

HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

JANUARY 2023



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Section 1 - Introduction and the Council's Role in Licensing

The Council has the responsibility to regulate and control all operators, drivers and vehicles used for carrying passengers for hire and reward in the District under the provisions of the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

This policy provides guidance to applicants and other interested parties, Officers and Members on the approach the Council will take on taxi and private hire licensing matters.

In formulating this document, reference has been made to:

- The Department for Transport Statutory Taxi and Private Hire Vehicle Standards.
- The Department for Transport, Taxi and Private Hire Vehicle Licensing: Best Practice Guide.
- Breckland Council's priorities.
- Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

1.1 Definitions

Throughout this document:

- "the Council" means Breckland Council and all its officers and Committees
- "Vehicle" or "Licensed Vehicle" means both Hackney Carriage and Private Hire vehicles
- "DVLA" refers to the Driver and Vehicle Licensing Agency
- "DBS" refers to the Disclosure and Barring Service

1.2 Objectives

In setting out its procedures, the Council seeks to promote the following objectives:

- a. The protection of the public and public safety
- b. Breckland Council's priorities
- c. The establishment of a professional and respected licensed trade
- d. Enable access to an efficient and effective public transport service

The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives.

1.3 Status

In exercising its discretion in carrying out its regulatory function, the Council will have regard to the policy and the objectives set out.

Notwithstanding the existence of the policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from the policy, clear and compelling reasons will be given for doing so in writing.

1.4 Equality and Diversity

The Council is committed to promoting equal treatment for all and will vigorously comply and promote all legislation that governs discrimination for race, age, sex, disability, religious beliefs, and sexual orientation. The Council will make reasonable adjustments where necessary to assist service users who may have difficulties due to their disability or language.

Drivers of licensed vehicles, however, must be able to:

- Communicate with their passengers
- Be able to understand instructions and requests
- Be able to respond appropriately

It is therefore essential that drivers have a good understanding and command of the English language which is the predominant language used in Breckland.

Drivers of licensed vehicles also have a responsibility to comply with the relevant equality and diversity legislation.

1.5 Review of this Policy

A review of the Taxi Policy and Procedures will be carried out at least every five years, although interim changes may be made at any time in line with updated guidance and policy changes.

Section 2 - Application Process for a New Licence

This section sets out what is required for each type of licence. Each licence type also has its own set of conditions. Please also read the conditions for the licence you wish to apply for. By applying for the licence, you are agreeing to the conditions once a licence has been granted to you.

2.1 Application for Hackney Carriage/Private Hire Driver Licence

The Council issues dual Hackney Carriage/Private Hire licences.

The standard driver's licence is issued for three years (unless restricted by right to work eligibility). The Council will consider issuing a licence for shorter period if the request is made in writing giving full detail of why a three year licence is not required.

Successful applicants will be issued with a licence certificate and one driver's badge displaying the licence holder's name, licence number, photo and expiry date of the licence. The badge must be worn at all times when the driver is working and be clearly visible.

A driver's licence will not be granted unless the applicant has held a full UK driving licence (or recognised equivalent), for a minimum of 12 months prior to the application being made. The driving licence must be for a category of vehicle they will be licensed to drive and be valid for the entire duration of the period for which they will be licensed as a hackney carriage/private hire driver (this is the licence, not the photocard, which may be renewed during the term of the licence).

When an application is made for a Hackney Carriage/Private Hire Drivers licence the Council must be satisfied that the applicant is a 'fit and proper' person and shall not licence drivers unless they are satisfied of this. The onus is on the applicant to prove they are a fit and proper person, rather than for the Council to prove they are not.

The term 'fit and proper' for the purposes of taxi and private hire licensing is not legally defined but it has been alternatively described as 'safe and suitable'.

In determining whether a person is 'fit and proper' to hold a driver's licence, those tasked with determining licences/applications are asking the following question of themselves having all the relevant information to hand:

“Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?”

On the balance of probabilities, if there is sufficient evidence that a person is not fit and proper or if there are grounds to question or doubt the evidence provided, that could amount to good reason to refuse a licence.

Enhanced DBS

The applicant will be required to provide the Council with an enhanced criminal disclosure certificate (to include the barred lists check) issued by the Disclosure and Barring Service (DBS) dated no older than three months from the date of issue. If the applicant is signed up to the DBS update service (to the same level as above), the Council must have seen the original paper disclosure certificate linked to the update service account. Should you have received any further cautions or convictions since the original certificate was issued, a new enhanced certificate will be required.

Certificate of Good Character

If the applicant has not lived in the UK for the last five years or has spent a period of three or more continuous months outside the UK, they must provide a certificate of good citizenship or equivalent from every country where the applicant has been resident during that period.

If an applicant is aware that they have committed an offence overseas which may be equivalent to those listed, you are advised to seek independent expert or legal advice to ensure you provide truthful and accurate information.

National Register of Hackney Carriage and Private Hire Driver Licence Refusals and Revocations

The Council has subscribed to the national register of hackney carriage and private hire vehicles driver licence refusals and revocations, the “national register of refusals and revocations” or “NR3”. The Council will search the national database in all cases where an application is made for a new hackney carriage/private hire drivers licence and when an application is made for renewal.

We will notify any refusal to grant a licence or revoke an existing licence to be entered on the register. You must understand this when applying or renewing.

Information Sharing with Other Licensing Authorities and the Police

Applicants and licence holders are required to disclose if they hold, or have previously held, a licence with this or another authority. Applicants are also required to disclose if they have had an application for a licence refused, revoked or suspended by any licensing authority, or any such proceedings are pending.

The information provided by the applicant or licence holder may be shared with other licensing authorities or the Police when making checks on the application or renewal. It may also be provided or shared when another authority or Police are making checks in line with Data Protection.

Criminal Record

The applicant must declare any previous criminal convictions, cautions and/or fixed penalty notices received, including those awaiting appeal, and any charges pending on the statutory declaration.

The Council will make a decision as to the relevance of convictions, cautions, charges and fixed penalty notices, in accordance with its policy (Appendix C). The Council may require further information from the Police or Crown Prosecution Service.

Applicants who have previous criminal convictions, cautions, fixed penalty notices or charges pending will be interviewed and details of that interview may be included in any report which is referred to the Committee.

Failure to disclose or declare any previous convictions, cautions, fixed penalty notices or pending charges may be construed as an attempt to deceive and appropriate and proportionate action will be taken. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council by virtue of Section 57 of the Local Government (Miscellaneous Provisions) Act 1976.

Foreign Nationals

Foreign applicants will be required to provide evidence of their right to work in the UK, either in documentary form or via a Home Office check code. For avoidance of doubt foreign applicants are applicants who require a permit or visa to reside or work in the UK.

The applicant may be required to submit additional information with their application, for example verifiable references from former employers and persons in positions of trust, which may demonstrate they are a fit and proper person.

Applicants must produce all documents together with a certified English translation of each document where applicable. Any associated costs will be at the expense of the applicant.

Medical Assessment

In line with DVSA recommendations, the Council has adopted the Group 2 driver standard for medical fitness of Hackney Carriage/Private Hire drivers.

This is a higher medical standard than that required of drivers of other motor vehicles and is required due to the length of time a driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public.

Upon application for a driver's licence, the applicant shall produce a Breckland Council medical form completed by a medical practitioner who has had sight of their medical history. This can be at the surgery where you are registered or with D4Drivers.

All drivers over the age of 65 will be required to produce a completed Breckland Council medical form annually.

Each case will be treated on its individual merit. The Council may require the applicant to undertake a medical examination by an independent consultant if it believes it necessary, the costs of which will be met by the applicant.

Diabetes

If you have diabetes please refer to Section 9 which details requirements.

Conditions

Once a hackney carriage/private hire drivers licence has been granted, the licence holder will be subject to the Council's Code of Conduct for Drivers (Appendix A) and any applicable conditions within the Byelaws (Appendix J) and the Private Hire Driver Conditions (Appendix F).

Safeguarding Training

The applicant will be required to provide the Council with a certificate of attendance of the Taxi and Private Hire Safeguarding Training – provided by the Blue Lamp Trust. This must be the **face-to-face course** provided by Blue Lamp Trust (not the e-learning course). Any associated costs will be at the expense of the applicant.

Driver Assessment

The applicant will be required to provide the Council with a pass certificate of a driver assessment conducted by either of these providers:

Blue Lamp Trust

To book via the Blue Lamp Trust please go to their website:

http://davidn27.sg-host.com/taxi_homepage/

Norfolk County Council – Norfolk Road Safety

Please email roadsafety@norfolk.gov.uk to book a driver assessment.

Hackney Carriage/Private Hire Driver Licence - New Application Procedure

Licence applicants will be required to provide the following to the licensing team:

- His or her DVLA driving licence (or equivalent). The licence must have been held for at least 12 months, must cover the driver for the category of vehicle he or she will be driving, and must be valid for the entire duration of the period being applied for.
- The applicant will be required to supply a DVLA check code so that their DVLA driver record can be checked.
- The applicant will be required to provide the Council with an enhanced criminal disclosure certificate (to include the barred lists check) issued by the Disclosure and Barring Service (DBS) dated no older than three months from the date of issue, or, if the applicant is signed up to the DBS update service (to the same level as above) provide the Council with the paper disclosure certificate linked to your update service account. Should you have received any further cautions or convictions, a new enhanced certificate will be required.
- Documentation demonstrating their right to work in the UK.
- The applicant will be advised that they must register with HMRC for tax purposes.
- Provide a Breckland Council medical questionnaire completed by a suitable medical practitioner who has had sight of their medical record and completed a medical examination on the applicant, to DVLA Group 2 Medical Standards.
- Submit a driving assessment pass certificate from a provider approved by the Council. In the case of previously licensed drivers or drivers previously licensed by other authorities we will accept an equivalent driving assessment pass certificate that was issued less than 12 months prior to this application being made.
- A certificate of attendance from Blue Lamp Trust confirming attendance of the Safeguarding Training course dated no more than 3 months old at the time of application.
- A completed application form, statutory declaration and applicable fee.
- One colour photograph in focus with a plain background (the photograph must be a true likeness of the applicant at the time of application).

The application will not be determined until all the above requirements have been successfully completed and any further documentation required by the Council has been received and accepted.

Note: The Breckland Council medical questionnaire and criminal record disclosure are valid only for three months from the date issued, so if the application is not determined within three months of those being issued, applicants will be required to re-apply for those documents in order to continue with their application.

2.2 Licensing a New Hackney Carriage Vehicle

Before purchasing a vehicle please contact the Licensing Team to ensure it can be licensed by Breckland Council. Please see Section 7 for further details of what is required.

A hackney carriage can be hired from a taxi rank, be hailed in the street and can take bookings. Once licensed, a hackney carriage must have an illuminated taxi roof sign, a 'for hire' sign, a white plate fixed issued by Breckland Council to the rear of the vehicle, a Breckland Council sign permanently fixed to both rear doors of the vehicle and a taxi meter set to the Breckland Council tariff.

A hackney carriage can be a purpose-built vehicle, such as the London type black cab or any other passenger vehicle which carries no fewer than four and no more than eight passengers.

Please note: A hackney carriage remains a licensed vehicle at all times, must retain all plates and signage even when being used as a family car. No-one other than a licensed Breckland Council driver can drive the vehicle once it is licensed for the duration of the licence, (except for MOT/mechanical test purposes).

Restriction on Numbers of Licensed Vehicles

This Council does not restrict the number of licences that it issues.

Duration of the licence

Vehicle licences are granted for one year.

Requirements

The following requirements are applicable to all applications for new hackney carriage vehicles.

The vehicle must:

- a) be of M1 specification or such other nationally accepted specification as agreed by the Council
- b) be fitted with an approved illuminated roofsign
- c) be fitted with a taxi meter as approved by Breckland Council with the fares charges as determined by the Council
- d) comply with the vehicle specifications at Section 7.

Making an application for a Hackney Carriage Vehicle licence

You must provide the following documentation:

- Valid insurance certificate covering the vehicle for use as a hackney carriage/public hire vehicle.
- Vehicle registration document (V5) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser.
- Current MOT certificate for vehicles over one year old from date of first registration.

- Current mechanical test pass form from one of the Council approved garages.
- Completed application form and fee.
- Completed Statutory Declaration Form.
- The applicant must also ensure that the road tax for the vehicle is valid (if applicable) as this will be checked by the team at the time of application.

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence granted, if satisfactory, upon receipt of the appropriate fee.

Where an applicant is unable to produce the full vehicle registration document (V5) this will not prevent the application being considered but confirmation by way of a copy of the current V5 will be required that the vehicle is M1 category. The full V5 must be produced within 28 days of the application being made.

Testing of Older Vehicles

Vehicles over eight years of age will be subject to six monthly mechanical inspections. This means that on grant or renewal of a licence, if the vehicle is aged more than eight years from the date of manufacture, a condition will be applied to the licence requiring the Council's approved mechanical test to be carried out at one of the approved garages no later than six months after the grant date.

For avoidance of doubt, where the date of manufacture is unrecorded, the date of first registration (shown on the log book) will be taken to be the date of manufacture as long as the log book shows that the vehicle was declared new at first registration.

