suitable for towing the intended trailer in accordance with the relevant regulations
- c. The trailer to be towed by the licensed vehicle complies with all legal requirements and the following conditions:
  - i. It is presented for and passes inspection by the Council's approved garage prior to its use and again at each inspection of the vehicle by which the trailer is towed. The cost of such an inspection to be borne by you.
  - ii. It is of a type and weight, when laden, recommended by the vehicle manufacturer as being suitable for the weight capacity of the intended towing vehicle i.e. not more than 50% of the kerb side weight of the towing vehicle.
  - iii. No advertising is permitted on any part of the trailer without the written agreement of the Council.
  - iv. When the trailer is used with the vehicle, the additional licence plate issued by the Council specifically for that trailer must be clearly displayed on the rear of the trailer. Such licence plate number must correspond to the plate number of the towing vehicle. The cost of the additional plate will be borne by you.
  - v. If the trailer is towed by a multi seat type vehicle i.e. a minibus, there must

## Annex 3 - Private Hire Pre-Licensing Standards and Conditions

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.

- vi. 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.

15.2 A roof box is not to be used without the prior approval of the Council.

### 16. Alteration of Vehicle

18.1 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 vehicle licence is in force.

### 17. Liquid Petroleum Gas (LPG)

17.1 The following conditions apply to vehicles which are made or adapted to run on LPG. The vehicle must comply with all other pre licensing standards and conditions.

17.2 You must notify the Council if you change your vehicle to run on LPG and you must comply with the following:

- a. The installation of an LPG tank must be undertaken by an LPG approved installer, as recommended by the Liquid Petroleum Gas Association, and the certificate of compliance presented to the Council.
- b. The vehicle must display on the front and rear windscreen a sticker stating that the vehicle has been fitted with an LPG tank; this is to alert the emergency services in the event of an accident.
- c. You must notify the DVLA of the change.
- d. The vehicle must be serviced annually by a person competent in LPG powered vehicles and a certificate of compliance must be presented to the Council.

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## Appeals

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court,

# Annex 3 - Private Hire Pre-Licensing Standards and Conditions

Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

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## Application and Renewal Process

Details of the application and renewal process are available separately and on the Council's website.

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## Determination of Application

The Council will deal with applications as follows –

1. The application will be reviewed by a member of the Licensing Team and if any issues are identified the applicant/licence holder will be contacted and may be interviewed by a member of the team.
2. If no issues are identified or those that are identified are resolved, the application will be granted. In all other cases a report will be prepared for the Licensing Manager setting out the facts of the matter to be considered.
3. The Manager will review the case file and, where appropriate, will interview the applicant/licence holder and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
4. In the first instance the applicant/licence holder has a right of appeal to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing to [licensing.team@colchester.gov.uk](mailto:licensing.team@colchester.gov.uk) or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of the decision.
5. If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.
6. There is a further right of appeal to the Magistrates Court. Any such appeal must be made in writing, within 21 days from the date of the decision/notification of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.

# Annex 3 - Private Hire Pre-Licensing Standards and Conditions

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**Implementation of the Policy** - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

# Annex 4 - Operator Pre-Licensing Standards and Conditions

1.1 The key consideration of the Council in licensing private hire operators is the safety of the travelling public. This encompasses those using an operator's premises and the vehicles and drivers arranged through them.

1.2 Whilst hackney carriage vehicles are allowed to ply and rank for hire, a private hire vehicle must be pre-booked.

1.3 If you are taking a booking, through a booking office, telephone booking line, website or App, you must have an operator's licence issued by the Council

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## Pre-Licensing Standards

In order to be licensed as a private hire operator you must –

1.1 Complete the application form and supply the required fee and documentation to support your application including -

- a current Passport or Birth Certificate verifying your identity
- evidence that you may legally work in the UK  
Please note - If circumstances come to light during the lifetime of the licence that you no longer have a right to work in the UK, the licence will be revoked.
- a Basic Disclosure from DBS Scotland. The disclosure must be less than one month old when the application is made.
- a Basic Disclosure from DBS Scotland for all staff taking bookings.

1.2 Be found to be a fit and proper person to hold a private hire operator's licence by the Council having regard to its Hackney Carriage/Private Hire Licensing Policy.

1.3 If you take bookings in person you must have a physical office in the Borough.

1.4 If you accept bookings only via a website or App you must have an operator's licence issued by the Council

**Planning Consent** - To operate a private hire business from a residential dwelling, planning permission for such business use may be required. All applications for an operator's licence are forwarded to the Planning Department. It is your responsibility to ensure that any necessary planning permissions are in place.

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## CONDITIONS OF LICENCE

As the holder of an operator's licence you must comply with the following conditions at all times:

# Annex 4 - Operator Pre-Licensing Standards and Conditions

## 1. Records

1.1 You must keep records, as set out below, for a period of not less than five years following the date of the last entry, in a suitable form that does not permit backdating, and in a format that can be easily inspected and/or downloaded at the request of a licensing officer/police officer.

### Bookings

1.2 In respect of every booking for hire, whether for journeys booked from premises based in Colchester or those accepted from private hire operator's licensed by other authorities, you must record and keep the following details of every booking -

- date and time of the booking
- name of the hirer
- time and date of the pick-up
- address of the point of pick-up
- destination
- whether the hirer has any special requirements
- any fare quoted at the time of booking
- the licence number of the vehicle assigned to the booking
- the licence number of the driver assigned to the booking
- the details of the hiring operator (if the booking was made as a result of it being sub-contracted to you)

### Drivers

1.3 In respect of drivers working for you, you must record and keep the following –

- proof of the name and address of the driver, their right to work documentation, their licence number and its expiry date, and a copy of the licence issued to them by the Council. [Please note](#) - you must keep records of the checks completed in relation to the verification of the above matters
- the call sign allocated to the driver
- copies of relevant insurance documentation
- the date of when a new driver begins service
- the date of when a driver ceases service

### Vehicles

1.4 In respect of all vehicles operated under your licence you must record and keep the following –

- name and address of the licensed proprietor of the vehicle
- make and registration number of the vehicle

# Annex 4 - Operator Pre-Licensing Standards and Conditions

- date the vehicle commenced operating under your operator's licence
- the vehicle plate number and its expiry date
- make, colour and engine size
- the year of manufacture
- name and address of licensed driver(s) of the vehicle and the badge number(s)
- a copy of licenses issued by the Council, for the private hire vehicles you operate.
- copies of the current licences of drivers and vehicles must be retained by you whenever they are working for you
- the date the vehicle ceased to accept work under your operator's licence

## 2. Duties as a licence holder

2.1 As the holder of an operator's licence you must maintain a current, consecutively dated, legible manual or computerised record of –

- the DVLA drivers' licence held by every driver accepting work and ensure that, at all times, the licence is valid.
- all alterations made to that driver's licence (i.e. endorsements, disqualification and medical conditions) and inform the Council immediately or in any case within seven days of any alterations.
- documents that provide you with proof of the driver's immigration status and their right to work in the UK.
- the current insurance certificate/cover note of all vehicles accepting work under your operator's licence and ensure that, at all times, they are consecutive and comply with the statutory requirements and licensing conditions.
- the continuous test certificates of all vehicles accepting work under your operator's licence and the action taken where a vehicle has failed its MOT or is not considered roadworthy.

2.2 You must take all reasonable steps to ensure that, at all times, vehicles operating under your operator's licence comply with the statutory requirements and licensing conditions appertaining to the mechanical and body condition of the vehicle including cleanliness. You must ensure that the vehicle complies with all the licensing conditions in relation to the door stickers, vehicle licence plate, livery and advertising.

2.3 Not to cause or permit the words 'taxi' or 'cab' on any private hire vehicle operated by or operating under your operator's licence.

2.4 Not to purchase a black vehicle to be used as a private hire vehicle with effect from 1 January 2018.

2.5 Ensure that all proprietors and drivers operating under the operator's licence, when carrying passengers for hire or reward, are dressed in accordance with the conditions attached to licences issued by the Council to drive hackney carriage and private hire vehicles. (These are set out in the Council's Policy).



## Annex 4 - Operator Pre-Licensing Standards and Conditions

2.6 On the request of an authorised officer of the Council or any police constable produce your operator's licence for inspection.

2.7 Be responsible for the conduct, appearance and actions of controllers and other staff employed by you in respect of the licensable activities.

2.8 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 either by you or by the operator to whom the booking has been subcontracted

2.9 Be responsible for reimbursement to the hirer in the event of a contract not being satisfactorily honoured.

2.10 Notify the Council of all cars and drivers operating under your licence and provide an updated list every six months.

2.11 Produce evidence that you have in force a current public and employers' liability insurance policy.

### 3. Standards of Service

3.1 You must at all reasonable times provide a prompt, efficient and reliable service to members of the public. In particular you should ensure that -

- when a vehicle has been hired, it arrives punctually at the appointed place and time unless unexpectedly delayed or prevented from satisfying the booking by sufficient cause.
- telephone facilities and radio equipment are maintained in good working order.
- all vehicles operated by you are maintained in a satisfactory and road worth condition.
- without prejudice to any other liabilities imposed under the act, that all drivers of vehicles owned, controlled or operated in association with you observe and perform to the conditions of their licence.
- the premises provided for the purpose of hiring or waiting are kept clean, adequately lit, heated and ventilated and that any waiting area provided has adequate seating facilities.
- any sanitary conveniences and washing facilities provided for customers and/or licensed drivers and vehicle proprietors are placed at readily accessible areas in the building. They and the rooms containing them should be kept clean, be adequately ventilated and lit. Washing facilities should have running hot and cold water, soap and clean towels or other means of cleaning or drying. Men and women should have separate facilities unless each facility is in a separate room with a lockable door and is for use by only one person at a time.

# Annex 4 - Operator Pre-Licensing Standards and Conditions

## 4. Notifications to the Council

4.1 If you become aware that any driver is suffering from any illness, disability or a condition which may affect their ability to drive you must inform the Council immediately.

4.2 You must notify the Council in writing of any change affecting your licence, including a change of address (including any address from which you operate or otherwise conduct your business). This notice must be given, within 7 days of the change.

4.3 You must report to the Council, in writing within seven days, any convictions, cautions, arrests or fixed penalty notices you have received since the completion of the application form for your licence. If you operate as a company or partnership, this requirement applies if any of the directors or partners receives a conviction or fixed penalty notice.

4.4 Report to the Council immediately or in any case within 72 hours, details of ANY accident or other damage sustained by a vehicle operating under your operator's licence.

