

## ESSENTIAL REFERENCE PAPER 'D'

### East Herts District Council

### Taxi Licensing Policy 2011

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## **INTRODUCTION**

### **Background**

East Herts Council has introduced this taxi licensing policy, with revised licence conditions, and revised application and administration procedures, to explain and update taxi licensing procedures and requirements.

This policy was written with regard to best practice guidance from the Department for Transport.

### **Objectives**

Taxis are part of the integrated transport system. They provide safe, secure, convenient and comfortable transport, on-request, and door to door.

Taxi availability benefits the public, especially those with mobility difficulties, particularly where public transport is less available.

This policy will contribute to the objective;

**‘Promoting prosperity and well-being; providing access and opportunities.**

***To enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.’***

by regulating the hackney carriage and private hire trade. East Herts Council encourages professional and responsible taxi businesses, which service public need.

The conditions and procedures in this policy have been considered, to balance the burden of each against the benefit to the public.

East Herts Council is justifiably proud of the very high standard of appearance and performance of the current set of drivers, and the fleet of hackney carriages and private hire vehicles. This policy seeks to reinforce the existing high standards for all current and new taxi drivers, and vehicles to maintain the existing very low rate of refusals, suspensions, revocations and prosecutions.

### **Best Practice Guidance**

This policy was written with regard to the Taxi and Private Hire Vehicle Licensing Best Practice Guidance (Department for Transport).

The Guidance advises against increasing the cost of taxi operations by imposing unduly stringent licensing requirements. This could access to the trade and in turn restrict the supply taxis. This could reduce safety, and harm the public interest.

## **Implementation**

This policy will take effect from **10 January 2011** and will be kept under review. There will be another full review after three years.

Existing licence holders have been consulted on this revision, which will apply to all new and existing licences from implementation.

## **Departure from the Policy**

East Herts Council will always have regard to this policy document and its objectives in carrying out its taxi licensing functions. However, each application or enforcement measure will be considered on its own merits, and the Licensing Committee has discretion to depart from this policy.

Where the Council departs substantially from this policy, clear reasons will be given why the departure is necessary.

## **Determination of applications, and disciplinary decisions.**

Where applications are in accordance with this policy, determination will be by officers, acting under delegated powers.

Where a taxi driver application includes information that the applicant has spent convictions that do not involve violence, then determination will be by the Licensing manager, in consultation with the Chair or Deputy Chair of Licensing Committee.

For all other applications that are not in accordance with this policy, and for decisions made in disciplinary hearings triggered by the penalty points scheme under this policy, determination or decision will be made by a Licensing Panel consisting of;

- Director Neighbourhood Services;
- Portfolio Holder for Community Safety and Environment
- Chair or Deputy Chair of Licensing Committee.

## **Licensing Profile**

On **1<sup>st</sup> January 2011** East Herts Council licensed **253** hackney carriages, **49** private hire vehicles and **30** private hire operators, and **340** drivers licensed to drive taxis.

## **Register and use of licence data.**

East Herts Council is obliged to keep a public register of the names and addresses and taxi plate numbers of taxi vehicle proprietors. This information is kept at the Council Offices, and may be inspected at any reasonable time by any member of the public.

For the safety and security of taxi drivers, if there is any doubt about the bona fides of any person wishing to inspect the public register, then Licensing

Officers will ensure the inspection only takes place in the presence of a police officer, who has been informed of the Licensing Officer's concerns.

Other data about licence holders may be released to other council departments, and other statutory authorities, for use by authorised officers for the purposes of preventing or detecting crime. These bodies include, but are not limited to, Council Benefits, Department of Work and Pensions, and Her Majesty's Revenue and Customs.

## **VEHICLES**

### **Limiting Numbers**

East Herts Council does not limit the number of taxi licences. New applicants are informed that the existing taxi and private hire trade may already meet the current demand, and applicants should carefully consider whether it is financially viable to become a taxi driver, before applying for a licence, and that obtaining a licence is not a guarantee of earnings.

