



## Harlow Council

# **~~Hackney Carriage~~Taxi and Private Hire Licensing Policy**

**20265 - 20310**

V1.2

ALL PAGE/APPENDIX REFERENCES TO BE AMENDED IN FINAL DRAFT

Contents	Page No
Minor Amendments.....	3
Introduction.....	3
Background.....	3
Scope.....	4
Aim of the Policy & Objectives.....	4
About Hackney Carriage and Private Hire Licences.....	4
Role of Hackney Carriage and Private Hire Transport.....	5
Decision making.....	5
<u>Licensing Enforcement Points-Based System.....</u>	<u>6</u>
<u>Whistleblowing.....</u>	<u>6</u>
Driver Licensing Overview.....	7
Private Hire Operator Licensing Overview.....	12
Vehicle Licensing Overview.....	14
Appendix A List of Consultees.....	17
Appendix B Scheme of Delegation.....	18
Appendix C General Enforcement Policy for Hackney Carriage and Private Hire Licensing.....	19
<u>Appendix D Licensing Enforcement Points-Based System.....</u>	<u>24</u>
Appendix <u>ED</u> National Register of Refusals, Revocations and Suspensions (NR3S) Policy.....	24
Appendix <u>FE</u> Private Hire Driver Conditions.....	30
Appendix <u>GF</u> Hackney Carriage Byelaws.....	33
Appendix <u>HG</u> Private Hire Operator Conditions.....	37
Appendix <u>IH</u> Private Hire Vehicle Conditions.....	42
Appendix <u>JJ</u> Stretched Limousines Additional Conditions and Criteria	48
Appendix <u>KJ</u> Hackney Carriage Vehicle Conditions.....	50
Appendix <u>LK</u> Driver (and Operator) Useful Information.....	56
Appendix <u>ML</u> Policy Updates.....	61



## **Minor amendments**

Administrative amendments to this policy (required by virtue of legislative changes, revised statutory guidance, a Council restructure or administrative procedural changes) may be made authorised by the Assistant Director for Public Protection. Amendments under this provision are restricted to those required to accurately reflect legal or administrative position rather than amendments that change the focus of local policy.

## **Introduction**

This document is the Council's statement of licensing Policy in respect of hackney carriages and private hire vehicles, drivers and operators.

The overriding aim of Harlow Council when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, is the protection of the public and others who use, or can be affected by, Hackney Carriage and Private Hire services.

This policy brings together, into one cohesive document, all previous policy and procedures on all aspects of Hackney Carriage and Private Hire Licensing. To help promote consistent and proportionate decision making, ensuring the approach that the licensing authority will take is clear to all working within the regulated trades, and informs every one of the actions they may face if they do not satisfy these expectations.

This policy has been developed with regards to the Department for Transport Statutory Taxi and Private Hire Vehicle Standards and other relevant guidance and legislation. Consultation on this policy is undertaken with both the Hackney Carriage and Private Hire trade; and with groups that are likely to be the trade's customers, such as groups representing disabled people, organisations with a wider transport interest etc. a full list of those that were consulted is attached as Appendix A.

This policy came into effect on 18 July 2025 and will be reviewed every 5 years, or sooner should there be significant changes required, or reason to consider all or part of this policy.

This policy takes immediately effect for new applicants and existing licensees unless where a timeframe is stated.

## **Background**

The operation of Hackney Carriages and Private Hire Vehicles has a specific role to play in local transport, connecting residents to the local economy and enabling businesses and residents to reach wider transport networks. They can provide services where public transport is not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or weekends) and provide for those with mobility difficulties.

This Policy sets out the approach the Authority will take in the licensing of Hackney Carriages and Private Hire Vehicles, Drivers and Operators when considering and making decisions on applications made under this regime. The Authority will aim to apply this Policy in a consistent manner; however, the Authority may depart from this Policy if it has reason to do so but will give justification for any departure.

## **Scope**

Legislation provides that the following must be licensed:

- Hackney Carriage and Private Hire Drivers
- Private Hire Vehicle
- Private Hire Operator
- Hackney Carriage Vehicle

The above licences include regulation of drivers (a licensed driver), a person who owns a licensed vehicle (vehicle owner/proprietor), and a person who takes bookings for private hire vehicles (an operator and their associated staff).

## **Aim of the policy**

The paramount consideration in licensing of the hackney carriage (taxi's) and private hire vehicle (PHV's) trades is to protect the public.

## **Objectives**

This authority's licensing objectives are:

- Public safety;
- To promote a professional and responsible hackney carriage and private hire trade;
- Access for all, to efficient and effective transport;
- Prevention of environmental impacts.

## **About Hackney Carriage and Private Hire licences**

Licensing authorities can issue two types of licence allowing an individual to act as hackney carriage or private hire driver, while driving an appropriately licensed vehicle.

The two licence types convey separate entitlements. A hackney carriage driver licence allows the holder to drive a hackney carriage vehicle, but not a private hire vehicle. A private hire driver licence allows the holder to drive a private hire vehicle, but not a hackney carriage. Where an individual needs to drive both types of licensed vehicle, it will be necessary for them to hold both types of driver's licence.

Hackney carriages are public transport vehicles which are licensed to "ply for hire". They can:

- carry passengers or goods for hire or reward (pre-booked)

- be hailed by prospective passengers in the street
- stop on a rank to be approached by passengers.

Hackney carriage vehicles have a roof light which is illuminated when available for hire. They have a white plate affixed to the rear of the vehicle.

Hackney carriages are also known as taxis.

Private hire vehicles are a provision of private transport. They must therefore be pre-booked through a private hire operator e.g. via a telephone call, the internet or an app on a mobile device.

A private hire vehicle can only be used to:

- Carry passengers or goods for hire or reward (pre-booked)

Harlow private hire vehicles have a white and turquoise green plate affixed to the rear of the vehicle; they also have door stickers affixed to the front doors with the vehicles licence number.

### **Role of hackney carriage and private hire transport**

These services provide where buses, trains and other public transport are not always available. They can be the link between other modes of transport and support the night-time economy. People with mobility difficulties may find it easier to use wheelchair-accessible hackney carriages than other forms of public transport.

### **Decision Making**

The Hackney Carriage and Private Hire Vehicle licensing functions of local councils are non-executive functions – that is, they are functions of the council rather than executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. Functions may be delegated to a committee or an officer.

Harlow Council's Scheme of Delegation is attached as Appendix B

When the Council is making a determination on applications or considering whether existing licensees remain 'fit and proper', it shall consider its Convictions policy, which promotes the modern expression of whether the applicant/licensee is 'safe and suitable'. The Convictions Policy is a separate document and can be viewed on the Council's website at the [driver licence webpage](#)

The Council shall take into consideration the 'General Enforcement Policy for Licensing Services: Hackney Carriage and Private Hire Licensing', located in Appendix C, when deciding the appropriate action to take. Options available to the licensing authority include:

- To provide oral advice
- To provide an advice letter

- To provide a written warning and advice
- To suspend a Licence
- To revoke a Licence

Licensing judgements are based on the balance of probabilities and shall apply the following tests.

Drivers:

*"Would you (as a member of the licensing committee or other person charged with the ability to grant a driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"*

Private Hire Operators:

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

Vehicle Proprietors:

*"Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?"*

### **Licensing Enforcement Points-Based System**

To support the decision-making framework, and to ensure compliance with licensing requirements Harlow Council operates a points-based system, which allows minor breaches to be recorded and considered in context, while referring those with persistent or serious breaches to the Licensing Committee.

The Council's points-based system is separate to the penalty points (endorsements) that the courts can put on a motorist's licence.

Details of the guidance in relation to the Licensing Points-Based System for taxi and private hire enforcement used by Harlow Council, can be found at Appendix D.

The system operates alongside and in addition to the Council's other enforcement powers in respect of hackney carriage and private hire licensing controls. The operation of the points-based system is not intended to fetter the Councils' discretion to exercise the full range of its enforcement powers as it sees fit.

It should be noted that reaching a points limit must not result in an automatic action but should be used to trigger a review of the conduct of the licensee and whether further action is necessary to address any concerns.

### **Whistleblowing**

Licensing authorities should have effective internal procedures in place for staff to raise concerns. Harlow Council is committed to the highest standards of openness and accountability; Council employees, councillors, agency workers and contractors working on council premises, suppliers and those providing services under a contract with the council, can report any suspected malpractice or wrongdoing regarding taxi and private hire services. Our whistleblowing policy can be viewed here:

[www.harlow.gov.uk/policies/whistleblowing-policy#anonymity](http://www.harlow.gov.uk/policies/whistleblowing-policy#anonymity)



## **Driver Licensing Overview**

For the safety and protection of the public, any person that drives a Private Hire or Hackney Carriage Vehicle that is licensed by Harlow Council, must hold the relevant driver's licence that is also issued by Harlow Council.

For the purposes of this policy the term “driver licence” is in reference to a Hackney Carriage or Private Hire Driver Licence.

Drivers cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59).

Failure to comply with any pre-licensing requirement or condition of the licence may be grounds for refusal of the application or revocation of a licence where already held for this reason alone.

Only a person who holds a Private Hire Driver licence granted under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 is legally permitted to drive a private hire vehicle.

A private hire vehicle can only be dispatched to a customer by a private hire operator. This is a person who holds an Operator licence granted under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

To legally undertake private hire work. The private hire operator, vehicle and driver must all be licensed with the same Licensing Authority.

Only a person who holds a Hackney Carriage Driver Licence granted under Section 46 Town Police Clauses Act 1847 and Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 is legally permitted to drive a Hackney Carriage Vehicle.

An applicant has a right of appeal under the Local Government (Miscellaneous Provisions) Act 1976 S52 against the refusal of a local authority to grant or renew a private hire driver licence under S51 of the Act.

Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal to the Magistrates Court against the refusal of the Local Authority to grant a Hackney Carriage Driver Licence. Whilst Section 61 provides a right of appeal to the Magistrates Court against the refusal to renew a Hackney Carriage Driver Licence.

## **Duration of Licences**

A Driver licence can be issued for a one- or three-year duration.

Any other duration will only be issued when the applicant has time limited right to work in the UK.

## **Pre-licensing requirements**

To qualify for a driver licence, you must:

- be aged 21 years or over
- held a full UK driving licence for at least 12 months
- have the right to work in the UK
- if any applicant has spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must be provided
- submit a fully completed application form with the relevant fee
- complete the tax check requirements for taxi and private hire drivers
- have been checked against the National Anti-Fraud Network (NAFN) database (NR3S) on refusals, revocations and suspensions of taxi and private hire licences
- be subject to an Enhanced DBS check with barring lists checks (category: other workforce)
- be registered with the DBS Update Service
- be registered with TaxiPlus, who carry out fortnightly DBS status checks on behalf of Harlow Council (arranged by Harlow Council once licensed)
- have met the Council's Medical Fitness Criteria which is in line with the DVLA Group 2 standard (including additional checks/tests as required)
- be subject to a DVLA, online UK driving licence check
- have passed the knowledge test
- have passed a Driving assessment (for taxi and private hire)
- have passed a Wheelchair assessment (taxi only)
- have met the Council's Language Proficiency requirements
- have met the Council's child and adult safeguarding awareness training requirements
- have met the Council's disability awareness training requirements

## **Disclosure and Barring Service (DBS) Check**

Hackney carriage and private hire drivers are subject to an Enhanced DBS with both Barring List Checks under the Other Workforce category.

The DBS check is required as part of the overall checks that licensing authorities use to ascertain whether an applicant is 'fit and proper' to hold a licence.

Harlow Council uses an online service called TaxiPlus to provide licensees and applicants with a DBS certificate.

Information about obtaining the DBS certificate can be viewed in Appendix K.

## **DBS Update Service**

Licensees are required to be registered with the DBS Update Service for the issue of a licence. An applicant must subscribe directly to the DBS for this service.

Harlow Council shall check the status of DBS certificates every two weeks using the online service TaxiPlus. Licensees whose subscription to the DBS Update Service fails, shall provide a new DBS certificate registered on the DBS Update Service, the new certificate shall be provided within 6-months of the previous DBS status check.

## **Driver Suitability – Convictions Policy**

The Council uses its Convictions Policy – namely the ‘Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades’ a copy of which is located on the Council’s [driver licence webpage](#)

The policy allows for consideration of an individual’s convictions, cautions and any other information that the Council deems relevant including driving licence endorsements, previous complaints and patterns in behaviour.

## **Previous Refusals and Revocations of Hackney Carriage and Private Hire Licences**

A check of the National Anti-Fraud Network (NAFN) database on refusals, revocations and suspensions of the Hackney Carriage and Private Hire licence (NR3S database) will be made for every licence application.

The applicant will also be required to disclose if they hold or have previously held a licence with another authority, and if they have had an application for a licence refused, revoked or suspended by any other licensing authority.

Where an applicant has a previous refusal, suspension or revocation by another authority, contact will be made with the relevant licensing authority to seek further information. If information is disclosed, this information will be taken into account in determining the applicant’s fitness to be licensed.