2.3 Private Hire Operators

Requirements and obligations

Any person who operates private hire vehicles must apply to the Council for a Private Hire Operator's Licence.

The objective when licensing Private Hire Operator's is ensuring the protection of the public who will be using the operator's premises, vehicles and drivers arranged through them.

In determining whether a person is fit and proper to hold an operator's licence, those tasked with determining licences/applications are asking the following question of themselves having regard to the information in front of them:

“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?”

A private hire vehicle may only be dispatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation and acceptance of bookings for a private hire vehicle.

A private hire operator must ensure that every private hire vehicle dispatched by him is licensed and driven by a person who holds a Private Hire Driver's licence. All three licences (operator, vehicle, and driver) must be issued by the same licensing authority.

It is a criminal offence to operate a private hire vehicle without an operator's licence.

Licence Duration

Operator's licences will be issued for a standard five year period. However, the Council may grant a licence for a shorter period should this be appropriate in the circumstances. A written reason for a shorter licence will be required at the time of application to assist in the determination of the application.

If an operator changes his name or address, he/she must notify the Council immediately.

Criminal Record

The applicant must declare any previous criminal convictions, cautions or fixed penalty notices received, including those awaiting appeal, and any charges pending.

The Council will make a decision as to the relevance of convictions, cautions, charges and fixed penalty notices in accordance with its policy (Appendix C). The Council may require further information from the Police or Crown Prosecution Service. Applicants who have previous criminal convictions, cautions, fixed penalty notices or charges pending will be interviewed and details of that interview may be included in any report which is referred to the Committee.

Failure to disclose or declare any previous convictions, cautions, fixed penalty notices or pending charges may be construed as an attempt to deceive and appropriate and proportionate action will be taken.

Basic DBS

Applicants must provide a basic disclosure certificate issued by the Disclosure and Barring Service (DBS) dated no older than three months from the issue date, or if already signed up to the DBS update service, provide the Council with the paper disclosure certificate linked to your update service account, for every person to include company directors, secretaries and partners if applicable. Should you have received any further cautions or convictions, or are being investigated for any relevant criminal offence a new enhanced certificate will be required.

Address from which an Operator may operate

Applicants must specify the address from which they will operate. These premises must be in the Breckland Council area and will be expected to have planning consent for use as a private hire office (if required).

Making an application for a Private Hire Operator Licence

To complete an application the applicant must:

- a) Provide the Council a basic criminal disclosure certificate issued by the Disclosure and Barring Service (DBS) dated no older than three months from the issue date, or if already signed up to the DBS update service, provide the Council with the paper disclosure certificate linked to your update service account, for every person to include company directors, secretaries and partners etc if applicable. Should you have received any further cautions or convictions, or are being investigated for any relevant criminal offence, a new enhanced certificate will be required.

- b) Produce documentation demonstrating their right to work in the UK.
- c) Submit a complete application with signed declarations for all applicants.
- d) Pay the appropriate fee.
- e) Provide evidence of appropriate public liability insurance if the premises are open to the public.

The application will not be determined until all the above information has been provided by the applicant.

Planning Consent

Applicants are advised to obtain planning consent for the premises (or ensure it is already in place). If the planning consent is restricted it is the operator's responsibility to ensure that a new permission is applied for prior to the current planning permission expiring.

Officers may require a site visit prior to the determination of the licence.

Conditions

The Council has the power to impose such conditions on an operator's licence as it considers reasonably necessary. Appendix F sets out the conditions to be attached to an operator's licence which include the standards of service expected.

2.4 Private Hire Vehicles

Before purchasing a vehicle please contact the Licensing Team to ensure it can be licensed by Breckland Council. Please check Section 7 for further details of what is required.

A private hire vehicle **can only be hired by pre-booking** it or by visiting the operating centre of the vehicle. A private hire vehicle will have a yellow plate fixed to the rear of the vehicle. A private hire vehicle will **not** have any signs on the roof or a 'for hire' sign although it can have a meter. Almost all the owners of private hire vehicles in Breckland choose not to have meters.

A private hire vehicle can be any passenger vehicle which carries no less than four and no more than eight passengers.

Restriction on Numbers of Licensed Vehicles

This Council does not restrict the number of licences that it issues.

Duration of the licence

Vehicle licences are granted for one year.

The following requirements are applicable to all applications for new private hire vehicles:

The vehicle must:

- a) be of M1 specification (or such other nationally accepted specification as agreed by the Council e.g. for limousines, novelty vehicles etc).

b) Comply with the vehicle specifications in Section 7.

Making an application for a Private Hire Vehicle licence

You must provide the following documentation:

- Valid insurance certificate covering the vehicle for use as a private hire vehicle.
- Vehicle registration document (V5) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser.
- Current MOT certificate for vehicles over one year old from date of first registration.
- Current mechanical test pass form from one of the Council's approved garages.
- Completed application form and fee.
- Completed Statutory Declaration Form.
- The applicant must also ensure that the road tax for the vehicle is valid (if applicable) as this will be checked by the team at the time of application.

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence granted, if satisfactory, upon receipt of the appropriate fee.

Where an applicant is unable to produce the full vehicle registration document (V5) this will not prevent the application being considered but confirmation by way of a copy of the current V5 will be required that the vehicle is M1 category. The full V5 must be produced within 28 days of the application being made.

Testing of Older Vehicles

Vehicles over eight years of age will be subject to six monthly mechanical inspections. This means that on grant or renewal of a licence, if the vehicle is aged more than eight years from the date of manufacture, a condition will be applied to the licence requiring the Council's approved mechanical test to be carried out at one of the approved garages no later than six months after the grant date.

For avoidance of doubt, where the date of manufacture is unrecorded, the date of first registration (shown on the log book) will be taken to be the date of manufacture so long as the log book shows that the vehicle was declared new at first registration.

2.5 Executive Private Hire Vehicles – Exemption from need to Display External Identification Plates

The aim of this part of the policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow "executive vehicles" to operate without displaying external identification plates and other signage.

There are occasions when the requirement to display an external identification plate and signage may have a negative effect in terms of commercial implications for the operating business. The display of a licence plate and other signage may deter some corporate customers from using the service and in some circumstances the identification of the vehicle

as a licensed vehicle may allow “high risk” passengers to be more readily targeted putting them and the driver at risk.

The Local Government (Miscellaneous Provisions) Act 1976 allows the Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver’s badge.

Plate exemption (Executive Private Hire status) will only be granted by the Council where there is a genuine operational reason and business requirement, and where the Council is certain that the safety of the public will not be compromised as a result.

Vehicle Requirements

Before purchasing a vehicle please contact the Licensing Team to ensure it can be licensed by Breckland Council. Please see Section 7 for further details of what is required.

The following vehicle requirements are in addition to the standard vehicle specification contained in Section 7.

Applications for exemption from displaying external identification plates and other signage may be made in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.

Each application will be assessed on its own merits and each vehicle will be inspected by an authorised officer to ensure that it is fit for purpose.

Applications for exemption from identifying external identification plates and other signage may be considered where the following requirements are met:

- Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury brands of vehicles such as ‘S’ and ‘E’ Class Mercedes Benz, 7 Series BMW, Lexus ‘GS’ or ‘LS’ models, Audi A8 series, Rolls Royce and Bentley saloons. (The highest specification executive type cars from other manufacturers will also be considered).
- The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.
- The type of work undertaken must be ‘Executive’ in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who, for security or personal safety reasons, would not want the vehicle to be identifiable.

Making an application for an Executive Private Hire Vehicle Licence

You must provide the following documentation:

- Valid insurance certificate covering the vehicle for use as a private hire vehicle.
- Vehicle registration document (V5) in the applicant’s name or documentary proof of purchase identifying the applicant as the purchaser.
- Current MOT certificate for vehicles over one year old from date of first registration.
- Current mechanical test pass form from one of the Council’s approved garages.

- Completed application form and fee.
- Completed Statutory Declaration Form.
- Provide documentary evidence in support of the application showing that the vehicle will carry out executive work.
- The applicant must also ensure that the road tax for the vehicle is valid (if applicable) as this will be checked by the team at the time of application.

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence granted, if satisfactory, upon receipt of the appropriate fee.

Where an applicant is unable to produce the full vehicle registration document (V5) this will not prevent the application being considered but confirmation by way of a copy of the current V5 will be required that the vehicle is M1 category. The full V5 must be produced within 28 days of the application being made.

Section 3 – Renewal Applications

The Council has no duty to notify drivers, operator's or proprietors that their licence is due for renewal as it is the licence holder's responsibility to renew their licence.

The expiry date for each licence can be found on the paper licence issued by the Council. The expiry date also appears on the badge of a driver and the plate on either a hackney carriage vehicle or private hire vehicle. If in any doubt, please contact the licensing team to check.

3.1 Renewal of Hackney Carriage/Private Hire Drivers Licence

Holders of existing driver's licences must apply to renew their licence as early as possible prior to the expiry of the previous licence. The Council has no duty to notify drivers that their licence is due for renewal as it is the licence holder's responsibility to renew their licence.

To complete an application the applicant must provide the following:

- Submit a completed application form, statutory declaration and applicable fee.
- One colour photograph in focus with a plain background (the photograph must be a true likeness of the applicant at the time of application).
- Provide their original DVLA driving licence (or equivalent).
- Provide an enhanced criminal disclosure certificate (to include the barred lists check) issued by the Disclosure and Barring Service (DBS) dated no older than three months from the issue date, or if already signed up to the DBS update service, provide the Council with the paper disclosure certificate linked to your update service account. Should you have received any further cautions or convictions, a new enhanced certificate will be required.
- Provide documentation demonstrating their right to work in the UK (only if work visa required).
- Submit an approved Breckland Council medical questionnaire completed by a suitable medical practitioner who has had sight of their medical record and completed a medical examination on the applicant, to DVLA Group 2 Medical Standards and, if applicable, a diabetes declaration form.
- The applicant will be required to provide the Council with a certificate of attendance of the Taxi and Private Hire Safeguarding Training – provided by the Blue Lamp Trust. This must be the **face-to-face course** provided by Blue Lamp Trust (not the e-learning course). Any associated costs will be at the expense of the applicant. **The training must have been completed within the 3 months prior to the renewal being due.**

The application will not be accepted until all the above have been successfully completed. Please note that failure to provide all the above will result in the licence expiring, and a new application will be required. You will not be able to drive until a licence has been granted.

Foreign Nationals

Foreign applicants will be required to provide evidence of their right to work in the UK, either in documentary form or via the Home Office check code. For avoidance of doubt foreign applicants are applicants who require a permit or visa to reside or work in the UK.

3.2 Renewal of Hackney Carriage Vehicle Licence

Applicants are reminded that it is their responsibility to renew their licence prior to its expiry. The Council has no duty to notify licence holders that their licence is due for renewal.

To apply to renew a licence an applicant must provide the following documentation:

- Valid insurance certificate covering the vehicle for use as a hackney carriage vehicle/public hire.
- Vehicle registration document (V5) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser.
- Current MOT certificate for vehicles over one year old from date of first registration.
- Current mechanical test pass form from one of the Council's approved garages.
- Completed application form and fee.
- Completed Statutory Declaration Form.

The applicant must also ensure that the road tax for the vehicle is valid (if applicable) as this will be checked by the team at the time of renewal.

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence granted, if satisfactory, upon receipt of the appropriate fee.

3.3 Renewal of Private Hire Operators Licence

Applicants are reminded that it is their responsibility to renew their licence prior to its expiry. The Council has no duty to notify licence holders that their licence is due for renewal.

Making an application to renew a Private Hire Operator Licence

To complete a renewal application the applicant must:

- a) Provide the Council with a basic criminal disclosure certificate issued by the Disclosure and Barring Service (DBS) dated no older than three months from the issue date, or if already signed up to the DBS update service, provide the Council with the paper disclosure certificate linked to your update service account. This will include company directors, secretaries and partners etc. Should you have received any further cautions or convictions, a new enhanced certificate will be required.
- b) Produce documentation demonstrating their right to work in the UK (for example a work visa/permit).
- c) Submit a complete application with signed declarations for all applicants.

- d) Pay the appropriate fee.
- e) Provide evidence of appropriate public liability insurance, if the premises are open to the public.

The application will not be determined until all the above has been provided by the applicant.

3.4 Renewal of Private Hire Vehicle Licence

Applicants are reminded that it is their responsibility to renew their licence prior to its expiry. The Council has no duty to notify licence holders that their licence is due for renewal.

Making a renewal application for a Private Hire Vehicle licence

You must provide the following documentation:

- Valid insurance certificate covering the vehicle for use as a private hire vehicle.
- Vehicle registration document (V5) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser.
- Current MOT certificate for vehicles over one year old from date of first registration.
- Current mechanical test pass form from one of the Council's approved garages.
- Completed application form and fee.
- Completed Statutory Declaration form.

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence granted, if satisfactory, upon receipt of the appropriate fee.

The applicant must also ensure that the road tax for the vehicle is valid (if applicable) as this will be checked by the team at the time of renewal.