### **Use of Hackney Carriage**

Where a Hackney Carriage is proposed to be used, or is used, mainly or predominantly for Private Hire Work outside of the East Herts district, then a Hackney Carriage Licence may be refused.

### **Specifications and Conditions**

East Herts Council will licence a wide range of types of vehicle as taxis, including purpose-built vehicles, however the overriding consideration over whether a vehicle will be licensed, is Public Safety.

Types of vehicles include:

Hackney Carriages

Standard specification Private Hire Vehicles, and

Non Standard Private Hire Vehicles, comprising;

- substantially VOSA compliant vehicles;
- Taxi bikes
- Special Event Vehicles, including, but not limited to:
  - HGV, and
  - Stretched Limousines;

The Council imposes conditions for the mechanical condition, and the external and internal appearance and suitability of licensed taxi vehicles.

Each type of vehicle is subject to a different set of conditions.

**Appendix A** sets out the taxi vehicle conditions, with a separate section for each type of vehicle.

Vehicles will be licensed for up to eight passengers, depending on the specification of the vehicle.

## Equipment

### **-meter**

Hackney Carriages must be fitted with a type-approved taxi meter, correctly calibrated to the current East Herts table of fares, and either a calibration certificate must be produced, or the correct operation of the meter must be verified by a Licensing Officer, before the vehicle is used for hire or reward.

### **- for hire sign**

Hackney Carriages are required to carry an illuminable 'for hire' sign in the windscreen.

### **- top light**

Hackney Carriages are required to carry an East Herts illuminable roof top light provided, that is maintained in a safe and undamaged condition, and that is legibly marked with the lettering and logos with which it was issued.

The roof light is the responsibility of the licence holder, and will be issued only on payment of a deposit. Used top lights in good condition may be issued to licence holders for a lower deposit, subject to availability. Damage and deterioration to roof lights is the responsibility of the proprietor or driver, and the lost value will be charged to the licence holder, or deducted from any refund due.

It is a conduct issue for a driver to drive a vehicle that is not licensed as a taxi, while it is displaying the top light.

### **- rear licence plate**

Hackney Carriages and Private Hire Vehicles are required to carry a currently valid East Herts rear taxi licence plate, correctly displayed and fixed to the outside of the vehicle, facing to the rear.

The licence plate must be kept clean so that it is clearly legible.

It is a conduct issue for a driver to drive a vehicle that is not licensed as a taxi, while it is displaying a rear licence plate, whether or not the plate has expired.

### **- ownership of equipment**

Any roof light or licence plate issued remains the property of the council, and any authorised council officer may re-take possession of this council property at any time that the vehicle proprietors licence, or the driver licences of all, or of the only, insured driver(s) for that vehicle is suspended or revoked.

### **- prohibited equipment – Private Hire**

Private Hire Vehicles may not carry a roof top light, nor any similar sign or piece of equipment, that could mislead the public into believing the vehicle is authorised to ply for hire.

## Insurance

All licensed taxis must at all times have in force a certificate of insurance covering third party risks for carriage of passengers and goods for hire and reward. Hackney carriage insurance must specify for 'public hire and reward'

or words to the same effect, and all other licensed vehicles insurance policies must be for 'private hire and reward' or words to the same effect.

The vehicle proprietor must ensure that East Herts Council Licensing Service is in possession of a valid insurance certificate or cover note.

Failure to comply with this requirement automatically suspends the licence from the time that the certificate expires until a valid insurance certificate or cover note is presented for examination by a licensing officer. (Not from when the letter is sent out notifying the vehicle proprietor of the suspension).

### **Vehicle Testing**

The proprietor must ensure that East Herts Council Licensing Service is in possession of a valid roadworthiness test pass certificate from a garage on East Herts approved list, for each licensed vehicle over one year old, and a current valid MOT pass certificate for all Hackney Carriage vehicles that are over one year old, and Private Hire vehicles that are over three years old.

East Herts Vehicle Licence Conditions specify the maximum length of a roadworthiness test pass certificate, depending on the age of the vehicle.

Failure to comply with this requirement automatically suspends the licence from the time that the certificate expires until a test pass certificate is presented for examination by a licensing officer. (Not from when the letter is sent out notifying the vehicle proprietor of the suspension).