The Council’s policy and procedure on how we use the NR3S database can be found at Appendix D.

## **Medical Fitness Criteria**

Up to the age of 65 years, drivers will be required to undergo a medical examination to DVLA Group 2 standards to assess their fitness to drive, every 5 years, or any lesser period that the examining doctor may decide.

Drivers over 65 years of age, will be required to undergo a medical examination to Group 2 standards annually, or any lesser period that the examining doctor may decide.

The Council shall only accept the Harlow Council medical questionnaire and certificate. The medical assessment can be taken with any Group 2 medical provider, medical assessment providers knowledgeable with Harlow medicals are listed in Appendix K.

For health reasons, some drivers require additional checks to ensure they meet the DVLA Group 2 Medical Standard, including insulin-treated diabetes (12-monthly examination with either a specialist doctor or diabetes specialist nurse) or coronary / ischaemic heart disease (every 3-years to attend a treadmill or equivalent test).

All medical examinations including additional tests, will be at the expense of the individual driver. The Council reserves the right in accordance with the Local Government (Miscellaneous Provisions) Act 1976 to require an applicant or driver to undertake an independent medical examination to DVLA Group 2 standards at such clinic or hospital as the Council may direct.

Further information on the Group 2 medical can be found in Appendix K

### **Language proficiency requirements**

New applicants are required to provide a suitable qualification in English or a closely related subject.

If an applicant is unable to provide a suitable qualification, they are required to pass the Green Penny English Proficiency assessment. The fee is paid direct to the assessment provider.

Where complaints are received about an individual licensee, the Council reserves the right to require the individual to attend the English Language Proficiency assessment.

To book an English Proficiency assessment see Appendix K.

### **Knowledge Test**

The Council's knowledge test is a spoken test, applicants shall recall the name of the road to a given place or landmark, the test comprises of the following topographical areas:

Type	Number	Pass mark
Residential Areas	30 questions	25 or above
Hatches and Health Centres	10 questions	8 or above
Industrial Areas	8 questions	6 or above
Pubs, Clubs and Hotels	12 questions	10 or above
Schools and Places of Worship	12 questions	10 or above

Procedures and Conditions

18 questions

15 or above a sound

understanding

The knowledge test fee shall be paid direct to Harlow Council's Contact Harlow Payment Service.

Applicants may only take the knowledge test after they are able to demonstrate that they are ready to take the test by participating in a short taster test conducted by telephone.

### **Driving Qualification**

New applicants will be required to undergo a driving assessment provided by an approved test provider.

Approved providers can be viewed in Appendix K.

### **Child and Adult Safeguarding Awareness Training**

All new applicants must have undergone the Council's approved Child and Adult Safeguarding training course.

Licensed drivers shall attend the Council's approved Child and Adult Safeguarding training every 2 years.

For further information, and to book a course, see Appendix K

### **Disability awareness training**

All new applicants must have undergone the Council's approved Disability Awareness training course.

Licensed drivers shall attend the Council's approved Disability Awareness training every 2 years.

For further information, and to book a course, see Appendix K

## **Private Hire Operator Licensing Overview**

For the safety and protection of the public, Private Hire Operators within Harlow must have a licence issued by Harlow Council. The licence permits you to accept bookings for Private Hire work.

If you intend to take bookings from an operating base situated outside Harlow, you must apply for an Operator's licence from the appropriate local council.

The objective in licensing Private Hire Vehicle Operators is to protect the public, who may be using Operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a Private Hire Vehicle Operator licence also pose no threat to the public and have no links to serious criminal activity. Although Private Hire Vehicle Operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed to maintain the safety benefits of the driver licensing regime.

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

Section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 allows a Local Authority to impose any conditions that it considers 'reasonably necessary' on a Private Hire Operator's Licence.

Failure to comply with any pre-licensing requirement or condition of the licence may be grounds for refusal of the application or revocation of a licence where already held for this reason alone.

An applicant may appeal to the Magistrates Court against the refusal of the Local Authority to grant a licence or to the imposition of conditions on the licence under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 S55(4).

## **Duration of Licence**

An Operator licence can be issued for a one- or five-year duration.

Any other duration will only be issued when the applicant has time limited right to work in the UK.

## **Suitability of applicant/licence holder**

A Private Hire Vehicle Operator licence may be applied for by an individual, a company or partnership; the 'fit and proper' test will be applied to each of the directors or partners in a company or partnership.

The Council will consider whether an applicant or licence holder with a conviction meets the 'fit and proper' threshold using its Convictions Policy; 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades'.

Refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a Private Hire Vehicle Operator licence; this decision will be independent of a driver licence refusal and based on the appropriate information – that is, it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic DBS disclosure. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### **Health and Safety responsibilities**

The operator must comply with all applicable Health and Safety legislation in relation to the conduct of their business, including duties owed to drivers, employees, and any other persons who may be affected by the operator's activities.

The operator must maintain up-to-date records of all risk assessments to ensure that significant risks to drivers and others are identified and effectively controlled. This includes implementing control measures to reduce any identified risks, so far as reasonably practicable - such as those associated with late-night working on premises or lone working by employees or drivers.

Devices and apps are available to help employers protect lone workers, however they are not likely to be sufficient on their own. Operators must still manage the risks of working alone, including training, supervising and monitoring lone workers as well as keeping in touch with them and responding to any incidents.

Guidance is available to operators at:

[www.hse.gov.uk/vulnerable-workers/gig-agency-temporary-workers/index.htm](http://www.hse.gov.uk/vulnerable-workers/gig-agency-temporary-workers/index.htm)

[www.hse.gov.uk/lone-working/employer/index.htm](http://www.hse.gov.uk/lone-working/employer/index.htm)

Although it may not be the role of a licensing authority to enforce Health and Safety legislation, it is reasonable for any breaches of this legislation to be considered as part of the 'fit and proper' test for a private hire vehicle operator.

### **Compliance with employment law**

An Operator business is likely to require Employers Liability Insurance, this is a legal requirement for any business that employs individuals, whether they are permanent employees, temporary staff, apprentices or volunteers.

Where an employment tribunal or a court of law has ruled on the employment status of a driver or drivers working for an operator, whether the operator is complying with

that decision in respect of the driver(s) referred to in the ruling, should reasonably be considered by a licensing authority as part of the 'fit and proper' test for a private hire vehicle operator.

### **Pre-licensing requirements**

To apply for a Private Hire Operator Licence, you need to submit the following:

- submit a fully completed application form with the relevant fee
- a plan of the premises for new applications
- have the right to work in the UK
- a Basic DBS disclosure (unless the applicant is a licensed driver with Harlow Council)
- a Tax check share code
- if any applicant has spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must be provided

The Licensing Team will consult Planning services that an application for an Operator licence had been received.



## **Vehicle licensing Overview**

The objective of vehicle licensing is to protect the public, who trust that vehicles dispatched are above all else safe. It is important therefore that Harlow Council is assured that those granted a vehicle licence pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers if not also licensed as a driver, they are still entrusted to ensure that the vehicles used to carry passengers are properly licensed and so maintain the safety benefits of the licence regime.

### **Private Hire Vehicle legislation**

A private hire vehicle once licensed is always a private hire vehicle and can only be driven by a private hire driver who holds a licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

Private Hire Vehicles are licensed under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976. The Act allows a Local Authority to impose conditions that it considers 'reasonably necessary' in respect of private hire vehicles.

Statutory rights for appeal against the decisions made by the Licensing Authority in respect of the grant or renewal of a Private Hire vehicle licence are to be found in the Local Government (Miscellaneous Provisions) Act 1976 to, a) appeal against conditions imposed on a Private Hire Vehicle licence, and b) appeal against refusal to grant a Private Hire Vehicle licence (to the magistrates' court).

### **Hackney Carriage vehicle legislation**

Harlow District Council under section 37 of the Town Police Clauses Act 1847 licenses hackney carriages. Such a licence is referred to in the legislation as a hackney carriage proprietor's licence but is often referred to in day-to-day usage as a hackney carriage vehicle licence.

A Hackney Carriage Vehicle once licensed is always a Hackney Carriage Vehicle and may only be driven by a Hackney Carriage Driver who holds a licence under Section 46 of the Local Government (Miscellaneous Provisions) Act 1976.

Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 allows a Local Authority to impose conditions that it 'considers reasonably necessary' in respect of Hackney Carriage Vehicles.

Harlow Council operates a system referred to as 'mandatory orders'. This has no legal meaning but traditionally accepted to refer to a local authority adopting the Transport for London Conditions of Fitness (CoF) (formerly Metropolitan CoF, and Public Carriage Office CoF) to provide that all taxis in their area must be of a London Style Cab.

A vehicle submitted for the first time for a new Hackney Carriage licence must be minimum Euro 6 compliant.

Statutory rights for appeal against the decisions made by the Licensing Authority in respect of the grant or renewal of a Hackney Carriage vehicle licence are to be found in the Local Government (Miscellaneous Provisions) Act 1976 to, a) Section 47, appeal against conditions imposed on a Hackney Carriage Vehicle licence, and b) Section 60, appeal against refusal to grant a Hackney Carriage Vehicle licence (to the magistrates' court).

### **Duration of licences**

A vehicle licence will only be issued for a maximum one-year duration.

### **Suitability of the applicant/licence holder**

A vehicle licence may be applied for by an individual, a company or partnership; the 'fit and proper' test will be applied to each of the directors or partners in a company or partnership.

The Council will consider whether an applicant or licence holder with a conviction meets the 'fit and proper' threshold using its Convictions Policy; 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades'.

Refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle licence; this decision will be independent of a driver licence refusal and based on the appropriate information – that is, it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic DBS disclosure. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### **Pre-licensing requirements**

To apply for a vehicle licence, you must submit the following:

- A completed application form and the relevant fee
- if any applicant has spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must be provided
- A Basic DBS disclosure (unless the applicant is also a licensed driver with Harlow Council)
- The original V5C vehicle registration certificate (logbook), which must be in the applicant's name and current address. When the vehicle is newly acquired, the V5C new keepers slip or other proof of purchase may be provided such as bill of sale or hire purchase agreement. The full V5C must be submitted once received.

- If the vehicle is hired or leased, proof of the hire contract must be provided which must clearly state that the vehicle will be used as a licensed vehicle. In these circumstances the logbook may remain in the name of the organisation providing hire.
- An MOT test certificate issued by the Council's nominated garage.
- A vehicle Compliance test certificate issued by the Council's nominated garage.
- A valid insurance certificate.
- A taximeter certificate issued by the installer (Requirement for all hackney carriage vehicles. Where a taximeter has been installed in a private hire vehicle, this shall apply).

## **Appendix A**

### **List of Consultees for Policy**

#### **Consultees:**

**Private Hire Licence Holders**

**Hackney Carriage Licence Holders**

**Local organisations representing safeguarding or disability groups**

**Disability Panel**

**Public consultation via Harlow Council web portal**

## Appendix B

### Scheme of Delegation

The Authority discharges its functions as described within the Council's Constitution. Licensing matters relating to this policy are discharged through the Licensing Committee and the Regulatory Sub-Committee, with delegations to officers for certain functions. Restrictions on the exercise of delegated functions are detailed in the scheme of delegation below.

Licensing Function	Regulatory Sub-Committee	Assistant Director	Licensing Manager	Senior Licensing Officer
Grant of Licence where there is no reason for refusal				<b>X</b>
Advisory or warning advice/letters to licensed drivers, operators and vehicle proprietors				<b>X</b>
<u>Issue of Licensing Enforcement Points</u>				<b>X</b>
<u>Appeal of Licensing Enforcement Points</u>			<b>X</b>	
Refusal or Grant of a licence where there may be reasons for refusal, such as applications where any pre-licensing conditions are not met, matters falling outside policy guidance, matters giving rise to serious concern that the granting or the continuation of the licence may undermine public safety.	<b>X</b>			
Suspension of a licence				<b>X</b>
Revocation of a licence		<b>X</b>		
Suspension or Revocation with immediate effect under Public Safety grounds		<b>X</b>		
Agreement to depart from policy where policy allows officer discretion			<b>X</b>	
Determination of medical exemption certificates for carriage of wheelchairs or assistance dogs			<b>X</b>	
Determination of Plate exemption			<b>X</b>	

**X** - indicates the lowest level to which decision can be delegated

## Appendix C

### General Enforcement Policy for Hackney Carriage and Private Hire Licensing

Harlow District Council has a responsibility to protect the community it serves, using the legislative powers delegated by Central Government.

The ultimate priority of the Council is to ensure that drivers, operators and vehicle proprietors licensed by the Council carry out their trade in accordance with both the relevant law and the conditions attached to the licences.

Any enforcement action taken in accordance with this policy will be based on upon the seriousness of the breach and the possible consequences arising out of it.