## 5. Sub-Contracting and Cross Border Working

5.1 Where you accept a booking and then are subsequently unable to honour it, or if you do not have a vehicle immediately available, the booking may be sub-contracted to another operator, including an operator licensed by another local authority and at the same rate and same standard as the Council's operators. In these circumstance you must –

- a) keep a record of the initial booking details for audit purposes.
- b) contact the hirer to advise that the booking can no longer be honoured and to ask whether or not they wish the booking to be sub-contracted to an alternative private hire operator.
- c) identify an alternative private hire operator and advise the original hirer of that operator's details.
- d) provide full details of the booking to the alternative private hire operator and keep a record of the private hire operator to whom the booking was sub-contracted.
- e) keep a record of the alternative private hire operator's licence details as follows-
  - i) name of the issuing authority
  - ii) licence number
  - iii) grant date of the licence
  - iv) expiry date of the licence.

All records kept must be available for inspection on request of an authorized officer of the Council or Police officer.

5.2 In relation to cross border working it should be noted that –

# Annex 4 - Operator Pre-Licensing Standards and Conditions

- You can only hold a private hire operator's licence issued by the local Council in whose area you have your operating base.
- If you intend to take bookings from outside the Council area you must apply for an operator's licence from the local Council in which your operating base is located.
- You can only use vehicles and drivers who are licensed by the same local Council who issue your operator's licence.
- You can accept bookings made from outside the borough but the address where the bookings are taken, your operating premises, must be within the area of the Council who issued your operator's licence.
- You may pass work to drivers who are declared on your operator's licence application form; the drivers and cars must be licensed by the same Council as issued the operator's licence.

## 6. Other staff

6.1 In relation to other staff employed by you at the premises you must –

a) Carry out sufficient checks on the background of your control room staff to ensure they are a fit and proper person to carry out their tasks and duties in a professional and confident manner. These checks may include the following –

- A Basic Criminal Disclosure (Scotland) or a Police National Computer Check (PNC) issued within the previous 3 months
- A Certificate of Good Conduct for the relevant foreign nationals
- Proof of Right to work documentation
- Character references from previous employer(s).

b) Provide appropriate training, including safeguarding training, and maintain training records of all staff in customer service and data protection.

c) Have an appropriate policy in place in respect of alcohol, illegal substances or the abuse of prescription drugs in respect of control room, office and drivers whilst at work.

d) Ensure that no alcohol shall be consumed by ANY person on your premises.

e) If it comes to your notice, that a driver of one of your vehicles may be under the influence of alcohol, illegal substances or abusing prescription drugs, you must not allow the driver to continue on duty and must inform the driver accordingly. You must then inform the Council within 72 hours of the incident.

f) Ensure that you comply with all legislation regarding the employment of staff, health & safety etc., and provide adequate staff facilities.

# Annex 4 - Operator Pre-Licensing Standards and Conditions

## 7. Complaints

7.1 You must/are advised to have a published complaints procedure that deals with Customer and Employee complaints. Copies of this document must be provided to the Council and available at the operator's office for reference by customers and staff. The complaints procedure must be used when dealing with any complaint and a member of staff must be named as the complaints officer responsible for ensuring the procedure is satisfied.

## 8. Display of Terms and Conditions

8.1 You must keep a copy of these conditions at all premises used for your business and make them available for inspection by customers and on request by Authorised Officers of the Council and Police officers.

## 9. Licence Duration

9.1 Your operator's licence will last for 5 years from the date of its grant. In certain circumstances a licence may be granted for a shorter period of time.

## 10. Operator Category

10.1 If, during the lifetime of your licence, you wish to change your operator category you must pay the relevant fee to effect the change plus the new category fee calculated on a pro-rata basis.

Category A	1 vehicle
Category B	2-5 vehicles
Category C	6-10 vehicles
Category D	11+ vehicles

## 11. Use of Website and Booking Apps

11.1 Any Website or Booking Apps used in the operation of the business must be capable of recording all the information required under these conditions (specified in Condition 1).

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## Right of Appeal

12.1 If you disagree with the imposition of any of the conditions set out in this document, this must be raised at the time the application is submitted and if

## Annex 4 - Operator Pre-Licensing Standards and Conditions

appropriate the matter will be referred to the Licensing Manager for consideration in the first instance and then to the Licensing Sub-Committee, if required, for consideration and determination.

12.2 If you wish to appeal the Council's refusal to grant you an operator's licence you must do so in writing to the Licensing Manager who will, in the first instance, consider your appeal. There is a further right of appeal to the Licensing Sub-Committee.

12.3 Any applicant aggrieved by the refusal of the Council to grant an operator's licence, or by any conditions attached to the grant of such licence, may appeal to a Magistrates' Court within 21 days.

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**Implementation of the Policy** - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

# Annex 5 - Convictions Policy

## 1. Introduction

1.1 The key consideration of the Council and the overriding objective in the licensing of hackney carriage and private hire vehicles, drivers and operators is the safety of the travelling public. The Council therefore considers its robust approach to convictions and motoring convictions to be fully justified.

1.2 Licensed drivers proprietors and operators have close regular contact with the public who entrust their personal safety to licensed members of the trade whenever they take a journey. Users of licensed vehicles have a right to expect that their driver is not an individual with a predisposition towards or a propensity for violent behaviour at any level. The public also have a right to expect that licensed drivers and operators are trustworthy with no propensity for dishonesty.

1.3 In line with these considerations the Council has a statutory obligation to ensure the applicant is a 'fit and proper' person. This requirement remains with the Council throughout the lifetime of a licence and at the point of renewal. Therefore, the Council's Convictions Policy (the Policy) will apply to new and renewal applications, when reviewing an existing licence and decisions to suspend or revoke a licence. The Council will also have regard to the Policy when determining its own pre-licensing conditions.

1.4 Any decision, taken by officers of the Council and/or the Licensing Committee, needs to be justified, proportionate and consistent. The Policy has been drawn up to assist licence holders, officers and members of the Licensing Committee and ensure that the decision making process is open and transparent for all users.

1.5 In the Policy the Council has categorized and assessed the risk to the public of a wide variety of criminal and motoring convictions. The convictions listed are by no means exhaustive however it is anticipated that any convictions not listed will have close enough themes to enable parallels to be drawn from other listed convictions. Also included within the Policy is the stance to be taken on other forms of intelligence which can be considered by the Council as part of its fit and proper test.

## 2. Relevant legislation

2.1 Hackney carriage and private hire licences are issued by the Council, pursuant to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. The 1976 Act prohibits the Council granting a licence to a person unless it is satisfied that the person is 'a fit and proper person'. Section 57 of the Act gives the Council the power to require a person to submit information about themselves so the Council can be satisfied that they are 'a fit and proper person'.

2.2 There is an ongoing responsibility under the 1976 Act for the Council to ensure that licence holders continue to meet the 'fit and proper' test for the duration of the licence period and Sections 61 & 62 of the '1976 Act', gives the Council the power to suspend, revoke or to refuse to renew a driver or operator licence.

# Annex 5 - Convictions Policy

## 3. General principles

3.1 In this Policy any reference to offences should be taken to include convictions, cautions, fixed penalty notices, and any other form of restorative justice. Such determinations can be regarded as being similar in terms of culpability, evidence and the admission of guilt. The categories include attempts, incitement, aid and abet, cause and/or permit, counsel or procure or conspiracy to commit an individual offence which can attract the same penalty.

3.2 Reference to 'applicants and 'licence holders' in this policy includes drivers, proprietors and operators as appropriate.

3.3 By virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 'taxi' drivers are an exempt occupation for the purposes of the 1974 Act and convictions are therefore never spent. The Council is therefore able to take into account spent convictions but will do so in a fair and proportionate way. Operators are not an exempt occupation.

3.4 The Policy also deals with any civil actions including injunctions, breaches of licensing conditions or byelaws, complaints, allegations, cautions and intelligence made available to the Council by the Police or other partner agencies, and anything considered by the Courts that hasn't resulted in a conviction.

3.5 Anecdotal evidence can be taken into account and may, on occasions, be the sole reason for the refusal, suspension or revocation of a licence. Where allegations are presented as evidence further information must be sought from the applicant.

3.6 The investigating officer/Licensing Committee cannot go behind the existence of a conviction in an attempt to re-try the case. The conviction will be considered in so far as it relates to whether the applicant/licence holder is a fit and proper person to hold a licence.

3.7 Each case will be considered on its own merits and discretion may be exercised where appropriate and the appropriate weight attached to the evidence under consideration. The Council will consider –

- the nature of the offence and any penalty imposed
- the length of time since the offence
- the individual's age when the offence was committed
- the history and pattern of offending
- whether the matter has previously been considered
- the intent or harm that was or could have been caused
- any other relevant matter

3.8 The Council may depart from the policy however it will only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.



## Annex 5 - Convictions Policy

3.9 The tables included within the Policy set out the number of points that will be attached for each offence when determining an application or when a licence is renewed or reviewed. The points may be applied to new applicants and existing licence holders. The points will remain on the licence as specified in the table.

### 4. Investigation and Determination Procedure

4.1 The Council will deal with offences as follows –

- On receiving a disclosure from the DBS or other notification a member of the Licensing Team will assess whether any of the convictions and/or any of the additional information received has any relevance as to whether the applicant/licence holder is a fit and proper person to hold a licence,
- A member of the Licensing Team will investigate the facts, which may include interviewing the applicant/licence holder under caution. The Council may also, as part of its investigation request a PCN from the Police to ensure it has all the evidence necessary to properly investigate the matter. This evidence will be made available to the Committee to assist it in reaching its decision. This may mean that matters that formed part of a previous decision are reconsidered in the light of new evidence. On occasions this may result in a licence, previously granted, being revoked.
- A report will be made to the Licensing, Food & Safety Manager (the Manager).
- The Manager will review the case file and, where appropriate, will interview the applicant/licence holder and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
- In the first instance the applicant/licence holder has a right of appeal to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing to [licensing.team@colchester.gov.uk](mailto:licensing.team@colchester.gov.uk) or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of suspension/revocation.
- If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.
- There is a further right of appeal to the Magistrates Court. Any such appeal must be made in writing, within 21 days from the date of the decision/notification of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.
- Where an appeal has been made the implementation of any suspension or revocation will be held until its determination.



# Annex 5 - Convictions Policy

## 5. Application of Points

5.1 In addition to setting out the points to be applied for each offence the tables are colour coded to indicate the Council's stance in relation to a new or renewal application or to the review of a licence.

**Red (9 to 12 points)** - Where the convictions of an applicant result in the accumulation of 12 or more points an applicant should expect their application to be refused. If a licence holder's conduct is such that, were they to be applying for a new licence, their application would be refused, they should expect consideration to be given to the revocation of their licence.