### **Seating in Multi-Passenger Vehicles**

East Herts District Council will licence vehicles for seating the number of passengers in the Original Manufacturer's Specification, up to eight passengers.

Passengers under the age of 16 must not be permitted to use side facing seats.

### **Damage to vehicles**

Damage to a licensed vehicle, that prevents it from complying with the appropriate vehicle condition standard, must be reported to the licensing office at the next reasonably convenient opportunity, and in any case not later than 7 days after the damage is caused (whether or not the vehicle is taken off the road, or is not still being used as a taxi).

If from the report of damage, it appears to the Licensing Officer, that the vehicle is unlikely to continue to comply with the vehicle condition standard, they may suspend the vehicle proprietor's licence under delegated powers.

The vehicle must be produced for inspection at the council offices if required by the licensing officer.

The vehicle may be required to undergo a further Vehicle Condition Test and the proprietor to produce a Test Pass Certificate, if required by the licensing officer.

Failure to comply with this requirement of the policy is a conduct issue for the proprietor, and may lead to;

- suspension of the vehicle proprietor's licence, and to the council re-taking possession of the roof light and/or licence plate while there is any remaining doubt over whether the vehicle complies with the Vehicle Condition Standard, and
- imposition of penalty points against the driver or proprietor.

### **Appearance**

Vehicles presented for inspection by Licensing Officers must be in a clean and tidy condition. This means it should be thoroughly cleaned or valeted. Failure to comply with this requirement of the policy is a conduct issue for the proprietor, and may lead to;

- the council re-taking possession of the roof light and/or licence plate, and
- a delay in renewing the licence until the vehicle is re-presented in an acceptable condition, and
- imposition of penalty points against the driver or proprietor.

Hackney Carriages and standard Private Hire Vehicles must be finished in manufacturers standard colours.

### **Accessibility**

Without the ability to travel, people with disabilities are denied access to life opportunities. Their access to education, shopping, employment, healthcare as well as social and family life is significantly improved when journeys become accessible. For this reason, the Council considers it important that people with disabilities have access to all forms of public transportation. Accessibility is, therefore an important consideration in respect of vehicles licensed as hackney carriages.

East Herts Council currently licences **number** taxis that are wheelchair accessible. Requirements for wheelchair accessibility to taxis will be kept under review as necessary to implement the Disability Discrimination Act 1995 in relation to hackney carriages.

Drivers who produce evidence of medical reasons that they are unable to accept guide/hearing dogs, may apply for an exemption certificate. The exemption certificate, with the driver's photograph, must be displayed in the vehicle at all times the driver is working.

### **Age of Vehicles**

There is no upper age limit for a vehicle to be licensed as a taxi. Older vehicles will be tested more frequently. Details of testing requirements are specified in **Appendix A** of this Policy.

### **Brake Horse Power**



Hackney Carriage and standard Private Hire Vehicles must have an engine capacity of 1600 cc, or a brake horse power of 89 b.h.p.

### **Environmental Considerations**

Taxis are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the District. It is, however, clearly important that emissions from hackney carriages and private hire vehicles are reduced as far as possible.

East Herts Council policy is to promote environmentally friendly vehicles and fuels. Applications may be considered by a Licensing Panel to waive Brake Horse Power requirements for electric or hybrid vehicles.

### **Signage and Advertising**

East Herts specifies limitations in the taxi vehicle conditions, on the amount of signage and advertising that may be carried on taxis.

### **Security/CCTV**

The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. In car security cameras can be a valuable deterrent as well as protecting the driver from unjustified complaints.

In car security cameras may be provided by the council subject to available funding, and a contribution from the licence holder. Licence holders will have to enter into a written agreement for the maintenance of the system, and re-use if the vehicle is taken out of service.

When council funds are not available, the hackney carriage and private hire vehicle trades are encouraged to consider installing their own in car security cameras.

### **TRAILERS**

A taxi vehicle must not be used to tow a trailer unless the vehicle proprietors licence specifies this is permitted.