### Decision Making Process

The Council's primary duty is for the protection of public safety. In order to maintain a consistent approach, this Policy will be considered by the Council when determining whether a licence holder is "fit and proper" to hold a Private Hire Driver Licence, Private Hire Operator Licence, or Hackney Carriage Driver Licence. In reaching any decision the Council will have regard to the following:

- i. The seriousness of any offences
- ii. The licence holders past history
- iii. The consequences of non-compliance
- iv. Likely effectiveness of the various enforcement options
- v. Danger to the public

### Enforcement options

Once the Council has considered all the evidence and relevant information, the following options will be considered:

- To take no action
- To provide oral advice
- To provide an advice letter
- To provide a written warning and advice
- To suspend a Licence
- To revoke a Licence
- To issue a formal caution
- To begin prosecution proceedings

**Take no action:** No action will be taken where the operator, vehicle or driver standards are found to be satisfactory.

**Oral Advice:** There will be occasions when information and advice may be provided to a licence holder during the course of an investigation but where no further action is considered necessary.

**Advice Letter:** Where the licensee's behaviour or an offence is not serious enough to warrant more formal action or where the consequences of non-compliance do not pose a significant risk to public safety, the Licensing Team may issue an advice letter if it can be assumed that informal action will achieve compliance.

**Written Warning and Advice:** In circumstances where the behaviour or offence is serious enough to warrant disciplinary action, the Licensing Team may issue a written warning clearly identifying the contravention. This may contain advice on how to remedy the matter and may include a deadline by which this must be done. Failure to comply could result in further enforcement action being taken in the future.

The advice may include recommendations that the driver attends a driving standards assessment or tuition, local knowledge test and /or communications test, delivered by an accredited provider within a prescribed timescale to establish the competence of a driver to drive a taxi or private hire vehicle.

**Suspension.** Whilst each case will be taken on its own merit, generally, a suspension notice will normally be issued where the licence holder (individual or organisation) has met one or more of the following criteria:

- Breached legal obligations.
- Has been convicted of an offence.
- Caused material loss to others.
- Engaged in activities that caused distress or put at risk the safety of passengers or the general public.
- Failed to provide information or details that if made available may have resulted in a licence not being granted or renewed.
- Non-compliance with Council licensing procedures, licensing conditions or legislation.
- Any previous enforcement taken by the Licensing Team or another licensing authority, including information received through the NR3S.
- Ignored written warning(s) or failed to remedy an earlier contravention.
- Obstructed, abused, intimidated, threatened or assaulted an officer whilst undertaking his or her duties.
- Medical matter that prevents the applicant from meeting the Group 2 standard.
- Any matter relevant to the Taxi and Private Hire Convictions Policy.
- Any other reasonable cause

It should be noted that a suspension is a final decision of a person's fitness and suitability. It cannot be used as an interim measure pending further investigation into a drivers conduct.

***When considering whether to suspend or revoke a licence, the Licensing Authority can use powers under S.52 of the Road Safety Act 2006 (which amends the Local Government Miscellaneous Provisions Act 1976 by inserting***

***s.61(2A) and 2(B)) to immediately suspend or revoke a Hackney Carriage and Private Hire Drivers' Licence if 'the interest of public safety require the suspension or revocation of the licence to have immediate effect'.***

**Revocation.** A licence may be revoked where the licence holder (individual or organisation) has met one or more of the following criteria:

- Engaged in fraudulent activity.
- Provided false information to obtain a licence.
- Breached legal obligations.
- Been convicted of an offence.
- Put at risk the safety or wellbeing of persons.
- Caused material loss to others.
- Engaged in activities that caused distress or put at risk the safety of passengers or the general public.
- Failed to provide information or details that if made available may have resulted in a licence not being granted or renewed.
- Breached Council licensing procedures or conditions.
- Any previous enforcement taken by the Licensing Team or another licensing authority, including information received through the NR3S.
- Obstructed, abused, intimidated, threatened or assaulted an officer whilst undertaking his or her duties.
- Medical matter that prevents the applicant from meeting the Group 2 standard.
- Any matter relevant to the Taxi and Private Hire Convictions Policy.
- Any other reasonable cause.

***When considering whether to suspend or revoke a licence, the Licensing Authority can use powers under S.52 of the Road Safety Act 2006 (which amends the Local Government Miscellaneous Provisions Act 1976 by inserting s.61(2A) and 2(B)) to immediately suspend or revoke a Hackney Carriage and Private Hire Drivers' Licence if 'the interest of public safety require the suspension or revocation of the licence to have immediate effect'.***

**Formal Caution:** A formal caution may be issued by the Licensing Authority as an alternative to prosecution in order to deal quickly and simply with less serious offences and/or where the use of a caution will reduce the likelihood of re-offending and where it would be in the public interest to do so.

To safeguard the offender's interests, the following conditions will be fulfilled before a formal caution is administered:

- There must be evidence of the offender's guilt to give a realistic prospect of conviction;
- The offender must admit the offence, and



- The offender must understand the significance of a formal caution and give informed consent to being cautioned.

Where a person declines to accept a formal caution, alternative enforcement action will be considered. There is no right of appeal against a formal caution.

**Prosecution.** Discretion will be used in deciding whether to initiate a prosecution. Other approaches to enforcement can often promote compliance more effectively but there are circumstances where prosecution without prior warning and recourse to alternative sanctions may be appropriate.

Prosecution will be considered in circumstances where:

- The gravity of an alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender warrants it;
- There has been a reckless disregard of the law, byelaws or condition of licence;
- There have been repeated breaches which give rise to significant risk, or persistent and significant poor compliance;
- An activity has been carried out without or in serious non-compliance with an appropriate licence;
- A licence holder's standard of operation and activity is found to be far below what is required by law and condition and to be giving rise to significant risk;
- There has been a repetition of a breach that was subject to a formal caution;
- False information has been supplied wilfully, or there has been an intent to deceive, in relation to a matter which gives rise to significant risk;
- An officer has been intentionally obstructed in the lawful course of his/her duties.

The decision to prosecute will take into account the criteria set down in the Code for Crown Prosecutors. The Assistant Director for Public Protection may recommend legal proceedings to prosecute offenders where it is considered there is sufficient evidence to provide a realistic prospect of conviction.

### **Licensing Subcommittee**

Current Licensees may be referred to the Licensing Subcommittee for a review of their licence. The Licensing Subcommittee may consider appropriate disciplinary measures on a case-by-case basis. A referral may take place in the following circumstances:

- Where a licensee has received a criminal conviction, police caution or, major motoring conviction,
- Relevant history of the licence holder,
- Where the Licensing Team has received a complaint(s) about the actions or conduct of a licence holder,

- Where a licensee has accumulated DVLA penalty points for motoring convictions;
- Where the licensee has breached licensing conditions,
- Where the Council has received non-conviction information which gives cause for concern that a licensee is not a fit and proper person.

The Subcommittee may decide to take one or more of the following actions:

- No action,
- Issue an advice letter or written warning,
- Suspend a licence,
- Revoke a licence.

Where cases are referred to the Licensing Subcommittee, the Licensing Team will:

- Give sufficient notice of the date on which the matter is to be considered
- Give proper notice to the licence holder of the allegations against them
- Give notice to other affected parties with a right of appearance
- Allow the licence holder the opportunity to address the Subcommittee to present his/her case and provide supporting evidence
- Ensure the matter is determined in an impartial manner in accordance with the rules of natural justice
- Provide a written notice of the decision with reasons, and details of any right of appeal.

## **Appeals**

Appeals against decisions of the Licensing Subcommittee may be made to the Magistrates Court. Written notification of enforcement actions will include written information on how to appeal, if applicable. This will explain how, where and within what period an appeal may be brought.

## **Appendix D**

### **Licensing Enforcement Points-Based System**

This document provides guidance in relation to the Licensing Enforcement Points-Based System for taxi and private hire enforcement used by Harlow Council. The system operates alongside and in addition to the Council's other enforcement powers in respect of hackney carriage and private hire licensing controls. The operation of the points system is not intended to fetter the Council's discretion to exercise the full range of its enforcement powers as it sees fit

The key consideration of the Council and the overriding objective in the licensing of hackney carriage and private hire drivers and vehicles and private hire operators is the safety of the travelling public.

The aim of a Licensing Enforcement Points-Based System is to work in conjunction with other enforcement measures to provide a stepped enforcement process for licence holders. It bridges the gap between the warning and suspension/revocation options provided by the legislation and creates a record of a licence holder's conduct; thereby enabling the Council to make an informed decision as to whether a licence holder is a fit and proper person to hold a licence.

The primary objective of the scheme is to improve levels of compliance and standards within the trade to ensure the safety of the travelling public.

### **Relevant Legislation**

Hackney carriage and private hire drivers and vehicles and private hire operators are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Council's Byelaws, application requirements and licence conditions are set by Harlow Council's Licensing Committee. The purpose of the legislation and conditions is to ensure that applicants are 'fit and proper' to hold a licence and that they continue to remain 'fit and proper' for the duration of the licence period. It is the council's ongoing responsibility to ensure that the required standards are continually met.

### **General Principles**

Licensing Enforcement Points may be awarded to licence holders for failure to comply with the Council's conditions and standards. The system may be used to issue points to licensed drivers, operators and vehicle owners. The schedule below sets out the applicable breaches for each category of licence and indicates the number of Enforcement Points that may be awarded for failure to comply.

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

The Licensing Enforcement Points-Based System will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, regulations and its own Policy.

On occasions it may be determined not to award enforcement points but to proceed immediately to the revocation of a licence on the grounds that the Council considers that the licence holder is not fit and proper to hold a licence.

Points will remain on the licensee's file for a period of 3-years from the date of issue and will operate on a rolling basis. If the licence lapses during this period, the points will be carried onto a new licence if within the last 3-years.

The Licensing Enforcement Points issued will be at the discretion of the investigating officer and in accordance with the Licensing Enforcement Points-Based System.

There is no financial penalty associated with the system and the licence holder may continue to work.

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

Licence holders may see the record of their Licensing Enforcement Points upon request. Vehicle proprietors and licensed operators may make a written request to view the Licensing Enforcement Points of their employees; any such request must give full reasons for the request. All such requests are subject to approval by the Licensing Manager.

### **Investigation and Appeal Procedure**

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

On receipt of a complaint or where there is an alleged or witnessed breach of the Council's conditions or other relevant statutory provisions, a member of the Licensing Team will assess whether there is a case to answer.

If it is considered there is a case to answer, a member of the Licensing Team will investigate the facts which may include interviewing the relevant individuals under caution.

Upon completion of the investigation, Licensing Enforcement Points may be applied. Notification that points have been given will be sent in writing to the licence holder

and, if appropriate to do so, a copy will be sent to their vehicle proprietor or operator within 10 working days of the decision.

The award of Licensing Enforcement Points can be appealed to the Licensing Manager- and this should be done within 10 working days of being notified of the award of points. The appellant may submit documentary evidence to support their appeal. Appeals must be made in writing to [licensing@harlow.gov.uk](mailto:licensing@harlow.gov.uk) or by post to Licensing Team, Harlow Council, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG.

The Licensing Manager will then consider the matter and confirm their decision in writing to the licence holder within 10 working days.

Where the Licensing Manager has issued the points being appealed, the appeal will be decided by the Director of Public Protection, the route of appeal and time frames shall remain the same.

The appeal determination is final and there is no further right of appeal. Please note – it is important to exercise the right of appeal if you do not believe the Licensing Enforcement Points should have been awarded and you wish to challenge the evidence that resulted in the award of points. If at a later date, further points are awarded and the 20-point threshold is reached, the imposition of points cannot be challenged or revisited. Licensing Enforcement Points must be challenged in line with the process set out above. It is important to note that the Licensing Manager and the Director of Public Protection, in addition to dismissing or upholding the appeal, have the discretion to award a lesser or greater number of points than displayed on the Licensing Enforcement Points Table. In these circumstances the reasons for varying the points awarded will be documented.

### **Reaching 20 points**

In cases where a licence holder has reached the threshold of 20 or more points in a rolling 3-year period the matter of ongoing fitness and propriety will be considered by a Regulatory Sub-Committee. Where appropriate to do so, Officers may refer licence holder to a Regulatory Sub-Committee without meeting the 20 point threshold.

When a licence holder is brought before the Sub-Committee, they have the power to exercise one or more of the following options:

- Take no action
- Issue an advice letter or written warning (stating the specific length of time it will remain on file)
- Suspend or Revoke the licence
- Take any other action they feel is appropriate in the circumstances.
- Refer the matter back to Officers with a recommendation for Licensing Enforcement Points to be issued under the scheme.

- Extend the 3-year period in which the points remain live.

When the Sub-Committee has considered a matter, any Licensing Enforcement Points accumulated will be deemed as spent unless the Sub-Committee decides otherwise.

If the Sub-Committee decides that any Licensing Enforcement Points shall remain live, the Sub-Committee must stipulate the date at which they will expire and be deemed spent.

Following a revocation by the Regulatory Sub-Committee, due to the accumulation of points, a new licence application will not usually be accepted by the Council for a minimum period of 6 months and will require a further hearing for determination.

If a licence is suspended or revoked, there is a right of appeal to the magistrates' court. Details on how to appeal are provided in writing within the decision notice.

