

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

Approved by General Licensing Committee:

Approved by Cabinet:

Approved by Council:

Document Title: Hackney Carriage and Private Hire Policy and Conditions 2021 (v1)

## GENERAL NOTE

The aim of this Policy document is to publish the stated intentions and requirements of Chichester District Council as the Licensing Authority with respect to Hackney Carriage (Taxi) and Private Hire operations in the Chichester District, championing the overriding principal of Public Safety<sup>1</sup>.

The Policy has been formulated pursuant to, and in accordance with, the following legislation:

- Local Government (Miscellaneous Provisions) Act 1976;
- Town Police Clauses Act 1847;
- Equality Act 2010;
- Police and Crime Act 2017;
- Immigration Act 2016.

Additionally, specific regard has been afforded HM Government's Department for Transport's (DfT) recent publication '*Statutory Taxi & Private Hire Vehicle Standards*' (July 2020), published under s.177(1) of the Policing and Crime Act 2017: This new statutory guidance specifically requires all Licensing Authorities which exercise taxi and private hire licensing functions, to introduce new and/ or strengthen existing policies to protect from harm, children and vulnerable individuals over 18 years old. HM Government expects all these DfT recommendations to be implemented unless there are compelling local reasons for not doing so: The DfT recommendations have been incorporated into this new Chichester District Council policy.

Also, due to the continuing climate emergency, this policy seeks to go some way towards addressing and achieving the aspirations of HM Government in its publication '*The Ten Point Plan for a Green Industrial Revolution*' (November 2020), especially regarding a shift to zero emission vehicles in respect of public transport.

All Licences, Driver's Badges, Vehicle Licence Plates, Internal Identification Cards and Door Badges remain the property of this Licensing Authority.<sup>2</sup>

All fees and charges are payable at the time of application: See section 45 below

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<sup>1</sup> <https://www.chichester.gov.uk/article/25502/Hackney-carriage-taxi-and-private-hire---information-for-the-public#Safetytips>

<sup>2</sup> Pursuant to s.61(2)(a) and s.68 Local Government (Miscellaneous Provisions) Act 1976 upon expiry or when otherwise required, must be returned to Chichester District Council within seven (7) days or, in the case of Immigration issues, five (5) days.

# CHICHESTER DISTRICT COUNCIL

## HACKNEY CARRIAGE AND PRIVATE HIRE POLICY & CONDITIONS

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- Appendix C Hackney Carriage Byelaws
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- Appendix G Guidelines for Private Hire Vehicle Safety Partition Screens
- Appendix H Seating Configurations
- Appendix I Private Hire Driver's Licence Conditions
- Appendix J Private Hire Vehicle Licence Conditions
- Appendix K Private Hire Operator's Licence Conditions

## PART A: TYPES OF LICENCE

Expired Licences will not be renewed after the date of expiry. Should a Licence be permitted to lapse, an entirely new application, including fee, is required.

### 1. *Hackney Carriage Driver's Licence (issued for 3 years) see Parts B and C*

Any person wishing to drive a Hackney Carriage in the Chichester District Council area requires a Hackney Carriage Driver's Licence issued by this Licensing Authority.<sup>3</sup>

Chichester District Council's published 'Hackney Carriage Byelaws' (see Appendix C), together with the relevant statutory provisions within the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, form this Licensing Authority's Code of Conduct and Requirements relating to Hackney Carriage Drivers in the Chichester District Council area.

### 2. *Hackney Carriage Vehicle Licence/ Hackney Carriage Proprietor's Licence (issued for 1 year) see also Parts D and E*

'Hackney Carriage' is defined in s.38 Town Police Clauses Act 1847 but, in general terms, may be described as a vehicle which:

- May 'Stand' or 'Ply for Hire' in a street;
- Is so Licensed by the Council, and displays a Hackney Carriage Plate both internally and externally.

Any person wishing to use a vehicle as a Hackney Carriage requires a Hackney Carriage Vehicle Licence (also known as a 'Hackney Carriage Proprietor's Licence').<sup>4</sup>

Hackney Carriage Vehicle Licences issued by this Licensing Authority are subject to Chichester District Council's published 'Hackney Carriage Byelaws' (see Appendix C), together with the relevant statutory provisions of the Town Police Clauses Act 1847, and the Local Government (Miscellaneous Provisions) Act 1976.

Currently this Licensing Authority does not restrict the number of vehicles licensed as Hackney Carriages.<sup>5</sup>

**Once licensed by this Licensing Authority as a Hackney Carriage, a vehicle is so licensed 24 hours a day, 7 days a week, and may only ever be driven at any time by a person who holds a Hackney Carriage Driver's Licence issued by this Licensing Authority, together with Authorised Officers of this Licensing Authority, and Police Constables.<sup>6</sup>**

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<sup>3</sup> s.46 Town Police Clauses Act 1847

<sup>4</sup> s.37 Town Police Clauses Act 1847

<sup>5</sup> Pursuant to the provisions of s.16 Transport Act 1985 (amending the Town Police Clauses Act 1847)

<sup>6</sup> s.68 Local Government (Miscellaneous Provisions) Act 1976

### 3. **Private Hire Driver's Licence (issued for 3 years) see also Part B**

Any person wishing to drive a Private Hire Licensed Vehicle requires a Private Hire Driver's Licence.<sup>7</sup>

Private Hire Driver's Licences issued by this Licensing Authority are subject to the Conditions of the Licence (see Appendix I) and the relevant statutory provisions of the Local Government (Miscellaneous Provisions) Act 1976.

### 4. **Private Hire Vehicle Licence (issued for 1 year) see also Parts D and F**

'Private Hire Vehicle' is defined as:

*"...a motor vehicle constructed or adapted to seat fewer than nine passengers, (other than a Hackney Carriage or Public Service Vehicle), which is provided for hire with the services of a driver for the purpose of carrying passengers."*<sup>8</sup>

A Private Hire Vehicle Licence is required by the Proprietor of that vehicle before they may permit it to act as a Private Hire Vehicle.<sup>9</sup>

Private Hire Vehicle Licences issued by this Licensing Authority are subject to the Conditions of the Licence (see Appendix J) and the relevant statutory provisions of the Local Government (Miscellaneous Provisions) Act 1976.

A Private Hire Vehicle Licence will be granted for a vehicle provided it meets the legal design and appearance requirements<sup>10</sup>, together with those of this Licensing Authority (see section 20); all vehicles used in a Private Hire operation Licensed by this Licensing Authority also must be Licensed and duly Plated by this Licensing Authority.

**Once Licensed by this Licensing Authority as a Private Hire Vehicle, a vehicle is so Licensed 24 hours a day, 7 days a week, and may only ever be driven at any time by a person who holds a Private Hire Driver's Licence issued by this Licensing Authority**, together with Authorised Officers of this Licensing Authority, and Police Constables.<sup>11</sup>

### 5. **Private Hire Operator's Licence (issued for 5 years) see also Part G**

'Operate' is defined as:

*'... in the course of any business, to make provision for the invitation or acceptance of bookings for a Private Hire Vehicle.'*<sup>12</sup>

In the Chichester District Council area, no person may Operate any vehicle as a Private Hire Vehicle without having a current Private Hire Operator's Licence granted by this Licensing Authority<sup>13</sup>: **This is additional to the separate requirements for Private Hire Vehicle and/or Private Hire Driver's Licences.**

<sup>7</sup> s.46 Local Government (Miscellaneous Provisions) Act 1976

<sup>8</sup> s.80(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>9</sup> s.48 Local Government (Miscellaneous Provisions) Act 1976

<sup>10</sup> s.48 and s.80(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>11</sup> Pursuant to s.68 Local Government (Miscellaneous Provisions) Act 1976

<sup>12</sup> s.80(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>13</sup> s.46 Local Government (Miscellaneous Provisions) Act 1976



Private Hire Operators' Licences issued by this Licensing Authority are subject to the Conditions of the Licence (see Appendix K) and the relevant statutory provisions of the Local Government (Miscellaneous Provisions) Act 1976.

