

Cheshire East Borough Council

Taxi Licensing Policy

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PART 1
ABOUT THIS POLICY

1.1 Introduction

The Borough of Cheshire East (the “Council”) is the Licensing Authority for the hackney carriage and private hire regime in the Borough of Cheshire East.

In carrying out its licensing function, the Council seeks to promote the following objectives:

- Safety and Protection of the Public;
- High standards of vehicle safety, comfort and access;
- Prevention of crime and disorder and the protection of consumers;
- Ensure that the decision-making processes are transparent and result in decisions that are appropriate, proportionate and consistent;
- Equality and accessibility in service provision.

The Council expects all applicants, drivers, proprietors, and operators to demonstrate commitment to promoting these objectives.

In addition, this Policy attempts to encompass the Council’s key corporate priorities of:

- An open and enabling organisation
- A council which empowers and cares about people
- A thriving and sustainable place

And our general vision for a more open, fairer, greener Cheshire East.

The policy seeks to ensure that transport for those with a disability will be provided.

The Policy adheres to statutory guidance issued in July 2020 by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 to protect children and vulnerable adults from harm when using hackney carriage and private hire services.

The main types of licences are:

1. **Dual Hackney Carriage and Private Hire Driver’s Licence** – All drivers of Hackney Carriage and Private Hire Vehicles (“Drivers”) must hold a Dual Hackney Carriage and Private Hire Drivers’ Licence issued by the Borough of Cheshire East;
2. **Private Hire Vehicle Licence** – Private Hire Vehicles must be licensed by the Council, as must the Driver and the Private Hire Operator who is responsible for taking the bookings. All three licences must be issued by the same Council;

3. **Private Hire Operator Licence** – Private Hire Operators must be licensed by the Council, as must the drivers and vehicles they operate;
4. **Hackney Carriage Vehicle Licence** – Hackney Carriages must be licensed with the Council as must the driver. Both licences must be with the same Council.

The rules on hackney carriage and private hire licensing is complex. This document intends to make clear how the Council operates its licensing service.

Each time this policy is reviewed a new version will be produced. This edition was approved by the [insert Committee] on [insert date].

1.2 Mission Statement

Scope

1.2.1 The Taxi Licensing Policy ('the Policy') is applicable to the licensing of hackney carriage and private hire drivers and vehicles and to the licensing of private hire operators. This policy supersedes all previous Council policies relating to Hackney Carriage Vehicles, Private Hire Vehicles, Operators and Drivers.

Purpose

1.2.2 The fundamental purpose of the policy is to protect the safety and welfare of the public who live, work and visit the Borough of Cheshire East. The importance of a thriving hackney carriage and private hire trade to the growth and prosperity of the Borough's local economy is recognised; however the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the Policy.

1.2.3 Hackney Carriage and Private Hire vehicles have an important role to play in any integrated public transport system. They are able to provide services in situations where other forms of public transport are either restricted, not available or are outside normal hours of operation, and to assist those with mobility problems.

1.2.4 The main concerns for the Council are to ensure:

- The safeguarding of children, young persons and adults at risk of abuse and neglect;
- To promote the welfare of children and to protect them from harm, prospective and licensed drivers and operators who have dealings with children and families will have a duty to report matters of concern that could relate to the safety and/or welfare of children and vulnerable persons to the relevant authorities (refer to Cheshire East Council's Safeguarding Policy);

- That any person who applies to be a licence holder, is a fit and proper person and does not pose a risk (in any form) to the public. The words 'safe and suitable' aid the interpretation of 'fit and proper' and what is meant by it. The test the Council will use to determine whether an individual is considered fit and proper to hold a licence are as follows:
 - For drivers: "Would you allow your child, spouse or partner, parent, grandchild or any other person for who you care, to get into a vehicle with this person alone at any time of the day or night?"
 - For private hire operators: "Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"
 - For vehicle proprietors: "Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that 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?"
- That the public are safeguarded from dishonest persons;
- That vehicles used to convey passengers are safe and fit for the purpose for which they are licensed; and
- That the impact of licensed vehicles on the environment is reduced

1.2.5 The Policy provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not restricted to:

- Persons who wish to apply for new licences; persons who hold existing licences, including those that are the subject of review;
- The Council, in its capacity as the Licensing Authority, including licensing officers, members of the [Committee];
- Service users who have concerns relating to an operator, vehicle or driver;
- Licensing consultants, solicitors and barristers advising and/or representing applicants/licence holders; and
- Magistrates and Judges hearing appeals against the Council decisions.