**Orange (5 to 8 points)** - Where the convictions of an applicant result in the accumulation of between 8 and 5 points an applicant should expect their application to be referred to the Licensing Committee for determination. If a licence holder's conduct is such that, were they to be applying for a new licence, their application would be referred to the Licensing Committee for determination, they should expect their case to be referred to the Licensing Committee for consideration where it may be suspended or revoked.

**Green (0 to 4 points)** - Where the convictions of an applicant result in the accumulation of 4 or less points the application is likely to be granted. A licence holder should expect that the points will be applied to their licence but no further action is likely to be taken unless circumstances indicate that consideration by the Licensing Committee is appropriate.

**Please note – In addition to points for convictions, licence holders may also receive penalty points for breaches of policy etc. under the Council's Penalty Points Scheme. These points will be added to those for convictions and where the total exceeds 12 in any one year the licence holder should expect consideration to be given to the suspension or revocation of their licence.**

# Annex 5 - Convictions Policy

## 5.2. Criminal Convictions

### Level 1 – Serious crime including sexual offences

Offences (including but not limited to) -

Serious Crime including Sexual Offences	
Type of offence	Number of Points (Points are doubled for a term of imprisonment)
Murder	Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for such an offence
Manslaughter	
Manslaughter or culpable homicide while driving	
Causing death by dangerous or careless driving	
Gross indecency with a female	
Gross indecency with a male	
Indecent assault on a female	
Indecent assault on a child under 16 years	
Buggery	
Rape	
Indecent exposure	
Indecent exposure to the annoyance of residents	
Indecent exposure with intent to insult a female	
Unlawful sexual intercourse	
Importuning	
Living of immoral earnings	
Prostitution	
Possessing or distributing obscene material	

# Annex 5 - Convictions Policy

## Level 2 - Offences usually associated with violence or high value crime

Offences (including but not limited to) –

Offences usually associated with violence or high value crime										
Years since conviction received (or part year)	1	2	3	4	5	6	7	8	9	10
Type of offence	Number of Points (Points are doubled for a term of imprisonment)									
Possessing Controlled Drugs	12	12	12	12	8	6	4	2	1	0
Possessing Controlled Drugs with intent to supply	12	12	12	12	12	12	10	8	6	4
Producing Controlled Drugs	12	12	12	12	12	10	8	6	4	2
Importing drugs	12	12	12	12	12	12	10	8	6	4
Burglary & Theft – Aggravated	12	12	12	12	12	12	8	6	4	2
Robbery	12	12	12	12	12	12	12	12	8	6
Aggravated vehicle taking (causing death)	12	12	12	12	12	12	12	12	8	6
Arson	12	12	12	12	12	12	12	12	12	12
Grievous Bodily Harm, s20	12	12	12	12	12	12	8	6	4	2
Grievous Bodily Harm, s18	12	12	12	12	12	12	12	12	8	6
Possess Offensive Weapon	12	12	12	8	6	4	2	0	0	0
Possession of Firearm with intent	12	12	12	12	12	8	6	4	2	0
Possession of a Firearm	12	12	12	8	6	4	2	0	0	0
Criminal Damage	12	12	12	8	6	4	2	0	0	0
Violent Disorder	12	12	12	8	6	4	2	0	0	0
Riot	12	12	12	12	8	6	4	2	0	0
Affray	12	12	12	6	5	4	3	2	1	0
Assault on Police Officer	12	12	12	8	6	5	4	3	2	1
Common Assault	12	12	12	8	6	5	4	3	2	0
Hate crime	12	12	12	12	8	6	4	3	2	0
Resisting Arrest	12	12	12	8	6	4	2	0	0	0
Using threatening, abusive words or behaviour	5	4	3	2	1	0	0	0	0	0
Battery	5	4	3	2	1	0	0	0	0	0
Breach of the Peace	3	2	1	0	0	0	0	0	0	0
Drunk and Disorderly	3	2	1	0	0	0	0	0	0	0
Obstruction	12	12	12	6	4	2	0	0	0	0
Indecent/nuisance telephone calls	12	12	12	12	12	8	6	4	2	1

# Annex 5 - Convictions Policy

## Level 3 - Dishonesty crime

Offences (including but not limited to) –

Dishonesty Crime										
Years since conviction received (or part year)	1	2	3	4	5	6	7	8	9	10
Type of offence	Number of Points (Points are doubled for a term of imprisonment)									
Theft	12	12	12	6	4	2	1	0	0	0
Theft – Shoplifting	12	12	12	6	4	2	1	0	0	0
Theft – Employee	12	12	12	6	4	2	1	0	0	0
Theft – from vehicle	12	12	12	6	4	3	2	1	0	0
Burglary & Theft – Dwelling	12	12	12	12	8	6	4	2	1	0
Burglary & Theft – Non Dwelling	12	12	12	6	4	3	2	1	0	0
Fraudulent Use	12	12	12	6	4	3	2	1	0	0
Handling/receiving	12	12	12	6	4	3	2	1	0	0
Forgery	12	12	12	6	4	3	2	1	0	0
Conspiracy to defraud	12	12	12	6	4	3	2	1	0	0
Obtaining money by deception	12	12	12	6	4	3	2	1	0	0
Obtaining money by forged instrument	12	12	12	6	4	3	2	1	0	0
Deception	12	12	12	6	4	3	2	1	0	0
False Accounting	12	12	12	6	4	3	2	1	0	0
False Statement to obtain benefit	12	12	12	6	4	3	2	1	0	0
Going equipped	12	12	12	6	4	3	2	1	0	0
Taking/driving or attempting to steal vehicle	12	12	12	6	4	3	2	1	0	0
Allow to be carried in a stolen vehicle	12	12	12	6	4	3	2	1	0	0
Perverting the course of justice	12	12	12	12	8	6	4	2	0	0

## Level 3 – Smoking offences

Offences (including but not limited to) –

Smoking										
Years since conviction received (or part year)	1	2	3	4	5	6	7	8	9	10
Type of offence	Number of Points (Points are doubled for a term of imprisonment)									
Smoking in a licensed vehicle	3	3	3	2	1	0	0	0	0	0

# Annex 5 - Convictions Policy

## 5.3 Road Traffic/Motoring Convictions

### Level 1 – Driving offences involving the loss of life

Code	Offence	Number of Points
BA40	Causing death by driving while disqualified	12 for all offences listed in this table  Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for such an offence.  A current licence would be revoked in all but the most exceptional circumstances
BA60	Causing serious injury by driving while disqualified	
CD40	Causing death through careless driving when unfit through drink	
CD50	Causing death by careless driving when unfit through drugs	
CD60	Causing death by careless driving with alcohol level above the limit	
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	
CD80	Causing death by careless or inconsiderate driving	
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	
DD60	Manslaughter or culpable homicide while driving a vehicle	
DD80	Causing death by dangerous driving	
DG60	Causing death by careless driving with drug level above the limit	

# Annex 5 - Convictions Policy

## Level 2 – Driving under the influence of alcohol/drugs and other serious driving offences

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
<b>AC10</b>	Failing to stop after an accident	12	12	12	12	12	8	6	4	2	1
<b>BA10</b>	Driving while disqualified by order of court	12	12	12	12	12	8	6	4	2	1
<b>BA30</b>	Attempting to drive while disqualified by order of court	12	12	12	12	12	8	6	4	2	1
<b>CU80</b>	Breach of requirement as to control of the vehicle, mobile phone etc.	12	12	12	12	12	8	6	4	2	1
<b>DD10</b>	Causing serious injury by dangerous driving	12	12	12	12	12	8	6	4	2	1
<b>DD40</b>	Dangerous driving	12	12	12	12	12	8	6	4	2	1
<b>DD90</b>	Furious driving	12	12	12	12	12	8	6	4	2	1
<b>DG10</b>	Driving or attempting to drive with drug level above the specified limit	12	12	12	12	12	8	6	4	2	1
<b>DG40</b>	In charge of a vehicle while drug level above a specified limit	12	12	12	12	12	8	6	4	2	1
<b>DR10</b>	Driving or attempting to drive with alcohol level above the limit	12	12	12	12	12	8	6	4	2	1
<b>DR20</b>	Driving or attempting to drive while unfit through drink	12	12	12	12	12	8	6	4	2	1
<b>DR30</b>	Driving or attempting to drive then failing to supply a specimen for analysis	12	12	12	12	12	8	6	4	2	1
<b>DR31</b>	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	12	12	12	12	12	8	6	4	2	1
<b>DR40</b>	In charge of a vehicle while alcohol level above limit	12	12	12	12	12	8	6	4	2	1
<b>DR50</b>	In charge of a vehicle	12	12	12	12	12	8	6	4	2	1

## Annex 5 - Convictions Policy

	while unfit through drink										
<b>DR60</b>	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	12	12	12	12	12	8	6	4	2	1
<b>DR61</b>	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	12	12	12	12	12	8	6	4	2	1
<b>DR70</b>	Failure to provide a specimen for breath test	4	4	4	4	4	3	2	1	0	0
<b>DR80</b>	Driving or attempting to drive when unfit through drugs	12	12	12	12	12	8	6	4	2	1
<b>DR90</b>	In charge of a vehicle when unfit through drugs	12	12	12	12	12	8	6	4	2	1
<b>AC20</b>	Failing to give particulars or report an accident within 24 hours	12	12	12	12	12	8	6	4	2	1
<b>AC30</b>	Undefined accident offences	12	12	12	12	12	8	6	4	2	1
<b>IN10</b>	Using a vehicle uninsured against third party risks	8	7	6	5	4	3	2	1	0	0
<b>LC20</b>	Driving otherwise than in accordance with a licence	8	7	6	5	4	3	2	1	0	0
<b>MS50</b>	Motor racing on the highway	12	10	8	7	6	5	4	3	2	1
<b>MS90</b>	Failure to give information as to the identity of a driver etc.	6	5	4	3	2	1	0	0	0	0
<b>UT50</b>	Aggravated taking of a vehicle	12	12	12	6	4	3	2	1	0	0

# Annex 5 - Convictions Policy

## Level 2 - Convictions relating to Personal Health

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
<b>LC30</b>	Driving after making a false declaration about fitness when applying for a licence	12	12	12	12	8	6	4	2	1	0
<b>LC40</b>	Driving a vehicle having failed to notify a disability	12	12	12	12	8	6	4	2	1	0
<b>LC50</b>	Driving after a licence has been revoked or refused on medical grounds	12	12	12	12	8	6	4	2	1	0
<b>MS70</b>	Driving with uncorrected defective eyesight	12	12	12	12	8	6	4	2	1	0
<b>MS80</b>	Refusing to submit to an eye test	12	12	12	12	8	6	4	2	1	0

Please note - Where a licensed driver receives a conviction relating to personal health it will be regarded as a high risk to public safety and immediate suspension will be considered until all safety issues have been resolved and in any other case consideration should be given to revocation.