## **PART B: REQUIREMENTS RELATING TO BOTH HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS (or DUAL LICENSED)**

### **6. *Who can Apply/ Eligibility - see also Part C for additional Hackney Carriage matters***

Applicants for Hackney Carriage/ Private Hire Driver's Licences must:<sup>14</sup>

- Be aged twenty-one (21) years or older;
- Be entitled to live and work in the UK; (see section 7)
- Have held for at least twelve (12) months a current Full UK Driving Licence issued by DVLA; (see section 15)
- Be a 'Fit and Proper Person' (see sections 8 - 11) for the duties of driving Hackney Carriages/ Private Hire Vehicles: Convictions, Cautions, and Pending matters (including motoring offences) will be considered according to this Licensing Authority's Convictions Policy (see Appendix E);
- Pass the relevant part(s) of this Licensing Authority's Hackney Carriage/ Private Hire Driver's 'Knowledge Test' (see section 12);
- Provide evidence of having undertaken Child Sexual Abuse and Exploitation (CSAE) safeguarding training approved by this Licensing Authority (see section 10)
- Pass a Driving Standards Assessment approved by this Licensing Authority (see section 13);
- Be medically fit for the duties of driving a Hackney Carriage/ Private Hire Vehicle (see section 14);
- Provide a current, clear, Passport-type colour photograph of themselves.

### **7. *Entitlement to Live and Work in the United Kingdom***

This Licensing Authority is required<sup>15</sup> to ensure that the individuals it Licences are entitled to live and work in the United Kingdom. Therefore, Applicants are required to provide current proof of their entitlement. There is a prescribed list of documents which evidence a right to work.<sup>16</sup>

Where evidence of a time-limited right to work is provided, initially any Licence will be issued only for the time permitted, but will be varied upon provision by the Applicant or Home Office of subsequent satisfactory proof of an extension of the Right to Work/ permanent residency.

**Any Licence granted to an individual who becomes, or is found to be, in breach of UK Immigration Law, ceases to be valid and immediately must be returned to this Licensing Authority.<sup>17</sup>**

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<sup>14</sup> Pursuant to Chichester District Council's published 'Hackney Carriage Byelaws' (see Appendix C), s.51 & s.59 Local Government (Miscellaneous Provisions) Act 1976, and s.37 Immigration Act 2016

<sup>15</sup> Pursuant to the Immigration Act 1971 as amended, and s.37 Immigration Act 2016

<sup>16</sup> See Section 8, Annex A of

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/675533/A\\_Licensing\\_Authority\\_guide\\_to\\_right\\_to\\_work\\_checks\\_-\\_England\\_and\\_Wales.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675533/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf)

<sup>17</sup> Pursuant to s.53A and s.55ZA Local Government (Miscellaneous Provisions) Act 1976

## 8. ***'Fit and Proper Person'/ Good Character***

Applicants are required to submit information to demonstrate that they are a *'Fit and Proper Person'* to hold Hackney Carriage/ Private Hire Driver's Licence<sup>18</sup>:

Therefore, the following items are required to be submitted on the correct Application Form which is available on request, but also published on the Chichester District Council website <https://www.chichester.gov.uk/taxilicence>, this information includes:

- Full birth name [together with current full name (if different)] as shown on Birth Certificate/ Passport;
- Details of employment history for the previous five (5) years;
- Addresses for the previous five (5) years;
- Where the applicant has resided outside the UK for any period in the previous 5 years, a Certificate of Good Conduct (with certified English translation)<sup>19</sup> from the UK Embassy/ Consulate of the relevant country;
- Details of two referees willing to provide written character references to support the Application: Referees must not be related to the applicant, must have known the applicant for at least two years, be aged twenty-one (21) years or older, of good standing in their community, and of sound mind.

If there is any doubt as to the suitability of a person to act as, or at any time should there be cause to question an individual's status as a Licensed Driver, the matter may be referred to this Licensing Authority's General Licensing Sub-Committee for consideration and determination.

Applicants who hold, or previously have held Hackney Carriage/ Private Hire Licences (Driver, Vehicle, or Operator) are required to disclose full details of such matters: This Licensing Authority checks all Applications, working closely with other Licensing Authorities, the Police, and subscribes to the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3).<sup>20</sup>

Applicants are required to notify this Licensing Authority immediately of any material change to their circumstances after an application has been submitted.

## 9. ***Convictions, Cautions, Investigations, Pending matters***

There is no exemption to full disclosure for Applicants for Hackney Carriage/ Private Hire Driver's Licences<sup>21</sup>: As such, Applicants are required to disclose all previous incidents/ occurrences involving Arrest, Court Orders (both Criminal and Civil), Convictions, Cautions, Fixed Penalty Notices (both crime and all motoring offences), Anti-social Behaviour Orders (ASBO), Civil Injunctions, Criminal Investigations, together with any other similar pending matters.

Whilst Licensed, Hackney Carriage/ Private Hire Vehicle Drivers must, within 48 hours of an incident/ occurrence, report in writing to this Licensing Authority details of any Arrest, Court Order (both Criminal and Civil), Conviction, Caution, Fixed Penalty Notice (both criminal and all motoring offences), ASBO, Civil Injunction, Criminal Investigation, together with any other similar pending matters.

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<sup>18</sup> Pursuant to s.51 Local Government (Miscellaneous Provisions) Act 1976

<sup>19</sup> Provided by a translator registered with an official organisation such as the Institute of Linguists or the Institute of Translation & Interpreting

<sup>20</sup> Pursuant to s.4.21 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>21</sup> Pursuant to the Rehabilitation of Offenders Act 1974 Exceptions Order 1975

## **10. Disclosure and Barring Service (DBS) checks, Safeguarding, Child Sexual Abuse and Exploitation (CSAE)**

All Applicants and existing Hackney Carriage/ Private Hire Vehicle Drivers must provide checks of their Criminal Conviction status which will be assessed against the Convictions Policy (see Appendix E)<sup>22</sup>. As a minimum, DBS Enhanced Criminal Conviction checks must be provided at least every 6 months. Therefore, all Applicants and existing Hackney Carriage/ Private Hire Vehicle Drivers are required to subscribe and maintain continuous subscription to the DBS Update Service. This means that once the initial Enhanced Criminal Convictions Check Certificate is obtained, and providing there is no change to the Criminal Convictions status of the Licensed Driver, this enables this Licensing Authority to make checks as required without additional expense to the Licensed Driver.

To ensure that identification of CSAE behaviours is maintained at the forefront of the Licensed Driver's mind, all Applicants and existing Hackney Carriage/ Private Hire Vehicle Drivers are required to undergo initial Safeguarding Training, followed by regular refresher training provided by one of this Licensing Authority's approved providers.

This Licensing Authority already has a Partnership Agreement with the Police, and will continue to develop an ever-closer working relationship to counter the continuing issue of CSAE.<sup>23</sup>

## **11. Conduct & co-operation with Authorised Officers and Police; Hygiene, Dress & Appearance**

### *11.1 Conduct & co-operation with Authorised Officers and Police*

All Licence Holders must show a high standard of general conduct, behaving in a civil and orderly manner both with members of the public, and in fully co-operating with Authorised Officers and the Police in the lawful execution of their duties<sup>24</sup>: Any instance of non-compliance, non-co-operation, and use of foul or insulting words and behaviour is viewed most seriously, such matters being investigated, recorded against individual Licence Holders, and causing consideration of Suspension or Revocation of, or a refusal to Renew a Licence.

At all times, Licensed Drivers must take all reasonable steps to ensure the safety of passengers, and always provide reasonable assistance with their luggage (see also section 13 below '*Driving Standards Assessment, Passengers in Wheelchairs, Assistance Dogs*').

### *11.2 Hygiene, Dress & Appearance*

All Licence Holders must be clean and respectable in both dress and person: Instances of non-compliance with these requirements reported to this Licensing Authority are viewed most seriously, being recorded against individual Licence Holders: Each instance is investigated, reviewed, and may lead to Suspension, Revocation, or a refusal to Renew a Licence.