1.2.6 The Policy is also designed to put the Council's licensing requirements into context.

1.3 Consultation and Communication

- 1.3.1 In determining the Policy, the Council has consulted widely, page ? sets out how that consultation has been conducted. The views of relevant stakeholders have been taken into consideration.
- 1.3.2 In order to deliver a transparent, accountable and efficient licensing service the Council is committed to ongoing communication and consultation with all stakeholders. In particular the Council welcomes the opportunity to communicate and consult with representatives of the hackney carriage and private hire trade to enable and encourage the exchange of views and information. The method of communication and consultation will be determined having regard to what is most appropriate in the circumstances.

1.4 Review of the Policy

- 1.4.1 The Policy will be formally reviewed after 5 years. However, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of each review relevant stakeholders will be consulted.
- 1.4.2 Minor changes would be made without consultation where:
- They are to correct an administrative error
 - They are a change needed because something is no longer possible or lawful
 - There is no foreseeable detrimental effect to licensee's interest
 - To reflect a change in legislation that is beyond the Council's control

1.5 Legislative Framework

- 1.5.1 The operation of the Council's licensing service is undertaken in accordance with relevant legislation, applicable licence conditions and the Secretary of State for Transport's Statutory Taxi and Private Hire Vehicle Standards July 2020, and such other guidance that may be issued from time to time by the Department for Transport (DfT) and other Government departments, such as the DfT's Best Practice Guidance for Taxis and Private Hire Vehicle Licensing and the DfT's guidance note on "Private Hire Vehicle Licensing"
- 1.5.2 The primary legislation relating to hackney carriage and private hire licensing, at the time this policy comes into force, is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and may be subject to change with any new and/or amended legislation. This policy reflects the changes to hackney carriage and private hire licensing introduced by the Deregulation Act 2015 and Immigration Act 2016, and the provisions contained within the Equality Act 2010. It also encompasses provisions from other pieces of legislation such as (but not exclusively) the:

- Road Safety Act 2006;
- Road Traffic Acts (various);
- Criminal Justice & Public Order Act 1994;
- Transport Act 1985

1.5.3 In addition, the service is provided in accordance with all relevant Council policies, but in particular the following which mirror the framework of policies which under section 177(4) of the Policing and Crime Act 2017 the Council must have regard to when exercising its licensing functions:

- Safeguarding Policy
- Equality & Diversity Policy
- Data Protection Policy
- Enforcement Policy

1.5.4 The Data Protection Act 2018 (“DPA18”) and The General Data Protection Regulations (“GDPR”) control the collection, storage, processing and distribution of personal data. They also give certain rights to individuals about whom information is recorded. The Council aims to fulfil its obligation under the legislation by only processing personal data for the purposes of legitimate interests pursued by the Council or legal requirements imposed on the Council. The DPA18 requires local authorities to comply with data protection principles. The principles state that the information shall be:

- Used fairly, lawfully and transparently
- Used for specified, explicit purposes
- Used in a way that is adequate, relevant and limited to only what is necessary
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary
- Handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access loss, destruction or damage

Further information about DPA18 and GDPR can be found on the Information Commissioner’s website (www.ico.gov.uk). Enquiries regarding the Council’s use of personal data should be addressed to the Council’s Data Protection Officer at dp@cheshireeast.gov.uk. The Licensing Authority has published a Privacy Notice explaining how data will be used.