Where there is a second conviction relating to personal health or any failure to comply with any reasonable request from an authorised officer of the Council in respect of their enquiries into the matter, consideration should be given to the immediate suspension of the licence, its revocation, or a refusal to renew.

## Level 3 – Intermediate Road Traffic Offences – Speeding, careless driving, construction and use offences

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
<b>AC10</b>	Failing to stop after an accident	12	12	12	12	12	8	6	4	2	1
<b>BA10</b>	Driving while disqualified by order of court	12	12	12	12	12	8	6	4	2	1
<b>CU10</b>	Using a vehicle with defective brakes	3	3	3	3	2	1	0	0	0	0
<b>CU20</b>	Causing or likely to cause	3	3	3	3	2	1	0	0	0	0



## Annex 5 - Convictions Policy

	danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition										
<b>CU30</b>	Using a vehicle with defective tyre(s)	3	3	3	3	2	1	0	0	0	0
<b>CU40</b>	Using a vehicle with defective steering	3	3	3	3	2	1	0	0	0	0
<b>CU50</b>	Causing or likely to cause danger by reason of load or passengers	3	3	3	3	2	1	0	0	0	0
<b>CD10</b>	Driving without due care and attention	8	7	6	5	4	3	2	1	0	0
<b>CD20</b>	Driving without reasonable consideration for other road users	8	7	6	5	4	3	2	1	0	0
<b>CD30</b>	Driving without due care and attention or without reasonable consideration for other road users	8	7	6	5	4	3	2	1	0	0
<b>SP10</b>	Exceeding goods vehicle speed limits	6	6	6	6	5	4	3	2	1	0
<b>SP20</b>	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	6	6	6	6	5	4	3	2	1	0
<b>SP30</b>	Exceeding statutory speed limit on a public road	6	6	6	6	5	4	3	2	1	0
<b>SP40</b>	Exceeding passenger vehicle speed limit	6	6	6	6	5	4	3	2	1	0
<b>SP50</b>	Exceeding speed limit on a motorway	6	6	6	6	5	4	3	2	1	0

# Annex 5 - Convictions Policy

## Level 4 – Minor Road Traffic Offences – Motorway, pedestrian crossing, traffic direction and signs and miscellaneous offences

Years since conviction received (or part year)		1	2	3	4	5	6	7	8	9	10
Code	Offence	Number of Points (Points are doubled for a term of imprisonment)									
<b>MS10</b>	Leaving a vehicle in a dangerous position	3	3	3	3	2	1	0	0	0	0
<b>MS20</b>	Unlawful pillion riding	3	3	3	3	2	1	0	0	0	0
<b>MS30</b>	Play Street Offences	2	2	2	2	1	0	0	0	0	0
<b>MS60</b>	Offences not covered by other codes (as appropriate)										
<b>MW10</b>	Contravention of special roads regulations (excluding speed limits)	3	3	3	3	2	1	0	0	0	0
<b>PC10</b>	Undefined contravention of pedestrian crossing regulations	3	3	3	3	2	1	0	0	0	0
<b>PC20</b>	Contravention of pedestrian crossing regulations with moving vehicle	3	3	3	3	2	1	0	0	0	0
<b>PC30</b>	Contravention of pedestrian crossing regulations with stationary vehicle	3	3	3	3	2	1	0	0	0	0
<b>TS10</b>	Failing to comply with traffic light signals	3	3	3	3	2	1	0	0	0	0
<b>TS20</b>	Failing to comply with double white lines	3	3	3	3	2	1	0	0	0	0
<b>TS30</b>	Failing to comply with 'stop' sign	3	3	3	3	2	1	0	0	0	0
<b>TS40</b>	Failing to comply with direction of constable/warden	3	3	3	3	2	1	0	0	0	0
<b>TS50</b>	Failing to comply with traffic sign (excluding 'stop' signs)	3	3	3	3	2	1	0	0	0	0
<b>TS60</b>	Failing to comply with school crossing patrol sign	3	3	3	3	2	1	0	0	0	0
<b>TS70</b>	Undefined failure to comply with traffic directions sign	3	3	3	3	2	1	0	0	0	0

## 6. Totting Up

6.1 If the number of current points on the DVLA licence exceeds 12 points a new

## Annex 5 - Convictions Policy

application will be refused or a current licence suspended or revoked. A further application will not be approved until the DVLA licence demonstrates that the number of current points on the licence is below 12 points.

6.2 When disqualified from driving under the 'totting up' procedures, the licence will remain suspended until the driver has achieved a pass in 'driving skills' training with a nationally recognised and accredited driving assessment programme.

6.3 Where a licence shows 12 points or more but no disqualification was imposed because of 'exceptional hardship'; the requirement to undertake 'driving life skills' development and be successful will apply and must be achieved within 3 months of the Court decision or the licence will be suspended and not restored or renewed until successful in a 'driving life skills' programme with a nationally recognised and accredited driving assessment programme.

6.4 If there is a further period of disqualification the licence will be revoked and not considered for renewal for a minimum period of 12 months from the end of the disqualification period. Where there is a third period of disqualification the minimum period is 3 years. In both cases the licence will remain suspended and not restored or renewed until successful in a 'driving life skills' programme with a nationally recognised and accredited driving assessment programme.

### 7. Repeated convictions

7.1 Repeated convictions on a DVLA licence for the following offences or combination of offences will result in a licence being refused, suspended or revoked and not restored until the number of active occasions for those types of offence has reduced to one or less.

Code	Offence
CU10	Using a vehicle with defective brakes
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU80	Breach of requirement as to control of the vehicle, mobile telephone etc.
IN10	Using a vehicle uninsured against third party risks

### 8. Failure to report a disqualification

8.1 It may be that by the time the Council becomes aware of a disqualification, the period has passed and the driver is able to drive again. By being dishonest the intentions of the policy have been evaded.

8.2 In such circumstances the failure to report such a disqualification would normally result in the driver licence being suspended or revoked. The period of suspension or revocation would not normally be less than would have been effective if the disqualification had been properly reported to the Council.

## **Annex 5 - Convictions Policy**

8.3 A licence would not normally be granted or a suspension lifted until the completion of a 'driving life skills' training with a nationally recognised and accredited driving assessment programme.

8.4 Where false declarations have been made at the time of application or renewal these will be considered under the 'fit and proper' person assessment.

### **9. Immediate Suspension or revocation**

9.1 The Council will immediately suspend or revoke a licence if it considers it necessary to do so in the interests of public safety.

### **10. Police Bail**

10.1 The release of a driver on police bail for an alleged offence is likely to call into question whether the driver is a fit and proper person to hold such a licence and the Council will carry out an investigation as it would in the case of a conviction.

### **11. Police intelligence**

11.1 Any applicant or licence holder who in the view of the Police may be a threat to the public, can expect the Council to carry out a full investigation. This intelligence may be provided by the police or other agencies and may include circumstantial evidence.

### **12. Right of Appeal**

12.1 Any decision made by an officer of the Council can be appealed to the Licensing Committee

12.2 Anyone appearing before the Licensing Committee has a right to appeal its decision to the Magistrates Court.

12.3 Any such appeal must be made in writing and lodged with the Clerk of the Court within 21 days from the date of the decision/notification of the decision.

12.4 The address for appeals in this area is - Clerk of the Court, HMCS – Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.

**Implementation of the Policy** - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

## **Annex 5 - Convictions Policy**

# Annex 6 - Penalty Point Scheme

## 1. Introduction

1.1 The key consideration of the Council and the overriding objective in the licensing of hackney carriage and private hire vehicles, drivers and operators is the safety of the travelling public. The protection of the public; safeguarding children and vulnerable persons; and the prevention of crime are key factors of its Policy in relation to the licensing of hackney carriage and private hire vehicles, drivers, proprietors and operators.

1.2 The aim of the Penalty Point Scheme (the Scheme) is to work in conjunction with other enforcement measures to provide a stepped enforcement process for licence holders. It bridges the gap between the warning and suspension/revocation options provide by the legislation and creates a record of a licence holder's conduct thereby enabling the Council to make an informed decision as to whether a licence holder is a fit and proper person to hold a licence. The primary objective of the Scheme is to improve levels of compliance and standards within the trade to ensure the safety of the travelling public.

## 2. Relevant legislation

2.1 Hackney carriage and private hire licences are issued by the Council, pursuant to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. The 1976 Act prohibits the Council granting a licence to a person unless it is satisfied that the person is 'a fit and proper person'. Drivers, operators and vehicles are also subject to the Council's own licence conditions and policies.

2.2 There is an ongoing responsibility under the 1976 Act for the Council to ensure that licence holders continue to meet the 'fit and proper' test for the duration of the licence period and Sections 61 & 62 of the '1976 Act', gives the Council the power to suspend, revoke or to refuse to renew a driver or operator licence.

## 3. General Principles

1.2 The Scheme applies to all hackney carriage and private hire drivers and vehicle proprietors and operators.

2.2 Where an offence or breach of the rules is committed or alleged, or a complaint received, the investigation process set out in this document will be followed and may result in the issue of penalty points and/or other appropriate action.

2.3 The penalty point process will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation and regulations.

2.4 Points issued under this scheme will remain current for 12 months from the date they are issued. At the conclusion of a period of suspension 6 points will remain on your licence.

## Annex 6 - Penalty Point Scheme

2.5 The number of penalty points issued will be at the discretion of the investigating officer and in accordance with the penalty points' table.

**Please note – the failure to respond to an investigating officer's repeated attempts to make contact, in order to properly investigate a matter, may result in points being applied without having had the licence holder's input.**

2.6 The imposition of penalty points against a driver who is an employee will not necessarily result in the imposition of points to their employer. However points may be issued to one or more parties for a single contravention if the circumstances warrant such action being taken i.e. where there is joint responsibility for the contravention.

2.7 Licence Holders may see their penalty point record at any time. Vehicle proprietors and licensed operators may make a written request to view the penalty point record of their employees; any such request must give full reasons for the request. All such requests are subject to approval by the Licensing, Food & Safety Manager.