A taxi driver must not drive a taxi vehicle towing a trailer, unless their DVLA licence includes authorisation to tow a trailer.

The taxi vehicle insurance must specifically include cover to tow a trailer for hire or reward.

When a trailer is towed by a licensed taxi, a currently valid East Herts rear taxi trailer copy of the licence plate must be correctly displayed and fixed to the outside of the trailer, facing to the rear.

The trailer licence plate must be kept clean, so that it is clearly legible.

Taxi trailers must not be left unattended on the public highway.

Trailer conditions are set out in Appendix X

## **DRIVERS**

East Herts District Council issues;

Private Hire Vehicle Driver Licences, and  
dual Hackney Carriage / Private Hire Vehicle Driver Licences.

The criteria for both licences are the same, except that Private Hire Drivers are not required to pass a knowledge test.

### **Right to work in the UK**

Applicants for taxi drivers licences are required to provide evidence to Department of Work and Pensions standard, of their entitlement to work in the UK.

### **Medical fitness.**

Taxi drivers are expected to provide reasonable assistance with luggage (shopping bags etc). All taxi drivers should normally be capable of lifting weights of up to 15 kG. Drivers who cannot meet this requirement must obtain from a GP or the East Herts medical adjudicator, a written exemption on medical grounds.

All new applicants must produce either:

Proof of current entitlement to drive a PSV and/or HGV, or

A certificate of medical fitness to drive to Group 2 standards, from a G.P. at the practice where they are registered, or from a G.P. on the East Herts council approved list. The certificate must state the length of time before a further medical will be required.

The applicant will be responsible for paying the medical examination fee to the relevant medical practice, unless referred by Director Neighbourhood Services to the Council's medical adjudicator.

Licence holders must advise the Council of any deterioration in their health that may affect their ability to drive to Group 2 standards.

Driver licences may be suspended immediately on the grounds of concern about changes in the licence holder's state of health, by Director of Neighbourhood Services, pending reference to East Herts Council medical adjudicator.

Any other disagreement or concern about changes in the licence holder's state of health that does not result in the suspension of the licence may also be referred to East Herts Council medical adjudicator.

The Council's appointed adjudicator is:

Aviation Medica  
Inflite, Hanger 1  
First Avenue, London Stansted Airport  
Essex  
CM24 1RY

The Council will take decisions to renew, unsuspend, suspend or revoke licences on medical grounds, based on the adjudicator's professional advice of whether the licence holder or applicant is fit to drive to Group 2 standards.

### **Criminal Record, and other relevant information.**

Criminal record checks on drivers is essential information to assess whether an applicant is fit and proper to hold a licence.

Applicants must disclose all relevant information that could affect the council's decision of whether they are fit and proper to hold a taxi drivers licence.

'Convictions and other relevant information' includes:

Convictions (including those that would otherwise be regarded as spent under the Rehabilitation of Offenders Act),  
Other convictions and foreign convictions,  
cautions,  
Police warnings,  
arrests,  
Past refusals of licence applications,  
fixed penalty notices, and  
impending prosecutions, and  
any other relevant matter.

Applicants for taxi driver licences must undergo an Standard Criminal Record Check, on application, and before every third anniversary of grant.

#### Except when:

The applicant has held an East Herts taxi drivers licence in the previous 6 months and their last Standard check was less than three years ago,

Standard checks performed for other organisations will not be accepted.

Applicants must also provide a basic disclosure of their criminal record ) that is less than one month old on the date of application, on grant ***if this is more than 12 months after the date of the Standard Check***, and before every renewal application in years when the Standard check is not due. (i.e first and second anniversary of grant, fourth and fifth, seventh and eighth, etc).

Applicants who have lived in the UK for less than 5 years must also provide a certificate of good conduct from the relevant Embassy in the case of an overseas applicant.

Once the Council has completed the process for which the Standard CRB certificate or criminal record disclosure certificate was obtained, the certificate will be securely destroyed. Standard and Basic level checks supplied by the applicant will be returned to them.

Giving false information for the purpose of obtaining a criminal record disclosure is a criminal offence enforced by the disclosure body. It is a conduct issue for the applicant, and is included on the penalty points scheme.