3.5 Renewal of Executive Private Hire Vehicle Licence

Applicants are reminded that it is their responsibility to renew their licence prior to its expiry. The Council has no duty to notify licence holders that their licence is due for renewal.

You must provide the following documentation:

- Valid insurance certificate covering the vehicle for use as a private hire vehicle.
- Vehicle registration document (V5) in the applicant's name or documentary proof of purchase identifying the applicant as the purchaser.
- Current MOT certificate for vehicles over one year old from date of first registration.
- Current mechanical test pass form from one of the Council's approved garages.
- Completed application form and fee.

- Completed Statutory Declaration Form.
- Provide documentary evidence in support of the application showing that the vehicle will carry out executive work.

The applicant must also ensure that the road tax for the vehicle is valid (if applicable) as this will be checked by the team at the time of renewal.

Only when all the documents required for licensing the vehicle have been received will the application be accepted and the licence granted, if satisfactory, upon receipt of the appropriate fee.

Section 4 – Determination of applications

In considering new and renewal applications for hackney carriage/private hire drivers, proprietors and operator's licences, the Council must be satisfied that drivers are fit and proper persons to hold a licence.

In doing so, they must have regard to all convictions, driving convictions, complaints of unacceptable conduct/behaviour, breach of licence conditions, other convictions and any pending charges/convictions or evidence of misconduct for both new and renewal applications.

When such convictions, complaints, breaches and pending charges occur, the driver will be referred to the Licensing Hearing Panel for their consideration.

Referral to Licensing Hearing Panel

Where an applicant or a driver is referred to the Panel for consideration, they will be notified in writing of the reason and the date, time and venue of the hearing.

They will be advised that they may bring a representative to the hearing. The representative may be a friend, legal representative or a representative from the trade whom they wish to assist them in addressing the hearing in support of their application/renewal hearing. Please note, that any consultation with a representative should take place in advance of the hearing date and not just prior to the meeting. This will ensure that their case is well prepared for Members' consideration.

The Licensing Hearing Panel Members

The hearing panel will consist of members made up of Breckland Councillors. A Chair and Deputy Chair are appointed to supervise the panel during the process. The panel may be advised by a legal representative.

A number of Council Officers may also attend the panel hearing, in an advisory capacity. They do not take part in the decision-making process.

The Hearing

A number of applications and disciplinary matters could be considered on the day of the hearing. Each matter will be considered in a confidential manner and the public and other applicants will not have access to the meeting unless the applicant requests that they should.

Persons attending the Hearing will be expected to wait outside the Committee room until they are called. Unfortunately, sometimes, because of the number of hearings arranged for a date, there may be a long wait before your application/case is considered. Contested cases and non-appearances mean that it is impossible to forecast the length of time each hearing will take. Every effort is made to keep the wait to a minimum.

When a person is called to appear before the Panel they, and their representative, will be guided to their seats. They will be asked if they have received a copy of the report regarding the circumstances surrounding their case. The Panel will already have a copy of the report.

They will be asked to describe the circumstances surrounding the convictions or incident concerned and asked to demonstrate to the Panel why they think they are a fit and proper person to hold a Hackney Carriage/Private Hire Drivers Licence.

The Decision

After hearing the evidence and representations from all parties, the Panel will retire to make their decision (or the other parties will leave the room whilst the Panel deliberates).

The Panel will be informed of all convictions but will have regard to unspent convictions and Home Office guidelines concerning the nature of offences and the timescales involved as well as other relevant information/evidence as deemed appropriate to the individual case.

As soon as the Panel have come to a decision they will return to the room and inform the persons of the Panel's decision. The person will also be advised of the decision in writing together with their rights of appeal.

Right of Appeal

If the Panel decide to refuse the grant or renewal of a Vehicle, Operator or Drivers Licence, the person will have the right of appeal to a Magistrates Court. In the case of refusal to grant a Hackney Carriage Proprietor's Licence, appeal will be to the Crown Court.

Section 5 - Replacement Vehicle Process

A replacement vehicle may be required in circumstances where your existing licensed vehicle is off the road for repair following damage or a collision.

All replacement vehicles will be treated in the same manner as a new vehicle. There is **no** provision within the legislation for a transfer of a vehicle licence to another vehicle.

If an insurance company provides a replacement vehicle it must meet the vehicle specification for the type of licence required. Once the replacement vehicle is returned to the insurance company it is expected that the paper licence, plate and any stickers will be returned to the Council and the licence is expired on that date.

Section 6 - Transfer of Existing Licensed Vehicle to a New Owner

If a Breckland licensed vehicle is to be sold as a licensed vehicle to another Breckland licensed driver/operator/proprietor, the following procedure should be followed.

The current licence holder should inform the Council of the sale, the date it becomes effective and the details of whom it was sold on to (including the name, address and contact details) within 14 days.

The new owner should provide the following documentation:

- bill of sale from the existing licence holder.
- valid insurance certificate for the appropriate type of work being undertaken i.e public hire or hire and reward, or private hire work in the new owner's name.
- V5 in new owner name (or copy of the slip being sent to DVLA).
- The current MOT and mechanical test.
- Completed transfer application form and appropriate fee.

The new owner will also need to ensure that any road tax is up to date as this will be checked at the time of transfer.

If you are selling the vehicle on as an unlicensed vehicle (sometimes called 'de-plating') please remove the plate, any stickers etc and return these with the paper licence stating you wish to surrender the licence. All Breckland licensed vehicles are incorporated into the DEFRA database and it is important that this is kept up to date. Remember to notify DVLA of any change in ownership.

Section 7 - Specifications Applicable to All Vehicles (unless otherwise stated)

Breckland Council will not grant or renew a licence unless satisfied that the vehicle is suitable to be a licensed vehicle, is in a suitable mechanical condition, safe and comfortable.

Proprietors should bear in mind that the manufacturers' claimed seating capacity may not always be the same as the Council's licensed seating capacity scheme as detailed below.

Doors and Seats

The vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior).

Any seat adjacent to the nearside door of the passenger compartment of a vehicle must be removed to permit clear and unobstructed entry to and exit from the back row seating of the compartment. No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.

Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their comfort and safety.

The vehicle must have seats with a minimum width of not less than 400mm (15-17 inches) per person.

Passenger Capacity

No vehicle will be licensed unless it can accommodate a minimum of four or a maximum of eight adult passengers in safety and comfort.

Seatbelts

All vehicles must be fitted with fully operational seatbelts to front and rear seats of the vehicle. The number of seatbelts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry plus the driver. Seatbelts must be fully compliant with British Standards except where the law specifically provides an exemption.

Right Hand Drive

All vehicles, with the exception of limousines, must be right hand drive.

Length of Hackney Carriage Vehicle

A hackney carriage vehicle should not be of such a length which takes up excessive space on a taxi rank and in any case the vehicle must not exceed five metres in length.

Type Approval/Vehicle Category

The vehicle must have an appropriate 'type approval' which is either:

- a. European Whole Vehicle Type approval
- b. British National Type approval or
- c. British Single Vehicle Approval (SVA)

The vehicle to be licensed must be of M1 Category – vehicles carrying passengers.

Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU state since its original manufacture will require separate SVA and/or Department for Transport approval and this documentation must be submitted with an application.

Convertible Vehicles

Only vehicles with a permanently fixed roof will be licensed.

Wheelchair Accessible Vehicles

All wheelchair accessible vehicles shall be properly equipped with mounted fittings for the safe securing of a wheelchair and a passenger seated in it, when carried in the vehicle.

If a mechanical hoist is fitted to the vehicle this will be required to be inspected annually by the manufacturer or his approved agent and a certificate produced to that effect.

Exterior Bodywork and Wheels

The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer.

All vehicles must have four road wheels fitted. Wheel trims must be fitted to all road wheels where part of the manufacturer's original specification.

Upholstery, Roof and Floor Coverings

All upholstery shall be clean and in a well maintained condition. No tears, cracks, holes or burns will be acceptable. Upholstery includes seats, headrests, armrests, roof, carpets and other trim.

Fittings

All fittings shall be properly maintained and in good working order. Fittings include:

- Clocks
- Interior lights
- Sun blinds
- Door surrounds
- Grab handles

- Other equipment provided for passenger comfort and any equipment in, on, or forming part of the vehicle, including wheelchair ramps and securing fittings where the vehicle is to be licensed to carry wheelchair bound passengers.

First Aid Kit

Each vehicle should have a readily available and accessible first aid kit at all times the vehicle is used for hire. The first aid kit should be of a standard size and type of first aid equipment which complies with the requirements laid down by the Department of Transport for taxis and minibuses. First aid kits must comply with British and European standards and it is the responsibility of the driver to ensure the contents of the kit comply with the relevant standards.

Fire Extinguisher

Each vehicle shall have a fire extinguisher which is readily accessible and available in any emergency. The fire extinguisher should be either a 1kg dry powder or a 1 litre AFFF. Both types should have gauges to show the state of charge and should be manufactured to satisfy relevant BS or EN accreditation. Identification tags will be provided by the testing garage for each extinguisher.

Tinted Windows

In accordance with the Road Vehicles (Construction and Use) Regulations 1986, motor vehicles first used on or after 1st April 1985 the minimum levels of light transmitted through the front windscreen must be at least 75% and the front side windows must have at least 70% of light transmitted through them.

Ventilation

Windows must be provided at the rear and sides along with the means of opening and closing not less than one window on either side.

Luggage

At least 90% of the luggage space provided in the vehicle must be available for the passenger's luggage.

Condition and Maintenance

The interior and exterior of the vehicle shall be maintained in a clean, safe and proper manner to the reasonable satisfaction of the Council. In particular, the exterior of the vehicle shall be free of large dents or scratches, rust or unrepaired accident damage and at all times shall have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of all stains, splits and tears.

Vehicles shall be liable to be inspected and tested at any time. If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

Modifications

During the currency of the licence, no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of the Council.

Taximeters

All hackney carriage vehicles licensed or to be licensed shall have a taximeter fitted unless an exemption has been approved. Private hire vehicles, licensed or to be licensed, may have a taximeter fitted. Any vehicle fitted with a taximeter shall be tested to establish that the taximeter is accurate. In relation to Hackney Carriages the test shall be to establish that the meter does not produce a fare in excess of the maximums prescribed in the current Hackney Carriage Fare Tariff approved by the Council. For further information please see hackney carriage proprietor conditions.

In relation to Private Hire vehicles the test shall be to establish that the meter does not produce a fare in excess of the operator's current fares.

Where a Private Hire Vehicle is fitted with a Taximeter a table showing the current fares of the operator shall be displayed inside the vehicle in such a position that it is clearly visible to passengers. In all cases taximeters shall be fitted in such a way that they are visible to passengers.

Roof Signs/Top Light

A hackney carriage shall have a roof sign securely fitted to the vehicle. The sign shall be capable of being illuminated internally and must be illuminated at all times when plying for hire, but not otherwise.

The Council will **not** permit a Private Hire vehicle to be fitted with a roof-mounted sign of any kind.

Licence Plate

Every licensed vehicle in Breckland shall display an external or internal licence plate issued by the Authority which will include the following information:

- a. Licence No.
- b. Registration No.
- c. Licence expiry date.
- d. No. of passengers.

The plate must remain on the licensed vehicle at all times it is licensed.

The plate for a hackney carriage is white.

The plate for a private hire vehicle is yellow.

Signs to be displayed

No Smoking signs must be displayed in the vehicle.

Seatbelts Must Be Worn signs must be displayed in the vehicle.

Dual Plating

Dual Plating will not be permitted where different requirements of design, age or other local conditions apply.

Dual plating will also not be permitted where taximeters are fitted and the tariffs for each local authority differ.

Tyres

Many manufacturers are building vehicles without the need to carry a spare tyre, using either 'run-flat tyres' or a foam filler tyre repair kit. If the vehicle you wish to licence has a cavity or space for a spare tyre or space saver tyre you must carry whichever type of tyre is applicable, to be kept in good condition.

As run-flats, space saver tyres and foam fillers generally only give you 50 miles to get to a garage for inspection and repair, if your vehicle has this type of tyre you must make provision for onward travel for your passengers if the mileage to complete the journey and get to the garage will exceed the 50 mile limit.

Vehicle Test Standards

The Authority will not grant/renew a vehicle licence unless the person examining it (for the Authority) has confirmed that it meets the standards specified in Breckland Council's Manual of Inspection Standards for vehicles and, at the same time, the vehicle has been certified roadworthy to MOT standard and has a current MOT certificate. Vehicles of a class that are not subject to 'EU Type approval' and are being tested for the first time will be additionally tested to ensure tyres and any other aspect of the vehicle are safe and mechanically sound as possible for the passenger.

Costs of such testing must be paid by the person wishing to licence the vehicle. In addition, the history of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

A vehicle may be required to be re-examined, when the licence has been in force for six months (if vehicle is over eight years old), to ensure that it continues to meet the standards referred to above. Failure to provide a current mechanical test will lead to the vehicle being taken off the road.