1.5.5 The Policy and associated conditions do not address health and safety at work requirements. Drivers and operators are required to ensure compliance with all relevant health and safety at work provisions. This is likely to impact on the health and safety requirements associated with transporting passengers with disabilities e.g. those who need to carry oxygen for medical purposes or those

with assistance dogs. This may have implications on the extent of the discretion that drivers may have to refuse to carry passengers with certain disabilities.

1.6 Conditions

- 1.6.1 The Council will adopt any reasonable conditions that are deemed necessary and appropriate to ensure that proprietors, operators, drivers and vehicles comply with relevant legislation and the fundamental purpose of this Policy i.e. to protect the safety and welfare of the public, and in particular children and vulnerable adults.

1.7 The Service provided by the Council

- 1.7.1 There are, at present, approximately ?? drivers, ?? Operators, ?? private hire vehicles and ?? hackney carriages. (NB. Numbers fluctuate as licences are granted, lapse or are surrendered based on market forces). The Council does not set a cap on the maximum number of licences it will issue.

What can I expect from the Licensing Service?

- 1.7.2 You can expect a professional and efficient service. The service aims to be focused on the public and the trade. If you have any concerns about the service you receive please contact a member of the licensing team in the first instance.

Ultimately, if you are unhappy with the service provide you can escalate this via the Council's complaints procedure which can be found at https://www.cheshireeast.gov.uk/council_and_democracy/customer-services/complaints_and_feedback/complaints_and_feedback.aspx

The Council's performance should be open to scrutiny and you should know when you can expect to receive an answer. We will therefore aim to respond to enquiries within 10 working days from the date the application is valid and supporting information verified.

Matters that need to be referred to a Committee or a higher decision maker may take longer. If your application needs to be determined this way, you will be notified within 10 working days. This will fluctuate at times of high service demand and any extension of these timescales will be updated on our website and in automated responses to emails.

Our approach

- 1.7.3 The Council aims to balance protection of the public against requirements which are too onerous. Requirements which are too onerous may ultimately

reduce the availability and increase the cost of licensed vehicles. We aim to be pragmatic and work with the trade to improve the service provided to the public and the quality of vehicles available.

The Council is committed to being as open as possible in our dealings with the public and the trade. We will seek to put as much information as possible on the website in an accessible and user-friendly format.

Public Register

- 1.7.4 The Council will hold and maintain a register of all the licences we issue. The information held on the register will be restricted to the name of the licence holder; a unique licence number, the start date and the date of the expiry of the licence. The register will be available for inspection by prior arrangement with the Council's Licensing Team and where possible will be published on the Council's website.

PART 2
LICENSING PRINCIPLES, DELEGATIONS &
DECISIONS

2.1 Licensing Principles

- 2.1.1 The Council has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 and, together with the provisions contained in the Town Police Clauses Act 1847, the Council carries out the licensing of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.
- 2.1.2 This part of the Policy focusses on the principles the Council will follow when administering licence applications, reviewing conditions, setting fees and setting the table of fares. It explains the roles and duties of the Licensing Committee, the Environment and Communities Committee, and Officers of the Council.
- 2.1.3 The Council aims to provide a clear, consistent and responsible service to prospective and current licence holders, members of the public and other stakeholders. This includes the provision of advice to prospective applicants, including advice on the effect that convictions, etc may have on any application, and to existing licence holders. The Council will be mindful of the needs of the applicant but this will be balanced against the duty that the Council has to protect the safety and welfare of the public.
- 2.1.4 All licence applications will be considered and determined on their own merits but with regard to the statutory guidance regarding the protection of children and vulnerable adults who use taxi and private hire services. Any decisions taken will also be informed by this policy document.