### Table of Licensing Enforcement Points

<u>No</u>	<u>Offence / Breach of Condition</u>	<u>Licensing Enforcement Points</u>	<u>Driver</u>	<u>Vehicle Owner</u>	<u>Operator</u>
<b>General</b>					
<u>1</u>	<u>Giving false, misleading or withholding information to obtain a hackney carriage / private hire licence</u>	<u>20</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>2</u>	<u>Failure to notify the licensing authority within 48 hours of receiving:</u> <u>Any charge or conviction</u> <u>Any caution, (issued by the Police or any other agency)</u> <u>Their arrest for any offence (whether or not charged)</u> <u>Issue of any magistrates' court summons against them</u> <u>Issue of any fixed penalty notice for any matter.</u> <u>Any form of Warning or Order within criminal law</u> <u>Issue of a fixed penalty notice which results in penalty points being endorsed on the licence holders UK driving licence</u>	<u>15</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>3</u>	<u>Refusal to accept a booking for a person with a disability or failure to carry assisted mobility aids or charging an additional cost for the carrying of these aids.</u>	<u>20</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>4</u>	<u>Failure to behave in a civil and orderly manner, being verbally abusive or aggressive to any member of the public, other licensed driver or authorised officers of the council or bringing the trade into disrepute</u>	<u>15</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>5</u>	<u>Failure to return any licence plate or badge after notice has been given</u>	<u>10</u>	<u>x</u>	<u>x</u>	<u>x</u>

<u>6</u>	<u>Collusion or interfering with evidence, victims or witnesses, when officers of the council are carrying out an investigation</u>	<u>15</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>7</u>	<u>Failure to cooperate, give information, assistance, comply with a requirement or obstruct an authorised officer</u>	<u>10</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>8</u>	<u>Failure to produce relevant documents (i.e. medical assessment, DBS, vehicle compliance certificate) upon expiry of current document. Failure to produce relevant documents (i.e. medical certificates, DBS, vehicle compliance certificate) within a set timescale, when requested</u>	<u>5</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>In addition to receiving licensing enforcement points a licence may also be suspended until such a time that the outstanding document is received by an officer or until the licence expiry date.</u>					
<u>9</u>	<u>Failure to notify the licensing authority of a change of address within 7 days</u>	<u>5</u>	<u>x</u>	<u>x</u>	<u>x</u>
	<u>Failure to notify the licensing authority of a change of contact details such as email address or telephone number within 7 days, where such failure results in the licensing authority being unable to contact you directly.</u>	<u>5</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>10</u>	<u>Failure to comply with any other licence conditions / byelaws set by the council. Or instruction by an authorised officer.</u>	<u>5 per breach where not specified</u>	<u>x</u>	<u>x</u>	<u>x</u>
<b>Driver Related / Driving Behaviour</b>					
<u>11</u>	<u>Failure to notify the licensing authority of any serious injury, illness or change in medical circumstances that may affect your ability to drive safely (including eyesight) within 48 hours</u>	<u>20</u>	<u>x</u>		
<u>12</u>	<u>Failure to notify the licensing authority of a DVLA notifiable medical condition</u>	<u>20</u>	<u>x</u>		
<u>13</u>	<u>No longer hold a valid DVLA driving licence</u>	<u>20</u>	<u>x</u>		
<u>14</u>	<u>To employ or permit an unlicensed driver to drive a licensed vehicle</u>	<u>20</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>15</u>	<u>Driving a Harlow licensed vehicle whilst not in possession of a valid Harlow driver licence</u>	<u>20</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>16</u>	<u>Fighting or overly aggressive / violent behaviour towards a member of the public, another licensed driver or an authorised officer of the council</u>	<u>20</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>17</u>	<u>Refusal to accept a booking or failure to carry an assistance dog without a valid certificate of exemption. Not to charge an additional cost for the carriage of an assistance dog</u>	<u>20</u>	<u>x</u>		
<u>18</u>	<u>To refuse or fail to comply with s165 of the Equality Act 2010 regarding the carriage of a wheelchair by a Wheelchair Accessible Vehicle</u>	<u>20</u>	<u>x</u>		
<u>19</u>	<u>Failure to ensure that assistance devices to promote mobility, including wheelchairs and walking aids are loaded and carried in a licensed vehicle correctly, are secured, and</u>	<u>10</u>	<u>x</u>	<u>x</u>	<u>x</u>



	<u>unloaded safely. Not to charge an additional cost for the carriage of an assisted device</u>				
<u>20</u>	<u>Unreasonable prolongation of journeys in distance or time or any other misconduct regarding the charging of fares</u>	<u>10</u>	<u>x</u>		<u>x</u>
<u>21</u>	<u>Refusal to accept a hiring or fulfil a booking without reasonable cause (reasonable excuse may include drunk or rude customers) **failure of PHO to fulfil a booking without reasonable excuse</u>	<u>10</u>	<u>x</u>		<u>x</u>
<u>22</u>	<u>Unacceptable standards of driving, evidenced by an authorised officer of the council or a police office or a substantiated complaint</u>	<u>10</u>	<u>x</u>		<u>x</u>
<u>23</u>	<u>Failure to comply with the regulations governing the wearing of seatbelts</u>	<u>10</u>	<u>x</u>		
<u>24</u>	<u>Dropping off or picking up in an inappropriate place such as to cause an obstruction or nuisance to other road users</u>	<u>5</u>	<u>x</u>		
<u>25</u>	<u>Failure to attend a pre-arranged appointment at the request of the licensing authority without reasonable cause</u>	<u>5</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>26</u>	<u>Illegal or inappropriate parking such as to cause an obstruction to pedestrians and or other road users</u>	<u>5</u>	<u>x</u>		
<u>27</u>	<u>Smoking / vaping / similar whilst in a licensed vehicle. Driver allowing a customer to smoke / vape or similar in a licensed vehicle.</u>	<u>5</u>	<u>x</u>		
<u>28</u>	<u>Driver eating in vehicle with passengers on board.</u>	<u>5</u>	<u>x</u>		
<u>29</u>	<u>Failure to give reasonable assistance with passenger luggage</u>	<u>5</u>	<u>x</u>		
<u>30</u>	<u>Failure to wear drivers badge whilst on duty in a licensed vehicle</u>	<u>5</u>	<u>x</u>		
<u>31</u>	<u>Failure to provide a receipt for a fare when requested</u>	<u>5</u>	<u>x</u>		<u>x</u>
<b>Vehicle related</b>					
<u>32</u>	<u>Operating / using an unlicensed vehicle as a hackney carriage / private hire vehicle or using a vehicle without the correct type of insurance</u>	<u>20</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>33</u>	<u>Failure to ensure the safety of passengers / carrying more passengers than stated on the vehicle licence</u>	<u>20</u>	<u>x</u>		<u>x</u>
<u>34</u>	<u>Concealing or defacing a vehicle licence plate</u>	<u>10</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>35</u>	<u>Failure to report an accident or damage to a license vehicle, which would cause the vehicle to breach licence conditions or the vehicle compliance standard, within 72 hours</u>	<u>10</u>	<u>x</u>	<u>x</u>	
<u>36</u>	<u>To display a sign or advertisement on a licensed vehicle that does not satisfy vehicle condition</u>	<u>5</u>	<u>x</u>	<u>x</u>	



<u>37</u>	<u>Failure to display the external plate or internal badge as required by the licensing authority or displaying them incorrectly</u>	<u>5</u>	<u>x</u>	<u>x</u>	
<u>38</u>	<u>Unsatisfactory condition of vehicle interior or exterior. This may include the vehicle not being clean.</u>	<u>5</u>	<u>x</u>	<u>x</u>	
<u>39</u>	<u>Failure to notify the transfer of a vehicle licence</u>	<u>10</u>	<u>x</u>	<u>x</u>	
<u>40</u>	<u>Failure to undertake a vehicle condition check of the vehicle</u>	<u>5</u>			
<b><u>Operator related</u></b>					
<u>41</u>	<u>Operate a private hire vehicle without a private hire operators licence</u>	<u>20</u>	<u>x</u>		<u>x</u>
<u>42</u>	<u>Failure to keep proper records of all bookings, driver and vehicle documentation</u>	<u>5</u>			<u>x</u>
<u>43</u>	<u>Failure to produce records upon request by an authorised officer of the council or a police officer within a reasonable period of time</u>	<u>5</u>			<u>x</u>
<u>44</u>	<u>Failure to display "no smoking" signage at an operator base/office. To allow smoking in the premises.</u>	<u>5</u>			<u>x</u>
<u>45</u>	<u>Any breach of Health and Safety legislation</u>	<u>5</u>			<u>x</u>
<b><u>Private Hire Offences</u></b>					
<u>46</u>	<u>Driver plying for hire (the soliciting and picking up of a fare that is not pre-booked)</u>	<u>20</u>	<u>x</u>		
<u>47</u>	<u>Driver calling out or influencing persons to travel in the vehicle for gain without a booking</u>	<u>15</u>	<u>x</u>		
<u>48</u>	<u>A private hire driver using a hackney carriage vehicle without a hackney carriage driver licence</u>	<u>20</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>49</u>	<u>Permitting a private hire vehicle to wait on a taxi rank</u>	<u>10</u>	<u>x</u>		
<b><u>Hackney Carriage Offences</u></b>					
<u>50</u>	<u>Using a non-calibrated or unapproved taxi meter</u>	<u>10</u>	<u>x</u>	<u>x</u>	<u>x</u>
<u>51</u>	<u>Failure to affix a roof sign to a hackney carriage vehicle</u>	<u>10</u>	<u>x</u>	<u>x</u>	
<u>52</u>	<u>Driver leaving vehicle unattended on a taxi rank</u>	<u>5</u>	<u>x</u>		
<u>53</u>	<u>Hackney carriage driver using their vehicle to obstruct other hackney carriages</u>	<u>10</u>	<u>x</u>		
<u>54</u>	<u>Failure to display a table of fares</u>	<u>5</u>	<u>x</u>	<u>x</u>	

## Appendix **ED**

### **National Register of Refusals, Revocations and Suspensions (NR3S) Policy**

#### **Policy for Harlow Council in respect of requests for information, disclosure of information, and use of information as a result of an entry on the National Register of Refusals, Revocations and Suspensions (NR3S)**

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations. The 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

#### **I. Overarching principles**

This policy covers the use that this authority, Harlow Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations, Refusals and Suspensions (NR3S). The NR3S contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence.<sup>1</sup> 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.

Harlow Council has signed up to the NR3S. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked or suspended, that information will be placed upon the register.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, Harlow Council will make a search of the NR3S. The search will only be made by an officer who has been trained in the use of the NR3S and who is acting in accordance with this policy. 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.

=====

<sup>1</sup> Throughout this policy reference is made to 'taxi drivers licence'. For the benefit of this policy, this generic term is to cover a hackney carriage drivers licence, a private hire drivers licence and any other combined/dual licence that a licensing authority may use.

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 application.<sup>2</sup>

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 stated.<sup>3</sup>

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 determined.<sup>4</sup>

The data will be held securely in accordance with Harlow Council's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with Harlow Council's general policy on the erasure and destruction of personal data. Information regarding the retention and destruction of personal data policies of Harlow Council can be found at [www.harlow.gov.uk/your-council/accessing-information/privacy-notice](http://www.harlow.gov.uk/your-council/accessing-information/privacy-notice)

=====

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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 3 months after the grounds to make the claim 1st 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.

## **II. Making a request for further information regarding an entry on NR3S<sup>5</sup>**

When an application is made to Harlow Council for the grant of a new, or renewal of, a taxi driver's licence, Harlow Council will check the NR3S.

Harlow Council will make and then retain a clear written record<sup>6</sup> 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
- the use made of the results of the search – entered to the register at a later date

This record will not be combined with any other records – that is, combined with a register of licences granted – and will be retained for the retention period of 11 years.

If Harlow Council discovers any match – that is, 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 Harlow 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 form available on request from [licensing@harlow.gov.uk](mailto:licensing@harlow.gov.uk) It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

=====

<sup>5</sup> This section of the policy relates to the submission of a request by the second authority.

<sup>6</sup> This can be electronic, rather than "pen and paper" hard copy.

### **III. Responding to a request made for further information regarding an entry on NR3<sup>7</sup>**

When Harlow 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 – that is, combined with a register of licences granted – and will be retained for the retention period of 11 years<sup>8</sup>

Harlow 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.

Harlow 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 Harlow Council is satisfied that the other authority's (the second authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed.<sup>9</sup> 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 NR3S register for a period of 11 years, but Harlow Council (the first authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

=====

<sup>7</sup> This section of the policy relates to the handling by the first authority of a request for information by the second authority.

<sup>8</sup> This record can be combined with the written record of the action taken as a result of the request.

<sup>9</sup> If the first authority is not satisfied that the second authority's data protection policy is satisfactory, no disclosure can be made. In such circumstances it is essential that discussion takes place as a matter of urgency between the data protection officers of the first authority and the second authority.

