

Hackney Carriage and Private Hire Licensing Policy

Version Control

This policy is known as the “Hackney Carriage and Private Hire Licensing Policy” and is a publically accessible document that is published on the Amber Valley Borough Council website (www.ambervalley.gov.uk).

The document may be linked to at [Taxi and private hire vehicle licensing \(ambervalley.gov.uk\)](http://www.ambervalley.gov.uk)

The policy will be subjected to a formal review at least every five years and may be subjected to an additional review at any point if circumstances are identified that require changes to be made.

The table below records the version of the document, a brief description of the changes made, and the date when they were made.

Version	Changes Made	Date of Changes
1	'The Hackney Carriage and Private Hire Vehicle Licensing Policy Document 2019' version of the policy	Changes took effect from 1 st June 2019
2	Consideration and integration of the Department for Transport's 'Statutory Taxi and Private Hire Vehicle Standards' July 2020.	Changes took effect from 7 th February 2022
3	Scheduled Review	1 st January 2027

For the purposes of the Governments Security Classifications of documents (May 2018) this policy is marked '**OFFICIAL**'.

Contents	Page No.
Introduction	4
General Information	7
Hackney Carriage and Private Hire Driver's Licence	8
Hackney Carriage and Private Hire Vehicle Licences	17
Hackney Carriage Vehicles	21
Private Hire Vehicles	24
Private Hire Operator's Licences	29
Compliance and Enforcement	32
Appendix A Driver Licence Conditions	34
Appendix B Driver's Code of Conduct	40
Appendix C Vehicle Licence Conditions	42
Appendix D Procedures for vehicle licence extensions and definition of Exceptional Condition	54
Appendix E Private Hire Operator Conditions	57
Appendix F Convictions Policy	61
Appendix G Guidance for CCTV	76
Appendix G1 CCTV Technical Specification and System Requirements	82
Appendix H Penalty Points Scheme	91
Appendix I Wheelchair Accesible Vehicles Advertising Restrictions	95

1. Introduction

1.1 Background

Amber Valley Borough Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers, and operators within the district of Amber Valley.

The grant of all licences shall be considered in the context of this policy, relevant legislation, and guidance subject to the licensing conditions contained herein.

1.2 Role of Taxis and Private Hire Vehicles

Hackney Carriages (referred to in this policy as 'taxis') and Private Hire Vehicles (referred to in this policy as 'PHV's) have a specific role to play in an integrated transport system. They can provide services in situations where public transport is either not available (for example in rural areas, or outside 'normal' hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

1.3 Aims and Objectives of Licensing

The aim of licensing of the Hackney Carriage ("Taxi") and Private Hire Vehicle ("PHV") trade is, primarily, to protect the public as well as to ensure that the public have reasonable access to taxi and PHV services because of the part they play in local transport provision.

Its purpose, therefore, is to ensure the system is operated by 'fit and proper' persons and to prevent licences being given to or used by those who are not suitable persons taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, that they are people who would not take advantage of their employment, and to ensure that Hackney Carriages and Private Hire Vehicles in the district are safe, and that the powers are exercised in compliance with the European Convention on Human Rights.

1.4 Statutory Guidance

In formulating this policy, the advice and guidance contained in the 'Statutory Taxi and Private Hire Vehicle Standards (July 2020)' ("the Standards") issued by the Department for Transport has been given full consideration. There is recognition within the Standards that the primary and overriding objective must be to protect the public (para 3.2). Paragraph 3.2 of the Standards goes on to state that *"The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated"*.

1.5 Departure from the Policy

In carrying out its regulatory licensing functions, the Council will have full regard to this policy document.

Notwithstanding the existence of this policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given and recorded for so doing. A record will be kept of all such decisions.

1.6 Implementation, Monitoring and Review

This policy will take effect from the 7th February 2022 and will be subject to a full review at least every five years.

An annual performance report will be presented to the Council's Licensing Board at its annual meeting so that the performance and content of the policy can be considered, scrutinised, and amended as required.

This will be an opportunity for the Licensing Board to review the resources available for the administration of the Licensing Service and whether those resources are considered adequate.

Additional interim reviews may be conducted to respond to any changes in circumstances, significant issues arising, or performance monitoring outcomes.

Upon implementation of this policy, the Council expects licence-holders to comply with its terms immediately unless otherwise indicated in the policy.

1.7 Enforcement

It is recognised that well-directed enforcement activity by the Council protects not only the public but also benefits the responsible members of the taxi and PHV trades.

In pursuing its primary objective of protecting the public from harm and to also encourage responsible hackney carriage and private hire businesses, the Council will operate an appropriate and proportionate enforcement regime. To balance the protection of the public with the desire to prevent unnecessary interference in a licence holder's business, the Council will only intervene where it is necessary and proportionate to do so. However, it is important to note that the primary role of enforcement activity is to provide protection for the public and that this objective will always be given greatest weight when considering a course of action.

Complaints received about licence holders or vehicles will be recorded on the Council's Uniform database to allow for the analysis of trends across all licence types and against individual licensees. Complaint trends will be reported to the Licensing Board in the Annual Licensing Report.

1.8 Delegated Powers

Those officers of the Council, duly authorised under the Council's Scheme of Delegation, are responsible for the day-to-day operation of the Council's taxi and PHV Licensing Policy and enforcement of conditions made under the Policy.

The Licensing Board, through the establishment of a Licensing Panel, has delegated authority to determine licence applications and enforcement issues (e.g., revocation or suspension of a licence).

The Council's Scheme of Delegation is contained within the Council's Constitution ([click here](#)) which may be viewed on the Council's website. Section 3 of the Constitution deals with the Responsibility for Functions and paragraph 3.3.3 specifically outlines the functions of the Licensing Board. Paragraph 3.3.4 specifically outlines the role of the Licensing Panel. These functions are delegated in a manner which ensures the appropriate level of separation between decision makers and those that investigate complaints against licence holders.

All members of the Licensing Board are required to attend training before being able to sit on a Licensing Panel (sub-committee).

1.9 Definitions

For the purposes of this policy the following terms are defined.

- "the Council" means Amber Valley Borough Council.
- "the Borough" means the district of the Council.
- "PHV" means a Private Hire Vehicle licensed by the Council under the 1976 Act.
- "Taxi" means a Hackney Carriage licensed by the Council under the 1847 Act.
- "Driver" means a driver licensed by the Council under the 1847 Act and the 1976 Act.

- “Badge” means the physical badge owned and issued by the Council for the purposes of identifying the driver as such.
- “Plate” means the rear facing vehicle identification plate issued by the Council for external display on a licensed vehicle.
- “Disc” means the front facing vehicle identification disc displayed from inside the licensed vehicle.
- “PHO” means a person licensed by the Council under the 1976 Act as a Private Hire Operator.
- “Proprietor” means a vehicle proprietor who owns a licensed vehicle as an individual, limited company (together with its directors and secretary) or **all** members of a partnership.
- “Vehicle” means a taxi or PHV.
- “Minibus” means a vehicle that can carry eight passengers.
- “Passenger Carrying Vehicle Licence (PCV Licence)” means a licence for driving a bus or similar vehicle.
- “Public Service Vehicle” is a vehicle adapted to carry nine or more passengers and is used to carry passengers for hire or reward.
- “Licence” means a ‘Taxi and Private Hire Vehicle Drivers Licence’ issued by the Council under the 1847 Act and the 1976 Act.
- “TPCA 1847” means the ‘Town Police Clauses Act 1847’
- “LGMPA 1976” means the ‘Local Government (Miscellaneous Provisions) Act 1976’
- “Authorised Officer” means any officer of the Council duly authorised in writing by the Council for the purposes of enforcement.
- “Standards” refers to the ‘Statutory Taxi and Private Hire Vehicle Standards’ issued by the Department for Transport – July 2020.
- Reference to “days” is clear days unless ‘working day’ is specified.

1.10 Whistleblowing Policy

The Council maintains a policy for its officers to raise concerns and to be afforded protection under the Public Interest Disclosure Act 1998 (PIDA), popularly known as a ‘Whistleblowers’ Protection Act. It protects workers who make disclosures about possible malpractice, from recriminations. The Council maintain this policy to encourage officers to feel comfortable raising concerns about practices at work that they are concerned about. Raising concerns allows them to be dealt with confidentially and promotes openness and accountability in the public interest.

1.11 Partnership Working and Sharing Information

Officers of the Council will work with other partner organisations to share information and best practice. Attendance at the Derbyshire Licensing Officers Group and other appropriate professional groups will take place, as will maintaining a productive working relationship with the Police. The Council will also work closely with any PHO to support them with any concerns they may have about a licensed driver.

Where information is shared with the Police, the outcome of any action taken as a result of the sharing of that information will be relayed back to the Police. This will include notifying the Police of any licence application refusals or revocations of an existing licence.

The Council accepts that the sharing of information is a key control to safeguard children and vulnerable adults from harm and it will therefore commit to the principal of sharing necessary and relevant information with safeguarding stakeholders e.g., the Police, Derbyshire County Council. The effective sharing of information allows for decisions about individuals to be made with the fullest knowledge possible.

See also paragraph 3.7 of this policy (National Register of Taxi Licence Revocations and Refusals (NR3)).

2. General Information

- 2.1 The Licensing Section will be open to the public during the normal opening hours of the Council which may be found on the Council's website at <https://www.ambervalley.gov.uk/contact-us/>.

If a person wishes to guarantee the availability of a member of staff to deal with a particular query that can only be dealt with on a face to face basis, then an appointment should be made. Anyone turning up without a prior appointment will not be guaranteed access to a member of staff.

2.2 Fees and Charges

All applications for licences must be accompanied with the appropriate application fee in full. Partial refunds may be applicable in some circumstances e.g. certain vehicle replacements.

A current list of all taxi and PHV fees and charges can be found on the Council's website [here](#).

2.3 Awareness of the Policy

This policy is available to view on the Council's website at [Taxi and private hire vehicle licensing \(ambervalley.gov.uk\)](#) and an awareness of the policy is included as part of the drivers knowledge test. All licences issued have conditions attached which should be read in conjunction with this policy.

2.4 Making a Complaint

A complaint about a taxi driver, a vehicle, or an operator can be made by contacting the Council using the contact details on the website [Contact us \(ambervalley.gov.uk\)](#). Complaints will be recorded on the Council's database and passed to the Licensing Team for an investigation into any allegations made. Records of complaints will be retained so that they can be taken account of when a licence is due for renewal or if further incidents are reported. The Council's main number for receiving complaints is (01773) 570222.

3. Hackney Carriage and Private Hire Drivers Licence

3.1 Requirements

- 3.1.1 Every driver of a taxi or PHV must be licensed by the Council (Section 46 LGMPA 1976).
- 3.1.2 The Council cannot grant a driver's licence unless it is satisfied that the applicant:
- Is a 'fit and proper' person (Section 59 LGMPA 1976).
 - Has a full UK Driving Licence that has been held for at least 12 months or comparable EU Driving Licence (Section 59 LGMPA 1976).
 - Is medically fit to drive (Section 51 and 57 LGMPA 1976).
- 3.1.3 The Council will not grant a driver's licence to any person who is not able to provide proof of their right to be in the UK and to work here.
- 3.1.4 A Driver's Licence will be issued for three years from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate to the circumstances.

3.2 Applying for a Driver Licence

- 3.2.1 On a first application you must produce:
- A completed application form.
 - The appropriate fee.
 - 2 passport sized photographs.
 - A full UK Driving Licence that you have held for at least 12 months or comparable EU Driving Licence.
 - An Enhanced Disclosure and Barring Service Certificate (see paragraph 3.9).
 - Proof of your right to live and work in the UK (see paragraph 3.8).
 - A medical certificate from a doctor unless you hold a current PCV or HGV licence (see paragraph 3.4).
- 3.2.2 The 'fit and proper' test is the standard against which an application is determined and the general test as outlined in the Standards is as follows; *"Would you (as a member of the licensing committee or other person charged with the ability to grant a drivers 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?"*

3.3 The Knowledge Test

Once the application is complete, an appointment will be made for you to take a knowledge test. To take the test, you must report to the Licensing Section at an arranged time and date, bringing with you a receipt of payment.

3.3.1 Requirements of the Knowledge Test

All applicants are required to undertake a written test as to their knowledge of:

- Local geography
- The Highway Code

- Hackney Carriage and Private Hire Licensing Law
- The Council's Taxi Policy
- Basic minimum standards of English language (both written and oral)

The contents of the knowledge test may be amended at any time in line with any changes in legislation or best practice.

No one can accompany you whilst you complete the knowledge test and a pass rate of 75% must be attained. No mobile phone, electronic device, documentation, or road maps are to be used whilst completing the test.

3.3.2 If the Knowledge Test is Failed

If you fail the test at the first attempt, then you may retake the test. A non-refundable fee will be paid per test undertaken and / or retaken.

No more than three tests may be taken within a 3-month period.

3.4 Medical Certificate

A DVLA Group 2 medical must be undertaken when applying for your first licence unless you hold a current PCV or HGV licence. In line with DVLA guidance a further medical will be required when reaching the age of 45 years then every 5 years until reaching the age of 65 years, when a medical is required to be undertaken annually. The medical can be carried out by a doctor of the applicant's choice but must be carried out to the DVLA Group 2 medical standards. Medical forms are available on request from the Licensing Section.

Medical Certificates must be dated within the past **THREE** months at the time of application.

Licence holders must advise the Licensing Section of any deterioration in their health that may affect their driving capabilities as soon as practicable. The licence holder may be asked to obtain further medical confirmation from their medical practitioner to confirm that they remain fit to drive under Group 2 medical requirements.

Drivers must produce the signed declaration from the doctor stating they meet DVLA Group 2 medical standards for vocational drivers. It is not necessary to produce the full medical examination report.

3.5 Disability Awareness Training

The Equality Act 2010 imposes a duty on those who provide transport services to make reasonable adjustments to provide such services for anyone with a disability. This duty specifically extends to those driving taxis and PHV's. All drivers must take the Council's disability awareness training course before an application will be determined.

It is a requirement of the Council's 'fit and proper person' test to complete this training.

3.6 Safeguarding Training

Safeguarding training is considered an essential part of determining whether an applicant is a 'fit and proper person'. Applicants must attend a training course entitled "Safeguarding Vulnerable People in Partnership with the Transport Sector". This training must be undertaken before a licence will be determined.

Attendance will be excused on the production of a Safeguarding Training Certificate undertaken with another authority in the previous 12 months.

This training must be retaken every three years or upon renewal of a licence.

3.7 National Register of Taxi Licence Revocations and Refusals (NR3)

The Council is required to satisfy itself that those holding a Driver's Licence are "fit and proper" to do so (see 3.2.2). This is done firstly during the determination of an application for a licence, and then at any time during the currency of a licence. For example, when evidence is obtained that suggests that a licensed individual is not a fit and proper person, the Council is entitled to suspend, revoke or refuse to renew a licence.

The Council provides information to the 'National Register of Taxi Licence Refusals and Revocations' (known as 'NR3'), a mechanism for Council's to share details of individuals who have had a Driver's Licence revoked or an application for one refused.

Therefore, where a Driver's Licence is revoked, or an application for one refused, the Council will automatically record this decision on NR3. Information will be retained on NR3 for a period of 25 years.

The information recorded on NR3 will be limited to:

- Name
- Date of birth
- Address and contact details
- National Insurance number
- Driving licence number
- Decision taken
- Date of decision
- Date decision effective

All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with the applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

Licensing authorities are still required to consider each application on its own merits, but NR3 will help ensure that decisions can be based on all the information that is relevant to an application.

Further information can be found in the Council's Policy relating to the use and disclosure of information on the NR3 register [here](#).

3.8 Eligibility to Work in the U.K.

The Immigration Act 2016 amended existing licensing regimes in the UK to seek to prevent illegal working in the PHV and taxi sector. The provisions of the 2016 Act prohibit all licensing authorities across the UK from issuing a licence to anyone who is disqualified by reason of their immigration status and they discharge this duty by conducting immigration checks. The 2016 Act also embeds other immigration safeguards into the existing licensing regimes across the UK.

The provisions mean that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.

The Council discharge this duty by requiring the applicant to submit one of several prescribed documents which show that the applicant has permission to be in the UK and undertake work as an operator or a driver. The check will be performed when the applicant first applies for a licence or first applies to renew or extend their licence whether for the full statutory term or a lesser period. For those who have limited permission to be in the UK, the Council must repeat the check at each subsequent application to renew or extend the licence until the applicant demonstrates that they are entitled to remain indefinitely in the UK.

Where a person’s immigration permission to be in the UK is time limited to less than the statutory length for a driver or operator licence, the licence must be issued for a duration which does not exceed the applicant’s period of permission to be in and work in the UK.

The Council is under a legal obligation not to issue a licence unless the applicant submits one of several prescribed documents which shows that the applicant has permission to be in the UK and undertake work as an operator or PHV or taxi driver.

You must produce the **original document** and the council will retain a copy for their records to prevent having to repeat checks when you next apply to renew or extend your licence.

List of prescribed documentation:

List A	
1.	A passport showing the holder, or a person named in the passport as the child of the holder, is a British Citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2.	A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3.	A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4.	A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
5.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK
6.	A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK
7.	A current immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.
8.	A birth (short or long) or adoption certificate issued in the UK, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.
9.	A birth (short or long) or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.
10.	A certificate of registration or naturalisation as a British citizen, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.
List B Group 1	

1.	A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3.	A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4.	A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
List B Group 2	
1.	A certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service.
2.	An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3.	A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

3.9 Previous Convictions and Disclosure and Barring Service (DBS) Checks

3.9.1 Previous Convictions

An enhanced criminal record check giving information on both barred lists for children and vulnerable adults is essential in assessing a driver's suitability to hold a licence.

The Rehabilitation of Offenders Act 1974 does not apply to applicants for a Driver's Licence. All convictions, including those that would normally be regarded as spent must be disclosed.

The Council's Previous Convictions Policy can be found at Appendix F.

3.9.2 Disclosure and Barring Service Procedure

Applications for a Disclosure and Barring Service Certificate can be made via the Ripley CVS, 35 Market Place, Ripley, DE5 3HA. CVS make a charge for this service. Please telephone 01773 512076 to make an appointment. A licence will **NOT** be issued or renewed until the certificate is produced to the Council.

You may obtain a DBS certificate from an alternative DBS 'umbrella body' which may be found at: <https://www.gov.uk/find-dbs-umbrella-body>

Certificates **must be less than one month old** when produced to the Council.

A DBS Certificate must be submitted to the Council every third year upon application for the renewal of your badge. The Council reserves the right to request additional disclosures at any time if it is considered necessary to ensure the protection of the public.