A vehicle which fails an inspection/safety check during the currency of a licence with Breckland Council will have the fault(s) rectified and the vehicle re-inspected within two months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.

A vehicle may be inspected by an authorised Officer of the Council or a Police Officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle, he may give written notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the authorised Officer or Police Officer is so satisfied. If the authorised Officer or Police Officer is not satisfied within two months of the initial inspection the vehicle licence shall be deemed revoked. An authorised Officer or Police Officer may permit other persons to examine the vehicle on their behalf (e.g. VOSA).

Vehicle Inspections

All vehicles being presented for testing at the approved Council testing station shall be in a clean condition. The under chassis should have been cleaned to allow the tester to inspect the vehicle. The tester will refuse to test a vehicle that does not conform to this requirement.

Equipment provided for passenger comfort and any equipment in, on, or forming part of the vehicle including wheelchair ramps and securing fitments where the vehicle is to be licensed to carry wheelchair bound passengers shall be made available for vehicle inspection.

Vehicles Powered by Liquid Petroleum Gas (LPG)

An applicant for a licence involving a vehicle which has been converted to run on LPG will be required to produce, prior to a licence being issued, a certificate issued by a member of the LP Association confirming that the LPG installation conforms with the Association's Code of Practice and is therefore considered safe.

The vehicle will be required to undergo an annual service by a person competent in LPG powered vehicles in addition to the Council's Manual of Inspection Standards.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the storage of a reasonable amount of luggage and any spare wheel displaced as a result must be stored in a location that does not impinge on the passenger carrying area of a vehicle.

Zero and Ultra-Low Emission Vehicle Information

Vehicles which are considered to be Ultra-Low emission are:

- Plug in Hybrid Vehicles (PHEV)
- Extended Range Electric Vehicles (E-REV)

Once the above is confirmed, ensure the appropriate documentation i.e the V5 details the following:

Taxation Class: ALTERNATIVE FUEL
 CO2 (g/km): 75g/km (or less)

Zero emission vehicles are those which emit no emissions during their operation. These vehicles are:

- Battery Electric Vehicles
- Hydrogen Fuel Cell Vehicles
- Electric Vehicles

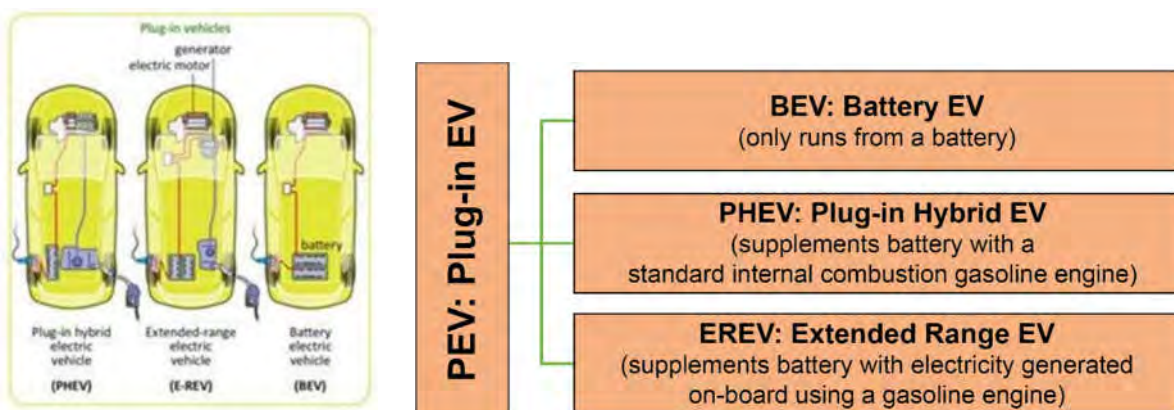
Once the above is confirmed, ensure the appropriate documentation i.e V5 details the following:

Taxation Class: Alternative Fuel or Electric

A minimum engine capacity of 1250cc or equivalent powered electric vehicle is required. Engines less than 1250cc will be considered provided that they are at least 105bhp or 106ps.

Further information on these vehicles can be found below:

Plug-in Vehicles



Conventional Hybrids

Hybrids burn fuel in an Internal Combustion Engine (ICE) which drives the wheels via a gearbox. A battery charged by regenerative braking stores energy which is used to drive an electric motor and therefore the vehicle for a short distance (usually < 1 mile).

Plug-in Hybrid Electric Vehicle (PHEV)

Combine a battery, electric motor and ICE like a conventional hybrid, a larger battery provides a longer electric only driving range. The battery can be recharged from a charge point reducing the amount of fuel consumed over a given distance. The vehicle reverts to petrol or diesel power when the battery charge is depleted.

Extended Range Electric Vehicle (E-REV)

Also combines a battery, electric motor and an ICE; however unlike a PHEV the electric motor always drives the wheels. The ICE acts as a generator when the battery is depleted. The vehicle can also be recharged from a charge point. The battery in an E-REV battery is usually larger than in a PHEV, providing longer electrically driven range.

Battery Electric Vehicle (BEV or Pure-EV)

Powered only by electricity, a Pure-EV has a larger battery than an E-REV or a PHEV and does not have an ICE.

Zero Emission Vehicles

Emit zero emissions in their life-cycle.

The range of electric only vehicles is typically around 100 miles but this can be higher depending on the vehicle model and manufacturer.

Electric vehicles require less maintenance than hybrid or conventional vehicles as:

- they require little or no regular maintenance of their battery, motor or associated electronics.
- there are fewer fluids to change and less moving parts.
- the regenerative braking system also means there is less wear and tear on the brakes.

Fuel Cell Vehicles:

- Typically have a range of up to 300 miles depending on the model.
- Can be re-fuelled within a few minutes.
- Emit no emissions during their life cycle.

Ultra-Low Emission Vehicles (Plug- in Hybrid and E-REV):

- Use a conventional engine to act as an additional fuel source for the vehicle.
- Have lower CO₂ emissions as a result of improved fuel economy and the ability to operate in electric only mode.
- Still have a combustion engine and therefore require a similar maintenance schedule as for conventional vehicles.
- Often use a regenerative braking system which reduces wear and tear on the brakes.

Charging Locations and Further Information

The Zap-map website (<https://www.zap-map.com/>) lists most of the charging points for electric and hydrogen vehicles in the UK. It is also available as an app. Information about the charging point (in-use, what type, connector type etc) is also shown.

Advertising

Conditions are specific to either hackney carriage or private hire vehicles – please see the relevant vehicle conditions section.

In the case of a private hire vehicle its appearance must not lead people to believe it is a hackney carriage.

Roof and Boot Racks

No roof or boot racks may be fitted to either a licensed hackney carriage or private hire vehicle during the currency of the licence.

Trailers

A licensed vehicle will be permitted to tow a trailer provided that:

- The proprietor presents the trailer for a compliance inspection at an approved Council testing station prior to its first use and again at each inspection of any vehicle on which the trailer is authorised to be used. If found to be satisfactory a permission will be allowed for one year. The trailer shall also be submitted for further inspections as the Council may require.
- The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use.
- The trailer must comply with all aspects of current legislation and is of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle.
- The trailer must be purpose built and manufactured for the purpose of which it was intended.
- The tow bar and fitting should be of a type approved by the manufacturer of the vehicle and fitted by an approved agent.
- No advertising will be permitted on any part of the trailer.
- The trailer shall carry an appropriate spare wheel and correctly inflated spare tyre at all times that it is in use.
- The trailer must be of a design that when close coupled to the prime mover (the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps.
- The trailer must be hard bodied and be fitted with securely fastening covers, which can be hard top or canvas tarpaulin type, to prevent the ingress of liquid onto any luggage being carried. The trailer shall be covered at all times whilst in transit.

- The trailer must be plated by the manufacturer specifying the maximum load to be carried.
- There must be current insurance which must be produced to an Officer on request to prove the vehicle is insured to tow a trailer and that there is adequate cover for the carriage of luggage and/or goods.
- Any defect or damage of any kind occurring on the trailer must be reported to the Council as soon as possible or in any case within 72 hours.
- A trailer is not permitted on a hackney carriage rank.
- When the approved trailer is used with the licensed vehicle, a Breckland Council licence plate should be affixed to the rear of the trailer and made clearly visible.
- The kerbside weight of the trailer when fully laden should not exceed that determined by the vehicle manufacturer as being the safe towing weight limit.
- It is the proprietor's responsibility to ensure that the trailer towed by his vehicle complies with the legislation and licensing conditions.
- It is the proprietor's responsibility to ensure the driver towing the trailer holds the appropriate category DVLA licence.

CCTV

Suitable internal and external equipment, capable of recording both audio and video, may be installed and used in licensed vehicles, subject to the written approval of the Council. If fitted the system must comply and operator must comply with the ICO (Information Commissioners Office) code and General Data Protection Regulation requirements.

If approved CCTV is installed, a sign must be displayed inside the vehicle, visible to passengers, stating 'CCTV in operation'. Similar signs shall be displayed outside the vehicle to warn prospective customers of CCTV in that vehicle.

Televisions

If televisions and videos are fitted to vehicles they must comply with the requirements of the Motor Vehicle (Construction and Use) Regulations.

Citizen Band Radios

No citizen band radios may be fitted in any licensed vehicle during the currency of the licence.

Radio Scanning Devices

No radio scanning devices of whatsoever type or sort may be fitted to, carried in, or used in, or in the vicinity of, any licensed vehicle during the currency of the licence.

Section 8 – Immediate Revocation

Section 61 and Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allow the Council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence, failure to comply with the provisions of the Town and Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

The Council will consider immediate revocation of a driver's licence if it is believed that "public safety" is at risk. There is currently no statutory definition of "public safety" for the purpose of this section.

Section 9 – Diabetes Policy

Breckland Council has determined that the following criteria must be met by all new applicants and existing holders of hackney carriage and private hire driver licences who have insulin-treated, or tablet treated diabetes.

All applicants and existing licence holders must declare to the Council if they are diagnosed with any form of diabetes. Medical declaration forms are available from the licensing team.

Treatment of Diabetes with Insulin

It is a requirement that the applicant has attended an examination by a hospital consultant specialising in the treatment of diabetes, who has provided a report confirming that the applicant:

- has a history of responsible diabetic control.
- currently has a minimal risk of impairment due to hypoglycemia.
- has undergone treatment with insulin for at least 4 weeks.
- has full awareness of hypoglycemia.
- has not, during the immediately preceding year, had an episode of severe hypoglycemia.
- regularly monitors his or her condition and, in particular, undertakes blood glucose monitoring at least twice daily and at times relevant to driving (see DVLA Group 2 medical standards for current advice) using a device that incorporates an electronic memory function to measure and record blood glucose levels, and undertakes to continue so to monitor.
- will continue to have annual reviews with a hospital specialist and provide evidence of this to the Council.

The applicant must provide a signed declaration that he or she:

1. Understands the risk of hypoglycemia and will comply with such directions regarding treatment for diabetes as may from time to time be given by the registered medical practitioner overseeing that treatment, or one of the clinical team working under the supervision of that registered medical practitioner.
2. Regularly monitors his or her condition and, in particular, undertakes blood glucose monitoring at least twice daily and at times relevant to driving (see DVLA Group 2 medical standards for current advice) using a device that incorporates an electronic memory function to measure and record blood glucose levels, and undertakes to continue so to monitor.
3. Will immediately report to the Council in writing any significant change in his or her condition and will follow the advice of his or her registered medical practitioner, or one of the clinical team working under the supervision of that registered medical practitioner, concerning fitness to drive.

Treatment of Diabetes with Medication other than Insulin

If treatment for your diabetes includes use of any of the following medications you will also be required to meet the above conditions:

Sulphonylureas, including the following:

- Chlorpropamide
- Glibenclamide
- Gliclazide
- Glimepiride
- Glipizide
- Glibense
- Tolbutamide

Glinides, which include the following tablets:

- Nateglinide also known as Starlix
- Repaglinide also known as Prandin

Section 10 – NR3 Register

Requests for information, disclosure of information and use of information as a result of an entry on the National Register of Refusals and Revocations (NR3)

Overarching principles

This section covers the use that this authority, Breckland Council, will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of a hackney carriage/private hire driver licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

Breckland Council has signed up to the NR3. This means that when an application for a hackney carriage/private hire driver licence is refused, or when an existing hackney carriage/private hire driver licence is revoked, that information will be placed upon the register.

When an application for a new hackney carriage/private hire driver licence, or renewal of an existing hackney carriage/private hire driver licence is received, Breckland Council will make a search of the NR3. The search will only be made by an Officer who has been trained in the use of the NR3 and who is acting in accordance with this Section. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application¹.

¹ The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However, to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated². Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined³.

The data will be held securely in accordance with Breckland Council's general policy on the secure retention of personal data which is available at <https://www.breckland.gov.uk> At the end of the retention period, the data will be erased and/or destroyed in accordance with Breckland Council's general policy on the erasure and destruction of personal data (which is available at <https://www.breckland.gov.uk>)

Making a request for further information regarding an entry on NR3

When an application is made to Breckland Council for the grant of a new, or renewal of, a taxi driver's licence, Breckland Council will check the NR3.