Harlow Council will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within Harlow Council's Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters.<sup>10</sup> Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Harlow Council's statement of policy) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Harlow Council's statement of policy) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

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. Harlow Council will make and then retain a clear written record<sup>11</sup> 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
- how and when the decision and any information was communicated to the requesting authority

This record will not be combined with any other records – that is, combined with a register of licences granted – and will be retained for the retention period of 11 years.

=====

<sup>10</sup> Available at [www.harlow.gov.uk/business/licensing/taxi-and-private-hire-licences/driver-licence](http://www.harlow.gov.uk/business/licensing/taxi-and-private-hire-licences/driver-licence)

<sup>11</sup> This can be electronic, rather than "pen and paper" hard copy.

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

When Harlow 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 and Harlow Council's Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters.

Harlow 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 Harlow Council will make in relation to the application.

## Appendix **EE**

### Private Hire Driver Conditions

#### Convictions Cautions Summonses Arrests Fixed Penalty Notices Etc.

Any of the following events in respect of the licence holder, must be reported in writing within 48 hours, giving full details of:

- Any charge or conviction
- Any caution, (issued by the Police or any other agency)
- Their arrest for any offence (whether or not charged)
- Issue of any magistrates' court summons against them
- Issue of any fixed penalty notice for any matter.
- Any form of Warning or Order within criminal law
- Issue of a fixed penalty notice which results in penalty points being endorsed on the licence holders UK driving licence

Failure to notify the Council may result in enforcement action being taken against the licensed driver.

Changes to personal details, including addresses, must be notified to the Licensing Team within 7 days in writing or by email to [licensing@harlow.gov.uk](mailto:licensing@harlow.gov.uk)

#### Conduct

A driver shall at all times when working, wear their badge on their person so that it is clearly visible.

A driver shall not refuse to carry fewer persons than the vehicle is licensed to carry without reasonable excuse.

A driver should be courteous to passengers and offer such reasonable assistance with bags etc. as is necessary.

A driver shall convey a reasonable quantity of luggage and afford reasonable assistance in loading and unloading such luggage.

A driver should be suitably dressed, be clean in appearance and must not be under the influence of alcohol or drugs.

When picking up passengers a driver is not to sound the vehicle horn as an indication that he/she is there. The driver should go to the premises and make their presence known.

A journey should be undertaken using the most direct and cost-effective route available.

Private hire vehicles should be driven in a manner that does not cause discomfort to passengers.



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

The driver shall not demand from any hirer of a Private Hire Vehicle a fare greater than that agreed with 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.

The driver of a Private Hire Vehicle shall, immediately after the termination of the hiring, search the vehicle for any property, which may have been accidentally left therein. On finding any property left in his vehicle, a driver shall carry it as soon as possible and in any case within 48 hours, to his operator's local office and deposit it there.

### **Smoking**

Private hire drivers must ensure that the requirements of the current smoke free legislation are being complied with.

### **Vehicles**

Without prejudice to the provisions of the Road Traffic Act, the Proprietor of a private hire vehicle shall report to the Licensing Team as soon as reasonably practicable, and in any case within 72 hours of the occurrence, details of all motor vehicle accidents including those causing minor damage.

Private hire drivers are not permitted to use private hire vehicles to ply for hire or wait on or obstruct Hackney Carriage Ranks.

Private hire drivers must ensure that during the time their vehicle has a valid Private Hire Vehicle licence, there is also in place a current insurance policy/certificate relating to private hire work, a current MOT test certificate and a current compliance test certificate.

### **Carriage of Persons with a disability, including wheelchairs and Assistance Dogs**

No person shall, being the driver of a Private Hire Vehicle:

- without reasonable excuse, refuse to attend the needs of, or refuse assistance to any person with a disability, whether or not they are the user of a wheelchair.
- reasonable assistance to a person with a disability could include help getting in and out of the vehicle, help finding the vehicle, carrying a mobility aid, reading out the fare, explaining what route is being taken
- without reasonable excuse, refuse to permit the carriage of a dog used as a guide dog for a blind or partially sighted person, a hearing dog for those otherwise impaired, or any trained assistance dog

- charge for carrying a guide dog, hearing dog or assistance dog, or for the carriage of a wheelchair

A driver is required to carry any disabled person and provide mobility assistance unless they have a medical exemption notice granted by the Licensing Team.

A driver is required to carry an assistance dog in their vehicle unless they have a medical exemption notice granted by the Licensing Team.

## Appendix **GF**

### **Hackney Carriage Model Byelaws**

Throughout these byelaws 'the Council' means Harlow District Council and 'the District' means the District of Harlow.

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

The proprietor of a hackney carriage shall:

- a) Cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
- b) Not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire
- c) Not cause or permit the carriage to stand or ply for hire with such painting, marking or plate so defaced that any figure or material particular is illegible.

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 water-tight
- 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

The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:

- a) The taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter.

- b) Such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter.
- c) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council.
- 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 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**

The driver of a hackney carriage provided with a taximeter shall

- a) When standing or plying for hire keep the key, flag or other device fitted in pursuance of the byelaw in the behalf locked in the position in which no fare is recorded on the face of the taximeter.
- b) Before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter so that the '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 the hiring which is between half and hour after sunset and half and hour before sunrise, and also at any other time at the request of the hirer.

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.

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 appointed by the Council.

- 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 arrival 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.

A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

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.

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.

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 plate affixed to the outside of the carriage.

If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

The driver of a hackney carriage so constructed 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 building, station or place at which he may take up or set down such person.

### **Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares**

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charge authorised by the Council which it may not be possible to record on the face of the taximeter.

The proprietor of a hackney carriage shall cause a statement of fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

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

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

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

**Penalties**

Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction thereafter.

## Appendix **HG**

### Private Hire Operator Conditions

Records to be kept by the Operator

#### Bookings

The Operator will keep, in a manner agreed with Harlow Council Licensing Team; the following information of every booking of a Private Hire Vehicle invited or accepted.

- a. The date and time that the booking was made.
- b. The name, contact telephone number (where possible) and pick up point of the hirer.
- c. The time and date of the pickup.
- d. The destination.
- e. The name and call sign of the vehicle and/or driver used.
- f. How the booking was made (i.e. telephone, personal call, internet etc.)
- g. The name of any individual that responded to the booking request
- h. The name of any individual that dispatched the vehicle
- i. Where the operator subcontracts a booking, he shall keep such records as required above to allow the Local Authority to reasonably investigate any booking as effectively as if it had not been subcontracted.

The Operator will keep the above records for a minimum of 12 months, including bookings that are no pickup/cancellation etc. (Otherwise known as scrubs).

#### Vehicles

The Operator will keep records of the particulars of all Private Hire Vehicles operated by him/her.

- a. Make and model of each vehicle
- b. Vehicle registration and plate numbers.
- c. Owners and/or drivers of each vehicle.
- d. Radio call signs used for each vehicle.
- e. Details of vehicle insurance policies and vehicle excise expiry dates.
- f. Details of private hire vehicle licence expiry dates.
- g. Details of MOT and Compliance Test expiry dates.

#### Drivers

The Operator will keep records in respect of all Private Hire Drivers operated by him/her.

- a. Full name and permanent address of each driver.
- b. D.V.L.A. Driving licence expiry dates.
- c. Private hire driver badge numbers and expiry dates.
- d. Radio call signs used for each driver.

The Operator will retain all Private Hire Drivers and Vehicle licences until such time the driver and/or vehicle ceases to be operated by them.

The Operator shall produce all or any of the above records on request of any Officer of the Council Authorised under the Local Government (Miscellaneous Provisions) Act 1976.

### **Private Hire Operator Licence holders – Basic DBS**

All applicants named on the operator licence who do not hold a private hire driver licence will be required to provide a Basic DBS disclosure to the Licensing Team on an annual basis regardless of licence duration.

The operator must provide details of any change to directors or partners responsible for the management of the business where the licence holder is a company or partnership; a new Basic DBS disclosure will be provided for all new persons added to the company or partnership.

An applicants' suitability to hold an operator licence will be guided by the General Enforcement Policy and the Convictions Policy; Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.'

### **Booking and Dispatch Staff – Basic DBS**

The Operator will keep a register of all staff that take bookings, dispatch vehicles or any other staff who have access to booking information or have contact with members of the public. The register can be kept either electronically or in hardcopy.

The Operator must ensure that Basic DBS checks are carried out annually on every person included in their staff register.

Basic DBS checks will be carried out by the holder of an operator licence. The certificate's date of issue, its reference/certificate number and the time, date that the certificate was first viewed, and that the Operator has had sight of the original certificate (although the certificate itself should not be retained) must be recorded in the staff register and signed.

Individuals that take bookings and/or dispatch vehicles for an Operator must be required, as part of their employment contract, to advise the Operator of any new convictions while they are employed in this role.

Where offences are present on a DBS certificate, the date and time of any review and the decision made with regards to a member of staff's suitability must be recorded in the staff register.

In the absence of an operator having their own stricter policy in relation to employing ex-offenders, the operator will use the Council's Conviction Policy standards applied to private hire operators (as detailed in the Institute of Licensing's 'Guidance on



determining the suitability of applicants and licensees in the hackney and private hire trades').

Where bookings and vehicle dispatch are outsourced, operators are required to evidence that the outsourced staff have been vetted to at least the same level as if they worked directly for the operator.

The staff register will be made available for inspection to the Police or Licensing Team upon request.

### **Conduct of the Operator**

The Operator will not invite or accept bookings for private hire work for any vehicle, which has not been licensed by Harlow Council for such work.

It is the responsibility of the Operator to ensure that any private hire vehicle operated by him/her is in a suitable roadworthy condition, fully licensed, taxed and insured etc.

The private hire plate must be affixed to each car in a position on the outside of the rear of the boot or bumper that makes it readily visible.

The licensed Operator shall not dispatch any driver to drive any Harlow licensed private hire vehicle unless that person has a current private hire driver's licence issued by Harlow Council.

The Operator shall, immediately upon receipt, notify the Licensing Team, in writing, of any complaint concerning the roadworthiness and or condition of a vehicle or a complaint against a driver.

The Licence holder must notify in writing any change of address of the licence holder or the address of the operating centre by email to [licensing@harlow.gov.uk](mailto:licensing@harlow.gov.uk) within 48hrs of the change.

Any of the following events in respect of the licence holder, must be reported in writing within 48 hours, giving full details of:

- Any charge or conviction (criminal or driving matter)
- Any caution (issued by the Police or any other agency)
- Their arrest for any offence (whether or not charged)
- Issue of any magistrates' court summons against them
- Issue of any fixed penalty notice for any matter.
- Any form of Warning or Order within criminal law

The operator must notify the Licensing Authority within 7 days of:

- any formal enforcement action taken against them under Health and Safety legislation (including improvement notices, prohibition notices, or prosecutions), or

- any incident connected with the licensed operation that results in a formal RIDDOR report (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations).

Where required, the operator must hold a valid Employers' Liability Insurance policy, which must be displayed at the premises.

## **Standard of Service**

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

Ensure that when a private hire vehicle has been booked it attends at the appointed time and place punctually unless delayed for a genuine reason. Wherever possible the hirer should be advised of any delay in picking them up.

Ensure that any private hire vehicle despatched to pick up a customer is clean, comfortable, presentable and in a roadworthy condition.

Ensure that all private hire drivers are suitably dressed, are clean in appearance and do not appear to be under the influence of alcohol or drugs.

Any part of the premises, to which the public have access for the purposes of booking and waiting, shall be adequately clean, heated, ventilated, and lit and provided with seating.

## **Signs on Vehicles and Advertising**

The Proprietor of a Private Hire business must not permit the display of the word "Taxi", "Cab", "For Hire" or "Hackney Carriage" on any private hire vehicles operated by them whether in the singular or plural, or words of similar meaning or appearance whether alone or part of another word.

The Proprietor of a Private Hire business will not use any advertisement in respect of the business, which include the words "hackney carriage", 'taxi' or 'cab' whether in the singular or plural, or words of similar meaning or appearance whether alone or part of another word.

The positioning of Private Hire Vehicle licensing signs and/or signage, agreed for use by Harlow Council, will take precedence over signs and/or advertising provided by the Private Hire Operator.

Signs on vehicles should be clear, not misleading and must not be offensive.

Advertising material, whether to promote the business or a booking method, must be clear and unambiguous.

Any method of booking, which includes more than one Operator, or other businesses, should not be established without the formal consent of all parties. It is,

however, perfectly acceptable to pass a booking onto another Operator if the first Operator is unable to fulfil the booking.

### **Carriage of Guide, Hearing and Other Assistance Dogs, Equality Act 2010**

All Drivers are required to carry Assistance Dogs in their vehicles unless the driver is exempt for medical reasons.

An Operator is not permitted to refuse a booking on the basis that the hirer indicates they have an assistance dog.

If an Operator is aware that one of his/her drivers requires a medical exemption then they should contact the Licensing Team, for further advice and information.

A driver that has been granted a medical exemption will be permitted to display an exemption notice within their vehicle. The exemption, however, only applies to the named driver and vehicle.