The Council will accept enhanced DBS certificates from other organisational bodies such as Derbyshire County Council, provided they are enhanced and that the child and adult 'barred lists' have been applied for.

In line with paragraph 6.3 of the Standards and in the interests of public safety, a licence will be refused to any individual that appears on either DBS 'barred list'.

3.9.3 **The DBS Update Service**

All drivers **must subscribe** to the DBS Update Service following the issue of their DBS certificate. This allows further disclosures to be obtained instantly, therefore avoiding the scenario of a driver being unable to work due to their certificate not being returned before the expiry of their current badge. The Council will obtain regular DBS updates using the Multiple Status Check Facility provided by the DBS.

The update service also gives additional public safety protection as additional checks can be made on licensed drivers if the Council deems it necessary and proportionate to do so to ensure public safety.

A fee of £13 per year (as at the publication of this policy) is charged for this service and a driver must sign up to the update service within 30 days of the date the DBS certificate is issued. Further detailed information can be found at www.gov.uk/dbs-update-service.

Failure to maintain a subscription to the DBS Update Service will result in a licence being suspended and a new certificate will need to be applied for (see driver licence conditions).

3.9.4 Licence holders **must** notify the Licensing Section, within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. Failure by a licence holder to disclose an arrest that the Licensing Section is subsequently advised of will be taken account of as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation when the licence is reviewed (see Appendix A paragraph 5.2).

3.9.5 The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties. The applicant will receive the enhanced DBS certificate to their home address, and the original certificate must be produced to the Council prior to the application being determined.

3.9.6 **Failure to Disclose a Conviction**

The failure to disclose a conviction or other 'material fact' e.g., an arrest, will result in a review of the licence and may result in the immediate suspension of the licence. Failure to disclose relevant information may call into question the honesty of a driver and therefore their suitability to hold a licence.

3.9.7 **Foreign Nationals and Applicants Who Have Lived Abroad**

Any foreign national or applicant who has lived abroad for three or more continuous months from the age of 18 years will be required to produce a document from the relevant Government or Embassy of their country of origin, or country where they resided if more appropriate, which provides a comprehensive criminal record. This document must provide contact details of the Embassy or Government in order that officers can verify its authenticity.

These documents may be an equivalent criminal record check or a “Certificate of Good Character” from the country concerned. All costs in respect of this documentation will be borne by the applicant. This document is in addition to the enhanced DBS certificate.

3.10 **Drivers Badge**

All drivers must display an identity badge, issued by the Council, which is clearly visible to passengers at all times whilst working. The licence issued must be deposited with the proprietor (owner) of the vehicle being driven (Section 48 TPCA 1847).

3.11 **Refusing to Drive**

It is an offence for a driver, whilst the taxi is standing on an appointed stand, to refuse, without reasonable excuse, to drive to any point within the Amber Valley Borough Council area. The Council will review a licence and consider the revocation of the licence for this offence (Section 53 TPCA 1847).

3.12 **Obstruction of Other Drivers**

It is an offence to obstruct the driver of another taxi in setting down or picking up passengers or preventing another driver from being hired (Section 64 TPCA 1847).

3.13 **Loss or Theft of Drivers Badge / Vehicle Plates**

Loss or theft of licences, drivers’ badges or vehicle plates should be reported immediately to the Licensing Section. A replacement licence, badge or plate will be issued once the appropriate fee has been paid. If your plate is stolen **the police must be informed** and a crime reference number obtained prior to a replacement plate being issued.

Please see Appendix A of this policy for Drivers’ Licence Conditions and Appendix B for the Driver’s Code of Good Conduct.

4. Renewal of a Driver Licence

- 4.1 You **must apply for renewal while the existing licence is still in force**. The Council will endeavour to remind holders of driver's licences to renew their licences by sending out a communication two to three months prior to their expiry. However, not having received a reminder will not be accepted as a reason for non-renewal of licences. It is the holder's responsibility to ensure that their licence is renewed within the time limits.
- 4.2 To ensure that renewal applications may be processed in a timely manner it is important that all applications for renewal are made at least six weeks prior to the expiry of the current licence.

Failure to renew your licence on time will result in you being unable to drive.

4.3 How to Renew a Driver Licence

To renew your drivers' licence, you must produce the following documentation:

- The completed renewal application form
 - The licence fee
 - Two passport-sized photographs
 - A full UK Driving Licence that you have held for at least 12 months or comparable EU Driving Licence.
 - A DBS enhanced certificate (no more than one month old at the time it is produced to the Council).
 - Completed DVLA mandate or code to obtain the mandate electronically
 - A medical certificate from a doctor where applicable (no more than three months old at the time it is produced to the Council).
 - Proof of completion of your Disability Awareness Training
 - Proof of completion of undertaking Safeguard Training
 - Proof of right to live / work in the UK (if required due to a time limited permission to remain in the UK)
- 4.4 Drivers who do not renew their licence and then make a subsequent application for a licence within 6 months of their previous licence expiring, will be required to produce a DBS enhanced certificate and a medical certificate. However, applicants will be excused from re-sitting the knowledge test, disability awareness and safeguarding training. Any applicant whose badge has lapsed for more than 6 months must make a complete fresh application.

4.5 Suspension, Revocation or Refusal to Renew a Drivers Licence

The Council may, under section 61 of the LGMPA 1976, suspend, revoke, or refuse to renew a licence on the grounds that since the grant of the licence the licence holder has:

- committed an offence involving dishonesty, indecency, or violence, or
 - committed an offence under the legislation or the Council's Hackney Carriage and Private Hire Licensing Policy, or
 - been convicted of an immigration offence or required to pay an immigration penalty, or
 - any other reasonable cause (including a breach of a licence condition or the Driver's Code of Good Conduct).
- 4.6 If a licence is revoked, suspended, or refused renewal, the badge must be returned to the Council on demand (Section 61 LGMPA 1976).

- 4.7 If an application is refused or an existing licence is revoked, a further application for a driver licence cannot be made until **at least twelve months** from the date of refusal or revocation. The exception to this is if new evidence has been provided e.g., immigration status has changed, that may reasonably alter the balance of probability upon which a previous decision was based.
- 4.8 A decision to refuse or revoke a licence on the grounds that the individual is thought to present a risk of harm to a child or vulnerable adult, will be referred to the DBS. The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role.

5. Applications for Hackney Carriage & Private Hire Vehicle Licences

5.1 Introduction

There is no fixed limit to the number of taxi licences issued by the Council. An authorised officer, under powers delegated by the Council, considers each application for a new licence individually. These powers enable the authorised officer to grant taxi / private hire vehicle licences where the vehicle fulfils the relevant criteria or in certain circumstances the application may be referred to the Licensing Panel for determination. (See paragraph 6.9 for relevant criteria).

Vehicle proprietors will be expected to demonstrate either to the appropriate officer, or to the Licensing Board / Panel (as applicable), that they are a “fit and proper person” and are able to provide a satisfactory service to the travelling public (see paragraph 5.13).

5.2 Making Your First Application to Licence a Vehicle

The following documentation must be submitted:

- The completed application form(s) with the appropriate fee in full
- A valid insurance certificate covering public hire or private hire as appropriate
- A MOT Test Certificate
- The vehicle registration document. If the vehicle registration document is not available, you must produce proof of purchase of the vehicle and within 28 days produce the vehicle registration document. Failure to do this may result in the vehicle licence being suspended.
- A basic DBS disclosure certificate (see paragraph 5.13)

Arrangements will be made for your vehicle to undertake a roadworthy test at the Council's approved testing station. After the satisfactory completion of the test a vehicle licence and plate will be issued. The licence will cover a fixed date twelve-month period.

Please note that if you cancel a test without giving a minimum of 24 hours' notice (excluding weekends and bank holidays) a cancellation fee will be charged.

5.3 Re-tests

If the vehicle fails its test, re-test appointments can only be booked through the Licensing Section and the re-test fee must be paid prior to presenting the vehicle at the testing station. You **must** contact the Licensing Section for the necessary arrangements to be made.

Please note if you cancel a re-test without giving a minimum of 24 hours' notice (**excluding weekends and bank holidays**) a cancellation fee will be charged.

5.4 Changing the Vehicle

If you change your vehicle, an application can be made to transfer the plate from the old vehicle to the new vehicle. Applications should be made to the Licensing Section to licence the new vehicle. You may be entitled to a partial refund of the licence fee in respect of the old vehicle.

5.5 Transfer of Ownership

If you wish to transfer your interest in a vehicle, you will need to notify the Licensing Section. The application to transfer must be accompanied by a valid certificate of insurance and the vehicle registration document. If

the vehicle registration document is not available, proof of purchase of the vehicle must be produced, together with a letter from both parties confirming this.

The vehicle registration document must be produced to the Licensing Section within 28 days or the vehicle licence may be suspended. If everything is in order, the transfer can be made. If the vehicle is disposed of then the vehicle licence and plates must be returned to the Council within 7 days of disposal.

5.6 Age of Vehicles

Vehicles, irrespective of their age, are tested twice a year. No fees are required for mid-term tests (unless the vehicle fails its test, and a re-test is required).

Only vehicles under the age of five years may be licensed for the first time. Exceptions will be made for wheelchair accessible vehicles where the vehicle is under Seven years of age **and** has travelled less than 80,000 miles.

A vehicle will be licensed for twelve months on its renewal date prior to the vehicle reaching ten years old (Twelve (12) Years for wheelchair Accessible Vehicles). To enable a vehicle to remain licensed beyond ten years of age it must undertake and pass the Council's 'Exceptional Condition' Test. All costs for the Exceptional Condition Test will be borne by the applicant. Please see Appendix D for full details of this test.

The Council will not issue or renew a licence in respect of a vehicle unless the Vehicle Registration Document has been produced to the Licensing Section.

5.7 CCTV in Vehicles

The Council recognises that the taxi and PHV trade provide a valuable public service, especially late at night when other forms of transport are no longer available. Security for drivers and passengers is of paramount importance and CCTV cameras can be a valuable deterrent and investigative tool in the event of an incident taking place inside a vehicle.

The Council does not consider that CCTV cameras should be mandatory within licensed vehicles and that the decision to install them is one for the vehicle owner to arrive at. Installation of CCTV cameras in vehicles is therefore on a voluntary basis at present, however, all requirements that must be met should you wish to install CCTV within a licensed vehicle are outlined at Appendices G and G1 of this policy.

The Council will consult in line with the full review dates of this policy to identify if there are any local circumstances which indicate that CCTV in vehicles would have either a positive or adverse net effect on passenger's safety, including children, vulnerable adults, and taking account of privacy issues.

5.8 The Equality Act 2010

The Equality Act 2010 contains provisions which apply to all taxis and PHV's, with section 168 imposing a duty on taxis and section 170 imposing a duty on PHV's.

Passengers in Wheelchairs

Section 165 of the Equality Act 2010 places the following duties on drivers of designated wheelchair accessible vehicles.

- To carry the passenger while in the wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair

- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passengers such mobility assistance as is reasonably required.

Carrying Guide Dogs

The Equality Act 2010, at sections 169(4)(b), 173(1) and 207(4)(a) places a duty on taxi and PHV drivers to carry guide, hearing and other assistance dogs accompanying disabled people in their licensed vehicles and to do so without charge.

Drivers, if convicted, can face a fine of up to £1,000 if they do not comply with either of the above provisions under the Equality Act 2010.

Drivers who, for medical reasons, are unable to accept wheelchair passengers or accessibility animals can apply to the Council for an exemption certificate. Section 166 states the conditions on which the Council must issue an exemption certificate. Such a certificate will only be issued on production of medical evidence as proof that they cannot comply with the Equality Act 2010. Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle whenever the driver is working.

The Council has published and maintains a list of wheelchair accessible vehicles on their website under Section 167 of the Equality Act 2010. Under this definition a “designated vehicle” is any vehicle capable of carrying a passenger in the wheelchair on a journey.

5.9 Name of Company

The Council must be satisfied that the proposed name of the applicant’s company is suitable and does not conflict with existing licensed operators.

5.10 Fares

When determining the level of fares, consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a cost-effective service at the times it is needed. In reviewing the fares tariff the Council will consult and follow the appropriate procedures detailed in section 65 of the LGMPA 1976. Fares will be reviewed at the same frequency as the policy (every five years) or more frequently if reasonably requested in writing by the trade.

5.11 National Flags

When major events occur (e.g., a world cup, coronation, royal wedding etc.) a maximum of one flag may be flown on a licensed vehicle. The flag must be of a size and manufacture that will not obstruct the driver’s view in any way, nor endanger the safety of other road users or pedestrians. All flags are flown at the proprietor’s risk and must not be offensive to others.

5.12 Immediate Suspension Notice

If your vehicle is given a Suspension Notice by an Authorised Officer, the vehicle cannot be used under any circumstances as a licensed vehicle until it has been re-examined and the Suspension Notice lifted by the external authority who suspended the licence (e.g. the Police).

If the Council’s Enforcement Officer suspends the vehicle, it must not be used under any circumstances as a licensed vehicle until it has been re-examined and the Council’s Testing Station or the Enforcement Officer lifts the Suspension Notice. The owner of the vehicle must inform the Council’s Licensing Section

immediately (or at the first available opportunity if outside office hours) that the vehicle has been examined at the testing station and the tester confirms that the suspension can be lifted.

When a vehicle is ready to be re-examined, an appointment may be made for the examination of the vehicle. The test will be subject to the normal scale of charges. When a vehicle passes the test, the tester will issue a pass certificate.

5.13 Vehicle Proprietors

A vehicle proprietor (“a proprietor”) is someone who owns a licensed vehicle as an individual, limited company (together with its directors and secretary) or **all** members of a partnership. Proprietors will be required to demonstrate that they are ‘fit and proper’ to fulfil this role, pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors 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 and so maintain the safety benefits of the licensing regime.

The licensing authority will require a basic disclosure from the DBS that will be undertaken on an annual basis.

The ‘fit and proper’ test for a vehicle proprietor is as follows, *“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 they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence”?*

The Council acknowledges that in many cases individuals that licence a vehicle may already be licensed as a driver and in such cases will not require those seeking to licence a vehicle to provide a basic DBS check as part of the vehicle licensing process. In these circumstances, the Council will rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic DBS certificate will be required immediately.

6. Hackney Carriage Vehicles (Taxi's)

6.1 Plying & Standing for Hire

A licensed taxi may 'ply for hire' on any street within the Councils area. They may only 'stand for hire' on appointed taxi stands (Section 38 TPCA). It is an offence to 'ply for hire' outside of these boundaries (Section 45 TPCA).

A list of the appointed stands can be found on the Council's web site at:

<https://www.ambervalley.gov.uk/licensing/taxi-and-private-hire-vehicle-licensing/taxi-ranks/>

6.2 Drivers of Licensed Vehicles must be Licensed

Once a vehicle is licensed as a taxi every driver of that vehicle, whether it is used for business or pleasure, **must** possess a current driver's licence (Section 46 TPCA).

6.3 Charging Separate Fares

- The practice of "doubling up" of passengers and charging separately is illegal except in the following circumstances:
- The driver, proprietor, or any other person must not organise people to share a vehicle whilst the vehicle is plying for hire on the streets or standing for hire at a rank. Only prospective passengers may agree amongst themselves to share and then approach the driver or proprietor with a request, and
- If the journey begins and ends in the Councils area the taxi meter must be used to determine the fare, and the fare charged in total must not exceed that finally displayed on the meter.
- If the journey begins or ends outside the Councils area the charge is negotiable. If no negotiations take place then the meter must be used, and no more than that recorded on it must be charged in total.
- The amount of each separate fare must not, in total, exceed that which would normally be charged for the total journey if it had been one fare. The driver is not able to decide what to charge each passenger. The passenger themselves must apportion the fare between themselves (Section 10, Part 1, Transport Act 1985)

OR;

- All the passengers carried on the occasion in question book their journeys in advance, and
- Each of them consented, when booking their journey, to sharing the use on that occasion with others on the basis that a separate fare would be payable by each passenger for his own journey on that occasion (Section 11, Part 1, Transport Act 1985).

6.4 Roof Signs

All taxis must have a roof sign of the illuminated type and display the word "TAXI". The sign shall be wired to the taximeter to enable it to be turned off during the carrying of a fare for which the meter is in operation.

6.5 Taxi Fares

For journeys which begin and end within the Councils area the taxi meter must be engaged at the commencement of the journey and no more than is displayed on the meter at the end of the journey may be charged.

For journeys which **begin or end** outside of the Councils area then for these journeys the fare is negotiable with the hirer, provided that if no negotiation is entered into, no fare greater than that displayed on the meter can be charged. The meter must be used (see 6.7 below).

6.6 Tariffs

Tariffs set by the Council relate to the mileage, waiting time and the time journeys commence. Tariffs are **not** dependent on the number of passengers being carried or any other circumstances (e.g., **no** additional charge may be imposed for carrying disabled persons, wheelchairs, luggage, or guide dogs).

6.7 Meters

All Taxis are required to be fitted with a taximeter installed by an approved taximeter installer. The taximeter fitted in a taxi will be sealed and calendar controlled to the current tariff as set by the Council.

Taxis, when used for private hire, must charge from the point of pick-up to the point of drop off and use the meter. Whatever type of journey, the taximeter must be in operation during the hiring, even if the fare is being negotiated.

6.8 Vehicle Plate Numbers

Vehicle plates enable a vehicle to be identified as a licensed vehicle and must be firmly fixed to the rear of the vehicle (unless the vehicle holds an exemption certificate). Plates may only be fitted in the rear window if it has a vertical window, and any tinted glass is removed to ensure clear visibility of the plate. The display of a vehicles plate numbers must not be concealed (Section 52 TPCA 1847).

6.9 Wheelchair Accessible Vehicles

The Council has no limit on the number of additional taxis for vehicles that meet the following criteria:

- The vehicle must be wheelchair accessible.
- The vehicle must be less than six years old (or under seven years of age if less than 80,000 miles) at the time the application is made, and no further licences will be issued by the Council when it has reached the age of twelve years (unless the vehicle meets the Council's 'Exceptional Condition' criteria – see Appendix D).

Each application will be treated on its individual merits, but the following is a list of vehicles that the Council has previously licensed, but is not exhaustive:

- London Type Taxis.
- Fiat Doblo.
- Fiat Doblo Dynamic.
- Mercedes VITO.
- Peugeot E7.
- Peugeot Euro Bus.
- Peugeot Partner.
- Peugeot Premier.
- Fiat Euro Cab.
- Purpose built wheelchair accessible vehicle.