### **Relevance of Disclosure of information to applicant's suitability**

Licensed drivers must notify the Council in writing within 7 days of any criminal convictions.

East Herts District Council will assess whether the applicant is a 'fit and proper person' to hold a licence, considering each case on its own merits. They will take account of convictions and foreign convictions, cautions, Police warnings, arrests, past refusals of licence applications, fixed penalty notices, impending prosecutions, and any other relevant matter. They will consider whether convictions are spent or unspent, but only in so far as they are relevant to an application for a licence.

Upon receipt of a certificate from the Criminal Records Bureau and the application form, and taking into account any other relevant information known about the applicant, the Licensing Manager will assess whether any or all of the spent convictions are capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.

When considering the relevance of cautions, the Council will have regard to the class and age of the offence, and the age of the applicant when the offence occurred.

In relation to previous convictions, the Council will have regard to the following:

- (i) Whether the convictions are spent or unspent;
- (ii) The class of the offences;
- (iii) The age of the offences;
- (iv) The apparent seriousness, as gauged by the penalty.
- (v) The age of the applicant at the time the offences were committed

Applications will be determined by the Licensing Panel where information about the applicant indicates one or more of the following:

- Any unspent criminal conviction
- Any violent or unlawful sexual conduct, (whether spent or not)
- One or more motoring offences resulting in 6 or more points on the DVLA licence in the last year;
- Any other matter where Chair or Deputy Chair of Licensing Committee believes there is a reasonable likelihood that a Licensing Panel would identify reasons why the applicant is not fit and proper to be a taxi driver.

In consultation with the Chair or Deputy Chair of Licensing Committee, the Licensing Manager may, for all other applications determine under delegated powers that the applicant is fit and proper to hold a taxi driver's licence.

### **Ongoing duties of licence holders in relation to their fitness and propriety to be a taxi driver.**

Licence holders, who are convicted of, or who are otherwise cautioned or penalised for any criminal or motoring offence during the period covered by their licence, must inform the Council in writing of the offence and the penalty within seven days of the conviction or alternative disposal of the offence.

Any acceptance of a police caution or fixed penalty notice is an alternative disposal of an offence.

### **Immediate suspensions of taxi drivers licences**

Director of Neighbourhood Services, or in their absence any other Director of East Herts Council, may authorise the immediate suspension of a taxi drivers licence on the basis of evidence that indicates they may no longer be a fit and proper person to hold a taxi driver's licence.

Suspension may be lifted following an event specified in the decision notice given to the licence holder, and may include;

Attendance by the licence holder at licensing Panel;  
Completion of a satisfactory Group 2 medical by the Council's medical adjudicator and production of the medical pass certificate;  
Release from arrest;  
Release from bail.

Decisions to suspend will only be taken for the reason of ensuring public safety.

### **Driving Experience and driving record**

Applicants must provide the council with a signed mandate and fee to permit the council to obtain a printout of the applicant's DVLA driving record.

Applicants must have held a British or European Economic Area licence for at least 3 years from the minimum age for driving a car in the UK (currently 17) before the application date.

An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must either:

- obtain a full UK driving licence within twelve months of the issue of the hackney carriage or private hire driver's licence, or
- obtain a 'backing sheet' from the DVLA within twelve months of the issue of the hackney carriage or private hire driver's licence, which can be attached to the non-UK driving licence and used by the DVLA to monitor penalty points obtained whilst driving in the UK.

Where this requirement is not satisfied, the hackney carriage or private hire driver's licence will be automatically suspended pending compliance.

This is to ensure consideration of penalty points issued for road traffic offences as part of the 'fit and proper person' test.

Additional driving experience requirements apply to private hire drivers who intend to drive non-standard Private Hire Vehicles that cannot be driven on a car drivers licence (e.g. HGV and two wheel motorcycle), and these are set out with the vehicle conditions for those vehicles.

### **Driver Knowledge Tests**

Because hackney carriages can be hired immediately, at ranks or on the street, applicants for a hackney carriage driver's licence are required to undertake a test on their knowledge of the area.