### **Lost Property**

The Operator will take all reasonable steps to ensure the safe custody of any items in private hire vehicles operated by him/her.

The following records should be kept of all items of lost property:

- Description of the item
- Date and time found
- Details of private hire vehicle it was left in
- Date taken to Police Station (if applicable)
- Action taken in respect of the lost item

## Appendix **IH**

### Private hire vehicle conditions

#### Standard Conditions applicable to a Private Hire Vehicle licence

**Licensing Period.** A Private Hire Vehicle shall be licensed for a period of not more than 1 calendar year.

**Use of the Vehicle.** A private hire vehicle once licensed is always a private hire vehicle and may only be driven by a private hire driver who holds a licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

**Persons permitted to drive a Licensed Vehicle.** A vehicle licensed by Harlow Council may only be driven by a person licensed to drive a private hire vehicle by Harlow Council.

**Insurance.** A valid insurance policy in respect of the vehicle covering the carriage of passengers for hire and reward shall be in force throughout the period of the licence.

**Cleanliness.** The licensed vehicle shall be maintained in a clean, comfortable, presentable and roadworthy condition.

**Vehicle Modification** No material alteration or change in the specification, design or appearance of the vehicle shall be made without the approval of the Licensing Team.

**Signs.** Private Hire Vehicles shall not display signs using the words HACKNEY CARRIAGE, TAXI, CAB, or FOR HIRE or any form of wording which may indicate that the vehicle is presently available for hire.

**Vehicle Inspection Arrangements.** The licensed vehicle shall be presented for MOT and compliance testing at the garage nominated by the Council. Proprietors are required to book their MOT/compliance tests with the nominated garage at intervals specified by Council vehicle licence conditions.

#### Inspection intervals.

Licensed vehicles shall be presented for MOT annually and immediately prior to first being licensed. Thereafter, a licensed vehicle shall be presented for Compliance testing at the following intervals:

- a) Immediately prior to the issue of first licence (on the date of the MOT)
- b) Annually for all vehicles with <100,000 recorded miles (on the date of MOT)
- c) Every 6 months for all vehicles with >100,000 recorded miles
- e) At the request of the Council for enforcement purposes.

#### Drivers Vehicle Condition Check

A driver shall undertake a walkaround check before a vehicle is used. Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check. Drivers shall retain their checks for the previous 6 months.

Details of the check should be recorded on the standard form 'Driver Vehicle Condition Checklist', or other form if agreed by the Licensing Team. Drivers shall retain the vehicle checklist as proof that they have undertaken the required vehicle check. Drivers may be subject to sanctions if they are unable to produce the checks or it is clear that while the form has been completed, the check has not. Further sanctions may result against them, as well as vehicle proprietors, if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over several days

**Trailers.** A private hire vehicle may tow a trailer provided that the trailer is fully compliant with all road traffic regulations. The vehicle proprietor shall notify the Council that he/she intends to use a trailer prior to first use. A trailer used for private hire shall be presented for inspection to the Council's nominated garage prior to being used for the first time and annually thereafter.

**Display of plate.** The identification plate issued by the Council in respect of the vehicle shall be permanently fixed on or above the bumper on the outside of the rear of the vehicle, in such a position that it shall be clearly visible from the rear of the vehicle and the driver/proprietor shall not wilfully or negligently conceal it from public view. No other plate or roundel from any other authority shall be displayed. The plate shall not be attached to the vehicle using velcro, cable ties or magnetic fastenings.

**Vehicle Badge.** A vehicle badge issued by the Council shall be displayed on the windscreen at all times in a position where it can be clearly seen by passengers. The badge shall not obscure the driver's vision. No other badge from another authority shall be displayed.

**Door Panels.** A private hire vehicle shall display offside and nearside front door vehicle identification panels. The panels shall be issued by the Council and be permanently fitted to the private hire vehicle for the entire period that the vehicle remains licensed. In the event of panels being lost, damaged or defaced, the vehicle proprietor or driver shall, as soon as practicable, notify the licensing team and obtain replacement panels.

**Chauffeur Vehicles (Where exemption is issued)** Chauffeur vehicles are required to be licensed as private hire vehicles and be operated through a Licensed Operator in accordance with the 76 Act. However, regulation 75 (3) of the 76 Act allows the licensing authority to alter requirements for the display of plates. Harlow Council will not require that the vehicle displays a rear plate or door panels where the vehicle meets the following requirements;

- The vehicle is an executive or prestigious vehicle,

- The vehicle is only operated in a manner which could reasonably be construed as chauffeuring where persons hire the vehicle and driver and, a higher standard of service is provided,
- The vehicle is not operated at any time for short trips, school runs, airport work and similar journeys which may be considered normal 'private hire work'.

The Council shall issue a certificate of exemption for vehicles that are not required to display plates which must be carried in the vehicle.

**Emissions.** All newly licensed private hire vehicles shall be compliant with Euro 4, or higher, emissions standards.

**Meters.** A private hire vehicle shall not be required to use a private hire meter but where fitted the meter must be compliant with The Measuring Instruments (Taximeter) Regulations 2006 and be sealed by the Council or persons working on behalf of the Council. For the purposes of this condition, a Personal Digital Assistant or similar device shall not be considered to be a meter.

**Reporting Damage and Accidents.** The proprietor of a private hire vehicle licensed by Harlow Council shall report to the council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence of, any accident to such private hire vehicle whether or not causing damage materially affecting the safety, performance or appearance of the private hire vehicle or the comfort or convenience of persons carried therein.

**LPG.** Private Hire Vehicles converted to run on LPG by a third-party vehicle converter shall meet the legislative requirements set out in the Road Vehicle (Construction and Use) Regulations 1986 (as amended). [Regulations 40 & 94 and schedules 4 & 5 lay down safety requirements for the LPG system]. There is a voluntary code of practice published by UKLPG regarding LPG conversion standards. The Council reserves the right to require that the vehicle be approved under the UKLPG accreditation scheme. Documentary evidence shall be provided to the Licensing Team to confirm that the conversion meets with legislative requirements. Private hire vehicles converted to run on LPG shall display a roundel sticker at the front and rear of the vehicle stating that the vehicle has been fitted with an LPG tank. The vehicle proprietor shall notify the Licensing Team, DVLA and their insurance company that the vehicle has been converted to run on LPG.

**Hybrid and Electrically Propelled Vehicles.** Harlow Council shall licence hybrid or electrically propelled vehicles where they meet these conditions.

**Insurance Write offs.** No vehicle which has been written off as a Category S insurance loss shall be licensed as a Private Hire Vehicle.

**Compliance and MOT Standards.** The licensed vehicle shall meet the minimum standards set out in the MOT and in the Compliance standards below. A licensed vehicle which fails the MOT standard shall not be used as a Private Hire Vehicle and

the proprietor shall as soon as practicable inform the Council's licensing team of any such failure. A licensed vehicle shall not be used as a private hire vehicle where it fails a compliance test other than at the discretion of the Assistant Director for Public Protection. Any such failure shall as soon as practicable be notified to the Licensing Team. The Licensed Vehicle shall meet the following standards when tested annually and at 6-month intervals with the exception of vehicle emission testing which shall be carried out annually.

**Roof Signs Prohibited.** Any roof sign or other signage with a raised profile is prohibited from being displayed on the roof, bonnet, or boot of a private hire vehicle.

### **Vehicle Proprietors.**

- Vehicle proprietors who do not hold a driver licence will be required to provide a Basic DBS disclosure to the Licensing Team on an annual basis.
- The vehicle proprietor must provide details of any change to directors or partners responsible for the management of the business where the licence holder is a company or partnership, a new Basic DBS disclosure will be provided for all new persons added to the company or partnership.
- An applicants' suitability to hold a vehicle licence will be guided by the General Enforcement Policy and Convictions Policy; the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.'

**Regulations.** The proprietor shall ensure that any driver complies with the Council's Conditions and Compliance Testing Standards.

**Statutory Requirements.** The proprietor should make themselves familiar with statutory requirements in relation to Private Hire Vehicle Licensing and the Local Government (Miscellaneous Provisions) Act 1976. These are available at a public library or via the internet.

### **Private Hire Vehicle testing (Compliance Standards)**

**The vehicle shall meet the MOT standard when undergoing a compliance test.**

A **fire extinguisher** manufactured to BSEN 3 1996 shall be readily available and fixed with a bracket in the car or boot.

**Driver and passenger foot-wells:** Driver and passenger foot-wells shall be kept free of obstructions.



**Leg room, seat dimensions and internal arrangements:** Private hire vehicles shall meet the following minimum standards:

Vehicles shall have 5 seats to accommodate a minimum of 4 passengers and have a minimum of 4 doors.

- Larger vehicles may be licensed for not more than 8 passengers.
- The aggregate internal width of seats shall not be less than 1,290mm when measured across the seats at shoulder height.
- Provide not less than 152mm leg-room between the front seat and cushion of the rear seat measured horizontally.
- The licensing team shall exercise reasonable discretion on the suitability of vehicles to be licensed as private hire vehicles.
- Seats shall be secure and backrests shall be capable of being secured in the upright position.

**Bonnet.** The bonnet must open and close properly and be fitted with a working safety catch in accordance with the manufacturer's specifications.

**Vehicle Cleanliness.** The vehicle shall be submitted for inspection in a clean condition to enable the vehicle inspector to carry out a full and proper inspection and examine all necessary components. Reasonable steps shall be taken to keep the licensed vehicle clean throughout the licensed period.

**Floor coverings.** Floor covering shall be complete and free from cuts, tears, or serious staining.

**Interior (General).** All interior trim, including headlining, door panels and speakers shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling. Door handles and windows shall be operational. All fittings shall be secured in a manner that prevents sharp edges or other hazards protruding into the passenger carrying areas.

**Rust.** The vehicle shall be free from significant areas of visible rusting. Although minor blemishes will not normally constitute a failure, the following general criteria shall be followed. Any vehicle with three or more visible rust patches larger than 5sq cms each shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing rust.

**Dents:** Any vehicle with minor dents on three or more panels where such dents detract from the appearance of the vehicle shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing dents.

**Scratches:** Any vehicle with unrepaired scratches down to bare metal on three or more panels of 50mm in length or where the cumulative appearance of scratches detracts from the appearance of the vehicle shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing vehicle condition.



**Paintwork:** Any vehicle with panels painted in non-matching colours, or in primer, shall be failed.

**Accident damage:** Vehicles with significant unrepaired bodywork damage shall be failed.

**Trailers.** Trailers shall,

- Be maintained in roadworthy condition.
- Be fitted with lights in accordance with The Road Vehicles Lighting Regulations 1989.
- Display a number plate of the towing vehicle.
- Not obscure the 'Local Authority Plate'.

**Access Equipment and fittings for passengers with disabilities (where fitted):**

Access ramps and hoists shall properly installed and maintained in working order. Wheelchair clamps and harnesses shall be correctly fitted, be available for use and, maintained in good working order. Fittings and fitments shall be capable of being used by persons using a wheelchair.

**MISCELLANEOUS MATTERS**

A Private Hire Vehicle must be clearly distinguishable from Hackney Carriages.

**Door panels size and design.** Door identification panels shall be permanently fixed and displayed on the front passenger and driver doors. The panels may not be fixed using magnets or other non-permanent means. Panels shall measure 400mm x 127mm and clearly display the vehicle private hire plate number. The panels will be supplied by Harlow Council.

**Tinted Windows:** Private Hire Vehicles may be fitted with tinted windows provided that they are only supplied as standard by the original vehicle manufacturer and comply with current vehicle Construction and Use Regulations 1986 (as amended) with respect to the fitting of tinted, opaque, darkened or privacy glass windows. No 'after-market', do it yourself window tinting is permitted.

## Appendix **J**

### **Stretched Limousines Additional Conditions and Criteria (licensed as a private hire vehicle)**

Definition: A stretched limousine for the purpose of licensing in Harlow shall be a vehicle modified as a stretched vehicle, such as a Ford Lincoln, Ford Excursion, Cadillac, Volvo or Mercedes, by a converter approved by the manufacturer.

Small limousines, that is, those with fewer than 9 passenger seats, will in almost all cases not be type approved to British or European standards and thus will need to prove compliance through the Individual Vehicle Approval Scheme (IVA), formerly known as the Single Vehicle Approval scheme (SVA).

The IVA scheme provides a pre-registration inspection for all passenger and goods vehicles that have not been type-approved to British or European standards. The main purpose of this scheme is to ensure that these vehicles have been designed and constructed to modern safety and environmental standards before they can be used on public roads.

Before a vehicle is submitted to VOSA for an IVA inspection, evidence must be provided to demonstrate the modified vehicle's capability to operate at weights higher than the original vehicle's maximum gross weight where this will be exceeded when the vehicle is full of passengers. Key components such as the axles, suspension and brakes may have to be upgraded to take the extra weight of the converted vehicle, compared to the original base vehicle.

Evidence of an IVA inspection shall be required at the time of licence application.