**Please note – In addition to penalty points licence holders may also receive points for convictions etc. under the Council's Convictions Policy. These points will be added to those given under this Scheme and where the total exceeds 12 in any one year the licence holder should expect consideration to be given to the suspension or revocation of their licence.**

### 3. Investigation and Committee Procedure

3.1 The Council will deal with all complaints or witnessed/alleged breaches of the legislation, licence conditions and/or policy as follows –

- a. On receipt of a complaint or where there is an alleged breach of the Council's conditions or other relevant statutory provisions, a member of the Licensing Team will assess whether they believe there is a case to answer.
- b. If it is considered there is a case to answer, a member of the Licensing Team will investigate the facts which may include interviewing the relevant individuals under caution.
- c. Upon completion of the investigation, penalty points may be applied. Notification that points have been given will be sent in writing to the licence holder and, where appropriate, a copy will be sent to their vehicle proprietor or operator within 7 days of the decision.
- d. If following completion of the investigation there are matters of significant concern and/or the number of points to be issued results in the accumulation of 12 or more points the matter will be reported to the Licensing, Food & Safety Manager (the Manager). Notification of the Manager's decision will be sent in

## Annex 6 - Penalty Point Scheme

writing to the licence holder and, where appropriate, a copy will be sent to their vehicle proprietor or operator within 7 days of the decision.

- e. Where a licence holder accumulates 12 or more points in a 12 month period the following **suspension periods** apply -
- 28 consecutive days for the first occasion of the accumulation of 12 or more points within a 12 month period.
  - 56 consecutive days for the second occasion of the accumulation of 12 or more points within a twelve month period.
  - Revocation for any third accumulation of 12 points within a twelve month period.
- f. There is a 21 day period in which to appeal the award of points and suspension/revocation of the licence. This period runs from the day after the date of the letter notifying of the award of penalty points or suspension/revocation. Appeals must be made in writing, within the appeal period, to [licensing.team@colchester.gov.uk](mailto:licensing.team@colchester.gov.uk) or by writing to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG.
- Please note - Appeals should only be made if you wish to dispute the evidence that resulted in the award of points or other enforcement action. If you committed the offence, points will be applied in accordance with the penalty points table. Any disputes regarding the number of penalty points applied will be referred to the Licensing Committee who, in addition to dismissing or upholding your appeal, have the discretion to award a greater number of points than displayed on the Penalty Point Table.**
- g. If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.
- h. There is a further right of appeal to the Magistrates Court only in cases of suspension/revocation of a licence; there is no further right of appeal in relation to the imposition of penalty points. Any such appeal must be made in writing, within 21 days from the date of the decision/notification of the decision, to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.
- i. Where an appeal has been made the implementation of any suspension or revocation will be held over until the determination of the appeal.

3.2 The Council may as part of its investigations into an alleged offence/complaint or similar matter request a Police National Computer check (PNC) from the Police to ensure that it has all the evidence necessary to properly investigate the matter; this evidence will be made available to the Committee to assist it in reaching its decision. This may mean that matters that formed part of a previous decision are reconsidered



## Annex 6 - Penalty Point Scheme

in the light of new evidence. On occasions this may result in a licence, previously granted, being revoked.

### Penalty Point Table

<p style="text-align: center;"><b>Town Police Clauses Act 1847</b></p> <p style="text-align: center;">Matters list below are direct contraventions of the legislation and may result in prosecution in addition to any points penalty incurred</p>					
No.	Offence/Breach of Conditions	Maximum Points applicable	Driver	Vehicle Owner	Operator
1	S40 - Giving false information on a hackney carriage licence application	6	x	x	-
2	S44 – Failure to notify the Council of a change of address on a hackney carriage licence 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	3 9	x	x	-
3	S45 – Plying for hire without a hackney carriage licence 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	9 12	x x	- -	- -
4	S47 – Driving a hackney carriage without a hackney carriage driver's licence	12	x	-	-
5	S47 - Lending or parting with a hackney carriage driver's licence.	9	x	-	-
6	S47 – Hackney carriage proprietor permitting or employing an unlicensed driver to drive a hackney carriage vehicle	12	x	x	-
7	S48 – Failure of a proprietor to retain in his/her possession	3	-	x	-

## Annex 6 - Penalty Point Scheme

	copies of any hackney carriage driver's licence that permits them to drive their vehicle				
<b>8</b>	S48 - Failure of a proprietor to produce on request by an authorised officer any hackney carriage driver's licence for whom he has permitted to drive his/her vehicle	3	-	x	-
<b>9</b>	S52 – Failure to display a hackney carriage plate	4	x	-	-
<b>10</b>	S53 – Refusal to take a fare without a reasonable excuse	4	x	-	-
<b>11</b>	S54 - Charging more than the agreed fare	6	x	-	-
<b>12</b>	S55 – Obtaining more than the legal fare (including failure to refund)	6	x	-	-
<b>13</b>	S56 – Travelling less than the lawful distance for an agreed fare	6	x	-	-
<b>14</b>	S57 – Failure to wait after a deposit has been paid	6	x	-	-
<b>15</b>	S58 – Charging more than the legal fare	6	x	-	-
<b>16</b>	S59 – Carrying persons other than with the consent of the hirer	6	x	-	-
<b>17</b>	S60 – Driving a hackney carriage without the proprietor's consent	12	x	-	-
<b>18</b>	S60 – Allowing a person to drive a hackney carriage without the proprietor's consent	12	x	-	-

## Annex 6 - Penalty Point Scheme

19	S62 – Driver leaving a hackney carriage unattended	4	x	-	-
20	S64 – Hackney carriage driver obstructing other hackney carriages	4	x	-	-
21	S68 – Breach of Byelaws	3-6	x	x	-

<b>Local Government (Miscellaneous Provisions) Act 1976</b>  Matters list below are direct contraventions of the legislation and may result in prosecution in addition to any points penalty incurred					
No.	Offence/Breach of Conditions	Maximum Points applicable	Driver	Vehicle Owner	Operator
22	S46 (1)(a) – A licensed driver using an unlicensed vehicle for private hire purposes	12	x	-	-
23	S46(1)(b) - Driving a private hire vehicle without a private hire driver's licence	12	x	-	-
24	S46(1)(c) - Proprietor of a private hire vehicle permitting or employing an unlicensed driver to drive a private hire vehicle	12	-	x	-
25	S46(1)(d) - Operating a private hire vehicle without a private hire operators' licence	9	-	-	x
26	S46(1)(e) - Operating an unlicensed vehicle as a private hire vehicle	12	x	x	x
27	S46(1)(e) - Operating a private hire vehicle when the driver is not licensed as a private hire driver	12	x	x	x

## Annex 6 - Penalty Point Scheme

<b>28</b>	S48(6) - Failure to display a private hire vehicle plate.	4	x	x	x
<b>29</b>	S49 – Failure to notify the transfer of a vehicle licence	3	-	x	x
<b>30</b>	S50(1) - Failure to present a hackney carriage or private hire vehicle for inspection upon request	6	-	x	-
<b>31</b>	S50(2) - Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested	3	-	x	-
<b>32</b>	S50(3) - Failure to report an accident to the Council within seventy two hours	6	x	x	-
<b>33</b>	S50(4) - Failure to produce the vehicle and/or insurance upon request	6	x	x	-
<b>34</b>	S53(3) Failure to produce a driver's licence upon request	6	x	-	-
<b>35</b>	S54(2) Failure to wear a private hire driver's badge	3	x	-	-
<b>36</b>	S56(2) - Failure of a private hire operator to keep proper records of all bookings, or failure to produce them upon request of an authorised officer of the Council or a police officer within reasonable time / or time specified	4	-	-	x
<b>37</b>	S56(3) - Failure of a private hire operator to keep proper records of all private hire vehicle licenses and driver licenses, or failure to produce them on request of an	4	-	-	x

## Annex 6 - Penalty Point Scheme

	authorised officer of the Council or a police officer within reasonable time / or time specified				
<b>38</b>	S56(4) - Failure of a private hire operator to produce his licence upon request	4	-	-	x
<b>39</b>	S57 - Making a false statement or withholding information to obtain a hackney carriage/private hire driver's	12	x	-	-
<b>40</b>	S58(2) - Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence	6	-	x	-
<b>41</b>	S61(2) - Failure to surrender a driver's licence or badge on or after suspension, revocation, or refusal to renew	6	x	-	-
<b>42</b>	S64 - Permitting a private hire vehicle to wait on a hackney carriage rank	6	x	-	-
<b>43</b>	S66 - Hackney Carriage charging more than the meter fare for a journey ending outside the District, without prior agreement	8	x	-	-
<b>44</b>	S67 - Hackney Carriage charging more than the meter fare when a hackney carriage is used as a private hire vehicle	8	x	-	-
<b>45</b>	S69 - Unnecessarily prolonging a journey	8	x	-	-
<b>46</b>	S71 - Interfering with a private hire taxi-meter with intent to mislead	12	x	x	-

## Annex 6 - Penalty Point Scheme

<b>47</b>	S73(1)(a) - Obstruction of an authorised officer of the Council or a police officer	6	x	x	x
<b>48</b>	S73(1)(b) - Failure to comply with a requirement of an authorised officer of the Council or a police officer	6	x	x	x
<b>49</b>	S73(1)(c) - Failure to give information or assistance to an authorised officer of the Council or police officer	6	x	x	x

## Annex 6 - Penalty Point Scheme

Licensing Policy					
No.	Offence/Breach of Conditions	Maximum Points applicable	Driver	Vehicle Owner	Operator
50	Failure to ensure the safety of passengers	12	x	x	x
51	Concealing or defacing a vehicle licence plate	6	x	x	x
52	Failure to attend or attend on time for a pre- arranged appointment at the request of the Council without reasonable cause	4	x	x	x
53	Conveying a greater number of passengers than permitted	6	x	-	-
54	Failure to give reasonable assistance with passengers luggage	3	x	-	-
55	Private Hire soliciting for hire or accepting a fare that is not pre-booked	6	x	-	-
56	Operating/using a vehicle that is not properly maintained internally /externally 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6 12	x	x	x
58	Driving without the consent of the proprietor	12	x	-	-
59	Drinking or eating in the vehicle whilst carrying passengers	3	x	-	-
60	Smoking in the vehicle at any time 1 <sup>st</sup> offence 2 <sup>nd</sup> offence 3 <sup>rd</sup> offence	3 + FPN 12 + FPN 12 + P	x	-	-