2.2 Licensing Process and Delegation of Functions

- 2.2.1 The Council is the Licensing Authority. The Council's constitution delegates all functions relating to the licensing of private hire/taxis to the Licensing Committee, Sub-Committees and authorised officers of the Council. However, the adoption of any policy is reserved to the Environment and Communities Committee, who will act on the recommendation(s) of the Licensing Committee.
- 2.2.2 Whilst officers and the relevant committees will, in the majority of cases, follow Policy and statutory guidance, there may be specific circumstances that require a departure from these. In such circumstances, the reasons for departing from Policy or Guidance will be made clear. The aim of this policy is not to bind the decision-making process but to inform to decision-making process and provide a general guidelines.

2.3 Committees

2.3.1 Licensing Committee

This Committee is currently made up of fifteen elected members of the Council. It deals with overarching matters such as fee setting, amendments to the tables of fares, and providing recommendations to other Committees on the adoption of policies. Further details can be found on the Council's website <https://www.cheshireeast.gov.uk>

2.3.2 General Licensing Sub-Committee

This Sub-committee is made up of five members from the Licensing Committee. The Sub-committee will deal with new applications, renewals and reviews of licences that are referred to it by officers. The quorum of the Sub-Committee is set at three members in accordance with the Council's Constitution. Unlike other committees of the Council, this Sub-committee's membership is not based on political proportionality. Members, when determining applications for a licence, renewals or reviews of a licence, will have regard to:

- Hackney carriage and private hire legislation
- The information contained within this policy
- The Council's Safeguarding Policy
- Department for Transport and any other Government Guidance as applicable
- Road Traffic Act 1988 and other relevant road traffic legislation including MOT provisions
- Human Rights Act 1998
- Equality Act 2010
- Deregulation Act 2015
- Immigration Act 2016
- Any other relevant legislation drawn to its attention
- Any relevant legal case law; and

2.4 Decisions

2.4.1 The Licensing Authority has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions. In addition, the Council may choose to issue written warnings or issue cautions where applicable, or to prosecute those who have committed offences.

2.4.2 Any decision to refuse to grant or renew a licence or to suspend or revoke an existing licence, including the decision to suspend or revoke with immediate effect or to issue a written warning, will be made in accordance with the Council's scheme of delegation and other relevant policies, statutory guidance and procedures.

2.4.3 Where applications are to be determined, the officer or General Licensing Sub-Committee, will take into consideration:

- The facts of the application;
- Any information and/or evidence provided by other interested parties. This may include; Officers from the Council with responsibility for safeguarding, those responsible for the testing of vehicles, Licensing Enforcement Officers and Officers from Cheshire Police; and
- In order to provide applicants with the opportunity to consider and respond by way of written and/or verbal representations, as appropriate, the Council will provide the relevant details which have given rise to the need for an officer decision and/or Sub-committee Hearing.

2.4.4 Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as is practicable after the decision has been made. This will include information on any right of appeal.

2.4.5 Licensing decisions are made in accordance with the powers and responsibilities delegated by the Council's constitution:

- Decisions on drivers applications are taken by an authorised officer or the General Licensing Sub-Committee.
- Decisions on vehicles are taken by an authorised officer or the General Licensing Sub-Committee.
- Decisions on existing and prospective private hire operators are taken by an authorised officer or the General Licensing Sub-Committee.

2.5 Application/Renewal Decisions

2.5.1 Where the Council is minded to not approve the licence/renewal in the form applied for, it will give the applicant/licence holder a chance to make oral representations or representations in writing (by letter or email) before a decision is taken.

2.5.2 Where an application is incomplete or does not meet the application criteria, the Council will reject the application. This will be confirmed in writing.

Decision to suspend/revoke a licence

2.5.3 Suspension, Immediate Suspension, Revocation and Immediate Revocation of a drivers licence can be carried out by the Licensing Committee, Sub-Committee, or an authorised Officer of the Council.

Where the Council is minded to suspend or revoke a licence it will give the applicant/licence holder a chance to make representations in person, face to face, or in writing by letter or email before the decision is taken.

- 2.5.4 Suspension or revocation of a vehicle licence can be carried out by an authorised officer, Licensing Committee or the Sub-Committee.