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<sup>22</sup> Pursuant to s.6 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>23</sup> under the Common Law Police Disclosure powers

<sup>24</sup> Pursuant to s.73 Local Government (Miscellaneous Provisions) Act 1976

## 12. **Knowledge Test – see also Appendix F**

All Applicants for a Hackney Carriage and/or Private Hire Driver's Licence are required to pass this Licensing Authority's Knowledge Test: Currently this has only written elements, however oral elements are being introduced to improve the examination of Applicants' levels of understanding regarding The Highway Code, Hackney Carriage/ Private Hire Law and Chichester District Council Policy, their Responsibilities and Duties regarding Child Sexual Abuse and Exploitation (CSAE), the Chichester district area generally, and their proficiency in understanding both written and spoken English: Specifically this final section is included regarding Applicants' abilities to identify and then act upon potential CSAE issues.<sup>25</sup>

## 13. **Driving Standards Assessment, Passengers in Wheelchairs, Assistance Dogs**

### 13.1 *Driving Standards Assessment*

Applicants for Hackney Carriage/ Private Hire Driver's Licences are required to pass a Driving Standards Assessment provided by one of this Licensing Authority's approved providers<sup>26</sup>: A Pass Certificate will remain valid for a period of one (1) calendar year from the date of passing the test, after this time a further Pass Certificate will be required.

All Hackney Carriage Driver Applicants, together with any Private Hire Driver Applicants and existing holders of a Private Hire Driver's Licence wishing to drive a Wheelchair Accessible Vehicle (WAV) (see section 13.2), are required to obtain a Pass in the additional component of the Driving Standards Assessment regarding the carriage of persons in wheelchairs. Again, the Pass Certificate will remain valid for a period of one (1) calendar year from the date of passing the test after which time a fresh Pass Certificate will be required.

Applicants currently licensed as Hackney Carriage/ Private Hire Drivers by other Licensing Authorities, and who have a clear licensing history, together with other as yet unlicensed new applicants, may submit any current qualifications they hold in respect of these requirements for consideration by this Licensing Authority: For existing Licensed Driver Applicants, the qualifications must be no more than one (1) calendar year old from date of passing the test; for as yet unlicensed new applicants, the qualifications must be no more than three (3) calendar months old from date of passing the test. For both, the qualifications must be of comparable standards to the requirements of this Licensing Authority. **This Licensing Authority is not bound by such mitigating submissions, and still may require a Pass to be obtained in its own approved Driving Standards Assessment(s).**

Where it is suspected that a Licensed Driver's driving ability has fallen below the standard required, for example but not exclusively, where a driver has acquired more than six (6) current Penalty Points on their DVLA Driving Licence [more than three (3) Points for New drivers within two (2) years of passing the DSA Driving Test], where information indicates their driving standard to be poor, or their failure to carry out their duties in respect of the carriage of persons in wheelchairs, at the discretion of this Licensing Authority, again they may be required to Pass the Driving Standards Assessment (with WAV extension as appropriate): **Should the**

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<sup>25</sup> pursuant to s.6.14 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>26</sup> Details are available on request, but also published on the Chichester District Council website: <https://www.chichester.gov.uk/privatehiredriverslicence>

**Licensed Driver either fail to submit to the Test as soon as possible and within a time period agreed by this Licensing Authority, or they subsequently fail the Test, then the Licence will be Suspended until such time as a Pass is achieved.**

### 13.2 *Passengers in Wheelchairs*

Unless they are the holder of a current Exemption Certificate<sup>27</sup>, Licensed Drivers of WAVs are required to carry a passenger while in their wheelchair, and not to make any additional charge for doing so i.e. a meter may not be set running while the Licensed Driver performs their duties under the Act, nor while the passenger enters, nor leaves, nor secures their wheelchair within the passenger compartment.

Also, the Licensed Driver must give such mobility assistance as is reasonably required by the wheelchair user.

Further, should the passenger choose to sit in a passenger seat in the Licensed Vehicle, the Licensed Driver must carry the wheelchair in the Licensed Vehicle<sup>28</sup>.

### 13.3 *Assistance Dogs*

Unless they are the holder of a current Exemption Certificate<sup>29</sup>, Licensed Drivers of all Hackney Carriages and Private Hire Vehicles are required to carry passengers with guide dogs, hearing dogs, and other 'assistance' dogs without additional charge.<sup>30</sup>

When carrying such passengers, Licensed Drivers must convey the dog and allow it to remain under the physical control of the passenger: It is best practice for the Licensed Driver to enquire of the passenger where they want both themselves and their dog to sit in the vehicle.

## 14. ***Medical Fitness/ D4 Medical Examination***

Within three (3) calendar months immediately prior to the date of a complete and correct Application, it is a requirement that New Applicants for Hackney Carriage and/or Private Hire Driver's Licences undergo a D4 Medical Examination to the Group 2 Vocational Standard set by the DVLA: **The Doctor carrying out the examination must have full access to the Applicant's medical records;** accompanying the D4 Medical Form, and signed by the same Doctor, the Applicant must submit Form T14 Declaration by Medical Practitioner.

Similarly, within the three (3) calendar months immediately prior to the due date, every four (4) years until they attain the age of 60 years whereupon the requirement becomes annual (yearly), all Licensed Drivers are required to undergo the D4 Medical Examination, providing to this Licensing Authority the completed and signed Form together with its accompanying T14 Declaration by Medical Practitioner.

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<sup>27</sup> s.166 Equality Act 2010

<sup>28</sup> s.165 Equality Act 2010

<sup>29</sup> s.169 Equality Act 2010

<sup>30</sup> s.168 Equality Act 2010

**The Forms used must be the current versions at the time of the examination: Obsolete Forms will be rejected.**<sup>31</sup>

Further, at every Renewal Application for a Hackney Carriage/ Private Hire Driver's Licence, Applicants are required to make a personal declaration of their continuing physical and mental fitness to be so Licensed, and being fully capable of performing their duties regarding driving a Hackney Carriage/ Private Hire Vehicle.

**At any time, should an Applicant or Licensed Driver suspect that no longer are they fit to be Licensed due to a change in their physical or mental status, they must immediately notify both this Licensing Authority together with their Operator and, if required, the DVLA.**

#### **15. *Driver and Vehicle Licensing Agency (DVLA) Driving Licence and Driving Permission***

As a minimum, new Applicants for a Hackney Carriage/ Private Hire Driver's Licence are required to have held for a period of at least twelve (12) months<sup>32</sup> a Full DVLA issued Driving Licence permitting them to drive vehicles in Class B. Any Penalty Points accrued on the DVLA Driving Licence must be disclosed fully on the Application Form, and will be considered according to this Licensing Authority's Convictions Policy (see Appendix E).

Any existing Hackney Carriage/ Private Hire Driver's Licence holders of this Licensing Authority who currently do not hold a DVLA issued Driving Licence (these are licence holders presently driving in the UK on a non-UK Driving Licence) are required to do so by the time of their next Renewal.

Upon initial Application then annually (yearly), and at any other time required, the DVLA Driving Licence record and Driving Permission(s) of Applicants for Hackney Carriage/ Private Hire Driving Licences, together with existing Licensed Drivers, will be checked<sup>33</sup>: Such checks are made via an approved 3<sup>rd</sup> party provider and, together with maintenance of the Mandate for doing so, are requirements of this Licensing Authority's Hackney Carriage/ Private Hire Driver's Licences.

#### **16. *Driver's Badge***

Hackney Carriage/ Private Hire Driver's Badges remain the property of this Licensing Authority: Within 7 days of the expiry, or as otherwise directed by an Authorised Officer of this Licensing Authority, or upon Suspension or Revocation of a Driver's Licence, they must be returned to this Licensing Authority.<sup>34</sup>

At all times this Licensing Authority requires all 'on duty'/ working Licensed Drivers to wear the prescribed and issued Driver's Badge(s) in a 'position and manner as to be plainly and distinctly visible'<sup>35</sup>. [Note: This requirement ceases only if a Private Hire Vehicle Licence Exemption has been granted under s.75(3) Local Government (Miscellaneous Provisions) Act 1976, but still the Licensed Driver must keep the

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<sup>31</sup> Both Forms are available on application, but also are published on the Chichester District Council website: <https://www.chichester.gov.uk/taxilicence>

<sup>32</sup> Pursuant to Chichester District Council's published 'Hackney Carriage Byelaws' (see Appendix C) and s.51 Local Government (Miscellaneous Provisions) Act 1976

<sup>33</sup> Pursuant to Chichester District Council's published 'Hackney Carriage Byelaws' (see Appendix C) and s.51 Local Government (Miscellaneous Provisions) Act 1976

<sup>34</sup> pursuant to s.61(2)(a) Local Government (Miscellaneous Provisions) Act 1976

<sup>35</sup> Pursuant to the Byelaws, s.54 Local Government (Miscellaneous Provisions) Act 1976, and/or the Conditions of this Licensing Authority's Hackney Carriage/ Private Hire Vehicle Driver's Licences

Driver's Badge with them for production on requirement by an Authorised Officer of a Licensing Authority or a Police Constable].