## Annex 6 - Penalty Point Scheme

<b>61</b>	Causing excessive noise from any radio or sound-reproducing equipment which annoys anyone either in or outside the vehicle	3	x	-	-
<b>62</b>	Playing of a music radio or other sound producing equipment without the express permission of the passenger(s)	3	x	-	-
<b>63</b>	Sounding the horn to signal that the vehicle has arrived and so causing a potential disturbance	3	x	-	-
<b>64</b>	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand	6	x	-	-
<b>65</b>	Parking a hackney carriage vehicle or private hire vehicle illegally so as to cause an obstruction to other road users	4	x	-	-
<b>66</b>	Using a non-hands free mobile telephone whilst driving / engine running 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6 + FPN 12 + FPN	x	-	-
<b>67</b>	Failure to advise of a relevant medical condition	12	x	-	-
<b>68</b>	Failure to provide a receipt for a fare when requested	3	x	-	-
<b>69</b>	Failure to operate the meter from the commencement of the journey and /or charging more than the fixed charge for hire of a hackney carriage	8	x	x	-
<b>70</b>	Failure to notify the Council of relevant change to licence	3	x	x	x



## Annex 6 - Penalty Point Scheme

	details within the time specified in the associated licence conditions				
<b>71</b>	Failure to produce a hackney carriage or private hire licence upon request	3	x	x	x
<b>72</b>	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment	3	x	-	-
<b>73</b>	Failure of a private hire operator to request and keep a copy all driver's licence in his employ at the beginning of employment	3	-	-	x
<b>74</b>	Failure of a licence holder to disclose convictions within 7 days of the conviction	12	x	x	x
<b>75</b>	Carrying any animal other than a guide, hearing or other prescribed assistance dog or those owned by bone-fide fare paying passengers	6	x	-	-
<b>76</b>	Failing to deal with lost property in an appropriate manner 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6 12	x	-	-
<b>77</b>	Failure to report an accident within 72 hours	6	x	-	-
<b>78</b>	Failure to comply with requirements for the safe carrying of a wheelchair	6	x	x	-
<b>79</b>	Operating a vehicle that does not comply with the Council's licensing policy or relevant legislation where such a breach of policy/legislation is not otherwise specified herein	3-12	-	x	x

## Annex 6 - Penalty Point Scheme

<b>80</b>	A Private Hire driver using a Hackney Carriage vehicle without a Hackney Carriage driver licence	12	x	-	-
<b>81</b>	Failure to carry and/or maintain an approved operational fire extinguisher, where fitted	3	x	x	-
<b>82</b>	Modifying a licensed vehicle without the consent of the Council	6-12	-	x	x
<b>83</b>	Failure to display or maintain external plates as issued by the Council or displaying them incorrectly	4	x	x	-
<b>84</b>	Affixing or displaying a roof sign on a private hire vehicle or failure to affix a roof sign to a Hackney Carriage Vehicle	4	x	x	-
<b>85</b>	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Council	6	-	x	x
<b>86</b>	Using a taxi-meter that does not conform to Council requirements	6	x	x	x
<b>87</b>	Using a licensed vehicle with no insurance or inadequate insurance for the vehicle	12	-	x	x
<b>88</b>	Permitting the vehicle to be used for any illegal or immoral purposes	12	x	x	x
<b>89</b>	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times	3	-	-	x
<b>90</b>	Failure of a private hire				

## Annex 6 - Penalty Point Scheme

	operator to keep the operating premises in accordance with Council requirements	3	-	-	x
<b>91</b>	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured	4	-	-	x
<b>92</b>	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access	6	-	-	x
<b>93</b>	Driving or allowing a hackney carriage vehicle to be driven with tinted windows which do not conform to licence conditions	3	x	x	-
<b>94</b>	Driving or allowing a hackney carriage or private hire vehicle to be driven without displaying the door signs or attaching the signs other than in accordance with the Council's Policy	3	x	x	x
<b>95</b>	Allowing a hackney carriage vehicle to be driven with a top sign that is in breach of the licence conditions	3	-	x	-
<b>96</b>	Illegal ranking	6	x	-	-
<b>97</b>	Failure to comply with Council Livery	6	x	x	x
<b>98</b>	Smoking or allowing smoking in an operator's premises 1 <sup>st</sup> offence 2 <sup>nd</sup> offence	6 12	- -	- -	x x
<b>99</b>	Driver allowing a customer to smoke in a licensed vehicle	6	x	-	-

## Annex 6 - Penalty Point Scheme

<b>100</b>	Failure to carry an assistance dog without an exemption certificate	12	x	x	x
<b>101</b>	Failing to conform to statutory road signs	4	x	-	-
<b>102</b>	Illegal or inappropriate parking such as to cause an obstruction to pedestrians and /or other road users	4	x	-	-
<b>103</b>	Failing to accept travel tokens for a legitimate journey	3	x	x	x
<b>104</b>	Unacceptable standard of driving, witnessed by authorised officer or police officer	6	x	-	-
<b>105</b>	Late application for the renewal of a licence	6	x	x	x
<b>106</b>	Failure to display internal licence plates	4	x	x	x
<b>107</b>	Failure to produce the tariff or advise of charges when requested by the hirer	3	x	x	x
<b>108</b>	Unsatisfactory appearance of the driver or not conforming to the dress code	4	x	-	-
<b>109</b>	Providing false or misleading information on a licence application form, or failing to provide relevant information	6	x	x	x
<b>110</b>	Failure of private hire operator / driver to honour a booking without a reasonable excuse	6	-	-	x
<b>110</b>	Dropping off or picking up a fare in an inappropriate place such as to cause an obstruction or nuisance to other road users	4	x	-	-

## Annex 6 - Penalty Point Scheme

111	Failure to carry plate exemption notice in the vehicle	6	x	-	-
112	Failure to notify the Council of having being arrested, cautioned or charged for an offence or being the subject of a criminal investigation within 7 days of the said action	6	x	x	x
113	Failure to comply with the Highway Code	6	x	-	-
114	Failure to have a valid MOT	6	x	x	x

FPN – Fixed Penalty Notice

P – Prosecution

**Implementation of the Scheme** - The Scheme will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Scheme may be made without consultation.

# Appendix 1 - CCTV Policy

## Introduction

1.1 The Council recognises that licensed drivers are a valuable asset to the Borough and drivers' safety and health is a key concern. This concern must be considered alongside the overriding objective in the licensing of hackney carriage and private hire vehicles, drivers and operators of the safety of the travelling public.

1.2 In considering the installation of CCTV in licensed vehicles, the Council has had regard to the number and nature of complaints made by the public in relation to licensed drivers and to recent high profile cases which have highlighted not only the vulnerability of passengers to wrong doing but also the vulnerability of drivers to unfounded allegations. There are often significant difficulties in investigating such complaints, to the satisfaction of all parties, because of the lack of an independent witness.

1.3 The Council has determined that with effect from 1 January 2019 all newly licensed vehicles should be fitted with CCTV and existing vehicles must be fitted with CCTV within a year of the renewal of their licence. This is in order to address the objectives set out above, and for the following reasons -

- To enable drivers to protect themselves against allegations of misconduct.
- To help identify culprits in where problems have occurred.
- Deterring and preventing the occurrence of crime
- Reducing the fear of crime
- To assist the Council and Police in investigating incidents of crime
- To assist insurance companies in relation to motoring claims.

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## General principles

2.1 For the purposes of this document the term "CCTV system" includes any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events, incident, and accident data recording devices.

2.2 Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this Policy.

2.4 CCTV systems installed in hackney carriage and private hire vehicles will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

2.5 The installation and operation of CCTV must comply with the requirements of the [Information Commissioner's CCTV Code of Practice](#).

# Appendix 1 - CCTV Policy

2.6 All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

2.7 All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

2.8 All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

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## System Specification And Operation

3.1 The following are the minimum criteria that the Council expects for a CCTV system.

- Meets the current Information Commissioner's data protection requirements [Information Commissioner's CCTV Code of Practice](#)
- Capable of date and time stamping.
- Capable of recording and storing images and sound for a minimum of 28 days.
- Capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person travelling in a vehicle and be of such quality that they can be used for prosecution purposes.
- Be capable of storing images and sound in a manner which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle; the images and sound to be capable of being downloaded by a system administrator only.
- Digitally encrypted and the de-encryption software required to view the images must be supplied to the Council free of charge before the system is installed in the vehicle.
- The area recorded by the camera must not extend outside of the vehicle.
- The system must be marked with the Electro Magnetic Certification indicating it meets the European Industry Standard.
- Must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.

# Appendix 1 - CCTV Policy

## Installation

4.1 All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.

4.2 The installed CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

4.3 All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

4.4 All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

4.5 Equipment must not obscure the view of the road through the windscreen (Motor Vehicle (Construction and Use) Regulations, 1986).

4.6 Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

4.7 Viewing screens within the vehicle for the purposes of viewing captured images are not permitted.

4.8 All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.

4.9 If more than one camera is being installed their location within the vehicle must be specific for purpose i.e. to provide a safer environment for the benefit of the hackney carriage/private hire driver and passengers.

4.10 All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

4.11 All system components requiring calibration in situ should be easily accessible.

## CCTV Activation

5.1 CCTV should be activated as soon as the period of hire commences.

Please note - A direct wired link to the vehicle's taximeter will not be acceptable.



# Appendix 1 - CCTV Policy

## Audio Recording

6.1 The CCTV system used must record sound. This view has been formed having regard to the problems of investigating the large number and variety of complaints that the Council receives in relation to licensed drivers and their customers. In order to fully investigate matters, in particular when a large percentage of cases involve one person's word against another, evidence provided by CCTV is considered to be invaluable in enabling the Council to reach an informed decision and appropriate outcome for all parties concerned.

## Security

7.1 Data captured must remain secure at all times and protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen ( [Information Commissioner's CCTV Code of Practice](#) ).

## Retention of data

8.1 The CCTV equipment selected for installation must have the capability of retaining data either within its own secure, encrypted hard drive; using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card; or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signaling to a secure server within the service provider's monitoring centre.

8.2 Data must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle. CCTV equipment selected for installation must include an automatic overwriting function, so that data is only retained within the installed system storage device for a maximum period of 28 days from the date of capture. Where a service provider is used to store data on a secure server, the specified retention period must also only be for a maximum period of 28 days from the date of capture.

## Use of recorded data

9.1 Any images and audio recordings must only be used for the purposes as set out in the Policy at Paragraph 1.3.

9.2 Requests to view captured images and/or sound recording may be submitted in writing by the Police or other statutory law enforcement agencies; the Council; insurance companies/brokers/loss adjusters; or exceptionally other appropriate bodies using a standard template request form or signed statement; any such requests must set out the reasons why the disclosure is required.

# Appendix 1 - CCTV Policy

9.3 Members of the public may also make a request for the disclosure of images and sound recording but only where they have been the subject of a recording. This is known as a 'Subject Access request'. Such requests must only be accepted where they are in writing and include sufficient proof of identity (which may include a photograph to confirm they are in fact the person in the recording). A fee may be charged for a subject access request (currently a maximum of £10). More guidance on handling Subject Access requests can be found in the ICO's Subject Access Request Code of Practice, which is available on their website.