Breckland Council will make and then retain a clear written record (this can be electronic) of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

² Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates court **or** the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

³ Decisions of the local authority, magistrates' Court and Crown Court are also susceptible to judicial review. Generally any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made "promptly; and in any event not later than three months after the grounds to make the claim first arose" (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

If Breckland Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of Breckland Council's data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the authorised form.

It will be posted or emailed to the contact address of the authority that entered those details which will be detailed in the register.

Responding to a request made for further information regarding an entry on NR3

When Breckland Council receives a request for further information from another authority a clear written record will be made of the request having been received.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

Breckland Council will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

Breckland Council will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If Breckland Council is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an Officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but Breckland Council will not disclose information relating to every entry. Each application will be considered on its own merits.

Breckland Council will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within this policy and procedures document.

Where the reason for a refusal to grant or a revocation relates to a conviction which is within the timescales determined in those guidelines, there is a presumption that the information will be disclosed. Where the reason for a refusal to grant or a revocation relates to a conviction which is outside the timescales determined in those guidelines, there is a presumption against disclosure of the information.

However, in every case consideration will be given to the full circumstances of the decision and there may be occasions where information is provided or withheld otherwise than in accordance with the presumptions above.

Any information about convictions will be shared in accordance with this policy under Part 2 of Schedule 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The Officer will record what action was taken and why. Breckland Council will make and then retain a clear written record (which can be electronic) of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received;
- how the data protection impact assessment was conducted and its conclusions;
- the name or names searched;
- whether any information was provided;
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made);
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made); and
- how and when the decision (and any information) was communicated to the requesting authority. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

Using any information obtained as a result of a request to another authority.

When Breckland Council receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications contained in this policy and procedures document.

Breckland Council will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that Breckland Council will make in relation to the application.

Section 11 – Complaints Procedure

How to make a complaint about a taxi driver or operator.

Make a complaint.

We investigate complaints about:

- hackney carriage vehicles
- private hire vehicles
- drivers
- operators

What we can investigate

We can investigate a complaint where a driver, vehicle or operator has failed to meet the conditions or standard of conduct that they agreed to when we licensed them.

What we cannot investigate

We cannot investigate enforcement issues like road traffic offences. Please contact Norfolk Police.

How to complain

You can make your complaint by using our online private hire and hackney carriage complaint webform or by writing to us using the downloadable form. Please write onto the form, where it is blank, the reason for your complaint.

To make a complaint you will need:

- Driver's licence badge number
- Vehicle plate number
- Vehicle registration number

Appendix A

Code of Conduct

Hackney Carriage and Private Hire Drivers

Hackney Carriage and Private Hire Drivers (referred to in this document as Drivers) are in a position of trust in respect of the safety and welfare of their passengers. The Licensing Authority, through its licensing team and Committees, have to ensure that all Drivers are 'fit and proper' to undertake their work as Drivers and that they also act as ambassadors for the district. It is essential that the Council and Drivers work together in order to ensure members of the public are treated with dignity and respect, including reporting any concerns.

On occasions, Drivers may become aware of, or have suspicions that, their passengers may be the victim of abuse, neglect or exploitation either sexual or otherwise, or at risk of becoming a victim. In addition, Drivers themselves may be accused of misconduct or inappropriate behaviour through the misinterpretation of the Driver's actions or conversation.

Therefore, Breckland Council has introduced this **Code of Conduct** which is aimed at providing the best possible service by protecting both passengers and drivers. This ensures that concerns, suspicions of abuse, neglect or exploitation can be reported appropriately and minimise the risk of misunderstandings.

Drivers are expected to comply with this Code of Conduct. Failure to do so may result in the Driver being referred to the Licensing Panel to explain the circumstances surrounding any incident. In the event of a repeated and/or serious failure to comply, Drivers can expect that consideration will be given to the suspension or revocation of their licence.

It should be noted that the Code does not override any obligations that are enshrined in legislation, licence conditions or contractual obligations, such as County Council contracts.

Drivers should:

- Act in a professional manner at all times, always be polite and courteous avoiding the use of bad language, even when provoked.
- Treat passengers and other road users with respect.
- Keep relationships with passengers on an appropriate, professional basis.
- Respect all individuals – regardless of age, disability, gender, sexual orientation, gender reassignment, religion/belief, language spoken, race or ethnicity.
- At all times be clean and respectable in his/her dress and person.

Also be aware of:

- the safety and well-being of passengers must be paramount.
- the importance of the use of appropriate language.
- the vulnerability of children and adults.
- passengers with special needs.
- any instruction given about the care or first aid requirements of a passenger.
- personal beliefs and standards, including dress and religion.
- passengers misreading situations.

- the use of social networking sites such as Facebook and Twitter. These are public websites and therefore passengers conveyed may access a Driver's site. Ensure you use the appropriate privacy settings to avoid passengers viewing your social media sites.

Responsibility to Passengers and Residents

Drivers shall:

- Maintain the vehicle in a safe, clean and satisfactory condition at all times.
- Not at any time breach or allow the hirer to breach Breckland's no-smoking policy by smoking, vaping or using e-cigarettes inside the vehicle.
- Attend punctually when undertaking a pre-booked hiring.
- Assist, where necessary, passengers into and out of vehicles.
- Offer passengers reasonable assistance with luggage.
- Not without express consent of the hirer, eat or drink in the vehicle.
- Not without express consent of the hirer play any radio or other sound producing instrument in the vehicle other than sending or receiving message in connection with the operation of the vehicle.
- At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- When collecting passengers, the driver will not beep the vehicle's horn but shall make his/her arrival known in person.
- Switch off the engine if required to wait for a passenger.

Taxi Rank

- Hackney Carriage drivers shall park on the rank in an orderly manner and proceed along the rank in order and promptly.
- Only licensed Hackney Carriages may ply for hire from these stands.
- Hackney Carriage drivers must remain with their vehicle whilst on the rank.

Drivers' Dress Code

In order to raise the profile of the licensed trade, drivers should operate at all times in a professional manner and conform to a minimum standard of dress and personal hygiene.

The following are deemed **unacceptable**:

- Clothing not kept in a clean condition or which is torn or damaged.
- Words or graphics on any clothing that is offensive or suggestive in nature or which might offend.
- Sportswear (e.g. football/rugby kits, tracksuits, beach wear etc).
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Drivers not having either the top or bottom half of their bodies suitably clothed.

- Shorts other than tailored shorts.
- Very short skirts.

Drivers should never:

- Become over-friendly or unprofessional in any way with passengers, engage in any form of inappropriate relationship or infatuation or show favouritism.
- Touch a passenger inappropriately, or at any time unless in an emergency situation, or if required to do so because of the additional needs of the passenger.
- Administer medication unless a specific request has been made by the hirer.
- Photograph or video passengers in your care unless used in compliance with data protection legislation and any relevant Codes of Practice issued by the Home Office or Information Commissioner's Office.
- Engage with passengers through social networking sites (such as Facebook and Twitter), instant messengers or any other online communication software such as mobile phone applications or video games (other than for clear and obvious business connections).
- Phone or send text messages to passengers other than directly concerning the hiring of your vehicle.
- Swear, make personal/humiliating comments, or tell inappropriate jokes in person or by any other means e.g. social media.
- Offer cigarettes or gifts of any sort.
- Stop anywhere other than the specified pick up/drop off points unless requested by the hirer.
- Show passengers videos or pictures on your mobile phone or any other electronic device.

Safeguarding:

Safeguarding training must be completed in line with the procedures for new and renewal driver applications.

If a driver has concerns or suspects abuse, neglect or exploitation of a passenger then these should not be ignored. If there are any suspicions or concerns about the way someone is being treated it is important to report this. The safeguarding of children and vulnerable adults is everybody's responsibility. Remember that your information could help a vulnerable child or adult.

If a driver is working under a Norfolk County Council contract then their documents and guidance procedures should be followed alongside any training received by the driver.

Otherwise, the following procedures should be complied with in reporting any information or suspicions you may have of anyone being subject to abuse, neglect or exploitation.

Action to be taken if you have concerns:

- If your concerns are of an urgent matter or you believe that a crime has been committed and there is an immediate risk of danger, telephone the police on **999 or 112**.
- If you are suspicious or are concerned that a child or an adult is suffering or is likely to suffer significant harm, including any form of mistreatment, abuse, neglect or exploitation

but it is not of an urgent matter, please call Breckland Council Licensing Team on 01362 656870.

- If you would prefer to speak to the police on a non-urgent matter, then call them on **101** and follow the directions for Norfolk Constabulary.

Things you must notify the Council of:

- **Change of name (marriage, divorce, deed poll etc)**
You must notify the Council within seven days if you change your name and provide a copy of your DVLA driving licence showing your new name. You may be required to provide additional evidence to support the change i.e. copy of marriage certificate, deed poll change etc. The notice of change of name must be accompanied by the appropriate fee to update your licence.
- **Change of address**
You must notify the Council within seven days if you change your address and provide a copy of your updated DVLA licence showing your new address. You may be required to provide additional evidence to support the change. The notice of change must be accompanied by the appropriate fee to update your licence.
- **Change in medical circumstances**
If there are any changes in your medical condition that would potentially affect your ability to meet Group 2 Medical Standards you must notify the Council in writing within 48 hours or as soon as practicable.
- **Arrest, charge, cautions, convictions, fixed penalty notices, driving convictions including drug/alcohol convictions**
You must notify the Council in writing within 48 hours of any arrest, caution, charge, conviction, fixed penalty notice or driving conviction. In the event of a disqualification from driving, a driver shall immediately inform the Council and return their badge. You may be required to provide further evidence and/or be required to provide an up-to-date enhanced DBS certificate. Any cost associated with providing an up-to-date enhanced DBS certificate will be borne by the licence holder. Further information on the convictions policy can be found at Annexe C.
- **Accidents**
You must notify the Council if you are involved in an accident as soon as possible or, in any event within 72 hours of the accident taking place. You may be required to provide additional information regarding the accident.

Annual Self-Declaration

Every licensed driver must provide an annual self-declaration relating to notifiable changes in circumstances to the Council on or by the anniversary of the grant date of the licence each year. The declaration form will be available from the Council.

Failure to provide this self-declaration may result in suspension of the licence until such time as the completed self-declaration has been received, checked and accepted.

Information provided in the self-declaration will be checked against the driver record. If any of the information required to be reported to the Council has not been received within the required timescales, further action may be taken.

Appendix B

Intended Use Policy for the Licensing of Hackney Carriages

Licensing a new Hackney Carriage Vehicle

Applicants for new licences will be expected to demonstrate a bona fide intention to ply for hire in the Breckland Council area under the terms of the licence for which the application is being made.

There will be a presumption that applicants who do not intend to a material extent to ply for hire within the Breckland Council area will not be granted a hackney carriage licence authorising them to do so. Each application will be decided on its own merits.

Even when the applicant intends to ply for hire to a material extent within the Breckland Council area, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purposes of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

Renewing a Hackney Carriage Vehicle Licence

Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to ply for hire within the Breckland Council area under the terms of the licence for which the renewal application is being made.

There will be a presumption that applicants who do not intend to a material extent to ply for hire within the Breckland Council area will not be granted a renewal of their hackney carriage licence authorising them to do so. Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Council a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its own merits.

Even where the applicant intends to ply for hire to a material extent within the Breckland Council area, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the renewal application will be refused.

Replacing a licensed Hackney Carriage Vehicle

Applicants seeking the grant of a hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within the Breckland Council area will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire to a material extent within the Breckland Council area, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.

Transfer of ownership

Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of the licensed vehicle who transfers his or her interest to another person must, within 14 days of the transfer, give written notice to the Council of the name and address of the transferee of the hackney carriage. The Council has no power to refuse to register the new proprietor. (*R v Weymouth Borough Council, ex p Teletax (Weymouth) Ltd* [1947] KB 583).

Provided requisite notice has been given in accordance with Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 the Council will register the transferee of a licensed hackney carriage as the new proprietor. This is a legal requirement.

Transferees of existing licences will be expected to have a bona fide intention to ply for hire within the Breckland Council area under the terms of the licence in respect of the vehicle being transferred.

The transferee of a licensed hackney carriage will be asked to inform the Council whether he has a bona fide intention to use the vehicle to ply for hire within the Breckland Council area. Transferees should note the obligation under Section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information, the Council will give serious consideration to exercising its powers of suspension of the licence under Section 60 of the 1976 Act until such information is forthcoming, in addition to its powers under Section 73.

Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent within the Breckland Council area and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under Section 60 of the 1976 Act. Where the transferee proposes to operate remotely from within the Breckland Council area there will be a presumption that his licence will be revoked. Each case will be decided on its own merits.

Revocation of licence

Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within the Breckland Council area but is subsequently found not to be plying for hire to a material extent within the Breckland Council area and/or to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) there will be a presumption that the licence will be revoked.

Exceptional circumstances

Each application will be decided on its own merits. However, the presumptions that intended use is to ply for hire to a material extent within the Breckland Council area will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked as the case may be.