## **PART C: ADDITIONAL SPECIFIC MATTERS FOR HACKNEY CARRIAGE DRIVERS**

### **17. *Hackney Carriage Stands (Taxi Ranks)***

From time to time this Licensing Authority will determine the location of Hackney Carriage Stands within the District: Only at such designated Stands may Hackney Carriages 'Rank up'.<sup>36</sup>

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<sup>36</sup> Pursuant to s.63 Local Government (Miscellaneous Provisions) Act 1976

## **PART D: REQUIREMENTS RELATING TO BOTH HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES – See also Part E (Hackney Carriage) and Part F (Private Hire Vehicle)**

### **18. *Licensed Vehicle Proprietors' Conduct & co-operation with an Authorised Officer of the Licensing Authority and Police***

This Licensing Authority expects all its Private Hire Proprietors to exhibit a high standard of general conduct, behaving in a civil and orderly manner both with members of the public, and in fully co-operating with Authorised Officers and the Police in the lawful execution of their duties<sup>37</sup>. Any instance of non-compliance, non-co-operation, and use of foul or insulting words and behaviour is viewed most seriously, with such matters being investigated, recorded against individual Licence Holders, and causing consideration of Suspension or Revocation of, or a refusal to Renew a Licence.

### **19. *Licensed Vehicle Proprietor's DBS Criminal Record checks***

This Licensing Authority requires all Applicants and existing Proprietors of Hackney Carriage/ Private Hire Vehicles to provide checks of their Criminal Conviction status<sup>38</sup>. If not already providing the Enhanced DBS Criminal Record check Certificate in their separate standing as a Hackney Carriage/ Private Hire Vehicle Driver, a Basic DBS Criminal Record check Certificate, no more than 3 months old, is required to be submitted upon initial Application, and at every subsequent Renewal Application.

### **20. *Vehicle Specification, Age, Appearance, and Environmental Impact***

All vehicles must be suitable in type, size, and design for use as either a Hackney Carriage or Private Hire Vehicle, dependent on the type of Licence required. All vehicles must meet the requirements of the adopted standards contained within the publication titled 'Hackney Carriage and Private Hire Vehicles National Inspection Standards - Best Practice Guide - August 2012' (see Appendix A). Additionally, for providing passenger comfort, vehicles must comply with this Licensing Authority's requirements in relation to fixtures, fittings, and cleanliness.

'Salvaged' or 'Insurance write-off' vehicles (regardless of category) will not be accepted by this Licensing Authority for Licensing purposes, and applications in respect of such vehicles will be refused.<sup>39</sup>

Complementing HM Government's announcement in November 2020 of its intention to move towards a net-zero contribution to climate change, with an end to the sale of new petrol and diesel cars by 2030, going forward and from the date of adoption of this Policy, the following criteria apply:

***New Vehicle Licence Application:*** Vehicle must be no more than ten (10) years old from Date of First Registration (regardless of whether or not previously a vehicle has been Licensed by any Licensing Authority). This means that a vehicle will only be eligible to be Licensed until it is a maximum of nine (9) full calendar years old

<sup>37</sup> Pursuant to s.73 Local Government (Miscellaneous Provisions) Act 1976

<sup>38</sup> Pursuant to s.7 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>39</sup> Pursuant to s.47 and s.48(1)(a)(iii) & (iv) Local Government (Miscellaneous Provisions) Act 1976

from the Date of First Registration, this to allow for it being Licensed for the one ensuing year before its 10<sup>th</sup> anniversary from Date of First Registration: At the end of that year, no longer will it be eligible to be Licensed. Additionally, at the date of Application, all vehicles must comply with the current or immediately preceding Euro emissions standard (or any subsequent standard replacing it).

***Renewal Vehicle Licence Application (existing Licensed Vehicles only at time of policy being adopted):*** A transitional five (5) year extension to the age limit will be permitted, and this may take the upper age over the stated ten (10) years: For example, a vehicle which is five (5) full calendar years old at the date of Policy adoption will be eligible to be relicensed until it is ten (10) full calendar years old from the Date of First Registration, thus by the end of that final year's licensed period it will be eleven (11) years old; similarly, a vehicle which is six (6) full calendar years old at the date of Policy adoption will be eligible to be relicensed until it is eleven (11) full calendar years old from the Date of First Registration, thus by the end of that final year's licensed period it will be twelve (12) years old, etc. However and regardless of reason, should a Licence be permitted to lapse at any time during the transition period, for example but not exclusively should a complete and correct Renewal Application be submitted out of time, a New Application would be necessary with the New Application criteria above applied.

#### 20.1 *'Wrapping' of vehicles*<sup>40</sup>

Since 2017, the DVLA requires the 'wrapping' of vehicles to be notified to it as a change which must be recorded on the V5 Registration Document. Vehicle Proprietors wishing to 'wrap' a currently-Licensed Vehicle, must first inform this Licensing Authority of their intention to do so. This is in order that the Vehicle Licence may be Suspended temporarily pending their provision of an updated V5 Registration Document specifying the colour change. Upon receipt of this and payment of the appropriate fee, the Vehicle Licence will be reinstated with a replacement Licence, Plate, and Internal Vehicle ID.<sup>41</sup>

#### 20.2 *Seating Capacity - see also Appendix H*

Passenger seating capacity of Private Hire Vehicles is limited to 8 in number<sup>42</sup>: This Licensing Authority applies the same criterion to Hackney Carriages<sup>43</sup>.

Seats will not be Licensed where access to them is by tilting or displacing any other seat<sup>44</sup>; no longitudinal seating is permitted except in speciality vehicles such as stretched limousines.

#### 20.3 *Wheels and Wheel Trims (Hub caps)*

Should vehicles not have alloy wheels, wheel trims (hub caps) must be provided and maintained in good order so as not to detract from the appearance of the vehicle: Wheels and wheel trims need not be original, but must be a matching set.

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<sup>40</sup> 'Wrapping' is the application of an appearance-changing film over the entire vehicle

<sup>41</sup> Pursuant to 'Annex - Staying Safe' of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>42</sup> s.80(1) Local Government (Miscellaneous Provisions) Act 1976

<sup>43</sup> Pursuant to s.47 Local Government (Miscellaneous Provisions) Act 1976

<sup>44</sup> Pursuant to s. 47 and s.48 Local Government (Miscellaneous Provisions) Act 1976

## **21. Mechanical Standards: Emissions; MOT & Fitness Tests; Prohibition Notices**

### **21.1 Emissions - see also section 20 - Vehicle Specification, Age, Appearance, and Environmental Impact**

For all new Applications, regardless of whether previously a vehicle has been Licensed by any Licensing Authority, all vehicles must comply with the Euro emissions standard (or any subsequent standard replacing that) current at that time, or the one immediately preceding.

### **21.2 Liquid Petroleum Gas (LPG) and other Alternative Fuels**

Vehicle Proprietors wishing to convert a currently-Licensed Vehicle to LPG or other alternative fuel, must first inform this Licensing Authority of their intention to do so. This is in order that the Vehicle Licence may be Suspended temporarily pending provision of an updated V5 Registration Document specifying the new fuel type.

### **21.3 MOT and Fitness Tests**

Due to the potential for high mileages to be covered by Licensed Vehicles, all Hackney Carriages and Private Hire Vehicles are required to be presented for MOT and Fitness Testing<sup>45</sup> in accordance with the following criteria:

- Vehicle up to 12 calendar months from Date of First Registration: Fitness Test only required;
- Vehicle 12 calendar months to 36 calendar months from Date of First Registration: MOT and Fitness Tests required every 12 calendar months;
- Vehicle over 36 calendar months from Date of First Registration: MOT and Fitness Tests required every 6 calendar months.