Wheelchair Access

In addition to all other licensing conditions, any applicants seeking the grant of a licensed vehicle in which it is intended to carry passengers who are seated in a wheelchair must meet the following:

- M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA).
- A nearside or rear door may be used for wheelchair access. The Council would prefer side loading vehicles however, where a rear loading vehicle is used it must have a power lift.

- There should be sufficient space within the vehicle for a wheelchair to turn or a designated wheelchair area. The requirements listed in this specification are to accommodate a wheelchair measuring 1200mm front to rear and 700mm wide (i.e., a “reference wheelchair” as defined by the Public Service Vehicles Accessibility Regulations 2000).
- There must be at least one doorway through which a wheelchair and occupant can enter. This doorway must be located at the rear or nearside of the vehicle.
- An approved ramp or ramps for loading of a wheelchair and occupant must always be available for use at the rear of the vehicle or nearside passenger door.
- Ramps must be clearly marked with the vehicle registration, plate number and weight restriction.
- There must always be a slip resistant surface on all ramps and a safety guard fitted and used.
- Anchorages must be provided for the wheelchair and chair bound passengers.
- Restraints for wheelchair and occupant must be independent of each other. Belts attached to a wheelchair to assist a person to remain in it whilst travelling will not be acceptable.
- Vehicles must be capable of transporting a folded wheelchair as luggage.
- A purpose designed tail lift, manufactured, and installed in accordance with European Standard EN 1756 (and ‘CE’ marked) – as amended, and which shall conform to the Lifting Operations and Lifting Equipment Regulations 1998 (a report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection).

For the full vehicle specifications in respect of taxis please refer to the Vehicle Licence Conditions at Appendix C.

7. Private Hire Vehicles (PHV's)

7.1 Plying for Hire

Private Hire cars must not pick up passengers without a prior booking made by the hirer direct with the operator for which the vehicle works. Failure to do otherwise is an offence and invalidates your insurance cover (Section 45 TPCA 1847).

7.2 Drivers of Licensed Vehicles Must be Licensed

Once a vehicle is licensed as a PHV, **every driver** of that vehicle whether it is used for business or pleasure must possess a current PHV driver's licence (Section 46 LGMPA 1976).

7.3 Production of Licences

Licence-holders must produce the licences to an Authorised Officer or Police Constable if requested to do so (Section 50, 53 and 56 LGMPA 1976).

7.4 Charging Separate Fares

The practice of "doubling up" of passengers and charging separate fares is legal only in the following circumstances:

- All the passengers carried on the occasion in question booked their journeys in advance, **and**
- Each of them consented, when booking their journey, to sharing the use of the vehicle on that occasion with others on the basis that a separate fare would be payable by each passenger for his own journey on that occasion (Section 11, Part 1, Transport Act 1985.)

Note that separate fare agreements must be made at the time of booking with the operator, not the driver / owner of the vehicle or anyone else.

7.5 Responsibility

Every hiring of a PHV shall be deemed to have been made with the operator who accepted the booking, whether he himself provided the vehicle (Section 56 LGMPA 1976). Operators are therefore directly responsible for the acts or omissions of drivers or proprietors used by them and must therefore ensure that all vehicles and drivers are licensed and insured.

7.6 Accident & Damage to Vehicles

Accidents causing damage to vehicles, which materially affect the safety, performance, or appearance of the vehicle, must be reported to the Licensing Section within 72 hours (Section 50 LGMPA 1976) and in writing within 7 days.

7.7 Special Cases

The following examples show whether in specific cases a vehicle will generally need a PHV licence or not. Often the answer will depend on the circumstances of the case and, if in doubt, you should contact the Licensing Section for clarification.

7.7.1 Funeral Cars

Vehicles used wholly or mainly for funerals by a Funeral Director **do not need** to be licensed as PHV'S.

7.7.2 **Wedding Cars**

Vehicles used solely for weddings **do not need** to be licensed as PHV's.

7.7.3 **Stretched Limousines**

Stretched limousines can be licensed for private hire work providing they carry no more than eight passengers. All applications will be treated on their own merits and if approved for a licence as a PHV will be subject to any additional conditions deemed appropriate by the Council. This may include the licensing of vehicles where the specific number of seats is unclear but only under the strict condition that the number of passengers carried must not exceed eight.

7.7.4 **Executive Hire Vehicles (EHV's)**

EHV's **do need to be licensed** as PHV's.

Drivers of EHV's will complete the vehicle licence application process in the same way as any other applicant.

All bookings must be made through a licensed operator. EHV's are exempt from certain aspects of the licence including signage requirements and they need not carry external signage or advertising e.g. an operators name plate.

The Council recognises that there is a market for hiring vehicles to customers who would not want that vehicle to be readily identified as a PHV.

Vehicles must be of a standard of comfort and equipped to a level equal to or better than luxury brands of vehicles. A luxury car is a car that provides increased levels of comfort, equipment, amenities, quality, performance, and status relative to regular cars which is often reflected by an increased purchase price. The vehicle must be presented to the Council's Testing Station prior to an exemption certificate being issued.

The vehicle will be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating. There must be no external signage or advertising. There should be adequate leg room to enable passengers to be able to work during the journey.

The type of work undertaken must be 'executive' in nature. This means that the vehicle is used specifically to provide transport under a written contract to a company or person, or by the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable.

Supporting documentation of 'executive work' must be produced when the vehicle licence is applied for and at renewal.

EHV's are exempt from certain internal signage requirements; the no smoking signage may be displayed discreetly.

If the vehicle is to be used for general private hire work from time to time then the mandatory signage must be displayed (e.g. vehicle plates, no smoking signage etc.)

7.7.5 **Event Management Companies**

Vehicles used by companies which provide transport services for events **do need to be licensed** as PHV's.

7.7.6 **Ambulances**

Emergency / specialist ambulance vehicles (usually with specialist equipment and health professionals and often exempt from road tax) **do not need to be licensed** as PHV's.

Formal Patient Transport Service ambulance vehicles (e.g., where bookings are only made if the person to be carried has been assessed by a health professional as having a medical need for transport) **do not need to be licensed** as PHV's.

Other types of ambulance (for example those which do not meet the definition of 'ambulance' in the Vehicle Excise and Registration Act 1994 or operate under the auspices of a formal Patient Transport Service) **do need to be licensed** as PHV's.

If ambulances are used for social hiring they **do need to be licensed** as PHV's.

7.7.7 Volunteers

Genuine volunteer drivers who give their own time to assist others and are not paid for doing so generally fall outside the private hire licensing regime if there is no commercial benefit from their activities.

7.7.8 Care and Support Worker Services

The provision of transport services by care and support workers (for example a member of staff in a care home who drives a resident to the shops or to a hospital appointment) generally fall outside the private hire-licensing regime because it is only an ancillary service to wider duties.

7.7.9 Childminders

In most cases the provision of transport by a childminder (for example, where a childminder uses his or her own car to transport one or more children to and from school) generally fall outside the private hire licensing regime because it is only an ancillary part of the service they provide.

7.7.10 Courtesy Cars

Most informal courtesy lifts (for example those offered by rental car companies or garages on a 'first come, first served' basis and subject to availability) generally fall outside the private hire-licensing regime provided that the carrying of passengers is only an ancillary part of the service.

7.7.11 Secure Escort and Custody Services

Vehicles used specifically to transport those sentenced to be remanded to custody between court and prison generally fall outside the private hire-licensing regime.

7.8 Identification Plates on Vehicles

A licensed vehicle must always display the plate issued by the Council (Section 48 LGMPA 1976). (Note that EHV's are exempt from this requirement when working as an EHV but must display the plate when working as a PHV (see 7.7.4)).

On revocation, suspension or expiry of the vehicle licence, the plate must be returned to the Council within 7 days (Section 58 LGMPA 1976).

The plate must be displayed showing to the rear of the vehicle. (see vehicle condition 13.2).

7.9 Vehicle Insurance

Before a vehicle licence can be issued, a current insurance certificate or cover note for 'hire car use' must be produced (Section 48 LGMPA 1976).

A certificate or cover note must be produced on demand to an Authorised Officer (Section 50 LGMPA 1976) and it is the responsibility of the vehicle owner to ensure that a valid insurance cover is in place for all times that the vehicle is in use as a licensed vehicle.

7.10 Suspension & Revocation of Vehicle Licences

The Council may suspend, revoke, or refuse to renew a licence on the following grounds:

- The vehicle is unfit.
- The commission of an offence under the Local Government (Miscellaneous Provisions) Act or the Town Police Clauses Act.
- Any other reasonable cause (Section 68 LGMPA 1976).

A licence may be suspended by an Authorised Officer or Police Constable if he considers the vehicle unfit (Section 68 LGMPA 1976).

7.11 Taxi Meters in Private Hire Vehicles

The Council at this time does not require PHV's to be fitted with a taximeter but, if such a meter is fitted, it must be correctly calibrated, tested and approved (Section 71 LGMPA 1976).

The Council must be informed in writing of the various tariffs, which are proposed to be used prior to testing and a notice of tariffs must be displayed in all vehicles fitted with a taximeter.

7.12 Testing of Vehicles

All vehicles must be tested and inspected before a licence can be issued. This is to ensure that they are mechanically fit, safe, comfortable and of good appearance (Section 48 LGMPA 1976).

An Authorised Officer or Police Constable has the power to inspect and test any licensed vehicle at any reasonable time (Section 68 LGMPA).

7.13 Type of Vehicle

- The vehicle must be right hand drive.
- The vehicle must have at least four doors and not less than four road wheels.
- If the vehicle is licensed for the carriage of at least five passengers, but no more than eight, then there must be fitted two separate uninterrupted access/exit doors and sufficient space for luggage yet still leaving gangways clear.
- There must be no more than nine seats fitted which includes the driver's seat.

For a full vehicle specification in respect of PHV's please refer to Appendix C.

7.14 Vehicle Licences

Every vehicle used for hire must be licensed by the Council (Section 46 LGMPA 1976).

The Council cannot grant a licence unless it is satisfied that the vehicle is:

- Suitable in size, type, and design for such use.
- In a suitable mechanical condition.
- Safe and comfortable.
- Insured for either private hire or public hire car use (section 48 LGMPA 1976).

7.15 **Prolongation of Journeys**

A driver must proceed by the shortest route, subject to the instructions of the hirer (Section 69 LGMPA 1976).

8. Private Hire Operator Licence (PHO Licence)

8.1 General

A PHO Licence is required to take bookings and dispatch PHV's to customers.

Licences are issued to an individual(s) and relate to the specific address of the private hire office.

PHO's licences can be transferred to an alternative address within the borough, however, there is no provision to transfer the licence to an individual or company. An application must be made for a new licence in these circumstances.

All bookings taken for PHV's must be done through a licensed PHO's booking office, known as the 'operating base'.

PHO's can work from either home addresses or public offices; however, tenants must obtain permission from their landlords.

No PHO licence will be issued until consent has been received from the planning authority that the operation of the business from the premises is acceptable (i.e., planning permission must be obtained).

Please note that no PHO licences will be issued for premises that are located outside of the Council's administrative area.

8.2 Operator's Licences

"Operate" means in the course of business to make provision for the invitation or acceptance of bookings for a hire car (Section 80 LGMPA 1976).

Every operator of PHV's must be licensed by the Council (Section 46 LGMPA 1976).

The Council cannot grant a licence unless it is satisfied that.

- the applicant is a "fit and proper person" (Section 55 LGMPA 1976).
- there is planning permission for the premises to be used as an operating base.

The fit and proper test applied for a PHO is; *"Would I be comfortable providing sensitive information such as holiday plans, movement 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?"*

This fit and proper test will also be applied to the directors and secretaries of limited companies, and to this end, directors and secretaries of such companies will be required to provide a basic disclosure from the DBS on an annual basis.

A PHO licence, if granted, is issued for a period of five years.

Please note that the PHO's licence, vehicles used, and drivers employed must all be licensed with the same Council.

8.3 Subcontracting

Section 11 of the Deregulation Act 2015 allows PHO's to subcontract to each other across licensing boundaries, therefore allowing PHO's greater flexibility. Records must be maintained and kept for a period of 12 months substantiating these cross-border bookings and produced upon request by an Authorised Officer of the Council or a Police Officer.

The triple licence requirement that PHO's are licensed within a district and must only use vehicles and drivers licensed by the same Council as their PHO licence, remains in place.

8.4 How to Apply

The following documentation must be submitted:

- The completed application form(s).
- Payment of the appropriate fee in full.
- A 'Basic' Disclosure and Barring Service Certificate (certificates must be less than one month old when produced to the Council).
- Proof of your right to work in the UK (see paragraph 3.8 for further information).
- A policy for the employment of ex-offenders.

If you are a licensed driver in Amber Valley it will not be necessary to produce an additional Basic Disclosure Certificate. The Council will consider the Enhanced Disclosure Certificate produced at the renewal of your driver's badge for your Operator's Licence.

All PHO's **must subscribe** to the Disclosure and Barring Update Service following the issue of their DBS certificate (see 3.9.3). The update service gives additional public safety protection as a check can be made on a PHO if the Council deems it necessary and proportionate to do so to ensure public safety. A PHO's criminal record will be checked on an annual basis as a minimum. Failure to sign up to the DBS Update Service may result in a licence being suspended if the criminal record cannot be checked consequently.

If a Private Hire Operator licence is applied for by a company or partnership it will be necessary to apply the 'fit and proper' test to each of the directors or partners in that company or partnership. This will require each director or partner to submit a Basic DBS certificate. Operators are required to advise the Council of any change in directors or partners.

8.5 Renewal of a PHO Licence

All PHO licences are issued for a period of five years and the renewal application must be submitted to the Council prior to the expiry of the existing licence or the licence will lapse.

If a PHO continues to take bookings without a licence, they are committing an offence. It is the responsibility of the PHO to ensure that they always have a valid PHO licence in place.

8.6 Suspension & Revocation of a PHO's Licence

The Council may suspend, revoke, or refuse to renew a licence on the following grounds:

- The commission of an offence under the LGMPA 1976.
- Unfit conduct of the PHO.
- Any material changes in the PHO's circumstances.
- Any other reasonable cause (Section 62 LGMPA 1976).

8.7 Notification of Convictions

The PHO **shall within 48 hours** disclose to the Council, in writing, details of any conviction imposed on him, or if the PHO is a company or partnership, on any of the directors or partners during the period of the licence.

8.8 Insurance

The PHO shall ensure that every PHV so operated shall be covered by a Certificate of Insurance or Cover Note indemnifying the owner of the said vehicle within the provisions of Part IV of the Road Traffic Act 1972 for the carriage of passengers for hire or reward.

PLEASE NOTE - Before a vehicle licence can be issued, a current insurance certificate or cover note for 'hire car use' must be produced (Section 48 LGMPA 1976 and see paragraph 7.9).

An insurance certificate or cover note must be produced on demand to an Authorised Officer.

8.9 Planning Permission & a Licence for Radio Equipment

The PHO shall not conduct his business from any premises unless he has first obtained, if necessary:

- Planning consent under the Town and Country Planning Act 1990 for the premises from which the business will operate.
- A licence for radio equipment under the Wireless Telegraphy Act 1949 or any other relevant statutory provisions.

A PHO, who is a tenant, must also obtain permission from his landlord.

NO LICENCE WILL BE ISSUED UNTIL CONSENT HAS BEEN RECEIVED FROM THE PLANNING AUTHORITY THAT THE OPERATION OF THE BUSINESS FROM THE PREMISES IS ACCEPTABLE.

8.10 Display of Terms & Conditions

The PHO shall always keep on his premises a copy of the licence conditions and shall make them available for inspection by members of the public who are either actual or potential fare paying passengers. Providing the licence conditions for public viewing on the company website is also recommended.

IT IS A DUTY, AS THE HOLDER OF A PHO'S LICENCE, TO OBSERVE FULLY ALL THE TERMS AND CONDITIONS RELATING TO PHO'S. ANY BREACH COULD RESULT IN THE SUSPENSION OR REVOCATION OF THE LICENCE AND / OR PROSECUTION.

For full details of PHO licence conditions please see Appendix E of this policy.

9. Compliance and Enforcement

9.1 Enforcement

To encourage responsible business practices and encourage compliance, the Council will operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without due interference the Council will only intervene where it is necessary and proportionate to do so.

The Standards make it clear that protecting the safety of the public and safeguarding of customers using taxi's and PHV's is of paramount importance and the Council will therefore take enforcement action to achieve the appropriate level of protection for the public.

The Council will liaise with other bodies in carrying out its enforcement procedures, including officers from other local authorities, the Police, HM Customs and Excise, DVLA and the Children's and Adult Safeguarding Teams at Derbyshire County Council.

The Council will respond to complaints made by the public and referrals from other agencies and bodies. In the event of concerns being raised about vehicles / drivers operating in the borough which are not licensed by the Council and vice versa, the Council will consider the joint authorisation of officers from other authorities in order to effectively address those concerns.

All taxis and PHV's may be subject to a 'spot check'. The 'spot check' will always be carried out by an Authorised Officer, the Police or by one of the Council's vehicle testers, in the presence of an Authorised Officer. 'Spot checks' are normally carried out at the roadside. If a vehicle does not pass the 'spot check', then the vehicle may be suspended and the plate may be removed.

All vehicles licensed by the Council will be required to display details inside the vehicle of how a member of the public can raise a concern about the vehicle, the driver, or an operator. This will include the contact details of the Council and will be in a format prescribed by the Council. It will be a condition of the vehicle licence to display these details at all times when the vehicle is being used for licensed work.

9.2 Disciplinary Hearings

Licence holders may be referred to attend a Licensing Panel (comprising of members of the Licensing Board) for committing offences, failure to comply with any part of this policy, or for any other such conduct which impacts on their fitness to be a licence holder. The panel will consider the impact of the offending / conduct on the individual's fitness to hold a licence and take such action as is appropriate in the circumstances.

The following actions are available to a panel:

Warnings

These may be issued for minor infringements. A warning letter will remain on file for a period of three years and will be referred to in the event that the licence holder is taken back before a panel for any other reason.

Suspensions

A licence suspension may be used by the panel e.g. an unfit vehicle may be suspended pending remedial works taking place, or a drivers licence may be suspended to allow an individual to undertake additional training such as safeguarding. A licence suspension can be ordered to take immediate effect in certain circumstances e.g. serious allegations that require further investigation.

It should be noted that a licence can not be suspended and then revoked based on the same facts. Also a suspension must not be used as form of punishment for poor behaviour by a licence holder.

Revocations

A licence may be revoked by the Licensing Panel if the seriousness of the case merits revocation. This course of action will be available to the Licensing Panel even if it is the first enforcement action taken by the panel against the licence holder.