2.6 Appeals

- 2.6.1 If the applicant/licence holder is aggrieved by the decision of the Council they may appeal to the relevant Court (in most cases the Magistrates' Court). The appeal must be made within 21 days of being notified in writing of the Council's decision and must be lodged with the Court in accordance with the relevant statutory provisions. The Council strongly advises parties to seek appropriate independent legal advice without delay if they are considering appealing a decision.

2.7 Working in Partnership

- 2.7.1 The Council aims to work in partnership with other relevant agencies/bodies when dealing with hackney carriage and private hire licensing issues. Such partnerships will include, but are not restricted to, relevant hackney carriage and private hire trade associations, where appropriate, neighbouring local authorities, Cheshire Police, Driver and Vehicle Standards Agency (DVSA), Revenues and Benefits Teams, Safeguarding Partnerships and consumer groups.
- 2.7.2 Cheshire East Borough Council regularly meets and shares information with other enforcement agencies including Cheshire Police, Cheshire East Trading Standards Team and Multi-agency Child Sexual Exploitation Operational Groups and Children's Safeguarding Groups.
- 2.7.3 The Council, as primary regulator, will ensure that all relevant provisions relating to the effective administration of licensing functions are robustly enforced in order to ensure the protection of the public.
- 2.7.4 Where licensing staff do not consider that this policy is being correctly applied they are able to raise this for investigation, and remedial action if required, through the Council's internal whistleblowing procedure.

PART 3
TYPES OF LICENCE & APPLICATIONS

3.1 General Information

This part of the Policy concerns the types of licence and the necessary steps required to obtain and hold such a licence. These steps include the standards that applicants must attain and maintain and the conditions that will apply to any licences granted. Where appropriate, any reference to 'applicant' is deemed to include existing licence holders.

3.1.1 The following are applicable to all licence types:

- a) Where an applicant has failed to declare relevant information or provided false information, the application is likely to be refused since these acts are seen as behaviour that brings into question the applicants honesty and suitability to hold a licence; where this relates to an existing licence, the licence is likely to be considered for revocation on the same grounds. Applicants are reminded that it is an offence to knowingly or recklessly make a false declaration or omit any material particularly when giving information required for the application for a licence;
- b) All licence fees are payable at the time of application. Fees are staggered to reflect the processing of the application. Where a licence is refused the applicant is not entitled to a refund of the fee paid. ~Because the fees are staggered, any outstanding fees will need to be paid after all check are completed before a licence is issued. Where an applicant decides to withdraw their application a portion of the fees **may** be returned to the applicant, but this will be based on what administrative functions have been carried out.
- c) In the event that an application for a licence is paid by cheque, the application will not be valid until such time as the cheque has been cleared. In the event that the cheque does not clear and the licence has been issued, the Council will suspend the licence until such time as full payment has been received.
- d) The application process must be completed within 6 months, unless prevented from doing so by matters that are outside the applicant's control e.g. external delays in the DBS process, otherwise the application process will cease to progress further until such time as the applicant provides all the required information. Applications not completed within 6 months without a justified reason for the delay will be considered abandoned and will be returned to the applicant. A new application and payment of fees will be required if the applicant wished to continue with the process.
- e) Where a licence has lapsed, been surrendered or revoked, a new application may be submitted in accordance with the relevant new licence procedures before the Council will consider the application.

- f) When a licence expires, the Council will not permit any 'periods of grace' for the submission of a renewal application unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council.

Appointments

The Council operates an appointment system through Cheshire East Council's Customer Contact Centres for the undertaking of **Disclosure and Barring Service (DBS) checks and Right to Work (RTW) Checks only.**

The submission of new and renewal applications for Drivers, Vehicles and Operators Licences can be made by post.

Postal Applications:

Completed applications should be submitted together with all of the relevant supporting documents (as set out in the application form) and the application fee to:

The Licensing Service, Cheshire East Council, Municipal Buildings, Crewe CW1 2BJ.