A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B and S). The Council Private Hire Vehicle Standards allow for a category N write-off to be licensed.

Where the council's nominated garage is unable to fulfil the requirement of an MOT e.g. there is no large wheel-base ramp installed, the council shall accept an MOT from any VOSA Approved Testing Station. The vehicle will still have to attend and pass a Compliance Test at the Council's nominated garage.

The criteria for licensing these vehicles by Harlow Council will be the same as for private hire vehicles subject to the following additional conditions:

1. The vehicle will be licensed for a maximum of eight passengers, and the applicant must confirm in writing that passenger numbers will be restricted to no more than 8 passengers.

2. Tinted windows must comply with the Road Vehicles (Construction & Use) Regulations 1986 in so far as the windscreen and front side windows are Concerned
3. The vehicle may be left hand drive provided it is fitted with a forward-facing camera on the offside of the vehicle (such as in the wing mirror) and a monitor displaying video from the camera and visible to the driver;
4. The correct type of tyres of both the appropriate size and the correct weight loading must be fitted.
5. A seat belt must be fitted for each seat in accordance with the Construction and Use Regulations and must be used by passengers;
6. Each passenger must be able to exit the vehicle on both sides of the vehicle by either a door or an emergency window exit. Childproof locks which prevent egress from the rear of the vehicle shall not be fitted or if fitted, shall be permanently disabled;
7. The vehicle will be required to pass a vehicle compliance inspection, before licensing and at intervals, as specified by the Private Hire Vehicle Conditions.
8. Where alcohol is supplied it must be authorised under the Licensing Act 2003 and no alcohol shall be supplied to any person below the age of 18.
9. A licence badge, issued by the Licensing Team shall be displayed on the front windscreen (not in the area swept by wipers)
10. The vehicle shall be exempted from the requirements to display a plate identifying it as a Private Hire Vehicle, and in accordance with section 48 of the Local Government (Miscellaneous Provisions) Act 1976, will not have to be displayed on the rear of the vehicle. The exemption shall also apply to door stickers and roof signs.
11. The exemption certificate issued in relation to Condition 10 shall be carried in the vehicle and available for inspection at all times.
12. All granted applications shall be issued with an exemption certificate.

## Appendix **KJ**

### Hackney carriage vehicle conditions

**Use of Vehicle:** A Hackney Carriage Vehicle once licensed is always a Hackney Carriage Vehicle and as such may only be driven by a Hackney Carriage Driver who holds a licence under Section 46 of the Town Police Clauses Act 1847 and Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 except where the vehicle or driver is being tested in accordance with the provisions specified in Schedule 7 of the Transport Act 1985.

**Persons permitted to drive a licensed vehicle.** A Hackney Carriage licensed by Harlow Council may only be driven by a person licensed by Harlow Council to drive a Hackney Carriage except where the vehicle or driver is being tested in accordance with the provisions specified in Schedule 7 of the Transport Act 1985.

**Additional Conditions.** Where necessary, the Assistant Director for Public Protection shall apply specific conditions to the grant or renewal of the vehicle licence.

**Inspection of the Vehicle.** All MOT and Compliance tests shall be carried out by the Council's nominated garage. The Council shall not license a Hackney Carriage unless the vehicle has successfully passed an MOT and Compliance test.

**Inspection intervals.** Licensed vehicles shall be presented for MOT annually and immediately prior to first being licensed. Thereafter, a licensed vehicle shall be presented for Compliance testing at the following intervals;

- Immediately prior to the issue of first licence (on the date of the MOT)
- Annually for vehicles up to 6 years of age at first registration,
- Twice a year for vehicles older than 6 years of age
- At the request of the Council for enforcement purposes.

Proprietors shall be required to book their MOT and Compliance tests with the nominated garage at the specified intervals.

### **Drivers Vehicle Condition Check**

A driver shall undertake a walkaround check before a vehicle is used. Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check. Drivers shall retain their checks for the previous 6 months.

Details of the check should be recorded on the standard form 'Driver Vehicle Condition Checklist', or other form if agreed by the Licensing Team. Drivers shall retain the vehicle checklist as proof that they have undertaken the required vehicle check. Drivers may be subject to sanctions if they are unable to produce the checks or it is clear that while the form has been completed, the check has not. Further

sanctions may result against them, as well as vehicle proprietors, if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over several days

**Insurance Write offs.** No vehicle which has been written off as a Category S insurance loss shall be licensed as a Hackney Carriage Vehicle.

**Trailers.** Prior to being used for the first time a trailer shall be inspected by the Council's nominated garage. Trailers used by Hackney Carriage vehicles will be subject to testing at the same time as the vehicle.

**Plates and Badges.** The Hackney Carriage plate shall be permanently fixed to the outside rear of the vehicle and shall be displayed at all times. The vehicle badge shall be displayed on the partition window where it may clearly be seen by passengers.

**Fitness of the Vehicle.** The vehicle shall be maintained in a clean, comfortable, presentable and roadworthy condition at all times.

**Signs and advertising.** Signs on vehicles shall be clear, not misleading and must not be offensive. Signs must not impede the safe operation of the vehicle.

**Accidents Causing Damage to the Vehicle.** The proprietor of a hackney carriage vehicle licensed by Harlow Council shall report to the council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence of, any accident to such hackney carriage vehicle whether or not it causing damage materially affecting the safety, performance or appearance of the hackney carriage vehicle or the comfort or convenience of persons carried therein.

**Insurance.** A valid insurance policy in respect of the vehicle covering the carriage of passengers for hire and reward shall be in force throughout the period of the licence.

**Plying for Hire/Hackney Carriage Ranks.** Hackney carriage vehicles may ply for hire on an approved Hackney Carriage rank and may be hailed while travelling along any public highway within the District of Harlow. A Hackney Carriage vehicle may be dispatched to undertake a pre booked journey.

**Hackney Carriage Meters.** Hackney carriages shall be fitted with a meter compliant with The Measuring Instruments (Taximeters) Regulations 2006 and shall be periodically tested and sealed by the Council or by persons working on behalf of the Council.

**Alteration of the Vehicle.** No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time the licence is in force.

**Wheelchair Accessibility.** All Hackney Carriage Vehicles shall be 'reference wheelchair' accessible and be fitted with access ramps and fastening equipment. Hackney carriage vehicles are required to carry wheelchair passengers unless the

driver has a medical exemption certificate issued by the Council on medical advice.  
(A reference wheelchair is one which conforms with The Public Service Vehicles Accessibility Regulations 2000).

**Vehicle Emissions.** All vehicles licensed for the first time on a newly issued plate shall be minimum Euro 6 compliant. Vehicles (or replacement vehicles using the same plate) continuously licensed on 11th July 2017 which are not certified by the manufacturer (or by conversion) as minimum Euro 4 compliant shall not be relicensed after 1st January 2021.

**Compliance and MOT Standards.** The licensed vehicle shall meet the minimum standards set out in the MOT and in the Compliance standards below. A licensed vehicle which fails the MOT standard shall not be used as a Hackney Carriage and the proprietor shall as soon as practicable inform the Council's licensing team of any such failure. A licensed vehicle shall not be used as a hackney carriage where it fails a compliance test other than at the discretion of the Assistant Director for Public Protection. Any such failure shall as soon as practicable be notified to the Licensing Team. The Licensed Vehicle shall meet the following standards when tested annually and at 6-month intervals with the exception of vehicle emission testing which shall be carried out annually. The vehicle shall meet the MOT standard when undergoing a compliance test.

**Card Payment Machines.** Ensure the vehicle is equipped with a Harlow Council approved card payment terminal which can accept payment by credit/debit card from 6 April 2021. Ensure the device is connected, maintained and working at all times to ensure customers are able to pay by card. The Harlow Council approved card payment machines are specified in the following link;

<https://www.harlow.gov.uk/business/licensing/taxi-and-private-hire-licences/hackney-carriage-vehicle-licence>

A method of issuing a receipt to the customer must be available at all times. Receipts for card payment transactions can be in an email, text, printed, hand written or other acceptable format agreed with the Licensing Team. The receipt must include date of booking (and date of issue if different), description of pick up and destination, vehicle registration, vehicle licence number, drivers licence number and the amount (£).

The vehicle must be fitted with the Harlow Council approved and supplied card payment stickers in both rear passenger windows and inside the passenger compartment. The positioning of the three stickers is specified in the following link;

<https://www.harlow.gov.uk/business/licensing/taxi-and-private-hire-licences/hackney-carriage-vehicle-licence>

**Vehicle Proprietors.**

- Vehicle proprietors who do not hold a driver licence will be required to provide a Basic DBS disclosure to the Licensing Team on an annual basis.
- The vehicle proprietor must provide details of any change to directors or partners responsible for the management of the business where the licence holder is a company or partnership, a new Basic DBS disclosure will be provided for all new persons added to the company or partnership.
- An applicants' suitability to hold a vehicle licence will be guided by the General Enforcement Policy and the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.'

### **Carriage of Persons with a disability, including wheelchairs and Assistance Dogs**

No person shall, being the driver of the Hackney Carriage Vehicle:

- without reasonable excuse, refuse to attend the needs of, or refuse assistance to any person with a disability, whether or not they are the user of a wheelchair
- reasonable assistance to a person with a disability could include help getting in and out of the vehicle, help finding the vehicle, carrying a mobility aid, reading out the fare, explaining what route is being taken
- without reasonable excuse, refuse to permit the carriage of a dog used as a guide dog for a blind or partially sighted person, a hearing dog for those otherwise impaired, or any trained assistance dog
- charge for carrying a guide dog, hearing dog or assistance dog, or for the carriage of a wheelchair

A driver is required to carry any disabled person and provide mobility assistance unless they have a medical exemption notice granted by the Licensing Team.

A driver is required to carry an assistance dog in their vehicle unless they have a medical exemption notice granted by the Licensing Team.

**Regulations.** The proprietor shall ensure that any driver complies with the Council's Byelaws, Conditions and Compliance Testing Standards.

**Statutory Requirements.** The proprietor should make themselves familiar with statutory requirements in relation to Hackney carriage licensing in the Town Police Clauses Act 1847 (as amended), Sections 300-302 of the Public Health Act 1936, and the Local Government (Miscellaneous Provisions) Act 1976. These are available at a public library or via the internet.

### **Hackney Carriage Vehicle testing (Compliance Standard)**



**Fire Extinguisher.** A fire extinguisher manufactured to BSEN 3 1996 shall be readily available and fixed with a bracket in the car or boot

**Passenger door warning system.** The drivers' control panel warning lights and passenger doors safety locking system must be fully operational. All doors shall lock when the foot brake is applied, or the speed is in excess of 5 mph.

**Luggage space.** The front luggage space shall be reasonably empty, clean and be available for use.

**Taxi sign.** A "Taxi" sign shall be clearly visible both by day and night when the cab is available for hire. The sign shall be operational.

**Bonnet operation.** The bonnet shall open and close properly and be fitted with a working safety catch.

**Tyre type (London Taxi Company/London EV Company).** Tyres must comply with the requirements of C & U regulations and be marked 'Taxi'. Re-tread tyres must comply with the British Standards Institution requirement BS.AU144E as amended.

**Under chassis cleanliness.** The vehicle shall be submitted for inspection in a clean condition to enable the vehicle inspector to carry out a full and proper inspection and examine all necessary components

**Floor coverings.** Floor coverings in the passenger compartment shall be non-slip and capable of being easily cleaned. The floor covering shall be complete and free from cuts, tears, or serious staining.

**Seats.** All seats, including the driver's seat shall be free from stains, cuts, tears and cigarette burns, except those of a very minor nature. Any repairs shall be carried out in a professional and neat manner.

**General interior condition.** All interior trim, including headlining, door panels and speakers shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling. Door handles and window winders shall be secure and operational. All fittings shall be secured in a manner that prevents sharp edges or other hazards protruding into the passenger carrying area.

**Rust.** The vehicle shall be free from significant areas of visible rusting. Although minor blemishes will not normally constitute a failure, the following general criteria shall be followed. Any vehicle with three or more visible rust patches larger than 5sq cm each shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing rust.

**Dents.** Any vehicle with minor dents on three or more panels where such dents detract from the appearance of the vehicle shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing dents.



**Scratches:** Any vehicle with unrepaired scratches down to bare metal on three or more panels of 50mm in length or where the cumulative appearance of scratches detracts from the appearance of the vehicle shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing vehicle condition.

**Paintwork:** Vehicles with panels painted in non-matching colours or in primer shall be failed.

**ACCIDENT DAMAGE** Vehicles with significant unrepaired body damage shall be failed.

**Trailers.** Trailers shall,

1. Be maintained in roadworthy condition
2. Be fitted with an appropriate towing attachment between vehicle and trailer
3. Be fitted with lights in accordance with The Road Vehicles Lighting Regulations 1989
4. Tyres shall have adequate tread.
5. Brakes (where fitted) shall be in operational.
6. Display a number plate of the towing vehicle.