9.3 Immediate Action

If a situation arises that requires immediate action e.g. serious allegations made against a licence holder, then it may be necessary to issue an immediate suspension or revocation. Time restrictions in such circumstances make the convening of a licensing panel impractical and the authorisation to take immediate action is delegated to the Executive Director (Operations), or Relevant Head of Service in line with the Council's Constitution and Scheme of Delegation (Page 151 -LIC/010 refers).

9.4 Penalty Points Scheme

The aim of the Hackney Carriage and Private Hire Penalty Points Scheme ("the Scheme") is to work in conjunction with other enforcement options and provide a formalised stepped enforcement plan. The purpose of the Scheme is to record misdemeanours and to act as a record of a driver's behaviour and conduct to ascertain whether they are a 'fit and proper person' to hold a driver licence. It does not prejudice the Council's ability to take other actions.

9.5 Review of Existing Licence Holders

If the Council chooses to amend this policy and introduce new requirements for licence holders it reserves the right to review existing licence holders and apply any changes to those licence holders also.

[Back to Index](#)

APPENDIX A – DRIVERS LICENCE CONDITIONS

1. Definitions

In these conditions:

- 1.1 'The Council' means Amber Valley Borough Council and 'Borough' means the district of the Council.
- 1.2 'Private Hire Vehicle' means a Private Hire Vehicle licensed by the Council under the 1976 Act.
- 1.3 'Taxi' means a Hackney Carriage licensed by the Council under the 1847 Act.
- 1.4 'Driver' means a driver licensed by the Council under the 1847 Act and the 1976 Act and 'Badge' means the badge owned and issued by the Council for the purposes of identifying the Driver as such.
- 1.5 'Authorised Officer' means any Officer of the Council authorised in writing by the Council for the purpose of these conditions.
- 1.6 'Plate' and 'Disc' mean the plate and disc owned and issued by the Council for the purposes of identifying a Vehicle as a Taxi or Private Hire Vehicle as appropriate.
- 1.7 'Vehicle' means a licensed Taxi or Private Hire Vehicle.
- 1.8 'Licence' means a Taxi and Private Hire Vehicle Drivers Licence issued by the Council under the 1847 Act and the 1976 Act.
- 1.9 'Child' means a person under 18 years of age and 'Children' means more than one such person.
- 1.10 '1847 Act' means the Town Police Clauses Act 1847
- 1.11 '1976 Act' means the Local Government (Miscellaneous Provisions) Act 1976

2. General

- 2.1 The Driver's Licence issued by the Council shall cover the driving of both Taxis and Private Hire Vehicles.
- 2.2 It is an offence (without reasonable cause) to refuse to carry any passenger.
- 2.3 The Driver shall, always when driving a Vehicle, wear in a conspicuous position, the Driver's Badge issued to him by the Council. (The badge need not be worn when the vehicle is being used in connection with a wedding or funeral).
- 2.4 The Driver shall ensure that the Plate granted in respect of that Vehicle and showing that Vehicle's registration number is clearly displayed as prescribed to the rear of the Vehicle.
- 2.5 The Driver shall not tamper with or permit or cause any person to tamper with any taximeter with which the Vehicle is provided, with the fittings thereof or with the seals.
- 2.6 The Driver shall not assign or in any way part with the benefit of the Licence. It is personal to the licensee.
- 2.7 Where a pre-booked journey is undertaken, the Driver shall attend at the appointed time and place punctually, unless delayed or prevented by some sufficient cause.

- 2.8 If the Driver attaches him/herself or any Vehicle to an Operator, he/she will give a copy of his/her Driver's Licence and a copy of any Vehicle Licence in his control to the Operator.
- 2.9 The Driver shall, upon the request of the passenger, issue a written receipt for the fare paid for the journey.
- 2.10 The Driver when in another Council's area, on being approached by any authorised officer of that Council shall answer any reasonable questions and produce documents in relation to the driver and the Vehicle as requested.
- 2.11 The Driver shall comply with the reasonable directions of an Authorised Officer.
- 2.12 The Driver shall comply with all the provisions of the 1847 Act and Part II of the 1976 Act, (as appropriate) and all other statutes, byelaws, regulations and conditions for the time being in force in the district in respect of taxis and private hire Vehicles.
- 2.13 The Driver shall not wilfully or negligently cause or permit the Plate Disc or Badge to be concealed from public view.

3. Driving Conditions

- 3.1 The Driver shall, when hired to drive to any destination, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 3.2 The Driver shall not convey in the Vehicle any greater number of persons, (exclusive of the Driver), specified on the Licence and on the Plate attached to the outside of the Vehicle irrespective of whether any of those persons are Children (of any age).
- 3.3 The carrying of passengers' pets shall be at the Driver's discretion. This discretion does not apply to guide dogs for the blind, hearing dogs and certain other assistance dogs – "Dogs for the Disabled", "Support Dogs" and "Canine Partners for Independence" which shall be carried free of charge. No other animal shall be carried in the Vehicle other than one in the custody of a passenger.
- 3.4 The Driver shall not allow more than one passenger to be conveyed in the front of the vehicle unless additional seats are available (e.g., a minibus).
- 3.5 No child shall be conveyed in the front of the Vehicle unless properly restrained.
- 3.6 A licensed taxi driver who is 'plying for hire' or carrying passengers is exempt from wearing a seatbelt but otherwise the chart below shows current requirements. For further guidance see Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006:

Person in Car	Front Seat	Rear Seat	Responsibility
Driver	Seat belt must be worn if fitted	Not applicable	Driver
Child under 3 years	Correct child restraint must be used	The correct child seat must be used. If one is not available in a taxi or PHV a child may travel unrestrained.	Driver
Child aged 3 to 11 and under 135 cm in height	Correct child restraint must be used	The correct child restraint must be used where seat belts fitted.	Driver

(approximately 4.5 feet)		If a child seat is not available, a child may travel using just the seatbelt in the following situations: 1. In a licensed taxi or private hire vehicle 2. For a short distance if the journey is unexpected and necessary. 3. There is not room to fit a third child seat.	
Child 12 or 13, or younger child 135 cm or more in height	Adult seat belt must be worn if fitted	Adult seat belt must be worn if fitted	Driver
Passengers aged 14 years and over	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

- 3.7 The Driver must not permit any seat belt to be worn by more than one passenger and must not place any passenger in danger regarding the use of seat belts or child restraints.
- 3.8 Pushchairs should be folded and stored securely in the luggage area of the vehicle or the boot.
- 3.9 The Driver shall not attach a trailer, tow ball and roof rack (other than a roof bar fitted as standard by the manufacturer) to a Taxi or a Private Hire Vehicle without the prior written consent of the Council.
- 3.10 No trailer shall be permitted to be attached to a Taxi while the Taxi is on a hackney carriage stand.
- 3.11 The Driver must ensure that the use of any trailer is in accordance with DVLA driving licence approval for the vehicle and trailer types, and any legislation relevant to the towing of trailers.
- 3.12 The Driver shall not, without the consent of the hirer of the Vehicle, convey or permit to be conveyed any other person.

4 Conduct

- 4.1 The Driver shall take all reasonable precautions to ensure the safety of the persons conveyed in, or entering or alighting from the Vehicle,
- 4.2 The Driver shall at all times behave in a civil and orderly manner, maintain a good standard of personal hygiene and be respectably dressed in accordance with any dress code issued by the Council. The following are deemed to be unacceptable attire:
- Clothing that is not kept in a clean condition, free from holes and rips
 - Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
 - Sportswear (e.g., football / rugby kits, tracksuits, beach wear etc.)
 - Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel
 - Drivers not having either the top or bottom half of their bodies suitably clothed
 - Untailored shorts
- 4.3 The Driver shall provide proper and reasonable assistance to passengers.

- 4.4 The Driver shall, when requested by the hirer, convey a reasonable quantity of luggage, and afford reasonable assistance with the loading and unloading and removal thereof to the entrance of any house or place at which he/she may pick up or set down the hirer, without any additional charge.
- 4.5 The Driver shall not consume alcohol, take drugs, or smoke tobacco products or e-cigarettes in the vehicle at any time.
- 4.6 The Driver shall not, without the express consent of the hirer, play any radio or any sound reproducing equipment in the Vehicle other than for the purpose of sending or receiving messages in connection with the operation of the Vehicle.
- 4.7 The Driver shall at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the Vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the Vehicle.
- 4.8 The Driver shall, immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein, if any such property, is found it will be retained by the operator/driver for a period of 6 weeks prior to disposal.

5 Notices

- 5.1 The Driver shall give notice to the Licensing Section in writing, within **seven working days**, of any change of address.
- 5.2 The Driver shall, within **forty-eight hours**, disclose in writing to the Licensing Section details of any of the below categories (for any offence) incurred by them during the period of the licence:
- Convictions
 - Cautions
 - Fixed Penalty Notices
 - Driver Awareness Courses
 - Endorsements pursuant to Part III of the Road Traffic Offenders Act 1988
 - Any pending matters, (i.e. investigations, arrest and release, charged with any offences etc.)

Failure by the licence holder to disclose an arrest that this authority is subsequently advised of, would be a breach of a licence condition and might be considered to be behaviour that questions honesty and therefore the suitability of the licence holder, regardless of the outcome of the initial allegation.

- 5.3 The Driver shall disclose to the Licensing Section within 7 days in writing details of any serious illness or injury (for example, heart attack, stroke, broken limbs, etc) sustained and may be required to undergo an additional medical examination or produce written confirmation from his own medical practitioner or hospital consultant as to his continued fitness to drive a Licensed Vehicle.
- 5.4 The Driver shall inform the Licensing Section in writing within 7 days of any accident in which he/she and his/her licensed Vehicle have been involved and in which either personal injury or damage to the Vehicle has occurred (irrespective of how the personal injury or damage was caused).
- 5.5 The Driver shall inform the Council in writing within 7 working days of any change of Operator he/she is attached to or ceases to be attached to.
- 5.6 All notices required to be served on the Council under conditions 5.1 to 5.5 shall be addressed to The Licensing Section, Amber Valley Borough Council, Town Hall, Market Place, Ripley, Derbyshire DE5 3BT or via email to licensing@ambervalley.gov.uk

- 5.7 The Driver / Operator must be fully aware of the contents of all goods if hired to transport packages from one destination to another in the absence of a passenger.

The Council will support a driver for refusing to transport an unaccompanied package if he / she believes the contents could be illegal or pose a risk to public safety.

6 Private Hire Vehicles (PHV's)

- 6.1 No Driver of a PHV shall:
- a) Ply for hire or offer the Vehicle for immediate use.
 - b) Accept an offer for the immediate hire of a Private Hire Vehicle except where such offer is transmitted to the driver via a device e.g., mobile device or radio without the driver in any way procuring the offer.
 - c) Permit it to wait on a rank appointed for Taxis nor accept an offer for immediate hire while the PHV is on the road or other public place.
 - d) Tout or solicit on a road or other public place any person to hire or be carried in the PHV.
 - e) Permit, cause or procure any person to tout or solicit on a road or other place any person to hire or be carried in the PHV.

7 Taxis

- 7.1 No Driver of a Taxi shall ply for hire outside the Council's area.
- 7.2 The Driver of a Taxi, when using a rank provided by the Council, shall station the Taxi immediately behind the Taxi or Taxis in the rank so as to face the same direction and from time to time, when any other Taxi immediately in front is driven off or moved forward, cause his Taxi to be moved forward, so as to fill the place previously occupied by the Taxi driven off or moved forward. If a rank, at the time of the Driver's arrival, is occupied by the full number of carriages authorised to occupy it, the driver should proceed to another rank.
- 7.3 A Taxi that is mechanically unable to proceed shall be removed from a rank as soon as is practically possible.
- 7.4 The driver of a taxi, when standing or plying for hire, shall not leave their vehicle, or by calling out or otherwise, approach any person to hire their taxi and shall not make use of the services of any other person for that purpose.
- 7.5 The Driver of a Taxi provided with a taximeter shall:
- a) When standing or plying for hire, keep the key, flag or other device fitted in that behalf locked in the position in which no fare is recorded on the face of the taximeter.
 - b) As soon as the Taxi is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
 - c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1988, and at any other time at the request of the hirer.
 - d) A Driver of a Taxi 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.

- e) Be entitled to demand and take for the hire of the Vehicle the rate or fare prescribed by the Council, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.
- f) Provided always that where a Taxi furnished with a taximeter shall be hired by distance, the Driver thereof shall not be entitled to demand or take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

7.6 A list of the current Hackney Carriage Fares must be displayed in the vehicle at all times.

7.7 The Driver of a Taxi bearing a statement of fares 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 Taxi is plying or being used for hire.

8 Amendment of Conditions

8.1 The above conditions may be revised or amended at any time by the Council whereupon a copy of the conditions as revised or amended will be supplied to all affected licence holders.

[Back to Index](#)

APPENDIX B – CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

To promote the Council's licensing objectives relating to Taxi's and PHV Licensing, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

1. Responsibility of the Trade

Licence holders shall promote the image of the Taxi and PHV trade by:

- a) Complying in full with this Code of Good Conduct.
- b) Complying with all the Conditions of their Licence and the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy; and
- c) Behaving in a civil, orderly, and responsible manner at all times.

2. Responsibility to Customers

Licence holders shall:

- a) Maintain their vehicles in a safe and satisfactory condition at all times.
- b) Keep their vehicles clean and suitable for hire to the public at all times.
- c) Attend punctually when undertaking pre-booked hiring unless delayed by unavoidable circumstances. The driver / operator should attempt to contact the hirer to inform them of a late arrival.
- d) Assist when requested, or where necessary, passengers into and out of vehicles.
- e) Offer passengers reasonable assistance with luggage.

In the event of a passenger who requires to be carried in a wheelchair presenting themselves at a taxi rank, or hailing a taxi on the street and the taxi which the passenger has presented themselves to or hailed is not wheelchair accessible, the driver is expected to divert the passenger to a wheelchair accessible taxi on the rank if one is available or contact their own base if there is the facility to do so.

3. Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- a) Not sound the vehicle's horn illegally including to get the hirer's attention.
- b) Not get the hirer's attention by shouting.
- c) The driver shall not, without the express consent of the hirer, play any radio or any sound reproducing equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- d) Switch off the engine if required to wait.
- e) Not leave litter behind.

- f) Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

At taxi ranks and other places where taxi's ply for hire by forming queues, drivers shall, in addition to the requirements above:

- g) Rank in an orderly manner and proceed along the rank in order and promptly.
- h) Remain in the vehicle.

At Private Hire Operator's premises, a licence holder shall:

- i) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- j) Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood that might arise from the conduct of their business.

4. General

Drivers shall:

- a) Pay attention to personal hygiene and dress to present a professional image to the public and will not wear something that is likely to cause offence.
- b) Not have any signage or material in or on the vehicle that is likely to cause offence.
- c) Be polite, helpful and fair to passengers.
- d) Drive with care and due consideration for other road users and pedestrians and shall not use a hand-held mobile telephone or other handheld interactive communications device whilst driving.
- e) Obey all road traffic laws and the Highway Code.
- f) Not smoke in the vehicle at any time.
- g) Not use e-cigarettes or similar products within a licensed vehicle.
- h) Not consume alcohol immediately before or at any time whilst driving or being in charge of a taxi or PHV.
- i) Not drive while having use of illegal drugs or misused legal drugs.
- j) Fulfill their responsibility to ensure compliance with legislation regarding the length of working hours.

PLEASE NOTE: ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT AND THE COUNCIL WILL THEREFORE TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE HAD ANY ALCOHOL OR HAVING MISUSED ANY DRUGS WHILST IN CHARGE OF A LICENSED VEHICLE.

5. **Penalty Points Scheme**

All Licensed Hackney Carriage and Private Hire Drivers shall be subject to the Amber Valley Penalty Points Scheme. The primary objective of the Scheme is to improve the levels of compliance and help improve the standards, safety, and protection of the travelling public.

The full Penalty Points Scheme can be viewed at Appendix H

[Back to Index](#)

APPENDIX C – VEHICLE LICENCE CONDITIONS

1. Definitions

In these conditions:

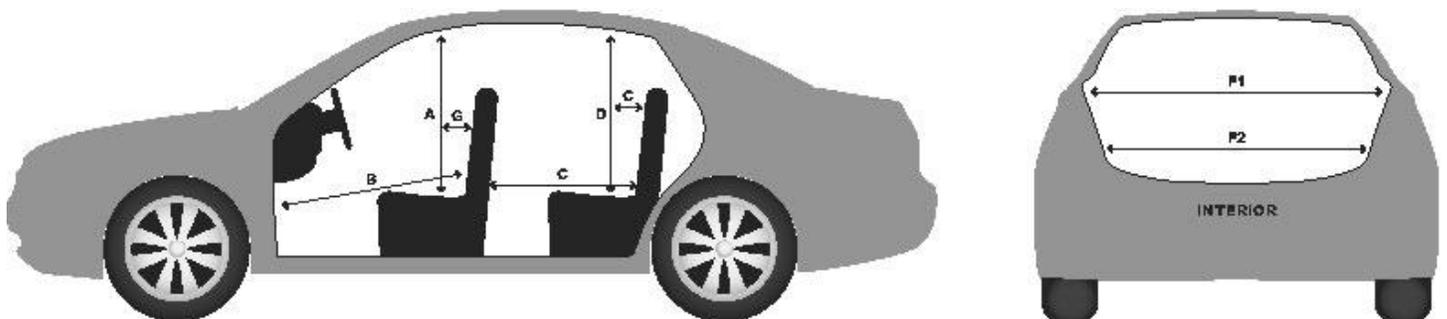
- 1.1 'The Council' means Amber Valley Borough Council and 'Borough' means the district of the Council.
- 1.2 'Taxi' means a Hackney Carriage licensed by the Council under the 1847 Act.
- 1.3 'Authorised Officer' means any officer of the Council authorised in writing by the Council for the purpose of these conditions.
- 1.4 'Plate' and 'Disc' mean the plate and disc issued by the Council for the purposes of identifying a vehicle as a Taxi or Private Hire Vehicle (PHV).
- 1.5 'Proprietor' means the person, persons, or body named in the licence as the proprietor of the taxi and includes part proprietors. In relation to a vehicle subject to a hiring agreement or hire purchase agreement, Proprietor means the person in possession of the vehicle under that agreement.
- 1.6 'Vehicle' means a licensed Taxi or Private Hire Vehicle.
- 1.7 'Licence' means a Taxi Vehicle Licence or Private Hire Vehicle Licence issued by the Council under the 1847 Act and / or the 1976 Act.
- 1.8 'Licence Holder' means the person to whom the Licence was issued.
- 1.9 'Driver' means a driver licensed by the Council under the 1847 Act and the 1976 Act
- 1.10 'Badge' means the badge owned and issued by the Council for the purposes of identifying the Driver as such.
- 1.11 'Child' means a person under 18 years of age and 'Children' means more than one Child.
- 1.12 'Adult' means a person aged 18 years or over.
- 1.13 '1847 Act' means the Town Police Clauses Act 1847.
- 1.14 '1976 Act' means the Local Government (Miscellaneous Provisions) Act 1976

2. Vehicle Specification & Equipment

- 2.1 Each Licensed Vehicle shall be equipped to the following specifications (which for the avoidance of doubt are to apply to the Licensed Vehicle at all times) without modification and equipment so specified shall not be removed or disconnected from the Licensed Vehicle. Each Licensed Vehicle shall:
 - 2.1.1 have an engine of at least 74HP (75Ps or 55Kw) for petrol engines and 59HP (60Ps or 44Kw) for Diesel engines. Approximate conversions mean that a 1250cc petrol engine or a 1400cc turbo diesel will be sufficient. The power output in kilowatts can be found on the Vehicle Registration Document and manufacturer's handbook. This would be used as the definitive figure. Electric and hybrid vehicles are acceptable, but they must meet all other specified vehicle conditions.