The Proprietor of a vehicle may obtain a MOT Test Certificate at any Driver & Vehicle Standards Agency (DVSA) approved Testing Station, however within 5 working days of the date of the successful MOT Test, the vehicle must be presented to Chichester Contract Services (CCS) at Westhampnett for Fitness Testing. Alternatively, a vehicle may be presented to CCS for both MOT and Fitness Testing. **Only CCS may carry out the Fitness Test.**

Should the vehicle fail the Fitness Test, as soon as practicable and anyway within a further 5 working days, again it must be presented for re-testing. In the event of a further failure of the Fitness Test, the Proprietor of the vehicle must obtain a new MOT Test Pass Certificate and re-start the process.

At any time should there be reasonable cause to suspect a Licensed Vehicle to be unroadworthy, an Authorised Officer of this Licensing Authority may require the Proprietor or Driver of that Licensed Vehicle to submit it for immediate mechanical inspection<sup>46</sup>: Should a Proprietor or Driver of such a Licensed Vehicle fail to submit it for such inspection, the pertinent Licence will be considered for immediate Suspension.

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<sup>45</sup> Pursuant to s.50 and s.68 Local Government (Miscellaneous Provisions) Act 1976; all prospective and existing Licensed Vehicles will be tested in accordance with the Hackney Carriage and Private Hire National Inspection Standards published jointly by the Public Authority Transport Network and the Freight Transport Association from time to time: Hackney Carriage and Private Hire Vehicles - National Inspection Standards - Best Practice Guide - August 2012 (see Appendix A)

<sup>46</sup> Pursuant to s.68 Local Government (Miscellaneous Provisions) Act 1976

### 21.3.1 *New Vehicle Applications*

At the time of submission of a complete and correct Application for a new Vehicle Licence, the MOT Test Pass Certificate must be no more than one (1) calendar month old.

'Advisory' matters cited on an MOT Test Certificate/ Fitness Test Report, in relation to tyres, steering, suspension, brakes, or any other matters required by an Authorised Officer of this Licensing Authority, immediately must be rectified and evidenced by the Proprietor in the form of receipts and/ or clear photographs: Failure to provide such evidence will cause the Application to be rejected.

### 21.3.2 *Renewal Vehicle Applications*

'Advisory' matters cited on an MOT Test Certificate/ Fitness Test Report but which are required by an Authorised Officer to be immediately rectified, must be so rectified and evidenced by the Proprietor in the form of receipts and/ or clear photographs: Failure to provide such evidence will cause the Application to be rejected. Where matters do not require immediate rectification, it is expected that these matters will be monitored regularly by the Proprietor and/ or by a competent person/ engineer, and rectified in good time.

Should any damage to the vehicle be noted on the Fitness Test Report, the Proprietor must submit clear photographs of such damage to the Licensing Authority at the same time as their submission of the Fitness Test Report: Such damage will be assessed, the Proprietor may be required to provide further information, and will be notified of any action required (see also section 23. Damage to Licensed Vehicles; Road Traffic Collisions).

Any other matters noted must be rectified by the time of the next scheduled MOT/ Fitness Test.

### 21.3.3 *Prohibition Notices*

Authorised Officers of this Licensing Authority together with the DVSA approved Vehicle Testing staff at CCS are Authorised Officers for the purposes of issuing Prohibition Notices on Licensed Vehicles which are in a state of serious unroadworthiness<sup>47</sup>: **Removal from the public highway of vehicles subject to such a Notice will be at the expense of the vehicle's Proprietor.**

### 21.3.4 *Vehicle Log Book*

Every holder of a Hackney Carriage or Private Hire Vehicle Licence will keep a Vehicle Log Book **to be retained with the vehicle at all times**, and to be available for inspection by any Authorised Officer/ Police/ DVSA: This document is to include details of all maintenance and servicing carried out on the vehicle in accordance with the manufacturer's recommended safety inspection and servicing regime, all inspections made by Authorised Officers/ Police/ DVSA, any accident damage details, and details of the current Insurance Policy in force for that vehicle.

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<sup>47</sup> Pursuant to s. 47 & s.48 Local Government (Miscellaneous Provisions) Act 1976,

## **22. Insurance Liability; Unlicensed Drivers**

Hackney Carriage/ Private Hire Vehicle Proprietors are reminded of the requirements of Part IV of the Road Traffic Act 1988 in relation to the provision of Third Party Insurance, as well as the requirement for the correct type of insurance being in place for use of the Licensed Vehicle i.e Public (Hackney Carriage) or Private Hire: **Proprietors can be held jointly liable for certain insurance offences committed by the driver of their Licensed Vehicle.**

**Public (Hackney Carriage) or Private Hire Insurance extensions, as appropriate, along with Vehicle Excise Licence (VEL), must be maintained on Licensed Vehicles at all times:** Should the holder of a Hackney Carriage/ Private Hire Vehicle Licence wish temporarily to cease to maintain such insurance or VEL, first they must notify this Licensing Authority in order that the Vehicle Licence may be Suspended, and where appropriate, they may continue lawfully to use the vehicle.

Unlicensed Drivers may not drive Licensed Vehicles: Hackney Carriage/ Private Hire Driver's Licences must be lodged with the Proprietor of the Licensed Vehicle, but note that upon request by an Authorised Officer of this Licensing Authority or a Police Constable, immediately Licensed Drivers must produce their Hackney Carriage/ Private Hire Driver's Licence for inspection, and anyway within 5 days at this Licensing Authority's principal offices, or Police Station as appropriate.<sup>48</sup>

Should a Private Hire Driver accept a fare that is not pre-booked, immediately their Private Hire Insurance is voided as they have ceased to comply with the Private Hire Licence under which they are operating. Similarly, 'restricted' Private Hire Insurance i.e that valid only whilst working for a specific Private Hire Operator, becomes invalid should work be accepted from a different Operator.

Any contravention of Insurance matters will cause this Licensing Authority to consider Suspension or Revocation of, or a refusal to Renew a Licence.

## **23. Damage to Licensed Vehicles; Road Traffic Collisions**

This Licensing Authority requires that, however caused, any damage suffered by a Hackney Carriage/ Private Hire Licensed Vehicle is reported by the Licensed Vehicle's Proprietor in writing to this Licensing Authority as soon as possible, and anyway within 72 hours of the occurrence<sup>49</sup>. Upon receipt of such an initial report, Authorised Officers will ascertain the nature of the incident, may require further written information and/or photographs to be submitted and, beyond that, any further action required.

Should the damage be deemed minor and cosmetic only in nature, the Proprietor will be notified, but it will be incumbent on them to ensure that such damage is rectified by the date of the Licensed Vehicle's next scheduled Fitness Test.

However, should it be deemed necessary due to the nature of the damage materially affecting the safety, performance, or appearance of the Licensed Vehicle, or the comfort or convenience of passengers, the Vehicle Licence may be Suspended until such time that such damage has been repaired to the satisfaction of this Licensing Authority. Evidence of a satisfactory repair is an MOT and/ or

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<sup>48</sup> s.53 Local Government (Miscellaneous Provisions) Act 1976

<sup>49</sup> Pursuant to s.50(3) Local Government (Miscellaneous Provisions) Act 1976

Fitness Test Pass Certificate as deemed necessary in each case. Only once satisfactory evidence has been provided, will the Suspension be lifted, and the Vehicle returned to service.

## **24. Safety Equipment**

### *24.1 Fire Extinguisher*

For the safety of passengers and driver, this Licensing Authority requires all Licensed Vehicles to carry an Approved fire extinguisher<sup>50</sup> that is in the driving compartment (Hackney Carriage) or boot (Private Hire) of the Licensed Vehicle, and affix signs stating its location so as to be clearly visible to, and easily read by, the occupants of the vehicle.

To prevent removal and/ or exchange between vehicles, and to ensure that Licensed Vehicles are permanently equipped with such a fire extinguisher, the vehicle Registration Mark together with the Licensed Vehicle number must be permanently and clearly inscribed upon the fire extinguisher.