**Access Equipment and fittings for passengers with disabilities:** Access ramps and hoists shall be properly installed and maintained in working order. Wheelchair clamps and harnesses shall be correctly fitted, be available for use and, maintained in good working order. Fittings and fitments shall be capable of being used by persons using a wheelchair.

**Tinted Windows:** Hackney Carriage Vehicles may be fitted with tinted windows provided that they are only supplied as standard by the original vehicle manufacturer and comply with current vehicle Construction and Use Regulations 1986 (as amended) with respect to the fitting of tinted, opaque, darkened or privacy glass windows. No 'after-market', do it yourself window tinting is permitted.

## Appendix **LK**

### Driver (and Operator) useful information

Useful information contained within this Appendix has been put together to assist licensees and prospective applicants with completing the necessary checks to apply for a licence.

### For Licensees and New Applicants

#### **Drivers: Enhanced DBS with Barring Lists Certificate (other workforce)**

Applicants may apply for an Enhanced DBS with Barring List Checks certificate through TaxiPlus at [www.taxiplus.co.uk/im-a-driver](http://www.taxiplus.co.uk/im-a-driver)

On the TaxiPlus website: select the Harlow Council logo and follow on screen instructions (this works best on a mobile phone).

Licensees are required to be registered with the DBS Update Service for the issue of a licence. An applicant must subscribe directly to the DBS for this service.

[www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service)

Harlow Council shall check the status of DBS certificates every two weeks via the TaxiPlus system. Licensees whose subscription to the DBS Update Service fails, shall provide a new DBS certificate registered on the DBS Update Service, the new certificate shall be provided within 6-months of the previous DBS status check.

#### **Vehicle Proprietors and Operators: Basic DBS (for applicants that do not hold a driver licence with Harlow Council)**

If you are a licensed vehicle proprietor or private hire operator (who is not a licensed driver with Harlow Council) you will be required to provide a recent up to date Basic DBS check on an annual basis.

A Basic DBS can be applied for directly using this weblink -

<https://www.gov.uk/request-copy-criminal-record>

If you apply directly to the DBS for your Basic check using the online application route, you can view and share the result of your check online, if it does not feature conviction information. Instructions are provided by the DBS on how to provide a share code to the Licensing Team.

#### **DVLA Driving Licence Share Code**

The council will need to check your DVLA UK driving licence online using a licence check code. To log on you will need your **DVLA driving licence, national insurance number and postcode**. You can view your driving licence information at - [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence)

## Group 2 medical standard

**Providers.** The following medical providers are supportive of Harlow Council's Group 2 medical assessment, but you may take the assessment with any Group 2 medical provider:

Cotswold Medical Ltd (01454 317436) [www.driversmedicals.com](http://www.driversmedicals.com)

Harlow Occupational Health Srv (01279 422377) [www.hohs.org](http://www.hohs.org)

**If you wear glasses.** Please take your most recent eye test prescription to your medical appointment, this must be no more than 2 years old. If you do not wear glasses, check your medical provider is able to conduct the Snellen chart eye test to avoid any delay. The doctor or optician doing your medical will need to be able to confirm that you do not require glasses which have a strength of +8 dioptries or more. You should have your eyesight checked regularly.

**Tablet-controlled Diabetes.** If you take sulphonylureas or glinide types of medication (commonly only gliclazide), then as well as having your normal renewal medical you will need to have had a checkup with your GP/diabetes nurse.

**Insulin-treated Diabetes.** You are required to arrange an examination to be undertaken **every 12 months** by an independent consultant specialist in diabetes. The specialist needs to complete our approved medical questionnaire which is available on request. This is in addition to the routine interval medicals.

**Ischaemic heart disease (coronary heart disease).** We follow the DVLA medical standard which means that if you have ever had a heart attack or angina (even a long time ago) you will need to pass a treadmill test or equivalent **every three years** to demonstrate you continue to meet the Group 2 Standard.

## Right to Work in the UK

We may only issue a licence to a person who has a Right to Work in the UK. Please see [www.gov.uk/prove-right-to-work](http://www.gov.uk/prove-right-to-work)

A Right to Work share code or document is required if you're not a British or Irish citizen at each licence renewal.

## Tax Check share code

If you're an individual, company or any type of partnership applying for a licence for a taxi driver, private hire driver or a private hire vehicle operator, you may need to provide a tax check share code.

HMRC require the licensing authority to confirm you are registered for tax before issuing a licence. To renew any driver licence, or if you have held a licence in the last year, or you hold the same licence with another authority, you must provide a Tax Share Code.

The same Tax Share Code cannot be used for hackney carriage and private hire driver applications.

Are you applying for a licence for the first time? You will not need to complete a tax check. However, you must read HMRC guidance on your tax obligations, so you understand how to be registered for tax. Please see [www.gov.uk/self-assessment-tax-returns](https://www.gov.uk/self-assessment-tax-returns) for further information.

**You will need a Government Gateway user ID and password to complete a tax check, so you should make sure you have one before you need to make your licence application. For more information visit:**

<https://www.gov.uk/guidance/changes-for-taxi-private-hire-or-scrap-metal-licence-applications-from-april-2022>

### **Child and Adult Safeguarding Awareness Training**

All new applicants must have undergone the Council's approved Child and Adult Safeguarding training course(s).

Licensed drivers shall attend the Council's approved Child and Adult Safeguarding training course every 2 years.

Licensed drivers and operator staff to attend Child and Adult Safeguarding training within 12 months of the Council approving a training provider.

Exception from attending the training will be considered on individual merits, where the applicant/licensee is able to demonstrate attendance of an equal to or higher-level course(s) that covers Child and Adult Safeguarding within the previous 2 years. Course attendance with other taxi licensing authorities shall not be accepted.

### **Disability awareness training**

All new applicants must have undergone the Council's approved Disability Awareness training course(s).

Licensed drivers and operator staff shall attend the Council's approved Disability Awareness training every 2 years.

Licensed drivers and operator staff to attend Disability Awareness training within 12 months of the Council approving a training provider.

Exception from attending the training will be considered on individual merits, where the applicant/licensee is able to demonstrate attendance of an equal to or higher-level course(s) that covers Disability Awareness within the previous 2 years. Course attendance with other taxi licensing authorities shall not be accepted.

## **For New Applicants**

### **Driving Assessment Providers (and wheelchair assessors)**

The following driving practical assessors are approved by the Council to undertake the driving assessment for taxi and private hire:

Blue Lamp Trust on 0333 700 0157. Or visit [www.bluelamptrust.org.uk](http://www.bluelamptrust.org.uk) (driving only assessments)

GreenPenny on 0330 111 7230. Or visit [www.greenpenny.co.uk](http://www.greenpenny.co.uk) (driving and wheelchair assessments)

ExL Driving School 0800 567 7460. Or visit [www.exl-driving.co.uk](http://www.exl-driving.co.uk) (driving and wheelchair assessments)

### **English Language Proficiency**

#### **Acceptable Qualifications that Demonstrate English Language Proficiency**

An acceptable qualification may be in English language or literature, or any subject with a significant amount of English language content. Therefore, technical or IT related qualifications will not be acceptable.

Acceptable qualifications:

UK GCSE/O Level (or equivalent) certificate, grades A to G or 1 to 9.

UK AS level/A level certificate

UK BA (Hons), BSc (Hons) degree or higher i.e. masters, PhD

UK HNC/HND certificate

ESOL, SELT, TOEFL and IELTS certificate showing English language skills to level B1 (CEFR) or higher i.e. B2, C1 or C2. (English as additional language qualifications)

UK NVQ/BTEC/City & Guilds certificate, along with confirmation from the awarding body that the qualification provided is equivalent to GCSE or above.

In all cases, the Licensing Team's decision as to whether to accept a qualification not listed above will be final. If a candidate does not hold one of these qualifications, or cannot produce acceptable evidence of the qualification, they will be required to undertake the English Proficiency assessment with the Council's chosen provider.

## Appendix M

### Drivers Vehicle Condition Checklist

Completed by: \_\_\_\_\_ Time: \_\_\_\_\_ Date: \_\_\_\_\_

Vehicle Registration Mark: \_\_\_\_\_

Vehicle Licence Number: \_\_\_\_\_

Driver Licence Number: \_\_\_\_\_

Vehicle Mileage: \_\_\_\_\_

<u>Area</u>	<u>Requirement</u>	<u>Faulty</u>	<u>Correct</u>
<u>Brakes</u>	<u>Foot/service brake works correctly and does not have any excess travel</u>		
	<u>Hand/parking brake works correctly and does not have any excessive travel</u>		
<u>Horn and steering</u>	<u>Horn control is easily accessible from driver's seat</u>		
	<u>Horn works when its control is operated</u>		
	<u>Steering has no excessive play</u>		
<u>Obligatory lights and lenses</u>	<u>All lights and indicators work correctly</u>		
	<u>All lenses are present, clean, in good condition and are the correct colour</u>		

<u>Area</u>	<u>Requirement</u>	<u>Faulty</u>	<u>Correct</u>
	<u>Stop lamps come on when the service brake is applied and go out when released</u>		

	<u>All dashboard warning lamps work correctly, including (if fitted) automatic braking system (ABS) airbags - (SRS) main beam headlamp warning lamp parking brake warning lamp</u>		
<u>Mirrors and glass</u>	<u>All required mirrors are fitted and should be properly aligned and secure</u>  <u>Your view of the road in all directions must not be obscured by damaged, excessively tinted or discoloured glass, or obstructions, i.e., stickers, advertisements</u>  <u>All windows operational</u>		
<u>Seats and seat belts</u>	<u>All seats are secure</u>  <u>All seat belts must operate correctly and must be free from cuts and any damage</u>		
<u>Washers and wipers</u>	<u>Wipers move as per manufacturer design when switched on</u>  <u>Wiper blades must clear the windscreen effectively</u>  <u>Washers point at the windscreen and are operational</u>  <u>Washer fluid is topped up</u>		
<u>Battery</u>	<u>Battery is held securely in place by the correct means</u>  <u>Battery is not leaking</u>		
<u>Area</u>	<u>Requirement</u>	<u>Faulty</u>	<u>Correct</u>



	<u>Battery terminals are secure and free from corrosion</u>		
<u>Fluids, fuel and oil</u>	<p><u>The brake fluid, engine coolant, engine oil, power steering fluid, windscreen washer fluid and water levels must be maintained at an effective level and without leaks.</u></p> <p><u>The fuel filler cap must be securely fitted and the seal is not torn, perished or missing</u></p> <p><u>There must not be any brake fluid, power steering fluid or water leaks</u></p> <p><u>With the engine off, look for puddles on the ground - if leaks are detected, trace the cause before using the vehicle</u></p> <p><u>With the engine on, check underneath the vehicle for any fuel and oil leaks - look for puddles on the ground.</u></p>		
<u>Bodywork and doors</u>	<p><u>All doors must shut properly, must be secure when closed and must stay open when required for passenger entrance or exit</u></p> <p><u>There must not be any sharp edges or excess corrosion</u></p> <p><u>All body panels and sills must not be loose or in danger of falling off and free from excessive damage</u></p>		
<u>Exhaust</u> <u>(if applicable)</u>	<u>The exhaust be secure, free from leaks and must not emit excessive amounts of smoke.</u>		
<u>Tyres and wheels</u>	<p><u>Check as much of your tyres and wheels as you can see. There must be:</u></p> <p><u>a minimum tread depth of 1.6mm across the centre 75% of the tread</u></p>		

<u>Area</u>	<u>Requirement</u>	<u>Faulty</u>	<u>Correct</u>
	<p><u>correctly inflated no deep cuts in any</u></p> <p><u>tyre sidewall no cord visible</u></p> <p><u>anywhere on any tyre no missing or</u></p> <p><u>insecure wheel nuts</u></p> <p><u>Space saver tyres when fitted are not</u> <u>sufficient for use for hire and reward- can</u> <u>be used merely to get the vehicle to where</u> <u>a full-size tyre can be fitted.</u></p>		
<p><u>Licence Plates</u></p> <p><u>Discs and other</u></p> <p><u>identifiers</u></p>	<p><u>Drivers must ensure:</u></p> <p><u>all required plates and mandatory signs</u> <u>must be in place on the vehicle before</u> <u>use.</u></p> <p><u>when displayed the licence plate must not</u> <u>obstruct/ obscure the vehicle registration</u> <u>plate in such a way as to hide the name of</u> <u>the issuing authority or other identifying</u> <u>details.</u></p> <p><u>taxi roof light is safe and operational (if</u> <u>fitted).</u></p> <p><u>Taxi meter (if fitted) seal is intact.</u></p>		

**WARNING: Drivers are found using a defective vehicle in breach of the duty to check could be at risk of sanction, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over a number of days.**

## Appendix **ML**

Licensing Committee Date	Version	Amendments	Date of Change
17 June 2025	1.1	Policy adopted	18 July 2025
<u>TBC</u>	<u>1.2</u>	<u>Incorporate the word taxi</u> <u>Addition of a licensing points-based system</u> <u>Addition of driver vehicle condition checks</u> <u>Addition operator condition – health and safety, employment law</u>	<u>TBC</u>