Except:

When the applicant has previously taken the East Herts Council knowledge test, and has held an East Herts taxi driver licence in the last 12 months.

### **Standard of English comprehension.**

Where there is concern over an applicant's standard of English comprehension, they may be required to undertake a language skills assessment with a TESOL registered assessor.

### **Driving Proficiency and Qualifications.**

All new applicants for taxi drivers licences must produce a DSA Hackney Carriage and Private Hire drivers test pass certificate.

### **Licence conditions and code of conduct**

The Council attaches conditions to private hire driver's licences, included in dual driver's licences. Conditions include a code of conduct.

Failure to comply with condition of the licence may indicate that the licence holder is no longer a fit and proper person to hold a private hire or dual driver's licence, and may result in enforcement action against the driver.

## **PRIVATE HIRE OPERATORS**

Private Hire Operators are responsible for recording bookings taken for Private Hire Vehicles that they control. Operators may have access to personal information, and therefore are required to be 'fit and proper' to be licensed to do this type of work.

Private Hire Operators who are not also holders of a Private Hire Driver's Licence must provide disclosure of their criminal record, to at least basic level on first application, and on each renewal application. (Applicants may provide a standard disclosure instead of a basic disclosure for their own convenience, but this is at their option, and will give a higher level of disclosure than is required for this type of application).

Operators must keep legible and complete records of taxi bookings, must keep these at the place where they are licensed to operate, and must make these records available to authorised Licensing Officers on request.

East Herts Council will not encourage applications to licence operator addresses outside of the East Herts district.

## **APPLICATION PROCEDURES**

### **Application**

Applications must be made on the specified application form, which must be fully and clearly completed in block capitals, and dark blue or black ink, and must be signed and dated.

### **Consideration of Applications**

Applications may be refused by Officers under delegated powers where documents are not provided within 6 months of being requested. Officers will not exercise their discretion to refuse applications on this grounds where applicants keep them informed of reasonable progress, i.e. dates of booked medical appointments and DSA tests.

Council officers will grant most licences under delegated powers if the application complies with this policy, including receipt of all the necessary supporting documents and fees.

Applications for vehicles other than Hackney Carriage and standard Private Hire Vehicles will be considered in the first instance. Licensing Panel is authorised to delegate further renewals of that licence to Licensing Officers, and may choose to limit that delegation to a set period.

Applications that do not comply with this policy (including non-compliant Hackney Carriage and standard Private Hire Vehicles) will be considered on their own individual merits by a Licensing Panel comprising Director Neighbourhood Services, Executive Member for Community Safety and Environment, and Chair or Deputy Chair of Licensing Sub Committee.

### **Dual Plating**

East Herts District Council will not grant a hackney carriage or private hire vehicle licence for any vehicle already licensed by another Licensing Authority. Obtaining a vehicle licence from any other authority automatically invalidates any hackney carriage or private hire vehicle licence issued by East Herts Council.

### **Application fees**

Every application must be accompanied by the appropriate application fee. It is not a complete application, until the fee is received.

Paying an application fee with a cheque that is subsequently dishonoured is a conduct issue for the applicant, and may be dealt with under the Enforcement Policy.

Application fees, are fees for processing the application. They are not a charge for grant of a licence. There is no refund of an application fee, if an application is unsuccessful.

## **Grant and Renewal of Licences**

Hackney carriage or private hire vehicle licences will usually be issued for one year, or renewed to the anniversary of last grant or renewal. Licensing Panel may decide to grant a licence for a shorter period, but will give reasons.

Holders of existing hackney carriage or private hire vehicle licence will be reminded, around 6 weeks before, when their licences are due to expire. Application forms, supporting documents and fees must be submitted at least eight days before the expiry of the previous licence for licences to be renewed under delegated powers. Licences that require a committee decision should be applied for at least two months before the renewal date.

Licences will not be renewed without all supporting documentation being received.

It may take up to eight working days to process and issue a licence. There are no 'days of grace' for licences. If a licence has not been renewed by the time the existing licence expires, the licence holder must cease operating until the new licence has been received.