### *24.2 First Aid Kit*

Every Licensed Hackney Carriage and Private Hire Vehicle must carry a suitable first aid kit for use in an emergency.

To prevent removal and/ or exchange between vehicles, and to ensure that Licensed Vehicles are permanently equipped with a first aid kit, the vehicle Registration Mark together with the Licensed Vehicle number must be permanently and clearly inscribed upon the first aid kit.

### *24.3 Spare Wheel*

**Where a full-sized spare wheel is provided at the time of first registration of the vehicle with DVLA, the Proprietor/ Licensed Driver shall continue to use it.**

A punctured tyre must be repaired or replaced and returned to use as soon as practicable.

For vehicles not fitted with a standard spare wheel at the time of first registration of the vehicle with DVLA, instead being equipped with a 'space saver' spare wheel, 'run flat tyres', or a sealant & inflation system, any use of these must be in accordance with the manufacturer's specifications. At Fitness Testing, the Proprietor (and driver if different) must sign a Declaration confirming their knowledge of the maximum speed permitted whilst using such devices, together with their understanding of them being designed only as a 'get-you-home' measure: A copy of this Declaration will be retained with the Vehicle Licence record.

### *24.4 Seat Belts*

The Motor Vehicles (Wearing of Seat Belts) Regulations 1993 require all occupants of a Hackney Carriage or Private Hire Vehicle to wear seat belts: Hackney Carriage (Taxi) drivers may claim an exemption only when plying for hire, answering a call for

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<sup>50</sup> Approved fire extinguishers are either dry powder of at least 1 kilogram in weight marked as complying with BS5423, or an AFFF extinguisher of at least 1 litre capacity marked as complying with BSEN3: 1996: All extinguishers must have a visual gauge indicating the state of charge.

hire, or when actually carrying a passenger for hire, but such an exemption cannot be claimed when driving between home and office, nor when not plying for hire. Private hire drivers may only claim an exemption whilst carrying a passenger for hire.

This Licensing Authority does not permit a child below the age of 10 years to be carried in the front seat of a Licensed Vehicle: Consequently passengers with babies must only be seated in the rear.

It is the responsibility of the Licensed Driver to ensure that children (under the age of 14 years) wear seat belts: Child seats must be used in the rear seats with adult seatbelts where a child is up to 3 years of age and under 135cms (4'5") in height; children over this age or height may travel using an adult seatbelt only if an appropriate child seat is not available. Further, if no child seat is available, children under 3 years of age may travel unrestrained in a Hackney Carriage, or the rear of a Private Hire Vehicle, but only where the rear seats are separated from the driver by a fixed partition.

#### 24.5 *Warning Triangle and Reflective Jackets*

All licensed vehicles must be equipped with a warning triangle, and sufficient reflective high visibility vests<sup>51</sup> for driver and Licensed number of passengers: This equipment shall be used at the discretion of the driver in order to safeguard all persons in the event of an emergency, road traffic collision, or mechanical breakdown.

To prevent removal and/ or exchange between vehicles, and to ensure that Licensed Vehicles are permanently equipped with a warning triangle and sufficient reflective high visibility vests, the vehicle Registration Mark together with the Licensed Vehicle number must be permanently and clearly inscribed upon the warning triangle and reflective high visibility vests.

#### 25. ***Closed-circuit Television (CCTV) in Licensed Vehicles***

This Licensing Authority views the installation of overt CCTV recording equipment within Licensed Vehicles as a positive measure in prevention and detection of crime, particularly in protecting drivers from the risk of assault. Furthermore, sound and image recordings are good evidence if allegations are made against drivers. Where a CCTV system is installed, the Licence Holder(s) must, as Data Controller, ensure that any information captured is processed and stored in accordance with the General Data Protection Regulations and Data Protection Act 2018.<sup>52</sup>

#### 26. ***Vehicle Licence Plates – see also section 32, Private Hire Vehicle Distinguishing Features***

A Licensed Vehicle Identification Plate is required to be displayed at all times. The only exception to this requirement is where an exemption has been granted.<sup>53</sup> Where an external Licence Plate is required, it shall at all times be fitted in a conspicuous position on the outside of the rear of the vehicle so that it may be

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<sup>51</sup> EU standard EN 471 class 2

<sup>52</sup> Proprietors to ensure compliance with their Data Protection responsibilities – 'In the picture: A data protection code of practice for surveillance cameras and personal information' available from the Information Commissioner's Office <https://ico.org.uk>

<sup>53</sup> s.75(3) Local Government (Miscellaneous Provisions) Act 1976



readily removed by an Authorised Officer of this Licensing Authority, or a Police Constable.

Additionally, where a Licensed Vehicle Identification Plate is displayed, two Internal Identification Cards will have been issued, one providing details of the Driver's Licence, the other the details of the Vehicle Licence: These Internal Identification Cards must be affixed to the inside front windscreen or other obvious position so as to be clearly visible to the vehicle occupants.

## **27. *Sale & Transfer of Licensed Vehicles***

The Proprietor of a Licensed Vehicle may sell and transfer their interest in that vehicle to another individual but, within 14 days of such transfer, a written notice must be provided to this Licensing Authority. This notice must specify the name and address of the person to whom the vehicle has been transferred and, upon payment of the required fee<sup>54</sup> the transfer will be processed, and an updated paper Licence issued to the new Proprietor.

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<sup>54</sup> s.49(1) Local Government (Miscellaneous Provisions) Act 1976

## **PART E: ADDITIONAL SPECIFIC REQUIREMENTS FOR HACKNEY CARRIAGE VEHICLE LICENCES**

### **28. *Hackney Carriage Taximeters***

All Hackney Carriages must be fitted with a taximeter of a type approved by Transport for London Taxi and Private Hire in document TfL Taximeter Specification Version 2 issued May 2017. Such taximeters must be operated in accordance with the Law, together with the Byelaws and Licence Conditions of this Licensing Authority: Taximeters must be maintained in full, calibrated working order, subjected to annual (yearly) testing as part of the Fitness Test at the time of Licence Renewal, and as required at any time by an Authorised Officer<sup>55</sup>.

Only the fixed Fare Tariffs issued by this Licensing Authority may be used: A Tariff Card is issued by this Licensing Authority, and at all times must be prominently displayed within the vehicle so as to be clearly visible to, and easily read by passengers.

### **29. *Hackney Carriage Distinguishing Features***

Hackney Carriages must be readily identified as such, being easily distinguishable from other Licensed Vehicles<sup>56</sup>: Hackney Carriages must be fitted with an approved design of roof sign with the word "TAXI" clearly visible, and which must be illuminated when the vehicle is available for hire.

### **30. *Hackney Carriage Vehicle Specification***

This Licensing Authority lays down general specifications for Licensing of Hackney Carriages in 'Conditions relating to the Construction and Licensing of Hackney Carriages in the District of Chichester – December 2012' (see Appendix B), and 'Hackney Carriage Byelaws' (see Appendix C).

### **31. *Hackney Carriage Advertising***

Subject to prior written approval by this Licensing Authority, advertisements will be permitted on both the inside and outside of Hackney Carriages: Other than their financial aspects, Proprietors must provide to this Licensing Authority full details of advertising contracts.

Advertisements inside the vehicle may be displayed only on the base of tip-up seats, and along the bulkhead on top of the passenger/ driver partition. So as to be easily cleaned, all such advertisements must have a clear and fire-retardant covering.

Suitable outside advertisements may consist of a single full livery advertisement only, OR single advertisements displayed on the lower panel of the front doors only: **It is not permitted for vehicles to display both types at the same time.**

Upon expiry/ termination of an advertising contract, all remnants of adverts attached to or displayed on the vehicle must be professionally removed to the receipted satisfaction of this Licensing Authority, necessarily the Licensed Vehicle being presented for inspection at CCS or by an Authorised Officer.