Payment by Cheque - the cheque must be made payable to Cheshire East Council.

Payment by Card - If you wish to make payment by card, you will need to submit the application either by way of post or email. Once the application form has been received and checked by the Licensing Service, you will be asked to contact the Customer Contact Centre to make payment by card over the phone. You will need to provide a valid email address/telephone number so that instructions can be communicated to you.

Email Applications

Completed applications and supporting documents can be sent to: The Licensing Service – licensing_CE@cheshireeast.gov.uk

Once the application has been received by the Licensing Service and checked, the team will send an email providing further instructions in relation to making payment of the application fee. The application will only be considered a valid application once the fee has been paid. Failure to make payment of the fee will result in the application being delayed.

Important

It is the licence holder's responsibility and the onus is on them to ensure that a renewal application is made in good time. Under no circumstances will a licence be issued without satisfactory completion of all required checks.

Disclosure & Barring Service (DBS) data and other relevant information

3.1.3 The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (November 2015) and **will not retain a copy of the certificate**, in line with the Council's data retention policy and data protection legislation. Applicants will need to retain a copy of the original DBS Certificate for future licensing applications. DBS certificates must be in the correct workforce (i.e. 'Other Workforce') and for the correct job role (i.e. Taxi Driver or Taxi Licensing). Further information about the DBS can be found at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

The Council will accept an Enhanced DBS disclosure report issued as part of an application made through a separate organisation provided:-

- It is for 'other workforce'
- It includes both of the Barring checks
- It is for the same job role (taxi driver or taxi licensing)
- It is presented to the Council for verification within 28 days of issued date of the certificate
- The applicant has subscribed to the DBS Update Service; and
- The applicant has authorised the Council to access the relevant online record.

Further information can be found at <https://www.gov.uk/dbs-update-service>

The Council will make regular use of the Multiple Status Check Facility provided by the DBS Service and where this shows changes to a licensee's record, a new DBS disclosure will be required. The licensee is required to pay the appropriate fee before the new DBS disclosure application is submitted.

3.1.4 Where an applicant has spent an extended period of time overseas and hence their DBS record is incomplete the Licensing Authority will require an applicant for a licence to provide data on their criminal record or a Certificate of Good Character issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Further information on this can be found at <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

3.1.5 Drivers who undertake work for Transport Service Solutions (TSS) e.g. school contracts, are advised to contact TSS in order to ascertain the level of criminal record disclosure required and any other requirements in this respect. Information will be shared between TSS and the Licensing Team about individuals and businesses that apply and/or tender to deliver passenger transport contracts. Further information about TSS can be found at <http://www.transportservicesolutions.co.uk/home.aspx>

- 3.1.6 In addition to the information via the DBS service the Council maintains close links with the local police licensing unit ensuring that information held by either party, relevant to hackney carriage and private hire licensing, is efficiently and effectively shared under existing protocols.
- 3.1.7 Where the Council obtains or holds relevant information not known to the DBS service or the local police they will refer this to either or both organisations in order that the information they hold is up to date and complete. This will include information regarding licences which the authority has refused, revoked or suspended them, on the basis that they believe the individual presents a risk of harm to a child or vulnerable adult.
- 3.1.8 The Council will also share information with other local licensing authorities regarding licences they refuse, suspend or revoke and with the National Register maintained by the National Anti-Fraud Network (NAFN) known as the 'NR3' register.

Counter-Terrorism and Security Act 2015

- 3.1.9 The Council has a duty under the Counter Terrorism and Security Act 2015 ("CTSA") to have due regard to the requirement to prevent people from being drawn into terrorism.

The applicant/licence holder shall facilitate the Council's compliance with its duty pursuant to the CTSA and the applicant/licence holder shall have regard to the statutory guidance issued under Section 29 of the CTSA and in particular to ensure that they:

- Understand what radicalisation means and why people may be vulnerable to being drawn into terrorism;
- Are aware of extremism and the relationship between extremism and terrorism;
- Know what measures are available to prevent people from becoming drawn into terrorism and how to challenge the extreme ideology that can be associated with it; and
- Obtain support for people who may be exploited by radicalising influences.