Licensed vehicle owners may apply to change vehicles at any time during the licence period, and transfer the unexpired portion of the annual licence from one vehicle to another. The new vehicle must comply with this policy.

Licences renewed after the expiry date will run from the date the renewed licence is issued, to the anniversary of expiry. The period from expiry to actual renewal date will be unlicensed, and the vehicle may not be used as a taxi.

## **PROVISIONAL APPLICATIONS**

An operator may wish to consider setting up a business to operate a particular type of Special Event Vehicle, or a new type of vehicle, but may be unwilling to invest the necessary capital before making an application, if the outcome is uncertain.

Licensing Panel is authorised to consider applications in principle for special event, or non-standard private hire vehicle licences. Provisional approval may be given, subject to conditions specified by the Licensing Panel, under which approval of a full application in accordance with the provisional application, is further delegated by the Licensing Panel to Licensing Officers.

## **ENFORCEMENT**

Failure by a licence holder to comply with any requirement of this policy is a conduct issue, and may lead to;

- suspension of the licence or an associated licence, and
- formal enforcement action in accordance with the Council's Enforcement Policy. This may lead to a warning, caution, or prosecution for an offence in appropriate cases.



- to the council re-taking possession of any roof light and/or licence, and
- to a delay in granting, renewing, or restoring the licence until the non-compliance or doubt about compliance is resolved, and
- imposition of penalty points against the driver or proprietor.

### **Penalty points system**

The council operates a penalty points system on private hire and dual driver licences to help ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards.

The Council will operate the Penalty Points system in a reasonable, consistent, and transparent manner help ascertain whether a driver is upholding the expected standards, and therefore whether they continue to meet the “fit and proper person” test. This system is set out in **Appendix E**

### **Convictions during period of licence**

See ongoing duties of Licence Holders.

Any breaches of relevant legislation or conditions attached to driver, operator and vehicle licences which may come to light following complaints, enforcement action, notification or investigations should be dealt following the general principals detailed in the Enforcement Policy. This may include action with the use of the penalty points system detailed in **Appendix E**.

### **Code of Good Conduct**

Adopting a Code of Good Conduct for hackney carriage and private hire licence holders serves to promote the Council’s licensing objectives in respect of the hackney carriage and private hire trades.

The standards expected of licence holders are detailed in the Code of Good Conduct included in this policy document as **Appendix D**. This appendix should be read in conjunction with the other statutory and policy requirements detailed in this document.

By accepting a licence from the Council, licence holders will be deemed to have read and accepted the Code of Good Conduct, thereby agreeing to adhere to it.

Failure to adhere to the Council’s ‘Code of Good Conduct’ will be dealt with in accordance with the Enforcement Policy, primarily through the use of the penalty points system detailed in **Appendix E**.

### **Driver’s Dress Code**

Any reasonable requirement that serves to enhance the professional image of the hackney carriage and private hire trade is to be welcomed.

Failure to adhere to the Council's 'Driver's Dress Code' will be dealt with in accordance with the Enforcement Policy, primarily through the use of the penalty points system detailed in **Appendix E**.

## **AMENDMENTS TO THE POLICY**

This policy is decided by the Licensing Committee of East Herts Council, after consulting with the taxi trade. The policy will be kept under review, and will be subject to a full review, every three years.

## **CONTACT DETAILS**

East Herts Council  
Wallfields  
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## **APPENDICIES**

### **Appendix A**

Advice to applicants and Licence Holders

### **Appendix B**

Vehicles and Trailers Specifications and Conditions

- Hackney Carriage
- Standard Private Hire Vehicle
- Trailers
- Non standard but substantially VOSA compliant Private Hire Vehicles
- Two Wheeled Motorcycle Private Hire Taxi Bikes
- Special Event Vehicles
- Special Event HGV
- Special Event Stretched Limousines

### **Appendix C**

Drivers Licence Conditions

### **Appendix D**

Code of Conduct

### **Appendix E**

Penalty Points System

### **Appendix F**

Garages authorised to issue vehicle condition certificates

**Appendix G**

Approved Medical practitioners