- 2.1.2 if new, comply with either Euro 5 or Euro 6 emission regulations.
- 2.1.3 have at least two doors to the rear of the Driver for the exclusive use of passengers.
- 2.1.4 be of right-hand drive, and of sufficient size to carry four adult passengers.
- 2.1.5 have arrangements for storing luggage that does not obstruct the use of any exit from the vehicle or be likely to cause injury to a passenger whilst the vehicle is in motion.
- 2.1.6 have seat belts fitted that shall be readily accessible for use by the licensed driver and all passengers and shall always be maintained in a good condition and usable state of repair.
- 2.1.7 not carry passengers if any tyre is damaged and a space saver or tyre repair kit is used until a full repair or replacement has been undertaken. Commenced journeys may be completed, however, no additional fares may be taken whilst the space saver / repair kit is in use. The manufacturers original design (or equivalent) of equipment for dealing with punctured tyres must be kept in the vehicle and maintained in a useable condition.
- 2.1.8 be equipped with fully functional nearside and offside exterior rear-view mirrors.
- 2.1.9 have all windows opening in accordance with the original vehicle specification.
- 2.1.10 have the following minimum internal dimensions.

Dimension	Minimum size	Notes
A	915mm (36")	Cushion not compressed.
B	940mm (37")	Seat fully backward in its most upright position.
C	610mm (24")	Front seat fully backwards in its most upright position.
D	865 mm (34")	Cushion not compressed.
F1	1345 mm (53")	Rear interior width measuring in line with the top face of the seat cushions but excluding any armrests and at a point on the body sides 50mm (2") below the bottom edge of the side window aperture.
F2	1245mm (49")	Rear interior width measured between any armrests.
G	255mm (10")	Point of measurement parallel with the squab.



- 2.2 A vehicle with one or more dimensions not complying with those set out in condition 2.1.10 may still be approved by the Council, in its absolute discretion, if it considers that in all the circumstances the vehicle is otherwise suitable for use as a Taxi or Private Hire Vehicle.
- 2.3 **Tyres** - Tyre treads are designed to remove water efficiently and effectively from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2mm tread depth throughout a

continuous band in the centre three quarters of the tread and around the entire circumference of the tyre. All tyres must remain the same dimension to ensure the rolling radius does not affect metered readings.

- 2.4 **Wheelbase** - The wheelbase shall be 2590mm (102") for all Licensed Vehicles. The Council may permit a smaller wheelbase upon written application if it considers the vehicle otherwise suitable.

3. Written Off Vehicles

- 3.1 Only vehicles which are written off as a 'Category N' will be accepted onto the fleet provided the following conditions are met:
- 3.1.1 A VIC (Vehicle Identity Check) is produced.
 - 3.1.2 A full list of all the necessary repairs carried out on the vehicle is produced to the testing centre.
 - 3.1.3 All repairs are carried out by a bone fide test centre and all appropriate documentation is produced.
 - 3.1.4 Vehicle to be presented to the test centre (together with a copy of the above documentation) for a full test to be carried out on the vehicle. The fee to be paid directly to the testing station by the driver.
 - 3.1.5 Where possible, a photograph of the vehicle before any repair work has been carried out.
- 3.2 The testing station will provide the Council with a report stating that all works have been carried out to their satisfaction.
- 3.3 No vehicle will be accepted onto the fleet that has been written off on more than one occasion.

4. Fuel

- 4.1 All Licensed Vehicles shall run on diesel, lead-free petrol, liquid petroleum gas (LPG), or electricity or a hybrid of these fuels.
- 4.2 Vehicles with Dual Fuel or LPG systems must be tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application. For vehicles that have an LPG system fitted during the currency of a licence, the proprietor must inform the Licensing Section in writing and produce the certification within 7 days.
- 4.3 All Licensed Vehicles running on LPG shall be required to have an annual safety check with a reputable organisation and no Licence will be renewed until a valid certificate confirming that a safety check has taken place and that the Vehicle is safe is produced to the Council.

5. Colour of Vehicles

5.1 Hackney Carriages

- 5.1.1 Hackney Carriages shall be painted red, black or blue in colour except for the bonnet and boot/tailgate which shall be white. The colour shall be of a shade or hue to be agreed with an Authorised Officer and to be sufficiently dark to contrast with any white bonnet or boot on the vehicle.

5.1.2 The requirement for a white bonnet and boot / tailgate (at 5.1.1) shall not apply to purpose-built wheelchair accessible vehicles.

5.1.3 Purpose-built wheelchair accessible vehicles and vehicles which have been converted to provide wheelchair access will be required to be a uniform livery single colour of red, black, or blue.

5.1.4 A vehicle used as substitute hackney carriage for reasons of disrepair and / or accident need not comply with the standard livery above provided that the proprietor has obtained a temporary licence for the vehicle.

5.2 Private Hire Vehicles

5.2.1 Private Hire Vehicles shall be painted a single colour only.

6. Alterations

6.1 No alterations to any equipment, dimensions or other specifications set out in this policy shall be undertaken without the prior consent of an Authorised Officer.

6.2 For the avoidance of doubt 'alterations' includes both additions to and the removal of any existing equipment in, or on, Licensed Vehicles.

7. Trailers, Tow Bars & Roof Racks

7.1 No trailer, tow bar or roof rack (other than a roof bar fitted as standard by the manufacturer) shall be attached to a Vehicle without the prior written consent of the Council.

7.2 Where permitted by the Council:

7.2.1 **Tow Bars** - Tow bars of approved BS type and all fixtures and fittings must be sound and secure. If a tow bar is fitted, it will be subject to the MOT test along with all electrical components.

7.2.2 **Trailers** - The vehicle registration number plate and licensed vehicle plate issued by the Council must be attached to the rear of the trailer when in use. The trailer must have been examined in accordance with conditions 14.1 and 14.2 and considered to be satisfactory by the Council.

8. First Aid Equipment

8.1 There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable First Aid Kit containing appropriate dressings and appliances for immediate use in an emergency. This kit should be of Passenger Carrying Vehicle (PCV) standard or similar.

8.2 A PCV first aid kit contains the following:

Assorted Wash proof plasters	24
Disposable non-sterile triangular bandage	2
'First in an Emergency' booklet (optional)	1
Moist wipes	10
No 16 Eye Pad	2
Conforming bandage 7.5 cm x 4.5 cm	1
No2 ambulance dressing	3

Safety Pins	12
SJS Nitrile powder free gloves (pair)	1
Tuff-Kut scissors	1

- 8.3 A sign will be displayed showing the whereabouts of the first aid kit (except for Executive Hire Vehicles) and the kit must be kept up to date. Any equipment used, should be replaced within 48 hours.

9. Fire Extinguisher

- 9.1 The driver shall ensure that the vehicle is fitted with a fire extinguisher and that the extinguisher is fitted in such a position that it may be readily available for use and that the label affixed to the fire extinguisher is not tampered with. Such an extinguisher must be handheld and be at least 1kg in weight or 1 litre in volume and comply with British / European Standard EN3 and comply with the requirements relating to fire extinguishers for use in public service vehicles. The fire extinguisher may be secured in the boot area provided a sign is displayed prominently and legibly inside the vehicle.
- 9.2 The registration and / or plate number of the vehicle must be clearly displayed on the extinguisher.

10. Tinted Windows

- 10.1 Any window tint must comply with the relevant UK legislation. A tinted front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through. There are currently no rules for the tinting of the rear windscreen or rear passenger windows.

11. Age and Accessibility Requirements

- 11.1 A Licence will only be granted in respect of a Taxi if it satisfies both the age requirements set out in conditions 11.3 **and** 11.4. The Taxi will also need to meet the accessibility requirements set out in conditions 11.5 to 11.9.
- 11.2 For the purposes of condition 11.3 the age of the Vehicle shall be determined by reference to the original date of registration as specified in the vehicle registration document.

Age Requirements

- 11.3 No vehicle which has reached the age of five years and which is not already licensed by the Council at the time an application is made will be granted a Licence. The Council will accept wheelchair accessible vehicles up to the age of seven (7) years provided the mileage is less than 80,000.
- 11.4 No vehicle which has reached the age of ten years (Twelve (12) years for Wheelchair accessible vehicles) will be granted a Licence **or** have its Licence renewed unless the vehicle meets the Council's 'exceptional condition' standard. The 'exceptional condition' standard that vehicles must meet to be licensed beyond ten years of age are set out along with the process to be followed at Appendix D.

Accessibility Requirements

- 11.5 Subject to condition 11.6, a Licence will only be granted in respect of a Taxi if, in the opinion of the Council, the Taxi is sufficiently accessible for disabled persons (refer to paragraph 11.1).
- 11.6 Condition 11.5 shall not apply to a taxi (or to any vehicle which replaces such a taxi) that was licensed with the Council on or before the 30 June 2004 and which is not accessible for disabled persons. This right of licence continuation is known as 'grandfather rights'.

Please note, vehicles (i.e. both taxis and PHV's) registered prior to 30 June 2004 can only be replaced with the same type of vehicle (e.g. a 4-seater saloon for another 4-seater saloon, a 6-seater vehicle with another 6-seater vehicle). If the replacement is with a vehicle of a different type e.g. more seats, then a new application will be required and 'grandfather rights' would not apply.

To retain the above 'grandfather rights' a vehicle must be replaced within **three months** of its licence expiry date. Failure to do so will result in the taxi plate being withdrawn from the fleet.

- 11.7 Licensed vehicles which are accessible for disabled persons shall only be replaced by a vehicle which complies with condition 11.5.
- 11.8 For the purposes of paragraph 11.1 a vehicle will be deemed to be sufficiently accessible for disabled persons if it is a purpose-built wheelchair accessible vehicle.
- 11.9 All wheelchair accessible vehicles must carry suitable restraints, ramps and lifting equipment to enable a wheelchair to be **ALWAYS** lifted into the vehicle when it is being used as a licensed vehicle. The registration and plate number of the vehicle must be clearly and permanently marked on all the ramps/lifting equipment associated with that vehicle.
- 11.10 Adequate means shall be provided to secure the equipment in position when loading/unloading a wheelchair or wheelchair user. Suitable provision must be made to securely stow ramps once the vehicle is in motion.
- 11.11 Suitable restraining devices must be provided to enable a wheelchair user to be safely and securely transported and to comply with all relevant legal standards.

Explanatory Note to Condition 11.

Age Requirements

The purpose of condition 11.4 is to ensure that no licensed vehicles are operating when they are eleven years old unless the vehicle meets the Council's exceptional condition standard which is defined at Appendix D.

12. Condition of the Vehicle

12.1 Each Vehicle shall always:

- 12.1.1 be maintained in a sound mechanical and structural condition.
- 12.1.2 be clean, tidy, litter free, and presentable both inside and out.
- 12.1.3 have seats properly cushioned, with no tears or worn covers and no signs of excessive wear.
- 12.1.4 have a suitable covering on the floor.
- 12.1.5 have the fittings and furniture well maintained in a clean condition and be undamaged.
- 12.1.6 be in every way fit for public service and for the safe carriage of passengers.
- 12.1.7 be capable at any time of satisfying a vehicle inspection by the Council.

- 12.1.8 have windows at the rear and sides along with a means of opening and closing not less than one window on either side.
- 12.1.9 have rear passenger windows that are capable of being opened by passengers when seated unless air conditioning is available.
- 12.2 Any damage to a vehicle, which materially affects its safety, performance or appearance, must be reported to the Council and, until the damage is repaired to the satisfaction of an Authorised Officer, the vehicle must not be used for hire. Repairs must be carried out by a garage that is approved to "The Motor Industry Code of Practice for Service and Repair".

13. Licence Plates & Discs

13.1 The licence holder shall not cause or allow the vehicle to be used unless:

- 13.1.1 the number of the licence and the registration number of the vehicle is fixed and displayed on the vehicle at all times during which the vehicle is being used for hire. The number of the licence and the registration number are to be displayed by means of the disc and the plate issued by the Council.
- 13.1.2 The plate shall be fixed and displayed on the outside rear of the vehicle or adjacent to the bumper in such a position that the vehicle's registration mark is not obscured. The plate must face outwards and in such a manner and position that it is clearly visible during daylight from the road at the rear of the vehicle. Plates are not permitted to be displayed in the rear window unless it is clearly visible through a vertical window.
- 13.1.3 The disc shall be fixed and displayed inside the vehicle windscreen in such a manner and position that the information upon it is clearly visible to persons outside the vehicle.
- 13.1.4 The disc and plate shall remain the property of the Council and shall be returned to the Council within seven days of the licence holder no longer holding a licence which is in force in respect of the vehicle (whether by reason of expiry or revocation).
- 13.1.5 The loss of, damage to (including deterioration by undue wear and tear), or illegibility (for whatever reason) of a plate or disc shall be reported to the Council as soon as the loss, damage or illegibility becomes known. A duplicate will be issued at the expense of the licence holder. The vehicle shall not be used for hiring until the plate or disc has been replaced

14. Vehicle Inspections

- 14.1 An Authorised Officer or any Police Constable shall have the power at all reasonable times to inspect and test any vehicle licensed by the Council for the purpose of ascertaining its fitness.
- 14.2 If the Authorised Officer or the Police Constable is not satisfied with the fitness of the licensed vehicle, the licence holder shall, after being notified in writing, present the vehicle at the time and place specified for an examination and shall be required to pay such fees for the examination as the Council may, from time to time determine.
- 14.3 If the Authorised Officer or Police Constable is not satisfied as to the condition of the vehicle upon completion of the inspection / examination required by conditions 14.1 or 14.2, they may immediately suspend the vehicle licence and the licence holder shall forthwith upon being required to do so by the Authorised Officer or Police Constable, cause the plate and disc to be removed from the vehicle and handed to the Authorised Officer or Police Constable who shall keep it in their custody until such time

as they are satisfied as to the condition of the vehicle, whereupon the plate and disc will be returned to the proprietor.

- 14.4 An Authorised Officer, on inspecting a vehicle in the course of his or her duty and requiring it to be examined for the purposes of ascertaining its fitness, may suspend the use of such vehicle (and remove the disc and plate) until the examination has been carried out.
- 14.5 The powers of suspension and removal in Condition 14.4 above shall also apply if the vehicle inspected is unclean.
- 14.6 Without prejudice to the provisions of conditions 14.1 to 14.5 inclusive, the vehicle shall be subject to the following mechanical examinations each of which will be conducted by the Council or its authorised representatives:
 - 14.6.1 a vehicle examination prior to the issue of a vehicle licence.
 - 14.6.2 a vehicle examination every six months.
 - 14.6.3 all vehicles (regardless of age) require a MOT test prior to the issue of a vehicle licence.
- 14.7 The cost of the vehicle examinations is included in the licence fee. If the vehicle fails an examination, then the licence holder shall be required to pay such sums as the Council may determine from time to time for any retest of the vehicle.

15. Documentation to be Maintained by Vehicle Licence Holders

- 15.1 At all times during the currency of the licence, the licence holder shall ensure that the following are maintained, up to date and where necessary, valid, in force and available for inspection by an Authorised Officer:
 - 15.1.1 a policy and certificate of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
 - 15.1.2 confirmation that the Vehicle Excise Licence has been paid.
 - 15.1.3 a Ministry of Transport (MOT) certificate if relevant.
 - 15.1.4 maintenance records (to ensure compliance with manufacturers' schedules and service intervals) are to be kept for all vehicles. Records must be kept and produced within fourteen days if requested by an Authorised Officer of the Council.
 - 15.1.5 the vehicle registration document (V5C).
 - 15.1.6 a list of the names and addresses of all persons employed, or otherwise used, for the purposes of driving the vehicle.
- 15.2 On being so required by an Authorised Officer the licence holder shall produce to that officer for examination the certificate of insurance required by Condition 15.1.1. If the licence holder fails to produce such a certificate when requested, they shall **within seven days** of such a request produce it to that officer or to the Council.
- 15.3 If the required documentation is not kept or produced in accordance with this condition, then the licence for the vehicle will be suspended until the required documents are produced.

16. Advertising & Markings on Vehicles

- 16.1 No signs can be affixed to a vehicle other than those approved by the Council.
- 16.2 Advertising or other marking is restricted to the name, address, email address, logo and telephone number of the taxi or private hire company or such other design as shall be approved in writing by the Council. Save for Wheelchair Accessible Vehicles who will be permitted to display commercial advertisements on prior approval of the Council. See Appendix I.
- 16.3 The words "Taxi", "Hackney Carriage", "for Hire" or "Cab" are not permitted to be displayed anywhere on a PHV.
- 16.4 All lettering and numbering displayed on a vehicle must comply with the Council's requirements as to maximum height, width, and design unless the Council's agreement is obtained. Lettering to be no larger than 12 cm and adverts to be no larger than 90cm x 60cm.
- 16.5 Advertising and marking is only permitted:
- 16.5.1 on the side door panels.
 - 16.5.2 on an upright part of the boot or rear panel positioned so as not to obscure the rear registration number plate or the vehicle licence plate.
 - 16.5.3 in the rear window (for the purpose only of displaying a notice stating that payment by credit or debit cards is accepted).
- 16.6 For the avoidance of doubt advertising or other marking is **not permitted**:
- 16.6.1 on any window (except in accordance with condition 16.5.3 or for minibuses as specified in condition 22.3).
 - 16.6.2 on the front bonnet (which in the case of taxis must be painted white in accordance with condition 5.1) or on the front of the vehicle.
 - 16.6.3 on the roof except by way of a roof light in accordance with condition 17.
 - 16.6.4 on the rear boot (which in the case of taxis must be painted white in accordance with condition 5.1).
 - 16.6.5 on any bumpers.
 - 16.6.6 on the side of the vehicle except for the door panels in accordance with Condition 16.5.