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<sup>55</sup> s.68 Local Government (Miscellaneous Provisions) Act 1976

<sup>56</sup> Pursuant to s.47 of the Local Government (Miscellaneous Provisions) Act 1976

## **PART F: ADDITIONAL SPECIFIC REQUIREMENTS FOR PRIVATE HIRE VEHICLE LICENCES**

### **32. *Private Hire Vehicle Distinguishing Features***

It is a requirement that Private Hire Vehicles are of such design and appearance that no person will believe them to be Hackney Carriages.<sup>57</sup>

Private Hire Vehicles Licensed by this Licensing Authority and used for 'mainstream' Private Hire work<sup>58</sup> are readily identifiable<sup>59</sup> by the yellow Licensed Vehicle Identification Plate that must be affixed to the outside rear of the vehicle, together with the issued adhesive Door Badges that must be affixed using their adhesive qualities to the upper solid part of both rear doors so as to be clearly visible. These Door Badges show the Vehicle's Licence number, the Chichester District Council logo, and state clearly that the vehicle must be pre-booked: Both Licensed Vehicle Identification Plate and Door Badges must be affixed to the vehicle at all times whilst the vehicle remains Licensed.

Further, Private Hire Vehicles Licensed by this Licensing Authority must not carry any roof sign nor external advertising, but a narrow horizontal strip with 58mm (2¼") high letters may be affixed across the base of the rear window showing the name and telephone number of the Private Hire Operator: The lettering on the strip must not contain the words "taxi", "cab", nor any other similar wording that could or might mislead members of the public into believing the vehicle to be a Hackney Carriage.

### **33. *Private Hire Vehicle 'Taxi' Meters***

There is no requirement for Private Hire Vehicles Licensed by this Licensing Authority to be fitted with a 'Taxi' meter. However, if fitted, any meter must be of a type approved by Transport for London Taxi and Private Hire in document TfL Taximeter Specification Version 2 issued May 2017, and must be operated in accordance with the Law, together with the Byelaws and Licence Conditions of this Licensing Authority: Taximeters must be maintained in full and calibrated working order, subjected to annual (yearly) testing as part of the Fitness Test at the time of Licence Renewal, and as required at any time by an Authorised Officer.

Should an Operator wish to install a meter in an existing Private Hire Licensed Vehicle which currently does not have such a meter fitted, first they must notify this Licensing Authority of their intention to make such an installation, then the meter must be professionally installed, calibrated, sealed, and all documentation provided to this Licensing Authority. Prior to the meter being used, it must be presented for Meter Fitness Testing at CCS where, upon successful completion, a Certificate will be issued and which must be forwarded to this Licensing Authority.

This Licensing Authority does not set Private Hire tariffs, however a Tariff Card showing the Operator's published tariffs (declared to, lodged, receipted, and maintained as current with this Licensing Authority), must at all times be prominently displayed within the vehicle so as to be clearly visible to, and easily read by passengers: Any complaint made by passengers regarding tariffs and

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<sup>57</sup> s.48(1)(a)(ii) Local Government (Miscellaneous Provisions) Act 1976

<sup>58</sup> Not those subject to Exemption under s.75(3) Local Government (Miscellaneous Provisions) Act 1976

<sup>59</sup> Pursuant to 'Annex - Staying Safe' of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

overcharging will be considered by reference to the most recent **receipted** Tariff Card lodged by the Operator with this Licensing Authority.

**34. *Private Hire Vehicle Exemption under s.75(3) Local Government (Miscellaneous Provisions) Act 1976***

Application may be made to this Licensing Authority by the Proprietor of a Private Hire Vehicle for exemption from displaying an external Vehicle Plate and Door Badges.<sup>60</sup>

However, this Licensing Authority will only grant such an exemption if compelling evidence (which is both sufficient and to its satisfaction), be provided by the Proprietor of the Licensed Vehicle that it will be used solely and exclusively for chauffeured, 'high-end' executive, or VIP work. Any general Private Hire work, regardless of its frequency or distances travelled, will exclude a Private Hire Vehicle from such an Exemption being granted.

Where an Exemption is granted, a Statement of Declaration will be issued to the Proprietor of the Private Hire Vehicle, together with the standard Internal ID Card but, instead of the standard Vehicle Licence Plate, a small Vehicle Licence Plate which must be displayed inside either the front or rear window of the Private Hire Vehicle: The Statement of Declaration must be retained in the Private Hire Vehicle at all times. The Licensed Driver of such an Exempted Private Hire Vehicle is not required to wear the Driver's Badge, but must have it with them for production upon requirement by an Authorised Officer or Police Constable.

**Where an exemption ceases to apply, a previously-Exempted vehicle must display an External Vehicle Licence Plate and Door Badges which the Proprietor must obtain from this Licensing Authority. In addition, the Licensed Driver must again wear the Driver's Badge in the normal manner.**

**35. *Private Hire Safety Partition Screens***

This Licensing Authority supports the installation of Hackney Carriage style Safety Partition Screens in Private Hire Vehicles to improve the safety of Private Hire Drivers in reducing the threat of attack by passengers. Also it is recognised that by fitting and using such devices, together with employing other measures such as good ventilation and positioning of passengers, they may provide some degree of protection from, and control of, disease infection e.g. COVID-19.

However, all newly-manufactured vehicles have been rigorously tested (NCAP) and achieved European Whole Vehicle Type Approval: Changing or adding to the interior of the vehicle can alter the 'type approval', and may have consequences as to what happens inside a vehicle in the event of a collision. Consequently, whether or not a safety partition screen should be installed is a matter for vehicle Proprietors and their Insurer.

To assist in making a decision, together with the specific requirements of this Licensing Authority, see 'Guidelines for Private Hire Vehicle Safety Partition Screens' (Appendix G).

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<sup>60</sup> s.75(3) Local Government (Miscellaneous Provisions) Act 1976

## **PART G: REQUIREMENTS RELATING TO PRIVATE HIRE VEHICLE OPERATORS**

### **36. *Private Hire Operators' Conduct & co-operation with Authorised Officers and Police; 'Fit and Proper Person'***

All Private Hire Operators must exhibit a high standard of general conduct, behaving in a civil and orderly manner both with members of the public, and in fully co-operating with Authorised Officers and the Police in the lawful execution of their duties<sup>61</sup>: Any instance of non-compliance, non-co-operation, and use of foul or insulting words or behaviour is viewed most seriously, calling into question their status as a 'Fit and Proper Person' to hold a Private Hire Operator's Licence, with such matters being investigated, recorded against individual Licence Holders, and causing consideration of Suspension or Revocation of, or a refusal to Renew a Licence.

### **37. *Private Hire Operators' DBS Criminal Record check, Safeguarding, Child Sexual Abuse and Exploitation (CSAE)***

This Licensing Authority requires all Private Hire Operator Applicants and existing Operators of Private Hire Vehicles to provide checks of their own Criminal Conviction status<sup>62</sup>. These are required upon initial Application, annually (yearly) during the Licensed period, and at subsequent Renewals. Applicants and existing Operators not already providing the Enhanced DBS Criminal Record check Certificate in their separate standing as a Hackney Carriage/ Private Hire Vehicle Driver, must provide a Basic DBS Criminal Record check Certificate which is no more than 3 months old: Operators which are Limited Companies or Partnerships must provide such Certification for every Director/ Partner of the Company/ Partnership.

Further, should there be any change to the Criminal Record status of any individual Operator, or Director/ Partner of a Company/ Partnership Operator at any time during the Licensed period, it is incumbent upon the Operator immediately to notify this Licensing Authority: Dependent on the nature and/ or circumstances of the matter, consideration may be given to Suspension, Revocation, or refusal to Renew a Licence.

### **38. *Private Hire Operators' Duty to conduct Basic DBS Criminal Record checks on booking & dispatch staff***

This Licensing Authority requires <sup>63</sup>all Private Hire Operator Applicants and existing Operators of Private Hire Vehicles to:

- Maintain a 'live/ rolling' Register of all booking & dispatch staff in their employment, the details being retained for six (6) months from the date of any booking and/ or dispatch, regardless of the individual's employment status;
- Provide to this Licensing Authority a written hard format copy of the Operator's Policy on employing ex-offenders;

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<sup>61</sup> Pursuant to s.55, s.62 and s.73 Local Government (Miscellaneous Provisions) Act 1976

<sup>62</sup> Pursuant to s.8 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>63</sup> Pursuant to s.8.7-8.12 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

- For each and every individual on the aforementioned Register, for new employees at the time of their engagement, for existing employees at the time of creation of the Register, confirm sight of their recently-issued (less than 3 months old) Basic DBS Criminal Record Certificate, and that they are suitable to decide such matters as who is sent to transport an unaccompanied child or vulnerable adult<sup>64</sup>;
- Require such employed staff, as part of their Contract and terms of employment, immediately to notify the Operator of any fresh convictions of any sort.