## Signage

10.1 All licensed vehicles fitted with a CCTV system must display a sign in a prominent position stating that the vehicle carries CCTV. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt necessary or appropriate. The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle

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## Conditions

11.1 The following conditions will be attached to the vehicle licence –

- No CCTV system, including the installation of cameras, shall be installed in a vehicle unless previously approved in writing by the Council.
- No change shall be made to the CCTV system, including the number and location of cameras, without the prior written consent of the Council.
- A sign must be displayed in at least one prominent position stating that the vehicle carries CCTV. The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle. Signs must be maintained in a clean and legible condition.
- The proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written record of maintenance and service shall be kept and made available on request to an authorised officer of the Council or the Police.
- Upon request for CCTV footage/audio recording made by an officer of the Council or Police Officer, the proprietor shall ensure that the CCTV system is

## Appendix 1 - CCTV Policy

made available to the system administrator as soon as is reasonably practicable and in any event within 7days.

- The proprietor of the vehicle shall take all reasonable steps to ensure that the driver of the vehicle is made aware of every condition in relation to the CCTV system installed in that vehicle and has been given adequate instruction in its use and the requirements in relation to image retrieval.
- The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

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**Implementation of the Policy** - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

# Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate

## Introduction

1.1. The aim of this policy is to set out how the Council will exercise its discretionary powers to allow 'executive type vehicles' to operate without displaying external licence plates.

1.2 The Local Government (Miscellaneous Provisions) Act 1976 (the Act) requires identification plates to be displayed on licensed private hire vehicles. The display of such plates indicates to the public that the vehicle has been properly licensed.

1.3 There are occasions when the requirement to display external identification plates may adversely affect customer safety by allowing the vehicle to be more readily identified. The display of plates may also on occasion have a detrimental commercial impact on the business by deterring some corporate customers from using the service.

1.4 The Act enables the Council to exercise discretion and issue a dispensation from displaying the identification plate on a licensed private hire vehicle and, where that exemption applies, the requirement for the driver to wear a private hire driver's badge. There is however no 'right' to a plate exemption.

1.5 The Council will only exercise its discretionary powers where it is satisfied that there is a genuine operational business need and where it is certain that the safety of the public will not be compromised as a result.

1.6 The Council may issue a temporary or general plate exemption. A temporary exemption may be issued for a period of time not exceeding one week. A general exemption lasts for the duration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked.

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## Application process

2.1 The following process must be followed –

- An application for an exemption must be made in writing by the vehicle proprietor to [licensing.team@colchester.gov.uk](mailto:licensing.team@colchester.gov.uk) or to the Licensing, Food

## Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate

& Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG (add details)

- The reason for the exemption must be clearly set out.
- Any supporting evidence should be submitted with the application, this includes written evidence of bookings/contract work.
- The application must be accompanied by the relevant, non-refundable, fee.

**Please note** - An application can only be made in respect of individual vehicles. Applications relating to a fleet of vehicles are not permitted.

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### Determination of Application

The Council will deal with applications as follows –

- 3.1 The application will be assessed on its own merits by a member of the Licensing Team and any points clarified with the applicant.
- 3.2 The vehicle will be inspected to ensure it is fit for purpose and the Officer will assess whether or not there is a genuine operational business need and whether or not the vehicle is considered to meet the following criteria -
  - Work undertaken is exclusively "chauffeured" in nature and there is written evidence to prove such bookings. 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.
  - The safety of the travelling public will not be compromised by the exemption.
- 3.3 If the Council is satisfied that there is a genuine operational business need and the vehicle is considered to meet the criteria it will issue either –

## Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate

- A temporary exemption - a plate exemption notice for a specific licensed private hire vehicle to exempt it from displaying an identification plate on a specified date for a period of time not exceeding one week.
  - A general exemption – a plate exemption notice for a specific licensed private hire vehicle to exempt it from displaying an identification plate for the duration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked.
- 3.4 In the event of an applicant being dissatisfied with the decision they may in the first instance appeal to the Licensing Manager. Appeals must be made in writing to [licensing.team@colchester.gov.uk](mailto:licensing.team@colchester.gov.uk) or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of the decision. The Manager will review the case file and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
- 3.5 There is a further right of appeal to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing to [licensing.team@colchester.gov.uk](mailto:licensing.team@colchester.gov.uk) or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of the decision.
- 3.6 If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.
- 3.7 If the Licensing Committee is satisfied that the criteria for a plate exemption are met the plate exemption notice will be issued for the specified vehicle. The Licensing 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.
- 3.8 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.
-

## **Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate**

### **Conditions attached to the Notice**

4.1 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.

4.2 The exemption notice must be renewed annually. Documentation to confirm that the exemption notice is still necessary must be supplied at the time of the renewal.

4.3 All vehicles must comply with the Council's Driver and Private Hire Vehicle conditions except where to do so would conflict with the requirements of this policy.

4.4 The identification plate and exemption notice provided by the Council shall remain the property of the Council.

4.5 The exemption notice must be carried in the vehicle at all times and produced upon request to an authorised officer of the Council or any Police Officer.

4.6 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.

4.7 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.

4.8 During the period of the exemption notice, the driver is not required to wear the private hire driver's identification badge but must have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.

4.9 Before any journey covered by the exemption notice, the hirer must be advised that the vehicle dispatched to collect them will not be displaying the identification plate or any other Council approved notices etc.

## **Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate**

4.10 The proprietor must within 48 hours notify the Council of any change in the use of the vehicle.

4.11 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) unless it is plated.

4.12 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 must be returned.

4.13 A taximeter must not be installed in the vehicle.

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**Implementation of the Policy** - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.



# **Appendix 3 – Horse Drawn Carriages – Licensing and Conditions**

## **Introduction**

1.1. The aim of this policy is to set out how the Council will exercise its powers in the licensing of Horse drawn carriages and the conditions to be applied. No Horse drawn carriage may be used without a licence issued by this Council.

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## **Application process**

The following process must be followed –

2.1 An application for a licence for a horse drawn carriage must be made to the Licensing Team in writing to [licensing.team@colchester.gov.uk](mailto:licensing.team@colchester.gov.uk) or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG.

2.2 Any supporting evidence should be submitted with the application.

2.3 The application must be accompanied by the relevant, non-refundable, fee.

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## **Determination of Application**

The Council will deal with applications as follows –

3.1 The application will be assessed by a member of the Licensing Team and any points clarified with the applicant.

3.2 The Officer will assess whether the criteria set out in this Policy are met.

3.3 If the Council is satisfied that all the requirements have been met a licence will be issued.

3.4 In the event of an applicant being dissatisfied with the decision they may in the first instance appeal to the Licensing Manager. Appeals must be made in writing to [licensing.team@colchester.gov.uk](mailto:licensing.team@colchester.gov.uk) or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of the decision. The Manager will review the

## **Appendix 3 – Horse Drawn Carriages – Licensing and Conditions**

case file and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.

3.5 There is a further right of appeal to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing to [licensing.team@colchester.gov.uk](mailto:licensing.team@colchester.gov.uk) or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of the decision.

3.6 If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.

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### **Criteria for Licensing**

4.1 The horse used to draw the carriage must not be less than 14.2 hands in height and shall be of a suitable conformation.

4.2 Details of all the horses to be used for the purposes of the licence must be lodged with the Council and all the horses must be individually identifiable by freeze brand, microchip or by using a marking chart.

4.3 A Certificate of Fitness, issued by an Equine Veterinary, must be produced for each horse to be used for the purposes of this Licence. The Certificate of Fitness may take the form of a letter written by the Vet and must have been issued within 28 days of the proposed grant of any licence or its renewal.

4.4 The applicant is deemed to be a properly qualified, 'fit and proper' person to hold such a licence.

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### **Conditions attached to the Grant of a Licence**

5.1 The driver of the carriage must be licensed by the Council and fully qualified to drive any carriage of the type in use.

## Appendix 3 – Horse Drawn Carriages – Licensing and Conditions

- 5.2 All drivers must comply with the relevant requirements contained within the Council's Hackney Carriage and Private Hire Driver Conditions except where to do so would conflict with the requirements of this policy.
- 5.3 No horse may be permitted to work in inclement weather, except in the case of a short summer downpour.
- 5.4 At all times when drawing the carriage, the Horse must be well groomed, properly shod and fit.
- 5.5 Any horse shall be taken out of use immediately if any Police Officer, RSPCA Inspector or Authorised Officer of the Council have reason to suspect that it is unfit. It must remain so until it has been examined and found fit by an Equine Veterinary, the cost of such examination being borne by the licensee. Written confirmation that it is fit to work must be supplied to the Council.
- 5.6 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.
- 5.7 Details of the hours worked by the horse and the rest periods must be recorded in a log which shall be made available on request to an authorised officer of the Council, Police office, Veterinary appointed by the Council or RSPCA Inspector.
- 5.8 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 and if it has been so used it cannot be further used in the course of that day for any other purpose.
- 5.9 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.
- 5.10 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.
- 5.11 The carriage must be suitable in type, size and design for the purposes of public hire and must be fitted with rubber rimmed wheels.

## **Appendix 3 – Horse Drawn Carriages – Licensing and Conditions**

- 5.12 The carriage must display the Council's identification plate upon the rear of the carriage, such plate must not to be concealed from public view.
- 5.13 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.
- 5.14 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.
- 5.15 The Council shall be notified of any proposed alteration to any part of the carriage before such alteration is carried out.
- 5.16 The carriage shall be fitted with a sufficient drag-chain and slipper or other sufficient brake.
- 5.17 The floor of the carriage shall be covered with mats of a suitable material.
- 5.18 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.
- 5.19 Where the carriage is fitted with a roof or means of protection against the weather, such roof or means of protection must be watertight and there must be a means of opening and closing any windows fitted.
- 5.20 The proprietor or driver of the carriage must keep all of its fittings and equipment in a clean and safe condition, well maintained and in every way fit for public service.
- 5.21 The proprietor or driver of the carriage must 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.
- 5.22 In addition to a fully paid up policy of Insurance in respect of Hire and Reward, insurance relating to public liability must 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. Such Insurance must 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.
- 5.23 The proprietor or driver of the carriage must not, in any street within the Borough, feed or allow to be fed any animal whilst harnessed or otherwise

## Appendix 3 – Horse Drawn Carriages – Licensing and Conditions

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.