Internal Signage

- 16.7 The following notices must be displayed within the vehicle:
- a. 1 x No Smoking
 - b. 1 x First Aid Box location
 - c. 1 x Fire Extinguisher location
 - d. 1 x Current Price Tariff (hackney carriages only)
 - e. 1 x Mind Your Head (wheelchair accessible vehicles only)
 - f. 1 x Mind the Step (wheelchair accessible vehicles only)

- g. 2 x “How to Make a Complaint to the Council” notice (front and rear to ensure visibility to all passengers).

17. Roof Signs

Taxis

- 17.1 All taxis shall carry on the roof a sign bearing the word “taxi” to the front of the vehicle.
- 17.2 A taxi may bear to the rear only the name of the taxi firm and its telephone number. The sign required by this condition shall be capable of being illuminated internally in such manner that its words are illuminated at all times when the vehicle is plying for hire but not otherwise and such sign shall be fixed in such manner and position and be of such size as shall be approved by the Council.
- 17.3 The licence holder and driver of the taxi shall maintain such signage in efficient working order at all times. The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether the vehicle is for hire.
- 17.4 The rear facing illuminated section of the sign shall show a red light when switched on and the front shall show a white light. The sign shall be illuminated at all times when the vehicle is legally plying for hire.

Private Hire Vehicles

- 17.5 PHV’s may carry roof signs but such roof signs shall:
 - 17.5.1 bear to the front the words “Private Hire – Advance Bookings Only”; and
 - 17.5.2 may bear to the rear only the name of the private hire firm and its telephone number. Such signage shall be fixed in such manner and position and be of such size as shall be approved by the Council.

18. Fares & Meters

- 18.1 Hackney Carriage fares, set by the Council, are a maximum and can be negotiated downwards by the hirer.
- 18.2 Out of district journeys can be negotiated prior to the commencement of the journey in both PHV’s and taxis.
- 18.3 The meter must be calendar controlled to a tariff set by the Council.
- 18.4 A table of authorised fares will be provided to each taxi licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.
- 18.5 PHO’s may set their own fares (in agreement with the hirer prior to the journey) but if a meter is used the fare chart must be displayed in each vehicle so that it is easily visible to all hirers.
- 18.6 All hackney carriages must be fitted with a taximeter by an approved taximeter installer.
- 18.7 The taximeter and the operating devices must be sealed by the installer and certificated to confirm that the equipment is compliant with the Council’s specification. The certificate issued **must** be available for inspection on the vehicle.

- 18.8 Seals must be intact at any time that the vehicle carries a licence plate except when at an approved installers premises.

19. Notification

- 19.1 The licence holder shall, as soon as reasonably practicable and in any case within **seventy-two hours** of any accident involving the vehicle, report the occurrence to the Council. Written notification must be given to the Council within seven days of the accident.
- 19.2 The owner of the vehicle shall notify the Council of any change in the list of drivers kept in accordance with Condition 15.1.6 within seven days of the change.
- 19.3 The licence holder shall, within seven days thereof, notify the Council in writing of any change of address and shall within the said period produce the taxi or PHV licence to the Council so that the licence holder's new address may be amended.

20. Radios

- 20.1 The Licence holder shall ensure that any radio equipment used in connection with the business shall:
- 20.1.1 be kept in a safe condition and in a proper working order.
 - 20.1.2 comply with the relevant rules and regulations issued by the Home Office or other Government Department, the Post Office or British Telecom.
 - 20.1.3 not interfere with any other radio or telecommunication equipment.

21. Dual Licensing

- 21.1 Dual licensing of vehicles (i.e. the licensing of a vehicle with two authorities) is **NOT** accepted by the Council.

22. Minibuses

This condition relates only to minibuses (8-seater Private Hire Vehicles and Taxis).

- 22.1 All doors should be capable of being opened from the inside when locked from the outside.
- 22.2 The vehicle must have at least two doors to the rear of the driver for the exclusive use of passengers.
- 22.3 All doors should show the method of operation of door lock operating levers i.e. "pull" or "push" with directional arrows in 5cm letters.
- 22.4 All emergency doors must be clearly identifiable as such to passengers and should be clearly marked "Emergency Exit" in 5cm letters. Ideally on door window glass, or in contrasting colour(s) to the paintwork.
- 22.5 There must be unobstructed access to all emergency doors or exits and seats should be located to facilitate this.
- 22.6 All sliding windows in the passengers' compartment must be restricted to open no more than 15cms to protect juveniles from head injury.

- 22.7 All steps at entrances and exits should be illuminated or have clearly visible markings at floor level.
- 22.8 The First Aid Kit must be carried in a convenient location, which is clearly marked.
- 22.9 At least one fire extinguisher that complies with BS EN3 (or an equivalent) and contains water or foam and has a minimum test fire rating of 8A or 21B must be carried in the vehicle.

23. Taxi Buses

- 23.1 A taxi bus operates like a regular public bus service but is run by a licensed Hackney Carriage or PHO. Taxi bus services must be registered with the Traffic Commissioner.
- 23.2 Taxi buses will only be licensed if in all the circumstances they are suitable in the opinion of the Council for use as licensed vehicles.

24. Amendments to these Conditions

- 24.1 The above conditions may be revised or amended at any time by the Council whereupon a copy of the conditions as revised or amended will be supplied to all affected licence holders.

[Back to Index](#)

APPENDIX D - PROCEDURES FOR VEHICLE LICENCE EXTENSIONS AND DEFINITION OF 'EXCEPTIONAL CONDITION'

The Council's Taxi Policy states at paragraph 5.6 that a vehicle will be licensed for twelve months on the last renewal date prior to the vehicle reaching ten years of age. The vehicle cannot be licensed beyond this date unless an extension is approved by an Authorised Officer of the Council.

For any vehicle to continue to be licenced beyond ten years of age the interior and exterior of the vehicle **must** still be in exceptional condition and be able to comply with the following checks which will be carried out at the Council's Testing Station.

If a vehicle passes the 'exceptional condition' test, then a certificate will be issued which should be presented to the Council who will then consider the extension of the licence for an additional twelve-month period.

All costs incurred to confirm a vehicle's suitability to extend the licence will be met by the applicant.

The 'exceptional condition' standard that a vehicle **must meet** to obtain an extension is as follows:

General

- 1) Vehicles must meet minimum emissions standards with reference to the manufacturer's plate value. (The 'plate value' is the emission limit specified by the vehicle manufacturer and can be found on the vehicle manufacturer's plate. If there is no emission value on the plate or it cannot be located, then reference will be made to the vehicle's year of manufacture).
- 2) Diesel vehicles must have a Diesel Particulate Filter (DPF) fitted.
- 3) Vehicles with four or fewer prescribed MOT faults will be permitted to undertake the necessary repairs and submit the vehicle for a re-test. Vehicles with five or more faults will fail and not be permitted a re-test. Consumables are not counted as faults (see definition of consumables at *** on page ?).
- 4) The vehicle must meet the full exterior and interior specification detailed below (each point listed below would constitute one defect). Vehicles with five or fewer defects as detailed will be permitted to undertake necessary repairs and submit for a re-rest. Vehicles with six or more defects will fail and will not be permitted a re-retest.

Exterior

- 1) All bodywork to be clean and sound with no loose panels, free from rust corrosion, significant dents, scrapes or scratches which affect the appearance of the vehicle.
- 2) All paintwork must be in a good condition when the vehicle is viewed in normal light conditions. The vehicle is being presented as being of an exceptional quality, minor stone chips would not require a re-spray, only touched up.
- 3) All wheel trims to be fitted according to the manufacturer's specification and all matched.
- 4) Door and wing mirrors to be in good condition. Two wing mirrors and an interior mirror are required.
- 5) Front and rear registration plates to be clean, clear, unbroken and conform to the relevant legislation. Number plates must always be visible.
- 6) Front and rear bumpers to have no rust, corrosion, dents, cracks, or scrapes and be securely fitted. End caps must be fitted. It is accepted that the vehicle being presented is 10 years of age and will

have some marks on the rear bumper from luggage and passengers. This will be taken in context of the overall condition.

- 7) Mud flaps, if fitted should be maintained.
- 8) No broken, cracked, or missing glass or surrounds on all front and rear lights where fitted and must display the correct colour.
- 9) Radiator grills should be secure and to the original specification.
- 10) Windscreen and rear screen wiper arms should be in good condition and rust free and properly fitted.
- 11) All door locks and boot locks fitted and be in working order.
- 12) All doors should be easily opened and in good working order.
- 13) All door handles should be properly fitted, easily operated and of original specification.
- 14) All tyres to conform to legal requirements (including spare if carried).
- 15) All road wheels to be clean and free from significant marks or damage.
- 16) Vehicle to have a current MOT certificate or certificate of compliance.
- 17) Evidence of servicing and maintenance over the last twelve months must be produced.

Interior

- 1) All seats to be manufacturer's original design, should match, be securely fitted with no holes or tears. Any repairs to seating should be of a professional standard and vehicles must not be presented with seat covers.
- 2) All seat belts should be clean and in good working order. There must be sufficient seatbelts to cover every licensed seat. All anchorage point covers must be properly fitted and match original trim.
- 3) All panels must be clean and match original trim.
- 4) Fitted carpets must be of original specification, securely fitted with no rips or holes. Replacement carpets / mats and professionally carried out repairs will be acceptable.
- 5) All instruments and accessories must be fitted securely, match the trim and be in good working order.
- 6) Headlining to be clean with no holes or tears (unless the damage has been repaired to a professional standard).
- 7) All windows to operate correctly and easily.
- 8) Brake, clutch, and accelerator pedal rubbers to be fitted and in good condition.
- 9) The inside of the vehicle must be free from any trailing or loose wires (with the exception of any removal plug in devices).
- 10) The boot and / or luggage space must be clean and tidy with an unstained carpet or cover and to the manufacturer's specification.

- 11) If a hatchback, the boot cover must be original with both lifting straps fitted.
- 12) Gear lever gaiters, if fitted, must be in good condition.
- 13) All lights must be in working order with appropriate covers securely fitted.
- 14) Window locks and handles where provided by the manufacturer are to be in full working order.
- 15) Heated rear windscreen to be in proper working order.
- 16) Ramps, if fitted, must be in good working order.

Guidance Notes

MOT items – Any individual fault which would cause the vehicle to fail the standard MOT test will count as one fault. For example, a leaking brake cylinder and a bald tyre are two faults.

Interior and Exterior faults – as a rule, each defect identified during the inspection will count as one fault, however multiple faults of an identical nature will count as one fault. For example, holes in two seats will count as one fault. Similarly, dents found on two separate panels will count as one fault.

Fixing – all trim must be present, correctly aligned and fixed in accordance with the manufacturer's specification.

Replacement Panels – vehicles which have been damaged and had replacement panels fitted are acceptable as hackney carriage and private hire vehicles provided that:

- The repairs have been carried out to a high standard.
- The replacement panel has been fitted to the vehicle manufacturer's specification using approved fittings.
- The replacement panel has been correctly aligned, level with all adjacent panels. The gaps between the panels should be uniform and like those between original panels.

*****Definition of Consumables**

The following items will not be counted as faults, but should be rectified as soon as reasonably practicable and before a new licence is issued:

- Light bulbs not working.
- No fire extinguisher.
- No fare card on display.
- Absence of vehicle signage.
- A missing licence plate.
- Taxi meter not operating correctly.

If your vehicle is refused permission to remain on the fleet by an Authorised Officer of the Council, you may appeal this decision within twenty-one days of refusal. The matter will then be placed before a Licensing Panel who will determine the application.

[Back to Index](#)

APPENDIX E – LICENSED PRIVATE HIRE OPERATORS CONDITIONS

Licensed Private Hire Operator Conditions

1. Terms & Conditions

1.1 A licensed Private Hire Operator (PHO) shall observe and comply with the following terms and conditions at all times.

2. Bookings

2.1 When inviting or accepting a booking for any vehicle operating as a Private Hire Vehicle, or controlling or arranging a journey to be undertaken by such vehicle, the operator must make available to the person making the booking, information as to the basis of charge for the hire of the vehicle.

2.2 Every operator who accepts a booking for a vehicle for an appointed time and place, shall give the booking to a vehicle, allowing sufficient time for the vehicle to attend punctually.

2.3 The operator must keep a record of every booking invited or accepted whether it is directly from the passenger or referred from another operator. The records must be retrievable in the order in which they were accepted. If a book is used for this purpose the pages must be fixed and numbered consecutively. The particulars of every booking shall be recorded at the time of the booking and shall include the following:

- i. the time and date of the request.
- ii. the pickup point **and** the destination, including the time at which the vehicle is required.
- iii. the name of the passenger / hirer.
- iv. the name of any individual who responded to the booking request **and** the name of any individual who dispatched the vehicle.
- v. the registration number of the vehicle and its plate number.
- vi. the name and badge number of the driver.

2.4 Where a private hire booking is undertaken on behalf of or passed to another operator, the details must be recorded in accordance with the provisions of condition 2.3.

2.5 An alternative method of record keeping may only be used with the written agreement of the Council, which will specify in detail how the records are to be kept.

2.6 The records shall be kept for a period of not less than one year or such longer period as required by an Authorised Officer of the Council.

2.7 The records shall be produced, on request, to any Police Constable or Authorised Officer of the Council.

2.8 The operator shall have in place a system, which ensures that any booking accepted by the company will be honoured. The system will ensure that each booking is monitored to make certain that vehicles are available to fulfil the agreed arrangements.

2.9 The operator shall not provide a “courtesy car” to any member of the public in circumstances where either the vehicle or the driver is not correctly licensed.

- 2.10 The use of a driver who holds a PCV licence and the use of a Public Service Vehicle (PSV) such as a minibus to undertake a PHV booking is not allowed unless the informed consent of the booker has been obtained. Where a PHV is unsuitable for a booking request, the booker shall be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and is not required to have an enhanced DBS check.

3. Premises

- 3.1 The holder of an operator's licence shall not permit any person who is drunk or under the influence of drugs or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.
- 3.2 If provision is made by the operator on his premises for the reception of members of the public proposing to hire a vehicle, the operator must ensure that the premises are always in a clean and tidy condition and that adequate arrangements are made for the seating of customers within the premises.
- 3.3 If the premises from which the private hire business operates change, the operator shall notify the Council of the change within seven days.

4. Drivers

- 4.1 It is an offence to employ an unlicensed driver (Section 47 TPCA 1847).
- 4.2 The operator without prejudice to any other liabilities imposed under the 1976 Act, shall ensure that drivers employed by or attached to the operation observe and comply with the conditions of their driver's licence and that their vehicles conform to the conditions of the vehicle licence.
- 4.3 Operators shall ensure to the best of their ability before accepting drivers onto their operation, that they are fit and proper persons to be engaged in the carrying of members of the public. They should examine drivers licences and enquire whether the applicant has been convicted of driving or other offences.
- 4.4 The operator shall be responsible for the actions of each driver attached to the operation.

5. Ancillary Staff, Company Directors, Secretaries and Partners

- 5.1 The operator shall maintain a register of all staff members that take bookings and / or control vehicles and ensure that Basic DBS checks are conducted on any individuals added to the register. Evidence of sight of the DBS certificate should be documented within the register.
- 5.2 Staff members who are involved in the booking and dispatch of vehicles should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in the role.
- 5.3 If a limited company, the operator is required to advise the Council of any change in Directors, Secretaries or Partners associated with the limited company.
- 5.4 Operators must have a 'policy for the employment of ex-offenders' and make it available for inspection by an Authorised Officer of the Council or Police Officer when requested.

6. Documentation

- 6.1 The operator shall maintain at their premise's particulars of all drivers and of all vehicles associated with the operation, which shall include the following:
- i. the plate number of each vehicle.

- ii. the registration number of each vehicle.
- iii. the name and address of the owner(s) of each vehicle.
- iv. the name and address of the driver(s) of each vehicle.
- v. the badge number of each of the drivers.
- vi. copies of the licences for each vehicle and driver.
- vii. a copy of the policy and certificate of insurance complying with the requirements of Part VI of the Road Traffic Act 1988 in respect of each vehicle.

6.2 The records required by condition 6.1 shall, upon request, be produced immediately to any Authorised Officer or Police Constable making the request.

6.3 When a driver or vehicle join or leave the operation, the operator shall within seven days inform the Council in writing.

6.4 The operator shall display his Private Hire Operators Licence in a prominent position at his office and have available a copy of these conditions for public scrutiny if requested. The operator shall also display a copy of the licence and its conditions on the company's website.

7 Data Protection

7.1 Private Hire 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 your obligations.

8 Safeguarding

8.1 Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. When requested by an Authorised Officer or Police Constable, operators must provide adequate written evidence e.g. procedures, that comparable protections are applied by the company to which they outsource these functions.

9. Miscellaneous

9.1 The operator shall not knowingly or without the prior written consent of the Council, employ or be employed by, engage in partnership with, or allow or suffer any involvement in the management of the operation hereby licensed:

- i. any person who has been convicted of an offence under the 1976 Act or any other legislation relating to private hire and taxi licensing, and;
- ii. any person who, for the purposes of Part II of the said Act, has been found by any Licensing Authority not to be a fit and proper person to hold a Driver's, Vehicle or Operator's licence.

9.4 The operator shall be responsible for the actions of any manager, supervisor or any other person appointed to run or play any part in the management of the private hire business.

10. Amendment to these Conditions

- 10.1 These conditions may be revised or amended at any time by the Council whereupon a copy of the conditions as revised or amended will be supplied to the operator.

[Back to Index](#)

APPENDIX F – CONVICTIONS POLICY

1. Introduction

It is the responsibility of Amber Valley Borough Council to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976. In exercising this duty, the Council will consider the need to ensure the safety of the public as its primary consideration.

This policy provides guidance to the Licensing Board, its sub-committees and officers on the criteria to consider when determining whether an applicant or an existing licence holder is a 'fit and proper person' to hold a Hackney Carriage/Private Hire or Operator Licence.

In considering this guidance the Licensing Authority will be mindful that each case must be considered on its own individual merits and that applicants / licence holders are entitled to a fair and impartial consideration of their application / case.

Where the circumstances demand, a committee may depart from the guidelines contained within the Convictions Policy. They shall only depart from this policy in exceptional circumstances and will clearly record its reasons for doing so.