Appendix C

Consideration of Convictions, Cautions, Charges and Fixed Penalty Notices in relation to Licensing of Drivers and Operators

The Licensing Authority must be satisfied that all those who are licensed to drive hackney carriages/private hire vehicles, and those who are licensed to operate under a private hire operator's licence, are fit and proper persons. This general policy relates to the Council's assessment of the suitability of an applicant to be licensed, in terms of their criminal and driving records. Specifically, it is to be applied where an applicant for a driver, proprietor or operator's licence has received a relevant conviction, caution or fixed penalty. Passenger safety is the paramount consideration.

Additionally, it will be referred to where a relevant conviction, caution or fixed penalty has been received during the period of a driver, proprietor or operator's licence and used to help inform any decision as to the licence holders continuing fitness to hold a licence.

In determining the fit and proper status the licensing authority is entitled to take into account all matters concerning the applicant or licensee, the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.

Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction; this is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

Criminal charges or proceedings that have not resulted in a criminal conviction (whether as a result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into consideration.

In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial had been completed or the charges withdrawn. Where an existing licensee is charged, the licensing authority will decide what action to take in light of this guidance.

Licensee Self-Reporting

Licence holders are required to notify the Council within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence or any motoring offence.

Failure to disclose an arrest that the licensing authority subsequently becomes aware of may be seen as behaviour that questions honesty and therefore the suitability of the licence holder, regardless of the outcome of the initial allegation.

Drivers

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

Barred Lists on DBS Certificate

All applications for a Hackney Carriage/Private Hire Driver licence will have an enhanced level DBS check with both barred lists checked. If an applicant appears on the list/register of either the Children's or Adult's Barred list held by the DBS they **will not be granted a licence**.

Crimes resulting in death

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

Exploitation

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

Offences involving violence

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

Possession of a weapon

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

Sex and indecency offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency **a licence will not be granted**. In addition, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

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

Drugs

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

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

Discrimination

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

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence.

Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs

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

Using a hand-held mobile telephone or hand-held device whilst driving

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

Other motoring offences

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

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

Hackney carriage and private hire offences

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

Vehicle use offences

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

Private Hire Operators

A private hire operator may or may not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle depending on the circumstances of the situation. However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

Where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person.

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

Vehicle proprietors

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

1. They must ensure that the vehicle is maintained to an acceptable standard at all times.
2. They must ensure that the vehicle is not used for illegal or illicit purposes.

Where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a fit and proper person to be granted or retain a licence.

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

Appendix D Hackney Carriage Proprietor Conditions

These conditions apply alongside the vehicle specifications at Section 7 and if a Hackney Carriage Driver, the Byelaws at Appendix H.

Identification Plate

- a. The white plate, which identifies the vehicle as a Hackney Carriage and is required to be exhibited on a licensed hackney carriage by virtue of Section 38 Town Police Clauses Act 1847, shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised Officer of the Council or a Police Constable.
- b. The Hackney Carriage vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence irrespective of the age of the passenger.
- c. The licence plate shall be displayed in a vertical position and firmly fixed to the outside of the vehicle at the rear. Neither Velcro or cable tie fastenings will be permitted. The plate must be prominently displayed so as to be readily visible to members of the public and so that the figures and numbers endorsed thereon are distinct and legible.
- d. The licence plate is the property of Breckland Council to whom it must be returned within seven days of demand if the licence is suspended, revoked or not renewed for any reason.

Insurance

- a. During the period of the hackney carriage vehicle licence, the proprietor shall keep in force, in relation to the use of the vehicle as a hackney carriage, a policy of insurance in respect of public hire and complying with the provisions of Section 145 of Part VIA Road Traffic Act 1988 which covers third party liability both in respect of physical injury or death and in respect of damage to personal belongings. The certificate of insurance shall be produced to an authorised officer of the Council for inspection whenever required.
- b. It shall be the responsibility of the proprietor of a hackney carriage to produce proof of continuous insurance cover in respect of public hire. The insurance proof is to be reviewed by the licensing authority within seven days of the expiry of the preceding certificate or cover note.
- c. If the proprietor fails to produce a certificate of insurance cover on request he shall produce it forthwith or within seven clear days of the request to an authorised officer of the Council. Failure to comply shall result in suspension of the hackney carriage vehicle licence.

Taxi Meters

Taxi meters must be fitted in compliance with the Council Byelaws for hackney carriages and when the machinery of the taxi meter is in action, there should be recorded in the face of the taxi meter in clearly legible figures, a fare in pursuance of the tariff fixed by the Council.

The actuating device for the taxi meters must operate direct from the 'For Hire' position to 'Hired' and must pass through the 'Stopped' or 'Fare' position before being returned to the 'For Hire' position. It must not be capable of being moved in the reverse direction or being returned in any position other than 'For Hire', 'Hired' or 'Stopped'.

The taxi meter shall be placed so all the letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring.

When standing or plying for hire no fare shall be recorded on the face of the taxi meter.

The driver of a hackney carriage shall, at the commencement of the journey, activate the meter so that the word 'Hired' is clearly visible and shall keep the meter operating until the termination of the hiring – 'Commencement of the journey' means:

- a. When the hirer enters the vehicle.
- b. When the driver has attended at an appointed place and has made his presence known to the hirer.
- c. When the driver has presented him/herself at an appointed place at a specified time.

The mechanism of a taxi meter shall not be tampered with or altered without excuse.

If a driver agrees beforehand to carry persons for less than the fare fixed by the Byelaws, he shall not, at the end of the journey, demand more than the agreed sum.

No agreement shall be made to charge more than a properly metered fare. Even if the taxi is being driven on private hire business, it is still an offence to agree to charge more than the properly metered fare.

If a driver carries a hirer to a certain place and the hirer wishes the driver to wait, the driver may ask for his fare for driving there and also ask for a deposit against the wasting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.

A driver shall not overcharge.

Once a hackney carriage has been hired, a driver shall not carry anyone else during that hire, without the explicit consent of the first hirer.

Inspection of Vehicle and Taxi Meter

A taxi meter approved to the vehicle may be inspected by an authorised Officer of the Council or by a Police Officer at all reasonable times.

If the Officer or Police Officer inspecting the vehicle is not satisfied as to the fitness of the vehicle or the accuracy of the meter, he may without prejudice to the taxi meter condition, give written notice to the proprietor to make the hackney carriage and/or taxi meter available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the Officer or Police Officer is satisfied as to the vehicle's fitness or as to the accuracy of the taxi meter.

If the Officer or Police Officer is not so satisfied within two months of the initial inspection, the hackney carriage licence shall be deemed revoked.

Roof signs

Roof signs fitted upon a hackney carriage vehicle shall be securely fitted to the vehicle. Roof signs must be the design and shape as approved by Breckland Council.

The sign shall be capable of being illuminated internally and must be illuminated at all times when the vehicle is plying for hire, but not otherwise.

Signs

A sign approved by Breckland Council shall be permanently fixed to and permanently displayed on each rear door of the vehicle.

Vehicle Inspections

A vehicle which fails an inspection/safety check during the currency of a licence will have the fault(s) rectified and the vehicle re-inspected within two months of the original inspection, failure to do so will lead to the automatic revocation of the vehicle licence.

A hackney carriage may be inspected by an authorised Officer of the Council or a Police Officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle, he may give written notice to the proprietor to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the Officer or Police Officer is so satisfied.

If the Officer or Police Officer is not so satisfied within two months of the initial inspection the hackney carriage vehicle licence shall be deemed revoked.

Alteration of Vehicle

During the currency of the Licence, no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of the Council. All vehicles must have four doors with the exception of purpose-built vehicles.

Advertising on outside of vehicle

During the currency of the licence advertising will be permitted on licensed vehicles, subject to the following conditions:

- a. The proprietor of a hackney carriage vehicle shall not display or permit to be displayed on the vehicle any sign or advertisement whatsoever unless written permission has been obtained from the licensing authority.
- b. Advertising is to be limited to the front door and back door panels of licensed vehicles. Advertising on parts of the vehicle over and above front and back door panels may be permitted but only after prior written approval of the Council has been given.
- c. Proprietors of a hackney carriage shall ensure that any advertisements carried on their vehicles are not disfigured or damaged and shall immediately remove any advertisements that are or become damaged or disfigured.

- d. All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Council reserves the right to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.
- e. No advertisement shall relate to, or advertise alcohol, nudity, gambling, smoking materials or be of a political nature.
- f. The same advertising must be displayed on the front nearside and offside doors of vehicles.
- g. Any advertising may cover both doors.
- h. Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.
- i. Advertising must not obscure the sign issued by Breckland Council, which is permanently affixed to the vehicle.

Advertising on inside of vehicle

Advertising is permitted on the inside of purpose-built hackney vehicles but is limited to the base of the pull-down spring seats and shall be subject to the following conditions:

- a. Proprietors of hackney carriages shall ensure that any advertisements carried on their vehicles are not disfigured or damaged and shall immediately remove any advertisements that are or become damaged or disfigured.
- b. All adverts shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority.
- c. No advertisement shall relate to or advertise alcohol, nudity, gambling, smoking materials or be of a political nature. The Council reserves the right to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.

Signs which must be displayed

The following signs and notices will be displayed on hackney carriage vehicles during the currency of the licence and shall not be displayed on the windows or windscreen of the vehicle:

- a. Notices issued from time to time by Breckland Council for the information of the traveller.
- b. A copy of the approved table of fares displayed in a clearly visible position. Byelaw 16.
- c. A sign stating 'Seat belts must be worn'.
- d. The number of passengers and licence number of the vehicle displayed in a clearly visible position (this can be on the windscreen).
- e. A "No Smoking, vaping or e-cigarettes" sign.

Signs, Notices, etc

During the period of the licence no signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever will be displayed on, in or from the vehicle except as may be required by any statutory provision, including byelaws, or permitted by these conditions.

Provided, however, that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign which:

- a. is displayed in or from the vehicle while it is stationary; and
- b. contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carries on his business and in either case, the name of a passenger or passengers to be carried in the vehicle; and
- c. is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named on the sign.

Passengers

The proprietor or owner of a licensed hackney carriage shall not permit to be conveyed in the vehicle a greater number of persons than prescribed in the licence for the vehicle.

The driver of a licensed hackney carriage shall not allow to be conveyed in the front seat of a licensed hackney carriage, any child below the age of 10 years.

The driver of a licensed hackney carriage shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in the vehicle.

A driver shall not refuse to carry fewer persons than the number marked on the plate.

Unattended Taxis

No licensed hackney carriage may be left on a taxi rank designated by Section 65 Local Government (Miscellaneous Provisions) Act 1976 or a Local Traffic Order without the licensed driver using that vehicle in attendance to take care of it.

Smoking, Vaping and E-Cigarettes in Vehicles

The Health Act 2006 prohibits smoking in enclosed places, all licensed vehicles are designated as an enclosed public space and therefore it is unlawful for any person to smoke in a licensed vehicle at any time, including when it is not being used for hire.

The Council considers all forms of smoking, vaping and e-cigarettes to be included in this prohibition.

Unauthorised Use

The proprietor of a hackney carriage vehicle shall not allow the vehicle to be driven and used for hire by any person who does not hold a current hackney carriage driver's licence, issued by the Council.

Additional Charges

The proprietor shall pay the Council any reasonable additional charges to be determined by the Council for the replacement of any lost, damaged or stolen plate, or sign provided by the Council (and which is required to be attached or displayed on or in the vehicle as a condition of this licence).

What you must notify the Council of as a vehicle proprietor:

- **Change of Address**
A licence holder on changing address shall notify the Council of such change within seven days in writing and pay the appropriate fee to update their licence.
- **Change of Name**
A licence holder on changing their name (marriage, divorce or deed poll etc) shall notify the Council within seven days in writing and pay the appropriate fee to update their licence.
- **Vehicle Accidents**
The proprietor of a hackney carriage vehicle must report to the Council as soon as possible, or in any event within 72 hours, any accident which has caused damage to the vehicle (Section 50(3) Local Government (Miscellaneous Provisions) Act 1976).
- **Change of Insurance**
The proprietor of a hackney carriage vehicle shall notify the Council if he changes the insurance in any way and provide a copy of the insurance certificate within seven days of the change.
- **Transfer of interest in the vehicle**
If a proprietor of a licensed hackney carriage vehicle transfers his interest, in whole or in part, in the vehicle to any other person not specified in the vehicle licence he must notify the Council within 14 days stating the name and address of the person to whom he has transferred his interest in the vehicle. (Section 49 Local Government (Miscellaneous Provisions) Act 1976).

Alteration of Vehicle

During the currency of the Licence, no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of the Council. All vehicles must have four doors with the exception of purpose built vehicles.

Deposit of Drivers Licence

Where the proprietor of a hackney carriage employs any other person to drive the vehicle he shall, before that person commences to drive the vehicle, ensure the driver provides him with his hackney carriage drivers licence (paper) for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle which he operates.

Appendix E

Private Hire Vehicle Proprietor Conditions

Identification Plate

The yellow plate, which identifies the vehicle as a private hire vehicle and is required to be exhibited on a private hire vehicle by virtue of Section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976, shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be able to be removed by an authorised Officer of the Council or a Police Constable.