**Note: Should the Operator outsource their booking/ dispatch functions to a third party, the responsibility remains with them regarding CSAE matters: In such situations, the Operator must confirm that the third party has evidenced to them that it employs equally rigorous protections.**

### **39. *Private Hire Operators' Record Keeping***

This Licensing Authority requires Private Hire Operators to **keep records in an orderly manner suitable for inspection, and for a minimum of six (6) months** regarding every booking invited or accepted, whether by a passenger or another Private Hire Operator<sup>65</sup>. These details must be retained in accordance with their duties and responsibilities as Data Controllers under current Data Protection legislation<sup>66</sup>.

Details that must be recorded and retained for the minimum 6-month period are:

- Name of the passenger;
- Date and Time of request (booking);
- Pick-up point;
- Date and Time of pick-up;
- Destination;
- Name of Driver;
- Driver's Licence Number (Badge Number);
- Registration Number and Vehicle Plate Number;
- Name of any individual who responded to the booking request;
- Name of any individual who dispatched the vehicle.

At any time, this Licensing Authority may require the Private Hire Operator to provide the booking records for inspection: Whether computerised or otherwise, the records must be presented in a format and manner to make them suitable for that purpose.

### **40. *Private Hire Operators' Use of Passenger Carrying Vehicle (PCV)-only Licensed Drivers & Public Service Vehicles (PSVs)***

Private Hire Operators must not use Passenger Carrying Vehicle (PCV)-only qualified drivers to fulfil bookings where a vehicle larger than that permitted under

<sup>64</sup> With reference to the 'Assessment of Previous Convictions' annex to the Statutory Taxi & Private Hire Vehicle Standards' (July 2020)

<sup>65</sup> Pursuant to s.56 Local Government (Miscellaneous Provisions) Act 1976

<sup>66</sup> Details available from the Information Commissioner's Office <https://ico.org.uk>

Private Hire legislation (i.e Public Service Vehicle (PSV) with more than 8 passenger seats is required to fulfil a booking), this due to PCV-only Drivers not being subject to the same stringent DBS Enhanced Criminal Record checks, nor Safeguarding Training as Private Hire Licensed Drivers.<sup>67</sup>

Where a larger vehicle is required, the person booking must be informed of, consent to, and the matter recorded on the booking record, that a PSV is being utilised with a PCV-only qualified Driver.<sup>68</sup>

#### **41. *Sub-contracting by Operators***

A Private Hire Operator who has accepted a booking for a Private Hire Vehicle, may arrange for another licensed operator to provide a vehicle to carry out the booking.<sup>69</sup>

**Note: Should the Operator outsource their booking/ dispatch functions to a third party, the responsibility remains with them regarding CSAE matters: In such situations, the Operator must confirm that the third party has evidenced to them that it employs equally rigorous protections.**

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<sup>67</sup> Pursuant to s.8.16 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>68</sup> Pursuant to s.8.17 of HM Government's Department for Transport's publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020) published under s.177(1) Policing and Crime Act 2017

<sup>69</sup> s.55A of Local Government (Miscellaneous Provisions) Act 1976

## **PART H – MISCELLANEOUS PROVISIONS**

### **42. *Authorised Officer, Legal Officer, and Member Training***

It is essential that individuals determining whether a Licence is issued or refused are competent to do so: Such individuals must have sufficient knowledge, experience, and training in Hackney Carriage and Private Hire Licensing matters.

Officers of this Licensing Authority, especially members of the Licensing Team, Legal Services, and all Members of the General Licensing Committee have received appropriate and documented training. Ongoing update and refresher training is provided as necessary.

### **43. *Enforcement and Complaints***

Holders of Licences must maintain a high standard at all times so as to ensure the continued promotion of public safety. This is achieved by full compliance with the Conditions attached to a Licence, as well as the various general statutory requirements: This Licensing Authority monitors compliance.

This Licensing Authority liaises with the Police and other agencies on issues of enforcement, including crime prevention, public safety, transporting and protection from harm of children and vulnerable adults. This is to continue to develop the enforcement protocol which is already in place, targeting resources at problem and high-risk issues of concern and potential harm.

This Licensing Authority conducts inspections of vehicles with ad-hoc operations as well as participating in 'Op Cabbie' and 'Op Arizona', co-ordinating with other inspection/ enforcement agencies; similarly, inspections of an Operator's booking records and drivers' professional behaviour will be made on a targeted and risk-assessed basis, or following a complaint. Complaints may be submitted to this Licensing Authority by email, in person, via the website, or by telephone.

Complaints about Licence holders are a source of intelligence when considering the renewal of a Licence, and in identifying any problems during the Licensed period: Patterns of complaints against a particular Licence holder may be indicative of characteristics that raise doubts about their suitability to hold a licence.

Details of all complaints and inspections are recorded within this Licensing Authority's electronic database and supporting document management system. The recording of subsequent investigations, visits, and actions assists this Licensing Authority in determining where a Licence holder has fallen, or is falling below the high standards expected of them.

When considering whether it is necessary to take action in relation to a particular matter, this Licensing Authority will consider each case on its merits, and in accordance with the enforcement policy. Following a complaint investigation/ inspection, this Licensing Authority may take no further action, issue a written warning, make a formal review of a Licence, or issue a Suspension or Revocation Notice.

**Note: The Police are notified of all Suspensions and Revocations.**



#### 44. **Licensing Forms**

Only current Forms will be accepted by this Licensing Authority: Obsolete Forms will be rejected.<sup>70</sup>

#### 45. **Fees and Charges**

**Fees and charges are payable at the time of Application or notification of the relevant charge:** Until all necessary fees and charges are paid, Applications/ Notifications are not complete and valid, and will not be processed. **The Application/ Notification process, together with all requirements for maintenance of all Licences, are at the expense of the Applicant/ Licence holder .**

Dependent on the Licence Type, the chargeable fees include elements for administration and maintenance, and will be reviewed annually (yearly) in accordance with the statutory provisions<sup>71</sup>: Current Fees for all Licence types are available on request, but also are published on the Chichester District Council website: <https://www.chichester.gov.uk/taxilicensingcosts>

Proportionate Fees refunds for some Licences are available to the following criteria upon application to this Licensing Authority, but only on a full calendar year basis at the time of such receipted application being made:

- For a one (1) year Licence: No refund available;
- For a three (3) year Licence: Up to first anniversary 50% of fee; up to second anniversary 25% of fee; after second anniversary, no refund available;
- For a five (5) year Licence: Up to first anniversary 75% of fee; up to second anniversary 50% of fee; up to third anniversary 25% of fee; after third anniversary, no refund available.

#### 46. **National Fraud Initiative; General Data Protection Regulations and Data Protection Act 2018**

Chichester District Council as the Licensing Authority is under a duty to protect the public funds it administers and, to this end, may use information provided for the prevention and detection of fraud. Also, it may may share this information with other bodies responsible for auditing or administering public funds. For further information see <https://www.gov.uk/government/publications/fair-processing-national-fraud-initiative/fair-processing-level-3-full-text#contents>

Chichester District Council as the Licensing Authority manages personal data in accordance with the provisions contained within current data protection legislation: Information may be shared with other departments within the Council, other enforcement agencies, and consulting bodies, including the DVLA, Police, and other partners as permitted in Law. For more information see [www.chichester.gov.uk/dataprotectionandfreedomofinformation](http://www.chichester.gov.uk/dataprotectionandfreedomofinformation)

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<sup>70</sup> Forms are available on application, but also are published on the Chichester District Council website: <https://www.chichester.gov.uk/taxilicence>

<sup>71</sup> s.53(2) and s.70 Local Government (Miscellaneous Provisions) Act 1976