2. Powers

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

The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 allows the Licensing Authority to consider all convictions recorded against an applicant or the holder of a Driver's Licence, whether spent or not. Therefore, the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

The Council will take a particularly cautious view of any offences against individuals with special needs, children, and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.

Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act, 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a Driver or Operator Licence is a "fit and proper person" to hold such a licence. However, if an applicant has any convictions, warnings, cautions, or charges awaiting trial, the licensing authority will consider:

- How relevant the offence(s) are to the licence being applied for.
- The seriousness and nature of the offence(s).
- When the offence(s) were committed.
- The date of conviction.

- Circumstances of the individual concerned.
- Sentence imposed by the court.
- The applicant's age at the time of conviction.
- Whether they form part of a pattern of offending.

Where an applicant has been convicted of a criminal offence the Council cannot review the merits of the conviction (Nottingham City Council v. Mohammed Farooq (1998)).

These guidelines are not an attempt to define what a 'fit and proper person' is, however, the general test that will be applied is set out at paragraph 3.2.2 of the policy for drivers and paragraph 8.2 for operators.

Existing licence holders are required to notify the licensing authority in writing within **seven days** of receiving a driving licence endorsement, endorseable fixed penalty notice or criminal conviction (including cautions). To fail to do so, will raise serious questions for the licensing authority as to the honesty of the licence holder and will be considered as part of any subsequent renewal process.

The conviction / motoring offences criteria for new drivers will also apply to existing drivers if they are convicted whilst already a licensed driver.

Offences of a nature not specifically mentioned in this policy will also be considered when considering whether an applicant is a 'fit and proper person'.

Applicants can discuss further what effect a caution / conviction may have on any application by contacting the Licensing Section on 01773 570222.

3. Application Process

Officers will process and determine all applications under delegated authority. However, where an applicant has a previous conviction for any of the following offences the application will normally be refused.

- Any offence resulting in the loss of life
- Exploitation e.g. slavery, child sexual abuse, grooming, psychological, emotional or financial abuse (this is not an exhaustive list).
- Serious offences involving violence
- Sexual offences
- Where an applicant has been or still is on the Sex Offenders Register or any other similar register
- Perpetual offending
- Racially aggravated offences

If an applicant is aggrieved by an officer's decision and feels that they have mitigating circumstances to enable departure from the Council's policy, then they may ask that their application is placed before the Licensing Panel for determination.

If the Licensing Panel uphold the officer's decision and the applicant is still aggrieved, then application can be made to appeal the decision to the local Magistrates' Court within 21 days of the notice of refusal.

This process is also available to persons who have their licence suspended or revoked on the grounds that the licensing authority is not satisfied they are a fit and proper person to hold such a licence (Local Government (Miscellaneous Provisions) Act 1966, s 77(1)).

4. General Policy

Each case will be decided on its own merits.

In addition to providing an Enhanced Disclosure Certificate on application, all licence holders will be required to sign up to the Disclosure and Barring Service update service for the duration of the period they are licensed for. The Council must be given permission to check the licence holder's record as and when it has reasonable cause to do so.

In this guidance the word "conviction" includes convictions, cautions, warnings, reprimands, fixed penalty notices and other relevant information. For custodial sentences the term "from date sentence has ended" is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For non-custodial offences the relevant date will be the date of sentencing.

If an outstanding charge or summons involves a serious offence and/or the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application should normally be put on hold until proceedings are concluded, or the licence may be refused. Such cases will always be referred to the Licensing Panel with a view to refusal/revocation.

If an individual has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to revoking their licence or refusing the application if the evidence supports this.

The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.

A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence, but should be expected to:

- a) Remain free of conviction for an appropriate period and
- b) Show adequate evidence of good character from the time of conviction.

Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.

Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.

All applicants will be checked on the National Register of Taxi Licence Revocations and Refusals database.

Where an applicant has had a Hackney Carriage/Private Hire Driver's Licence revoked by any local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation. The applicant's previous licensing authority may be contacted for details of why the licence was revoked or refused.

The following examples afford a general guide on the action, which might be taken where convictions are disclosed.

5. Serious Offences Involving Violence and / or Loss of Life

Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder.
- Manslaughter.
- Manslaughter or culpable homicide while driving.
- Terrorism offences.
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

Offences Involving Violence

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

Possession of a Weapon

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

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence to the following and the date of conviction or completion of sentence, if a period of imprisonment is imposed, is **less than five years** prior to the application:

- Obstruction
- Resist arrest
- Threats to Kill
- Criminal Damage

- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6. Exploitation

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

7. Sexual and Indecency Offences

As licensed drivers carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences will be considered as serious. Applicants with convictions for sexual offences **will normally be refused a licence**. Such offences include:

- Rape.
- Assault by penetration.
- Offences involving children or vulnerable adults.
- Grooming, Trafficking, or other Sexual Exploitation related offences (adults and/or children).
- Making or distributing obscene material.
- Possession of indecent photographs depicting child pornography.
- Sexual assault.
- Indecent assault.
- Exploitation of prostitution.
- Soliciting (kerb crawling).
- Indecent exposure.
- Importuning.
- Making indecent telephone calls.
- Any similar offences (including attempted or conspiracy to commit offences) which replace the above.

8. Dishonesty

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. During their working duties, drivers will deal with cash transactions and valuable property may be left in their vehicles.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused.

For these reasons, a serious view is taken of any convictions involving dishonesty. In general, a minimum period of **seven years** since the date of conviction or the completion of sentence if a period of imprisonment is imposed is required before consideration of granting a licence. Offences involving dishonesty include:

- Theft.
- Burglary.
- Fraud.
- Benefit fraud.
- Handling or receiving stolen goods.
- Forgery.
- Conspiracy to defraud.
- Obtaining money or property by deception.
- Other deception.
- Taking a vehicle without consent.
- Fare overcharging.
- Or any similar offences (including attempted or conspiracy to commit offences) which replace the above.

9. Discrimination

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

10. Alcohol and Drugs

Driving whilst under the influence of drugs poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered carefully.

A serious view will be taken of convictions for driving or being in charge of a vehicle while under the influence of alcohol or drugs. Where a disqualification has occurred because of a conviction for driving whilst under the influence of alcohol or drugs **at least seven years** free from conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

In the case of driving under the influence of drugs, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

10.1 Drunkenness Involving a Motor Vehicle

An isolated conviction for drunkenness, without disqualification, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. More than one conviction for this type of offence or one such offence **within the last seven years** is likely to merit refusal.

10.2 Drunkenness Not in a Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, several convictions from drunkenness could indicate a dependency or medical problem necessitating critical examination and refusal of a licence.

In addition, applicants will normally be required to show a period of **at least five years** has elapsed after completion of detoxification treatment if they were an alcoholic.

10.3 Drugs

Because of the nature of a driver's involvement with the public, a licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and **at least ten years** have passed since the date of conviction or completion of sentence if a period of imprisonment is imposed.

A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs until **at least five years** have passed since the date of conviction or completion of sentence if a period of imprisonment is imposed.

An applicant who has an isolated conviction for an offence related to the possession of drugs **within the last three to five years** may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

If there is evidence of persistent drugs use, misuse, or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict, then they would normally be required to show evidence of **five years** free from drug taking after detoxification treatment.

11. Driving Offences Involving the Loss of Life

A serious view will be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not normally be granted or will be revoked for the following offences:

- Causing death by dangerous driving.
- Causing death by careless driving whilst under the influence of drink or drugs.
- Any similar offences (including 'attempted' or 'conspiracy to commit' offences) which replace the above.

A licence will not normally be granted unless a period of **ten years** has passed since the date of conviction or completion of sentence if a period of imprisonment is imposed for the following offences:

- Causing death by careless driving.
- Causing death by driving (unlicensed, disqualified or uninsured drivers).

12. Major Motoring Convictions (excluding the loss of life)

Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred **less than two years** prior to the application.

In cases of disqualification at least **three years** free from conviction after the restoration of the DVLA licence should normally elapse before a new applicant is granted a licence.

More than one conviction of this type of offence **within the last five years** is likely to merit refusal.

12.1 Minor Traffic Offences

The following table will be followed in respect of applications received where the applicant has convictions for minor traffic offences.

No more than one conviction (3 points) within the previous twelve months.	Licence granted but with a verbal warning as to future driving conduct.
No more than two convictions (total of 6 points) within the previous two years.	Licence granted but with a written warning as to future driving conduct
Three and above convictions (more than 6 points) within the past two years.	Licence will not normally be granted

A minor traffic offence is deemed to be where three points have been awarded.

13. Disqualification

Where an applicant has been disqualified from driving because of a single traffic offence or incident, the application will generally be refused unless a period of **two years** free from conviction has elapsed from the restoration of the DVLA licence.

Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of **twelve months** free from conviction must have elapsed from the restoration of the DVLA licence.

In "totting up" cases where disqualification is considered by the court, even if the court does not disqualify a driver (e.g. because of 'exceptional circumstances') the Council is likely to refuse a driver's licence because different criteria apply and an applicant will normally be expected to show a period of between **twelve months and two years** has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.

Where an existing licence holder is disqualified from driving because of the totting up procedure, the licence will normally be revoked.

14. Insurance Offences

A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident will not necessarily stop a licence being granted provided a new applicant has been free of conviction for **three years**, (or since the restoration of the DVLA licence,) subject to a strict warning being given as to future behaviour. For existing licence holders an isolated incident would generally be suitable for a short suspension or a written warning.

More than one of these offences within the past **ten years** will normally result in the licence being refused or revoked.

15. **Mobile Phones**

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

16. **Licensing Offences**

Licensed drivers who are guilty of committing offences under taxi legislation (e.g. overcharging, refusing to carry disabled passengers, private hire vehicles plying for hire etc.), would be referred to the Licensing Board / Panel for final determination on the possibility of suspension or refusal to renew an existing licence.

17. **Summary**

Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to remain free from conviction for **three to ten years**, according to circumstances, before an application can be considered. If there is doubt about the suitability of an individual to be licensed the Council / Licensing Board needs to be mindful of the need to protect the public and caution should be exercised.

Whilst it is possible that an applicant may have several convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously, some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the Council's overriding consideration is the protection of the public.

The Council **must** take note of paragraph 5.14 of the standards which states, "*Licensing authorities have to make difficult decisions but ... the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should **not be** 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being 'beyond reasonable doubt') and can take into consideration conduct that has not resulted in a criminal conviction.*

Where an applicant / existing licence holder is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

Traffic Offences Endorsement Codes and Penalty Points

Accident Offences

These codes must stay on a driving record for **four years** from the date of the offence.

Code	Offence	Penalty Points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9

Disqualified Driver

Codes BA10 and BA30 must stay on a driving record for **four years** from the date of the offence

Code	Offence	Penalty Points
BA10	Driving while disqualified by order of the court	6
BA30	Attempting to drive while disqualified by order of the court	6

Codes BA40 and BA60 must stay on a driving record for **four years** from the date of the conviction

Code	Offence	Penalty Points
BA40	Causing death while disqualified	3 to 11
BA60	Causing serious injury by driving while disqualified	3 to 11

Careless Driving

Codes CD10 to CD30 must stay on a driving record for **four years** from the date of the offence

Code	Offence	Penalty Points
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9

Codes CD40 to CD70 must stay on a driving record for **eleven years** from the date of the conviction

Code	Offence	Penalty Points
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11

Codes CD80 and CD90 must stay on a driving record for **four years** from the date of the conviction

Code	Offence	Penalty Points
CD80	Causing death by careless, or inconsiderate, driving	3 to 11

CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11
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Construction and Use Offences

These codes must stay on a driving record for **four years** from the date of the offence

Code	Offence	Penalty Points
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres in a dangerous condition.	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason or load or passengers	3
CU80	Breach of requirements as to control of the vehicle, mobile telephone etc.	3

Reckless / Dangerous Driving

These codes must stay on a driving record for **four years** from the date of the conviction.

Code	Offence	Penalty Points
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9

Drink

Codes DR10 to DR61 must stay on a driving record for **eleven years** from the date of conviction.

Code	Offence	Penalty Points
DR10	Driving or attempting to drive with alcohol above legal limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10

Codes DR40 to DR70 must stay on a driving record for **four years** from the date of the offence or **four years** from the date of conviction where a disqualification is imposed.

Code	Offence	Penalty Points
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10

DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4

Drugs

These codes must stay on a driving record for **eleven years** from the date of the conviction.

Code	Offence	Penalty Points
DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11
DG60	Causing death by careless driving with drug level above the limit	3 to 11
DR80	Driving or attempting to drive when unfit through drugs	3 to 11

These codes must stay on a driving record for **four years** from the date of the offence or **four years** from the date of conviction where a disqualification is imposed.

Code	Offence	Penalty Points
DG40	In charge of a vehicle while drug level above specified limit	10
DR90	In charge of a vehicle when unfit through drugs	10

Insurance Offences

Code IN10 must stay on a driving record for **four years** from the date of the offence.

Code	Offence	Penalty Points
IN10	Using a vehicle uninsured against third party risks	6 to 8

Licence Offences

These codes must stay on a driving record for four years from the date of the offence.

Code	Offence	Penalty Points
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6

Miscellaneous Offences

These codes must stay on a driving record for **four years** from the date of the offence.

Code	Offence	Penalty Points
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MC30	Play street offences	2
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3

MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6

Motorway Offences

Code MW10 must stay on a driving record for **four years** from the date of the offence.

Code	Offence	Penalty Points
MW10	Contravention of special roads regulations (excluding speed limits)	3

Pedestrian Crossings

These codes must stay on a driving record for **four years** from the date of the offence.

Code	Offence	Penalty Points
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3

Speed Limits

These codes must stay on a driving record for **four years** from the date of the offence.

Code	Offence	Penalty Points
SP10	Exceeding goods vehicle speed limit	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

Traffic Direction and Signs

These codes must stay on a driving record for **four years** from the date of the offence.

Code	Offence	Penalty Points
TS10	Failing to comply with traffic light signs	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

Special Code

Code **TT99** must stay on a driving record for **four years** from the date of conviction.

It shows disqualification under 'totting-up' offences. This is where the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

Theft or Unauthorised Taking

Code UT50 must stay on a driving record for **four years** from the date of the offence.

Code	Offence	Penalty Points
UT50	Aggravated taking of a vehicle	3 to 11

Mutual Recognition Codes

A mutual recognition (MR) code will be put on a driving licence if a person is disqualified while driving in Northern Ireland or the Isle of Man. The disqualification period will also be valid in Great Britain and will stay on your record for four years from the date of conviction.

Code	Offence
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation placed on a driver after being involved in a road accident (hit or run)
MT29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified
MR59	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

Aiding, Abetting, Counselling, or Procuring Offences

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20 (driving otherwise than in accordance with a licence) becomes LC22 on your licence if you have helped someone to do this.

Causing or Permitting Offences

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20 (driving otherwise than in accordance with a licence) becomes LC24 on your licence if you've caused or permitted someone to do this.

Inciting Offences

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40 (dangerous driving) becomes DD46 on your licence if you've incited someone to do this.

Source: GOV.UK – December 2018

Where only 3 penalty points are awarded for any of the above offences, for the purpose of this policy it will be deemed as a minor offence.

Where 4 or above points are awarded for any of the above offences, for the purpose of this policy it will be deemed as a major offence.

[Back to Index](#)

APPENDIX G – Guidance for CCTV Systems

CCTV systems in Hackney Carriage Vehicles (HCV's) and Private Hire Vehicles (PHV's) are used to prevent and detect crime, reduce the fear of crime, and enhance the health and safety of HCV, PHV drivers and passengers.

Vehicle owners, who may also be the driver and / or operator, installing CCTV systems must fully comply with the requirements set out in these guidelines.

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

It must be noted that the installation of a CCTV system is optional. These regulations are not set by the local authority but are merely a translation of the regulating bodies for this purpose which include Trading Standards, the Information Commissioners Office, Construction and Use Regulations, The Data Protection Act (known as GDPR since May 2018) and the Road Traffic Act.

The provision of dashcams (for CCTV purposes) are not permitted in licensed vehicles due to:

- no provision of an audio panic switch.
- insufficient data retention.
- the device is portable and therefore easily stolen.
- the data is not encrypted and therefore accessible to anyone.

The Purpose of CCTV

CCTV systems provide a safer environment for the benefit of the HCV or PHV driver and passengers by:

- deterring and preventing the occurrence of crime.
- reducing the fear of crime.
- assisting the Police in investigating incidents of crime.
- assisting insurance companies in investigating motor vehicle accidents.

General System Requirements

Only CCTV systems meeting the requirements set out in these guidelines can be installed into licensed taxi's and PHV's.

CCTV systems will be inspected by the Council's approved testing station as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

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

All equipment must comply with any legislative requirements in respect of motor vehicle construction and use regulations.

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

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

Please see the attached Appendix G1, technical specifications and system requirements that are considered suitable for installation in any licensed vehicle.

Automotive Electromagnetic Compatibility Requirements (EMC)

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) and therefore must meet with requirements of the Electromagnetic Compatibility Regulations 2016.

CCTV equipment should be e-marked, or CE marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

Camera Design Requirements

The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

Installation

All equipment must be installed as prescribed by the equipment manufacturers installation instructions.

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

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

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

It is contrary to the Motor Vehicle (Construction and Use) Regulations 1986, for equipment to obscure the view of the road through the windscreen.

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

Screen monitors are only permitted to display “live” images. **Captured or pre-recorded images are not permitted to be displayed at any time.**

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

If more than one camera is being installed their location within the vehicle must be specific for purpose e.g. to provide a safer environment for the benefit of the HCV or PHV driver and passengers.

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

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

Camera Activation Methods

Activation of the equipment may be made via a number and combination of options such as door switches, time delay, drivers panic button or in the case of an incident / event occurring. The Council’s preferred method of activation is via the ignition as this ensures that the equipment is always working. Please note a direct wired link to a vehicle meter is not acceptable.

It is also recommended that there is a manual override switch, located within the luggage area of the vehicle, to protect the right to privacy when the vehicle is for personal use.

Audio Recording

CCTV systems must not normally be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances.

From a safety perspective for both the driver and passengers a much safer approach is that the audio “may” be left on during the hours considered to be of higher risk. At all other times, audio may only be recorded by way of a “panic switch” activation. This allows for the Information Commissioner’s Office (ICO) stipulation (ICO v Southampton) that *“audio may be left on during the hours of higher risk for example between 22.00 and 06.00 hours”*.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Image Security

Images captured must remain secure at all times. The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner's Office (ICO) that the encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes for "data controllers" will also be required to ensure permanent security.