The licence plate is the property of Breckland Council to whom it must be returned within seven days of demand if the vehicle licence is suspended, revoked or not renewed for any reason.

Return of Identification Plate

On suspension, revocation or expiry of a private hire vehicle licence the Council will require the proprietor to return the identification plates within seven days and any authorised Officer of Breckland Council or any Police Officer is entitled to remove the plate from the vehicle and retain it.

Insurance

- a. During the period of the private hire vehicle licence, the proprietor shall keep in force, in relation to the use of the vehicle as a private hire vehicle, a policy of insurance in respect of public hire and complying with the provisions of Part VI Road Traffic Act 1988 which covers third party liability both in respect of physical injury or death and in respect of damage to personal belongings. The certificate of insurance shall be produced to an authorised officer of the Council for inspection whenever required.
- b. It shall be the responsibility of the proprietor of a private hire vehicle to produce proof of continuous insurance cover. The insurance proof is to be reviewed by the licensing authority within seven days of the expiry of the preceding certificate or cover note.
- c. If the proprietor fails to produce a certificate of insurance cover on request he shall produce it forthwith or within seven clear days of the request to an authorised officer of the Council. Failure to comply shall result in suspension of the private hire vehicle licence.

Advertising on outside of vehicle

During the currency of the licence advertising will be permitted on licensed vehicles, subject to the following conditions:

- a. The proprietor of a private hire vehicle shall not display or permit to be displayed on the vehicle any sign or advertisement whatsoever unless written permission has been obtained from the Licensing Authority.
- b. Advertising is to be limited to the front door and back door panels of licensed vehicles. Advertising on parts of the vehicle over and above front and back door panels may be permitted but only after prior written approval of the Council has been given.

- c. Proprietors of private hire vehicles shall ensure that any advertisements carried on their vehicles are not disfigured or damaged and shall immediately remove any advertisements that are or become damaged or disfigured.
- d. All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Council reserves the right to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.
- e. No advertisement shall relate to or advertise alcohol, nudity, gambling, smoking materials or be of a political nature.
- f. The same advertising must be displayed on the front nearside and offside doors of vehicles.
- g. Any advertising may cover both doors.
- h. Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.
- i. No advertising containing the words "taxi", "cab" or "hire" will be permitted.

Signs which must be displayed

The following signs and notices will be displayed on private hire vehicles during the currency of the licence and shall not be displayed on the windows or windscreen of the vehicle:

- a. Notices issued from time to time by Breckland Council for the information of the traveller.
- b. A sign stating 'Seat belts must be worn'.
- c. The number of passengers and licence number of the vehicle displayed in a clearly visible position. This can be displayed on the windscreen.
- d. A sign stating 'no smoking, vaping or e-cigarettes'.

Signs, Notices, etc

During the period of the licence no signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever will be displayed on, in or from the vehicle except as may be required by any statutory provision, including byelaws, or permitted by these conditions.

Provided however that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign which:

- a. is displayed in or from the vehicle while it is stationary; and
- b. contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carries on his business and in either case, the name of a passenger or passengers to be carried in the vehicle; and
- c. is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named on the sign.

Vehicle Inspections

A vehicle which fails an inspection/safety check during the currency of a licence will have the fault(s) rectified and the vehicle re-inspected within two months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.

A private hire vehicle may be inspected by an authorised Officer of the Council or a Police Officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give written notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the Officer or Police Officer is so satisfied.

If the Officer or Police Officer is not so satisfied within two months of the initial inspection the private hire vehicle licence shall be deemed revoked.

Maintenance of Vehicle

The proprietor of a private hire vehicle will ensure that the vehicle and all its fittings are at all times when the vehicle is in use or available for hire be kept in a safe, tidy and clean condition and comply with the relevant statutory requirements including those contained in the Motor Vehicles (Construction and Use) Regulations.

Proprietors Responsibility

During the period of a licence, the holder shall be in direct control of the day to day running of the vehicle.

Roof Signs

No roof signs or top lights are permitted on private hire vehicles.

Smoking, Vaping and E-Cigarettes in Vehicles

The Health Act 2006 prohibits smoking in enclosed spaces, all licensed vehicles are designated as an enclosed public space and therefore it is unlawful for any person to smoke in a licensed vehicle at any time, including when it is not being used for hire.

The Council considers all forms of smoking, vaping and e-cigarettes to be included in this prohibition.

Additional Charges

The proprietor shall pay the Council any reasonable additional charges to be determined by the Council for the replacement of any lost, damaged or stolen plate, or sign, provided by the Council (and which is required to be attached or displayed on or in the vehicle as a condition of this licence).

What you MUST NOTIFY the Council of as a vehicle proprietor

- **Change of address**

A licence holder on changing address shall notify the Council of such a change within seven days in writing and pay the appropriate fee to update their licence.

- **Change of name**
A licence holder on changing their name (marriage, divorce or deed poll etc) shall notify the Council within seven days in writing and pay the appropriate fee to update their licence.
- **Vehicle Accidents**
The proprietor of a private hire vehicle must report to the Council as soon as possible, or in any event within 72 hours, any accident which has caused damage to the vehicle.
- **Change of insurance**
The proprietor of a private hire vehicle shall notify the Council if he changes the insurance in any way and provide a copy of the insurance certificate within seven days of the change.
- **Transfer of interest in the vehicle**
If a proprietor of a private hire vehicle transfers his interest, in whole or in part, in the vehicle to any other person not specified in the vehicle licence, he must notify the Council within 14 days stating the name and address to whom he has transferred his interest in the vehicle. See Section 6 for further information.

Alteration of Vehicle

During the currency of the Licence, no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of the Council. All vehicles must have four doors with the exception of purpose built vehicles.

Deposit of Drivers Licence

Where the proprietor of a private hire vehicle employs any other person to drive the vehicle he shall, before that person commences to drive the vehicle, ensure the driver provides him with his Private Hire Driver's Licence (paper) for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle which he operates.

Appendix F Driver Conditions – Private Hire

In these conditions "authorised officer" means an Officer of the Council authorised in writing for the purposes of these conditions.

General Prohibitions Under Licence

1. The licensee shall not assign or in any way part with the benefit of the licence. It is personal to the licensee.
2. The driver of a vehicle while driving or in charge of a vehicle shall not:
 - a. tout or solicit or cause or procure any other person to tout or solicit on a road or other public place any person to hire or to be carried for hire in any vehicle.
 - b. ply for hire by offering a vehicle for immediate hire while they or that vehicle are on a road or other public place.
 - c. accept an offer for the immediate hire of a vehicle while they or that vehicle are on a road or other public place except where the offer is first communicated to the driver in person by telephone or vehicle radio without him/her in any way procuring the offer.

In this condition "road" means any highway and any other road to which the public has access and includes bridges over which a road passes.

3. Only a licensed driver may drive a licensed vehicle at any time. The vehicle must be licensed by Breckland Council.
4. A driver may only accept bookings through a private hire operator licensed by Breckland Council.
5. No driver shall drive a vehicle without the proprietor's consent.
6. When hired to drive to a particular destination, a driver shall (subject to any directions given by the hirer) proceed to that destination by the shortest available route.

Conduct of Driver

The driver shall:

- a. carry a reasonable quantity of luggage when requested by any person hiring or seeking to hire a vehicle, and afford all reasonable assistance in loading and unloading passengers' luggage.
- b. at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
- c. take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
- d. not, without the express consent of the hirer, eat or drink in the vehicle.

- e. not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- f. at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- g. not, when collecting passengers, beep the vehicle's horn but shall make his/her arrival known in person.
- h. comply with all reasonable requests of hirers or passengers.
- i. not use a non-hands-free mobile phone whilst driving the vehicle.
- j. not smoke in the vehicle whilst it is under hire.

Change of Address

The driver shall notify Breckland Council in writing of any change of his/her address during the period of the licence within seven days of the change taking place.

Convictions

The driver shall notify Breckland Council in writing of any conviction, caution or driving offence imposed on him/her during the period of the licence within seven days of the conviction.

In the event of a disqualification from driving, a driver shall immediately inform Breckland Council and return their badge.

Badges

The driver shall, at all times when under hire or available for hire, wear their badge on their person where it is clearly visible.

A driver shall not damage or deface a driver's badge nor allow any other person to do so.

The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence immediately return to Breckland Council the driver's badge issued when granting this licence.

Driving licence

A driver shall produce their DVLA driving licence for inspection by an authorised officer annually and at any point during the period of the licence if requested, within seven days of the request.

Medical fitness to drive

A satisfactory medical will be required on renewal of the licence (every three years) up to the age of 65. After the age of 65 has been reached a satisfactory medical will be required annually. Breckland Council will not renew a licence if a satisfactory medical is not produced.

A medical may be requested at any time by an authorised officer. If a medical is not produced Breckland Council may consider suspension or revocation of the licence.

If there is a change in medical fitness to drive, Breckland Council must be notified in writing within 72 hours of the change occurring.

Prompt Attendance

The driver of a vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place (unless delayed or prevented by sufficient cause) punctually attend at that appointed time and place.

Passengers

The driver shall not convey or permit to be conveyed in a vehicle a greater number of persons than that prescribed in the licence for the vehicle.

The driver shall not allow there to be conveyed in the front of a vehicle:

- any child below the age of 10 years; or
- more than one person above that age.

The driver shall not, without the consent of the hirer of a vehicle, convey or permit to be conveyed any other person in that vehicle.

The driver who shall knowingly convey in a vehicle the dead body of any person, shall immediately thereafter notify the fact to the Licensing Team, Breckland Council, Elizabeth House, Walpole Loke, Dereham, NR19 1EE.

No driver without reasonable excuse shall refuse to carry or refuse assistance to any person with a disability. No driver shall refuse to carry an assistance dog without the appropriate exemption certificate.

No extra fee may be charged for carrying an assistance dog or wheelchair.

Lost Property

The driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.

The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

- i. carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it.
- ii. be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound for its estimated value (or the fare for the distance from the place of finding to the office of the Council whichever be the greater) but not more than five pounds.

Animals

The driver shall not convey in a vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.

The driver shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle except that an assistance dog accompanying a disabled person may sit in the front of the vehicle provided that the animal is properly trained to sit in the footwell of the vehicle with the disabled passenger.

Accidents

A driver shall report to Breckland Council any accident involving a licensed vehicle as soon as possible and in any event within 72 hours of the accident occurring.

Breakdowns

In the event of a breakdown during a hiring, the driver shall ensure that passengers have the means to continue their journey.

Taximeter

If a vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

Trailers

A licensed driver will be permitted to tow a trailer whilst driving a licensed vehicle providing that:

- a. The driver holds the appropriate category on his DVLA licence, which must be produced to the Council.
- b. It is the proprietor's responsibility to ensure that the trailer towed by his vehicle complies with the legislation and licensing conditions.

It is the proprietor's responsibility to ensure the driver towing the trailer holds the appropriate category DVLA licence.

Fare to be Demanded

The driver shall not demand from any hirer of a vehicle 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

taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

Written Receipts

The driver shall, if requested by the hirer of a vehicle, provide him with a written receipt for the fare paid.

Penalties

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act shall be guilty of an offence and liable on summary conviction to a fine. In addition, such action, whether or not resulting in criminal proceedings being taken, may lead to the suspension or revocation of an existing licence or refusal to renew such a licence

Appendix G Limousine Conditions

These conditions shall apply in addition to the Council's standard conditions for private hire vehicles.

The vehicle shall be tested every six months. The Vehicle shall comply with the following:

- a. The vehicle shall not be over 10 years old.
- b. The vehicle must be equipped with a minimum of four road wheels and a full-sized wheel.
- c. The vehicle must 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.
- d. All seats shall be fitted with seat belts which must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.
- e. The maximum length of the stretch conversion (measured between the rear edge of the front door and the front edge of the rear door) shall not exceed 3048mm/120".
- f. The vehicle must not be fitted with a two-way radio system.

No person, under the age of 18 years, being conveyed in a stretched limousine shall be allowed to consume alcohol.

Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.

Children under the age of 16 years shall not be carried in a stretched limousine unless accompanied by the parent or guardian of at least one of the children.

A limousine will not be permitted to tow a trailer.

Appendix H Private Hire Operators Conditions

Licence

A Private Hire Operator's Licence shall be valid for a period of five years. Breckland Council will only grant an operator's licence to operators situated in the Breckland Council area.

Basic Level DBS

An applicant for the grant of a new licence or renewal of an existing licence will be required to provide a basic level criminal convictions certificate from the Disclosure Barring Service (DBS) to aid in establishing if an applicant is a suitable person to hold an operator's licence. This is because a private hire operator will be in possession of information on members of the public's whereabouts and will be dealing with the public face to face and/or over the telephone, possibly having contact with vulnerable people.

If the applicant is a company, each Director and Secretary shall provide a basic level DBS certificate to the licensing authority to assist in determining if they are fit and proper to hold an operator's licence.

If the applicant is a partnership, all partners shall provide a basic level DBS certificate to the licensing authority to assist in determining if they are fit and proper to hold an operator's licence.