Where the applicant/licence holder identifies or suspects that someone may be engaged in illegal terrorist related activity, the applicant/licence holder must refer such person or activity to the police. For more information please see <https://www.gov.uk/government/publications/counter-terrorism-support-for-businesses-and-communities>

Immigration Act 2016

3.1.10 From the 1st December 2016 the Council is required to ensure that all drivers and operators have the right to work within the UK prior to issuing them a licence. All applicants will be treated in line with the government guidance that can be found at:

<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

As part of the new/renewal application process the individual will have to provide the Council with one of the documents listed in Annex A of the Government Guidance. Where an applicant cannot provide a current proof of their right to work in the UK then a licence will not be issued to them. Where an applicant has a time limited right to work in the UK, then the Council will only issue a licence up until the expiry date of that document.

3.2 Dual Hackney Carriage and Private Hire Drivers Licences

3.2.1 It is the responsibility of the Council to protect the public and to ensure that before anyone is granted a licence the Council is satisfied that they are a 'fit and proper' person to hold such a licence.

There is no agreed definition for 'fit and proper' – in the absence of such a definition, the council will use the widely accepted interpretation of:

“Would you allow your child, spouse or partner, parent, grandchild or any other person for whom you care to get into a vehicle with this person alone at any time of the day or night?”

If on the balance of probabilities, the answer to the question is 'no', the individual will not be granted a licence.

3.2.2 Cheshire East Council issues joint driver's licences. This means that once you hold a driver licence, you can drive any Cheshire East licensed Hackney Carriage or Private Hire Vehicle. A dual drivers' licence is referred to as a "taxi driver's licence" and drivers are referred to as "taxi drivers" within the Council and for the remainder of this document.

3.2.3 An application for a taxi driver's licence must be made on the approved form and submitted at the Licensing Service. If any information given by you on the application form is false, or relevant information is not revealed as required, the licence can be revoked or a renewal refused and you could be prosecuted under Section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976.

3.2.4 As it issues dual driver licences, the Council has a Code of Conduct for taxi drivers which applied to both hackney carriage and private hire activity. This Code is not a condition: it is a standard of behaviour which it expects drivers to maintain. Any failure to comply with the Code will lead to the Council questioning whether you remain a fit and proper person to drive a hackney carriage or private hire vehicle. The Code of Conduct can be seen at Appendix ??

3.2.5 The Council's byelaws only apply when you are using your licence to drive a Hackney Carriage.

Period of Licence

3.2.6 New and renewal driver licences will be valid for three years (36 months) from the date of issue and will then last for that period unless action is taken against it before its expiry or a medical practitioner, as part of the medical examination, has indicated that a shorter period licence is appropriate. Additionally, a

licence with a shorter period will be granted where there is a time limited right to work in the UK. In these circumstances, the licence will be valid for the right to work period.

Pre- Application Requirements

3.2.7 The application form(s) must be fully completed and include all relevant information, supporting documentation and payment of the appropriate fee. If any part of the application form is incomplete or relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information/documentation and will be informed that the application will not be accepted/valid until such time as all required information/documentation is submitted.

3.2.8 Before the licence expires, an application for renewal must be made if the driver wishes to continue working. Any application for renewal must be made at least six weeks before the licence expires. If applicants do not apply to renew the licence in time there may be a period when you will be unable to drive a hackney carriage or private hire vehicle. If a situation arises where the application was made at least six weeks before expiry, but for reasons beyond the applicant's control (e.g. delay in the processing of, but not the application for, a DBS check), the licence application cannot be processed before the current licence expires, the Council will consider issuing a short term licence. This will be specifically without prejudice to any decision on the renewal application the Council may make. Any such decision will be wholly at the Council's discretion.