- 5.24 The proprietor or driver of the carriage must 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.
  - 5.25 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 is reasonably practicable, after the excrement has been deposited.
  - 5.26 The proprietor or driver of a carriage must display clearly the charges for the journey and ensure that the schedule of charges is legible at all times.
  - 5.27 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.
  - 5.28 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.
  - 5.29 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.
  - 5.30 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.
  - 5.31 The Council shall give 21 days' notice of their intention to revoke or suspend a Licence.
  - 5.32 In the event that the Licence holder wishes to appeal against the Council's intention to revoke or suspend a licence they may, within 21 days from the date of the Council's letter, appeal in writing to the Licensing Manager by writing to the [licensing.team@colchester.gov.uk](mailto:licensing.team@colchester.gov.uk) or to the Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG .
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## **Appendix 3 – Horse Drawn Carriages – Licensing and Conditions**

**Implementation of the Policy** - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

# **Appendix 4 – Stretched Limousines, Vintage/Classic Vehicles and Fire Engines – Licensing and Conditions**

## **Introduction**

1.1. 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

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## **General Conditions**

2.1 Seating capacity must be limited to eight passengers even if the vehicle is capable of carrying more than eight passengers.

2.2 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.

2.3 No passengers will be carried in the front compartment

2.4 Every seat shall be at least 400mm in width measured along the seat base.

2.5 Every seat shall have fitted a suitable seat belt or restraint.

2.6 It is the driver's responsibility to ensure that passengers use seat belts provided when the vehicle is moving.

2.7 Passengers must remain seated when the vehicle is moving.

2.8 Children under the age of 14 years shall not be carried in a stretched limousine unless accompanied by a responsible adult, excluding the driver.

2.9 No alcohol shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of same.

# **Appendix 4 – Stretched Limousines, Vintage/Classic Vehicles and Fire Engines – Licensing and Conditions**

## **Vehicle Conditions**

- 2.1 A valid SVA (single vehicle approval) certificate must be provided for the vehicle.
  - 2.2 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.
  - 2.3 A DVLA V5 or equivalent shall be produced to confirm registration. A plate affixed to the door pillar shall confirm the weight of the vehicle.
  - 2.4 The vehicle shall be equipped with a minimum of four road wheels and a full sized spare wheel.
  - 2.5 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.
  - 2.6 Seat belts must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.
  - 2.7 Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.
  - 2.8 A stretch limousine will be subject to a twice yearly vehicle inspection, at intervals to be specified by the Council, at an authorised testing station. A third test may be required, if deemed appropriate.
- 

## **Vintage/Classic Cars**

These conditions apply in addition to the Council's standard vehicle conditions –

- 3.1 A Single Vehicle Approval (SVA) certificate or equivalent for the vehicle is to be submitted.
- 3.2 Seat belts complying with current legislation must be fitted in respect of each passenger seat.



## **Appendix 4 – Stretched Limousines, Vintage/Classic Vehicles and Fire Engines – Licensing and Conditions**

3.3 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.

3.4 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.

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### **Fire Engines/Novelty Engines**

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-

4.1 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.

4.2 The driver shall hold a full driving licence suitable for the vehicle concerned.

4.3 Seating capacity must be limited to eight passengers even if the vehicle is capable of carrying more than eight passengers.

4.4 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.

4.5 Children under the age of 14 years shall not be carried in the vehicle unless accompanied by a responsible adult, excluding the driver.

4.6 Suitable steps will be carried on the vehicle to assist access and egress from the passenger compartment.

4.7 All passengers must enter or leave the vehicle by the passenger doorway adjacent to the pavement.

## **Appendix 4 – Stretched Limousines, Vintage/Classic Vehicles and Fire Engines – Licensing and Conditions**

4.8 Seating is to be secured anchored to the floor and seatbelts complying with current legislation must be fitted in respect of each passenger seat.

4.9 Suitable signage shall be displayed in the passenger compartment advising passengers to wear seat belts.

4.10 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.

4.11 The floor area of the vehicle must be kept unobstructed at all times.

4.12 All external lockers on utility vehicles must be kept locked at all times.

4.13 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.

4.14 No alcohol shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of same.

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**Implementation of the Policy** - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

# Appendix 5 – Hackney Carriage Plate Allocation Policy and Process

## Introduction

1.1. This policy sets out the Council's proposed approach to the allocation and reallocation of Hackney Carriage Plates.

1.2 In line with legislative requirements an unmet demand survey was carried out in 2015 to review the number of hackney carriage vehicle plates to be available in the Borough of Colchester. The current limit is set at 131 plates. This is unlikely to change until an unmet demand survey highlights the need to add numbers or until the limit is removed by legislation.

1.3 The overall objective of the policy is to enable the Council to allocate or reallocate a hackney carriage plate in a fair and open manner, should a plate become available.

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## Eligibility

2.1 In order to qualify for the allocation process the following eligibility criteria must be met:

- The applicant must not already hold a hackney carriage plate.
- The applicant must not have had a licence suspended or revoked during a five year period immediately prior to the start of the process.
- The applicant must be compliant with all conditions within the Council's current policy and have not received penalty points within one year prior to the start of the process.

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## Vehicle Specification

3.1 The vehicle must be compliant with the Council's vehicle conditions for a hackney carriage licence.

3.2 The vehicle must be adapted for wheelchair/disabled accessibility.

## Appendix 5 – Hackney Carriage Plate Allocation Policy and Process

- 3.3 The vehicle must meet the Council's current policy in terms of age and specification at first registration.
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### Process

- 4.1 All persons who have indicated an interest will be notified of a plate becoming available and the relevant process. A public notice will be placed in a local newspaper and on the Colchester Borough Council website. This will detail the process and indicate a closing date for registration to apply and be entered in a randomly generated draw.
- 4.2 Those who apply and meet the relevant criteria detailed above will be entered into a draw that will consist of an excel based programme to randomly pick an applicant.
- 4.3 To avoid any ambiguity the draw will be carried out at a meeting of the Licensing Sub-Committee at a specified date and time.
- 4.4 The number of draws will depend on the number of plates available.
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### Timescales

- 5.1 The Licensing Team will notify the successful applicant within one week of the draw.
- 5.2 The successful applicant will need to carry out the full application process within 28 days of the notification. Failure to do so will result in another draw being held at the next Licensing Sub-Committee meeting.
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### Conditions

- 6.1 The plate that is newly re-issued cannot be sold or transferred for a period of five years from issue.

## Appendix 5 – Hackney Carriage Plate Allocation Policy and Process

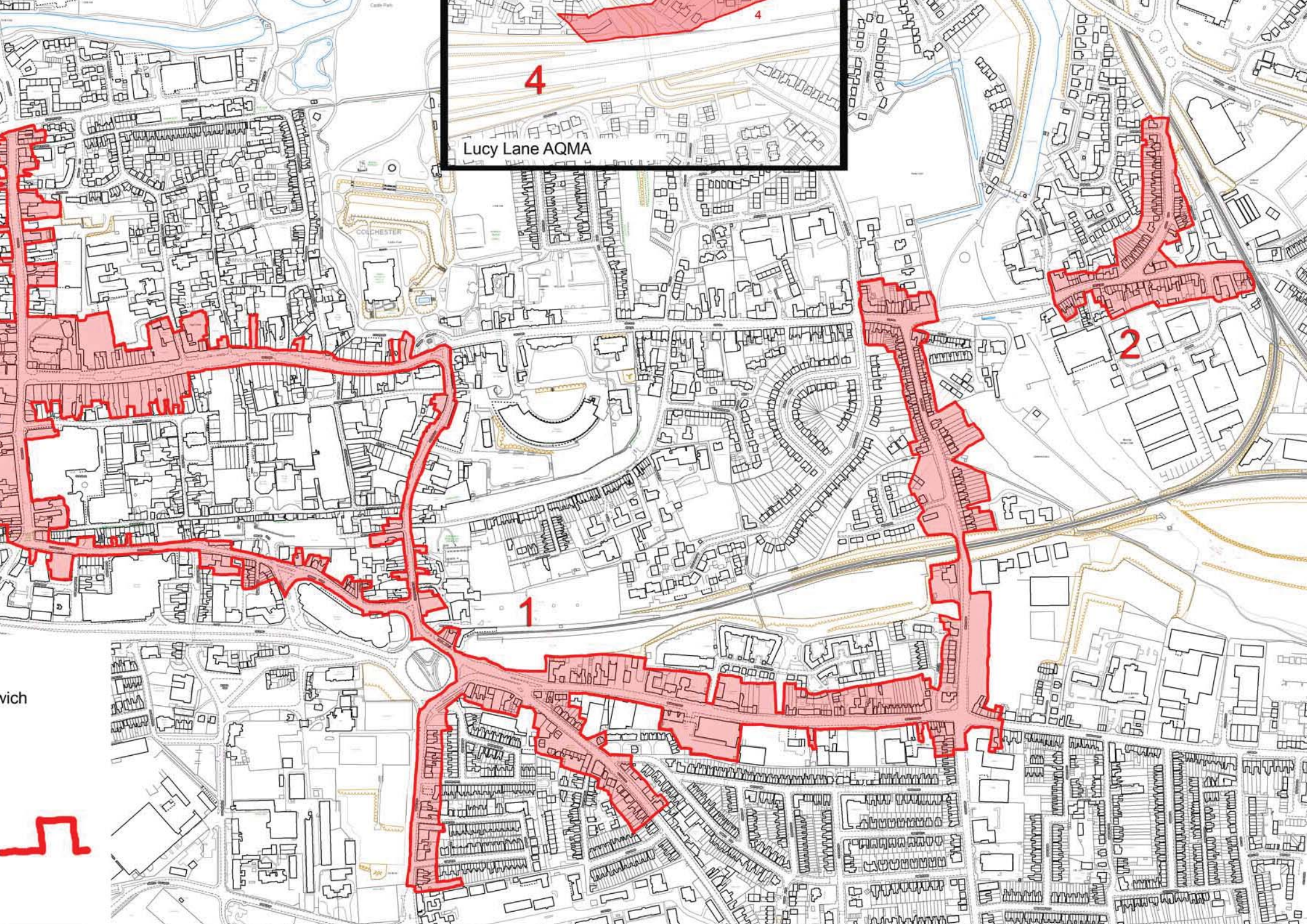
- 6.2 Should the successful applicant be an existing hackney carriage plate holder, they will not be allowed to sell or transfer any existing plate for a period of five years.
- 6.3 The outcome of the draw is final.
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### Declaration

- 7.1 Any new driver wishing to register an interest in the allocation process will be required to complete a statutory declaration confirming that they meet the requirements of this policy.
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**Implementation of the Policy** - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.





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