Retention of CCTV Images

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own hard drive, or
- using a fully secured and appropriately encrypted mass storage device, for example, a compact flash solid state card, or
- where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signaling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for any purpose other than retention of data in the event of investigations.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a typical period of twenty-eight days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a typical period of twenty-eight days from the date of capture.

It is the operators responsibility to ensure that the hard drive has sufficient capacity to ensure continuous recording at all times.

Where applicable, these provisions shall also apply to audio recordings.

Notification to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" can be a specified company, an organisation or individual, base owners, taxi associations or installers of the CCTV who have a legal responsibility for how the data is accessed.

If an individual cannot access the data, then they are not the data controller. The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation, or individual who has a CCTV system installed in a vehicle licensed by us must register with the ICO (Data Protection Fee) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to one of our Licensing Officers at any time during the term of the vehicle licence.

The Data Protection Fee at the time of the publication of this policy is £40 to £60 per year for most organisations including small and medium sized businesses. Please follow this link [Pay the data protection fee - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/pay-the-data-protection-fee).

Use of Information Recorded Using CCTV

The data controller is responsible for complying with all relevant data protection legislation. The data controller is legally responsible for the use of all images including breaches of legislation.

Any images and audio recording should only be used for the purposes described earlier in these guidelines.

Requests may be made by the police or other statutory law enforcement agencies, insurance companies / brokers / loss adjusters or exceptionally other appropriate bodies, to the data controller to view captured images. The data controller is responsible for responding to these requests. Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively, a signed statement may be accepted.

All requests should only be accepted where they are submitted in writing and specify the reasons why disclosure is required.

Under the DPA, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph) to confirm they are in fact the person in the recording.

Signage

All taxis and PHV's with CCTV must display appropriate signage. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle if it is felt appropriate.

Signage must be displayed as to be able to be observed from every passenger entrance to a vehicle and whilst being seated within the vehicle. Signage must not compromise the view through any side window and must not be impinging on the area of the vehicles front window screen, which is required to be kept clear as per MOT regulations.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Contact Details

The name and the contact telephone number of the data controller must be included on the sign if there are no obvious alternative signage.

Signage for External Facing CCTV Systems

Where a CCTV system is installed to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured as soon as is practicable after the incident. They should also be informed of the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

To assist individual drivers, owners, and companies who are considering installing a CCTV system please use the summary checklist below to ensure all the approval requirements / standards have been complied with, namely:

- A data controller has been registered with the Information Commissioner's Office (ICO) telephone 0303 123 1113.
- Have the ICO provided you with documentation to evidence notification of the "data controller" associated with your system?
- Do you have documentary evidence regarding contractual arrangements with any data processor or service provider associated with the CCTV system? (where applicable)
- Do you have the appropriate signage and appropriate contact details displayed?

Reference to 'Data Controller', 'Data Processor', 'Sound Recording' and 'Encryption Software' information made in this guideline comply with the current Information Commissioner's

APPENDIX G1 – CCTV Technical Specification and System Requirements.

Licensed Vehicle CCTV

To be considered suitable for installation in any licensed vehicle, a taxi camera system must meet the following requirements:

1 Operational Technical Specifications

Ref	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e. Flash-based SSD (100% industrial grade). SD cards will only be acceptable if they have the ability to record for the required period of time and they are away from the camera heads and secure.
1.2	8 to 36 Volts DC	Operational between 8 and 36 volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The taxi camera equipment must be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.
1.7	System override switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot). The override switch must be illuminated when switched “on”.	The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the system to be deactivated during times when the vehicle is being used for domestic use. The switch that deactivates the system must be located within the vehicles luggage area and must be time delayed (i.e. it must not be possible to deactivate the system immediately or from inside of the vehicle).
1.8	First-in/first-out buffer recording principle	The system must automatically overwrite to create a constant cycle recording
1.9	Access record	A service log must be kept and maintained by the approved installer and the local authority.
1.10	Security, duration and auto-clearing of log files	

1.11	Image recording formats and media	Images must be encrypted to a minimum of FIPS 140/2
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on.	The unit must have the ability to operate for at least 30 minutes without power from the ignition. The device must be hard wired to both constant and ignition supply.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	Self-contained storage cards within the camera head will not be acceptable
1.15	GPS capability	System must have GPS capability.
1.16	The system must be capable of recording audio time synchronized to the recorded images.	If activated, the audio must record within the video file.
1.17	The system shall not record audio except when audio recording is activated by means of an approved trigger / panic switch.	The system should have the ability to start recording audio data by means of a trigger switch.
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	All audio files must simply be added to the video files as a voiceover, not in separate files
1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	

1.25	Recorded images by the system shall not be displayed within the vehicle.	The monitor must display live images as clearly visible by having a glance around as per ICO specifications, it must not display recorded images
1.26	The system must have a panic switch for audio activation	At least one trigger / audio activate button must be capable of being operated by the driver AND a passenger. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below.
1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch which can clearly be seen by passengers.

2 Storage Capacity Technical Specification

Ref	Specification	Details
2.1	Minimum of 28 days i.e. (28 x 24 hours) of recording capacity.	The camera system must be capable of recording and storing a minimum of twenty-eight days of images of HD1 (720/288) size or better.
2.2	Images must be clear in all lighting conditions.	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present without the need for additional components.

3 Camera Head Technical Specification

Ref	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement only by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.

3.4	Field of view to capture all passengers in the vehicle	The lens or the position of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a “fishbowl” effect.
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose-built vehicles or external images.

4 Storage Device

Ref	Specification	Details
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from within the passenger compartment and effectively inaccessible except by authorised personnel. For example, in the luggage area.
4.3	Download port provision	The recorder shall be equipped with a communication port within the hard drive housing for downloading by authorised officer.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.8	Log to register camera system parameter modifications	
4.9	Log to register each image download session	

4.10	Log to register modification/manipulation of downloaded images	
4.11	Log to register exporting of downloaded images	
4.12	Log to register exporting of downloaded clips	
4.13	Log file protected against unauthorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp	All stored images must have vehicle identification (VIN & or number plate).
4.16	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.17	Controller (Storage Recorder)	Manufacturer to supply the Council with a supply of specialised tools to allow for removal of the controller and download of data when required.

5 Video and Audio Recording Rate

Ref	Specification	Details
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at a minimum rate of twenty-five (25) images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of twenty-five images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger audio button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	When activated, audio recording must be in real time and synchronised with the video recording.

5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition or override switch is switched off.
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6 Activation via Driver or Passenger Trigger / Audio Button

Ref	Specification	Details
6.1	The activation of a trigger button when activated by driver or passenger.	The system must be fitted with at least one trigger button that once activated will trigger synchronised audio and video recording

7 Downloading

Ref	Specification	Details
7.1	Provision of necessary software, cables, security keys to the Council Licensing Team.	
7.2	Windows compatible.	Once downloaded and converted
7.3	Downloaded images stored in non-volatile media	
7.4	Downloaded images stored in secure format	
7.5	Verifiable image authenticity	Each image shall be watermarked with vehicle ID, and time and date, and be tamperproof.
7.6	Provision of technical support to the Council Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within a reasonable time frame
7.7	Wireless Download Prohibited	All wireless hardware to be disabled.
7.8	Filter the specific images for events and times for the approximate time of the crime committed.	The playback software must list the files in date and time slot order for ease of location of required file.

8 Requirements in Relation to System Information

Ref	Specification	Details
8.1	Provision of service log	The unit manufacturer shall have a service log. The manufacturer shall also provide detailed instructions for the drivers with each unit.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication	A certificate of installation must be provided which will indicate the installation date
8.4	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written or presented with due consideration to varying levels of literacy.
8.5	Installation by authorised agents	The unit shall only be installed by manufacturer's authorised agents.
8.6	Provision of authorised agents list to the Council Licensing Team	The manufacturer or supplier shall provide a list of all authorised agents to the Council Licensing Team.
8.7	Documentation	The manufacturer must provide clear and concise operating instructions which are written or presented in layman's terms. (Details on how the system operates)
8.8	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

9 Vehicle Inspection Facility

Ref	Specification	Details
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction. This should include the images as shown to verify the status of each camera.
9.2	Mounting location of system status/health indicator to be seen	The indicators shall be mounted in such a way to allow for ease of view.
9.3	Design and or installation to be testable as part of the vehicle compliance test (or persons	The system shall be designed and installed such that the system may be easily tested as part of vehicle compliance test as prescribed.

	acting on behalf of the council – such as vehicle inspectors)	
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10 General System Requirements

Ref	Specification	Details
10.1	Vandal and tamper resistance	All component parts must be securely mounted, hard wired and small and discreet enough to remove the risk of tampering.
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide the Council Licensing Team with a Training and Technical support
10.6	Software and Hardware	Manufacturer to supply the Council Licensing Team with a supply of cables and software to be installed under the supervision of the council's authorised staff.
10.7	Agreement between the Camera Manufacturer and the Council	Agreement to allow the Council access to the relevant software from the supplier so that in the event the manufacturer goes out of business, council will be able to support the system.

APPENDIX H – Penalty Points Scheme.

Principles of the Scheme

1. Before penalty points (“points”) are issued there must be sufficient evidence ‘on the balance of probabilities’ to prove the offence or breach of conditions.
2. Each case / offence will be considered on its own merits.
3. Nothing in the Scheme will stop the Council from acting under any other appropriate legislation.
4. Nothing in the Scheme will stop the Council from taking other enforcement action such as revocation or suspension.
5. In general, contraventions involving risk to the public or officer safety will be dealt with under other enforcement powers available to the Council.
6. Where it is decided that the use of points is appropriate, they will be issued in accordance with paragraph 8.
7. The imposition of points issued against a driver who is an employee (e.g. for an Operator) will not necessarily result in the imposition of points against their employer. The Council will consider whether there is a joint responsibility for a breach or contravention. If there is found to be a joint responsibility points may be imposed on one or more licence holder(s).
8. Where points are issued, the proprietor or driver will be sent written confirmation within 5 working days.
9. Points can only be issued by officers in line with the Councils Scheme of Delegation.
10. There is a right of appeal against the issue of any points to the Head of Regulatory Services. Any appeals must be made to in writing within 21 days of the date of the notification of points being issued.
11. When the Head of Regulatory Services has reviewed the decision to issue points, they have the power to:
 - Take no action
 - Increase the points
 - Decrease the points
12. Any points will remain valid (“live”) for a period of 24 months.
13. The valid (“live”) period is calculated on a roll forward basis, to allow any older penalty points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.
14. Any driver, proprietor or operator who accumulates 12 or more penalty points within a 24-month period will be required to appear before a Licensing Panel (“the Panel”).
15. The licence holder will be asked to attend a meeting with the Panel if 10 or more penalty points are imposed on an individual licence within a 12-month rolling period.
16. There is no financial penalty associated with the Scheme and the licence holder may continue to work unless their licence is suspended or revoked by the Panel or under a delegated decision.
17. When a licence holder is brought before the Panel it has the power to exercise one of the following options:
 - Take no action
 - Suspend the licence

- Revoke the licence
 - Issue a written warning which will remain on file for a period specified by the Panel
 - Extend the period in which the points remain live to a maximum of 12 months
 - Refer the matter back to Officers with a recommendation for points to be issued under the Scheme
18. The Panel does not have the power to issue points to licence holders. If the Panel feel the issuing of points are appropriate, they can refer the matter back to Officers with a recommendation for points to be issued under the Scheme (see 17 f).
 19. Any licence holder having to appear before the Panel for accumulating 12 points in a 24-month period shall be entitled to make representations to the Panel.
 20. Any licence holder having to appear before the Panel for accumulating 12 points in a 24-month period shall be entitled to bring a friend, colleague, or legal representative to the Panel hearing to support or represent them.
 21. Periods of suspension of a licence will be dependent on the nature of each breach, contravention of legislation or breach of requirements of the Councils policy.
 22. Any licence holder given a suspension, or who has had their licence revoked, shall be entitled to appeal to the Magistrates Court within 21 days of receiving notification of the Panel's decision.
 23. When the Panel has considered a matter, any points accumulated will be deemed as spent unless the Panel decides otherwise.
 24. If the Panel decides that any points shall remain live the Panel must stipulate the date at which they will expire and be deemed spent.

Penalty Points Tariff

Offence/Breach of Conditions	Points	Driver	Vehicle Owner or Operator
Providing a false or misleading information on a licence application form/failing to provide relevant information or pay the relevant fee (including dishonoured cheques)	6	Y	Y
Failure to notify the Council, in writing, of a change of name or address within 14 days	3	Y	Y
Refusal to accept hiring without reasonable cause	3	Y	
Unreasonable prolongation of journey	6	Y	
Misconduct relating to the charging of fares	6	Y	
Plying for hire by Private Hire Drivers or Hackney Carriage drivers plying for hire outside the district	9	Y	Y
Private Hire Vehicle parking or waiting on a Taxi rank	9		Y
Inappropriate behaviour at a taxi rank	1-12*	Y	
Leaving a Hackney Carriage unattended at a rank	4	Y	
Failure to produce relevant documentation, within the relevant timescales when requested to do so by an Authorised Officer	4	Y	Y
Unsatisfactory condition of the vehicle (interior or exterior)	4	Y	Y

Failure to undergo 6 and/or 12 monthly vehicle inspection prior to the expiry date	6		Y
Failure to provide proof of insurance cover when requested	6	Y	
Failure to produce a vehicle for re-testing when required	4		Y
Using a vehicle subject to a suspension order issued by an Authorised Officer or Police Officer	12	Y	Y
Using a vehicle for which the licence has been suspended or revoked	12	Y	Y
Failure to report, in writing, damage or an accident to a licensed vehicle within 72 hours (which would cause the vehicle to breach the licence conditions)	6	Y	Y
Carrying more passengers than stated on the vehicle licence	6	Y	
Failure to display external and/or internal licence plate(s) in a fixed position	6	Y	Y
Failure to display appropriate door signs	6	Y	Y
Carrying an offensive weapon in the vehicle	12		Y
Failure to notify transfer of a Private Hire or Hackney Carriage Vehicle Licence within 7 days of the transfer	4		Y
Failure to carry a fire extinguisher	4		Y
Failure to carry a first aid kit	4		Y
Displaying unsuitable or inappropriate sited signs or unauthorised advertisements on a vehicle	3		Y
Failure to use a roof light which complies with the supplementary testing manual	4		Y
Use of a non-approved, non-calibrated taximeter in a Hackney Carriage or tampering with the meter or seals in any way	6	Y	Y
Obstruction of an Authorised Officer or Police Officer wishing to examine a licensed vehicle	12	Y	Y
Evidence of smoking in a vehicle (by passenger or driver)	3	Y	Y
Evidence of consumption of food or drink in a vehicle (by passenger or driver)	2	Y	Y
Displaying any feature on a Private Hire Vehicle which may suggest that it is a Hackney Carriage	6	Y	
Failure to carry an assistance dog without the requisite medical exemption certificate	12	Y	Y
Driver not holding a current DVLA licence	12	Y	Y
Failure to have a driver's identification badge clearly displayed	4	Y	
Failure to immediately notify the Licensing Section of a change in medical circumstances that may affect your ability to drive or the safe transportation of passengers (including eyesight). *	1-12*	Y	Y
Failure to maintain proper records of Private Hire Vehicles	3	Y	Y
Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6	Y	Y
Misleading use of the works "Taxi" or "Cab" on advertising materials for Private Hire Vehicles	3	Y	
Failure to issue a receipt on request	3	Y	Y
Using a licensed vehicle in a dangerous condition	9	Y	Y

Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation, or suspension of such licence	5	Y	
Unsatisfactory Behaviour or conduct of a driver	1-12*	Y	
Failure to notify the Council, in writing, of any conviction or caution within seven days	6	Y	Y
Failure to behave in a civil and orderly manner or bringing the trade in to disrepute	1-12*	Y	Y
Failure to clearly display a current table of fares card and/or all other internal signs/notices required to be in the vehicle	3	Y	Y
Carrying two or more separate fares without the appropriate consent	6	Y	Y
Failure to carry a large spare wheel (or appropriate alternative as specified in the supplementary testing manual) and the facilities to correctly fit such a wheel	4	Y	Y
Using a licensed vehicle with bald, dangerous, or defective tyres	3 (per tyre)	Y	Y
Waiting or stopping in a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer, who is present in the vehicle. Or, if pre-booked, failure to move on after five minutes from double yellow lines when requested by an authorised officer	3	Y	
Using a mobile phone without the use of hands-free facility whilst driving or whilst the vehicle is stationary with the engine running.	8	Y	
Operating a Private Hire Vehicle without a Private Hire Operators Licence	9	Y	
Double parking on a highway	3	Y	
Unsatisfactory appearance of driver (dress and cleanliness)	3	Y	
Failure to observe rank discipline in accordance with Hackney Carriage Drivers licence conditions	3	Y	
Failure to give reasonable assistance with the loading / unloading of luggage	3	Y	
Sounding the vehicle horn in a way to cause alarm, harassment, or distress to others	3	Y	
Waiting on double yellow lines	3	Y	
Failure to ensure that all wheelchairs being carried in a licensed vehicle have been correctly loaded, secured, and unloaded	6	Y	
Failure to hand in lost property to a police station within 24 hours	3	Y	Y
Failure to comply with any of Amber Valley Borough Council vehicle, drive and operator conditions that are not already stated above.	3	Y	Y
* Depending on circumstances, 12 points will only be given if for serious offences or in the case of medical fitness it effects their ability to drive			

APPENDIX I – Wheelchair Accessible Vehicle Advertising Restrictions.

As a part of Amber Valley Borough Councils commitment to increasing the number of available Wheelchair Accessible Vehicles (WAVs), by way of an incentive, such vehicles are allowed to make use of commercial advertising on those parts of the vehicle identified in Para 16.3 of Appendix C 'Vehicle Licence Conditions' in this policy in line with the below restrictions.

Advertisements **must:**

1. Be pre-approved by the Council before fitment or use.

Advertisements **must not:**

1. Use inappropriate, offensive, or abusive language
2. Be discriminatory in nature
3. Promote or be in connection to the glamourisation of the use or availability of alcohol, gambling, tobacco or sexual pleasure/entertainment products, venues, or activities.
4. Be capable of being adjusted or amended
5. Make any innuendo, either overtly or by implication or inference
6. Make any political statement or inference of any kind
7. Be deemed to incite hatred or division
8. Be religious in nature or promote a system of belief
9. Prohibit, obstruct, or impact upon correct access or egress from the vehicle
10. Be of a low print resolution

Failure to adhere to these requirements may result in the withdrawal of permission to display adverts on your vehicle.