If a Breckland private hire drivers licence is held, an additional basic level criminal check will **not** be necessary for that person. Should the individual cease to hold a Breckland private hire driver's licence, a basic level DBS will be required immediately.

If any Partners or Directors change (resign or join the company or partnership) the licensing authority must be notified immediately, and a basic level DBS certificate provided to the licensing authority within 28 days of the change.

If an applicant has not been resident in the UK for the last five years, a certificate of good conduct from an overseas Embassy may be acceptable in place of a basic level Criminal Record Check. This may also be the case if an applicant has spent an extended period of time overseas (in excess of three months).

Statutory Declaration

Each applicant (Partner, Director or Secretary) must make a declaration by means of a form or questionnaire provided for the purpose, as to any criminal or motoring convictions recorded or pending against him/her to assist in confirming that the applicant is a fit and proper person to hold a licence.

Register of all staff that take bookings or dispatch vehicles:

A register of all staff that will take bookings or dispatch vehicles must be kept up to date by the operator. This will be a 'living' document, which must be kept up to date and records kept for past twelve months.

Operators must have had sight of a Basic DBS certificate for all individuals on the register of staff that take bookings or dispatch vehicles. The DBS certificate should be recent (no more than 3 months old) when seen and a record of the check be kept in the register.

Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

It is expected that operators will require their staff to notify them of any convictions whilst employed by them.

The operator must have a policy on employing ex-offenders that includes a basic DBS check. This policy should be made available to the licensing authority on request.

Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

Record of Bookings

Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires private hire operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. The following information must be kept by the operator for each booking:

- the date and time of each booking.
- how the booking was received (telephone, email, social media etc).
- the time of pick-up.
- where the journey was from and to.
- the name and address of the hirer.
- the name of the driver.
- the vehicle registration number of the vehicle or licence number of the vehicle.
- the name of any individual that responded to the booking request.
- the name of the individual that dispatched the vehicle.

Records of bookings shall be kept for a minimum of twelve months and made available to a Licensing Officer upon request.

Private hire operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive online guidance on registering as a data controller and how to meet their obligations.

Record of vehicles

The operator shall maintain a record of all vehicles operated by him, which shall include the following:

- the private hire licence number.
- the vehicle registration number.
- the name and address of the proprietor of the vehicle.
- the name(s) and address(es) of the driver(s) of the vehicle(s).
- the badge number(s) of the driver(s).

Records of vehicles shall be kept for a minimum of twelve months and made available to a Licensing Officer upon request.

Bookings by and for disabled people and those accompanied by assistance dogs.

The Disability Discrimination Act 1995 makes it an offence for a private hire operator to fail or refuse to take a booking for a private hire vehicle:

- if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
- the reason for the failure or refusal is that the disabled person will be accompanied by his assistance dog.

This is subject to medical exemption certificates.

It is also an offence for the operator to make any additional charge to carry an assistance dog.

General Conditions

1. An operator must ensure that all vehicles and drivers working for them are licensed by Breckland Council.
2. The operator shall undertake to ensure that all drivers and all vehicles owned and controlled or operated by them, shall be licensed and comply with all the conditions of their respective licences.
3. An operator must not include in his trading title any reference to “taxi” or “cab”.
4. The operator shall provide information on the price/charge for the hire of a private hire vehicle before accepting a booking. This shall be made clear to the person making the booking.
5. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times. This includes the following:
 - a. Ensure that when a private hire vehicle has been hired to attend at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, attend punctually at the appointed time and place.
 - b. Keep clean, adequately heated, ventilated and lit any premises which the operator provides to which the public have access, whether for the purpose of booking or waiting.
 - c. Ensure that any waiting area provided by the operator has adequate seating facilities.
 - d. Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
 - e. The operator shall not permit any person who is drunk, or is behaving in a disorderly manner to remain upon the premises in respect of which the operator’s licence is in force.

Notification of changes to the Council

- **Change of name (marriage, divorce or deed poll etc)**

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

- **Change of Partner, Director, Secretary etc**

The operator shall notify the Council in writing of any resignation or other change to Partners, Directors or Secretary etc during the period of the licence within seven days of such change taking place.

Convictions

The operator shall, within seven days, disclose to the Council in writing details of any conviction imposed on him (or if the operator is a company or partnership, on any of the Directors or Partners) during the period of the licence.

Penalties

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level three on the standard scale (currently £1,000). In addition, such action, whether or not resulting in criminal proceedings being taken, may lead to the suspension or revocation of an existing licence or refusal to renew such a licence.

Appendix I Penalty Points System

The penalty points which can be imposed on the drivers of private hire vehicles and hackney carriages, proprietors of vehicles and operators of private hire vehicles are shown below. This system is designed for the public interest, as an aid to ensure continued public safety and to give the individual concerned a chance to rectify any relatively minor breaches of licence conditions without the need to resort straight to suspension/revocation or prosecution.

If an individual concerned accrues a total of nine points within a three year period then he/she will automatically be referred to Committee to show just cause why their licence should continue.

Infringement	Penalty
Failing to have a private hire driver or hackney carriage driver badge in his possession whilst driving a licensed vehicle.	3 Points
Not having an appropriate fire extinguisher and/or first aid kit in the vehicle.	3 Points
Failing to notify the licensing team, in writing, within the appropriate period, of any points or convictions being imposed.	3 Points
Failing to notify the licensing team, in writing, of a change of address/name/contact details or change in medical condition within seven days.	3 Points
Failure to produce a valid insurance certificate/cover note within seven days of request.	3 Points
Failure to display any plates, signs or notices required by Breckland Council	3 Points
Failing to notify the licensing team in writing, of being involved in an accident within 72 hours of the accident occurring	3 Points
Failing to deal with lost property in the correct manner.	3 Points
Leaving a vehicle unattended on the rank.	3 Points
Private hire operator failing to maintain their records in the correct format	3 Points
Failure to attend the Council offices when directed by an authorised officer.	3 Points
A licensed vehicle not carrying a spare wheel that is capable of being used if applicable.	3 Points
The issue of an unfit vehicle notice for any reason other than for an accident.	3 Points
Failure to notify the licensing team of any change in medical fitness to drive.	6 Points

Appendix J Byelaws

Byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Breckland District Council with respect to hackney carriages in the Breckland district.

Interpretation

Throughout these byelaws "the Council" means the Breckland District Council and "the district" means the Breckland district.

Provisions regulating the manner in which the number of each hackney carriage, corresponding with the number of its licence, shall be displayed

1. a. The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside respectively of the carriage, or on plates affixed thereto.
- b. A proprietor or driver of a hackney carriage shall:
 - i. not willfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire.
 - ii. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

2. The proprietor of a hackney carriage shall:
 - a. provide sufficient means by which any person in the carriage may communicate with the driver.
 - b. cause the roof or covering to be kept watertight.
 - c. provide any necessary windows and a means of opening and closing not less than one window on each side.
 - d. cause the seats to be properly cushioned or covered.
 - e. cause the floor to be provided with a proper carpet, mat, or other suitable covering.
 - f. cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service.
 - g. provide means for securing luggage if the carriage is so constructed as to carry luggage.
 - h. provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use.
 - i. provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

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

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

4. The driver of a hackney carriage provided with a taximeter shall:
 - a. when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw, locked in the position in which no fare is recorded on the face of the taximeter;
 - b. before beginning a journey for which a fare is charged for distance and time bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
 - c. cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.
5. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

6. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
 - a. proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf.
 - b. if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand.
 - c. on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction.
 - d. from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
7. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
8. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
9. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
10. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage, any greater number of persons than the number of persons specified on the licence for such carriage issued by the Council.
12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, he shall when standing, plying or driving for hire wear that badge in such position and manner as to be plainly and distinctly visible.
13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage
 - a. convey a reasonable quantity of luggage.
 - b. afford reasonable assistance in loading and unloading.
 - c. afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he may take up or set down such person.

Provisions fixing the rate of fare to be paid for hackney carriages within the district and securing the due publication of fares

1. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate of fare prescribed, the rate of fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.
2. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter save for any extra charges authorised which it may not be possible to record on the face of the taximeter.
3.
 - i. The proprietor of a hackney carriage for which any fares are fixed by any byelaw in that behalf shall:
 - a. cause a statement of such fares to be painted or marked on the inside of the carriage, or on a plate affixed thereto, in clearly distinguishable letters and figures.
 - b. renew such letters and figures as often as is necessary to keep them clearly visible.
 - ii. The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not willfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages and fixing the charges to be made in respect thereof

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

Penalties

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

Repeal of Byelaws

1. The byelaws relating to hackney carriages in the Breckland District which were made by the Mayor, Aldermen and Burgesses of the Borough of Thetford acting by the Council on the 19th day of February 1957 and which were confirmed by one of Her Majesty's Principal Secretaries of State on the 12th day of April, 1957 and subsequently amended by:
 - i. Amending Byelaws 7, 15 and 16 made by the Council on the 26th day of March 1968 and confirmed on 13th June 1968.
 - ii. Amending Byelaws 7 and 15 made by the Council on the 10th day of March 1968 and confirmed on the 12th day of May 1970, and
 - iii. Amending Byelaw 16 made by the Council on the 17th day of November 1970 and confirmed on the 27th day of July 1971.

are hereby repealed.

Provisions Fixing the Stands of Hackney Carriages

1. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:

Forecourt on Thetford Railway Station	6
Bridge Street Car Park, Thetford (adjacent to the pedestrian bridge across the Rivers Ouse and Thet)	4
Well Street, Thetford (on the west side of the street to the south of the layby)	5
Pike Lane Car Park (6.00 p.m. - 1.00 a.m. only)	2
Mill Lane Car Park (6.00 p.m. - 1.00 a.m. only)	2
Quebec Street, Dereham	8
Queens Square, Attleborough	1
High Street, Watton	1
Opposite Pedlars Car Park, Swaffham	1

Appendix K Equality Act 2010 – Medical Exemption Policy

1. Background Information

The Equality Act 2010 means that employers and service providers must make reasonable adjustments or changes to take account of the needs of disabled employees and customers.

Breckland Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Taxis and Private Hire vehicles are a vital link in the transport chain. It is important that people who use wheelchairs or guide, hearing or other assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.

The Equality Act 2010, Section 165, places the following duties on **drivers of designated wheelchair accessible taxis and private hire vehicles**:

- to carry the passenger while in the wheelchair
- not to make any additional charge for doing so
- if the passenger chooses to sit in a passenger seat, to carry their wheelchair
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- to give the passenger such mobility assistance as is reasonably required

In addition, Sections 168 and 170 places the following duty on **drivers of taxis and private hire vehicles**:

- to carry the passenger's dog, allowing it to remain with the passenger and not make any additional charge for doing so.

A driver who fails to comply with any of the above is guilty of an offence and may receive a fine if convicted.

2. What is a Medical Exemption?

In some circumstances a driver of a designated Taxi or Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, either short or longer term.

Section 166 of the Act allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

Sections 169 and 171 of the Act allow licensing authorities to exempt drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so on medical grounds.

3. How to apply for a Medical Exemption

To apply for a Medical Exemption Certificate, a driver must submit an exemption application form that their own GP has filled out and signed detailing exactly what duties cannot be undertaken and why. Drivers might also be required to submit additional supporting documentation such as a letter from a consultant.

If the doctor's letter states that the driver is unfit to carry passengers in wheelchairs and/or assistance dogs for a specified period of time, an exemption notice will be issued with an expiry date in line with the information provided on the doctor's note. Upon expiry, the licensing team will deem drivers fit to undertake all duties unless a second doctor's note is received. Upon receipt of a second doctor's note, the licensing team may either accept the doctor's note or require the driver for referral to a health centre for further assessment (driver to pay these expenses). This will be on a case-by-case basis.

Upon expiry of the exemption certificate, the certificate must be returned to the licensing team. Failure to do so in a reasonable timeframe might result in the suspension of a driver's licence on the basis of being fit and proper.

If/when the referral process is initiated, the driver will receive further information from the Health Centre provider. The licensing section will contact the driver to discuss the outcome of the referral.

- If the driver is declared fit for work, the exemption certificate must be returned to the licensing team.
- In the event of a recommendation to make reasonable adjustments, the licensing section will consider an extension to the exemption certificate to allow the driver to make necessary reasonable adjustments.
- If the driver is declared permanently unfit to carry passengers in wheelchairs and/or assistance dogs an Exemption Certificate will be issued at each renewal of their Hackney Carriage/Private Hire Drivers Licence. The exemption may be reviewed every one to three years, with reference to expert medical evidence, and each case will be reviewed on its own merits.

4. Appeals Process

If the driver does not agree with the decision to refuse the application for a medical exemption, they are able to appeal the decision to the magistrates' court. The driver has 28 days from the date of refusal to appeal.

5. Need to display the Exemption Certificate

Once an exemption is granted, there is a requirement under the Equalities Act 2010 to display the exemption certificate in the vehicle being driven by the exempted driver. An exemption certificate will be provided to the driver for the vehicle he operates, this must be displayed when he is operating that vehicle.