3.2.9 If a renewal application is not received before the expiry of the current licence, it will be treated as a new application, rather than a renewal, and there will be a requirement to provide all the information that is required for a new application (e.g. a new DBS check, up-to-date medical, passing a local knowledge test, relevant qualification etc.)

3.2.10 Once a licence is issued it cannot be transferred. The renewal of the licence will be at the Council's discretion.

3.2.11 In addition to submitting the application form and fee an applicant must:

- Be over 21 years of age;
- Provide a full UK driving licence (or European equivalent) that has been held for at least 12 months. If the driving licence was not issued in the UK or EU then the applicant must comply with the requirements set out by the government for exchanging/applying for a DVLA licence;
- Provide an enhanced DBS certificate including checks against the barring lists, issued within the previous 28 days or be Registered with the DBS update service with a relevant up to date certificate;

- Authorise the Council to access the relevant online record via the DBS Update Service;
- Provide one (1) passport sized photograph;
- Provide evidence of their right to work in the UK, in accordance with Home Office requirements;
- Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, cautions reprimands, speed awareness courses and fixed penalty notices;
- Provide the BTEC Level 2 certificate in the 'Introduction to the Role of the Professional Taxi and Private Hire Driver' qualification, or equivalent as determined by the Council;
- Pass the Council's local knowledge test;
- Pass Disability Equality Training approved by the Council **(the licensing service are liaising with other local authorities to establish what is currently being done elsewhere)**;
- Provide a Safeguarding and Child Sexual Exploitation Awareness Training Certificate issued by the Council within the previous 3 months;
- Undergo a Group 2 medical examination and provide the medical certificate issued by their registered General Practitioner or a Medical Practitioner who confirms they have had access to the full medical records when determining the applicant's fitness to drive issued within the previous 3 months. Medical examinations are required at the initial application and thereafter every other application (alternate) until the age of 60. All applicants aged 60 years and over must undertake a Group 2 medical examination on initial application and at every application thereafter. Applicants must produce the medical report to the Council at their earliest convenience;
- Provide a DVLA online check code;
- Satisfy the Council that they have a satisfactory level of conversational and written English in order to carry out the role of a hackney carriage/private hire driver;

3.2.12 On renewal of an existing licence, applicants must:

- Submit a completed application form;
- Pay the appropriate licence fee;
- Provide a full UK driving licence (or the European equivalent) that has been held for at least 12 months;
- Provide an enhanced DBS certificate including checks against the barring lists, issued within the previous 3 months or be Registered with the DBS Update Service with a relevant up to date certificate;
- Authorise the Council to access the relevant online record via the DBS Update Service;
- Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, cautions, reprimands, speed awareness courses and fixed penalty notices;

- Provide one (1) passport sized photograph;
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements;
- Provide a Safeguarding and Child Exploitation Awareness Training certificate issued by the Council within the previous 3 months;
- Pass Disability Equality training approved by the Council (first renewal after policy implementation only);
- Undergo a Group 2 medical examination and provide the medical certificate issued by their registered GP or a Medical Practitioner who confirms they have had access to the full medical records when determining the applicant's fitness to drive issued within the previous 3 months. Medical certificates are required on initial application and thereafter every other application (alternate) until the age of 60. All licensed drivers aged 60 years and over must undertake a Group 2 medical examination at every application and produce the report to the Council;
- Provide a DVLA online check code;

Qualifications

3.2.13 Applicants will need to hold either the BTEC Level 2 Certificate in the introduction of the role of the Professional Taxi and Private Hire Driver or the NVQ Level 2 Certificate in Road Passenger Vehicle driving (Taxi and Private Hire Driver) or an equivalent qualification, or be enrolled on such a course before they make an application.

3.2.14 The determination as to whether another qualification is equivalent will lie with the Council. No licence will be issued until the Qualification has been passed and the Certificate has been verified. Obtaining such a qualification is not a guarantee that a licence will be granted.

3.2.15 Applicants will be required to pass a theory test that consists of a knowledge test of the Cheshire East area, questions in relation to the Taxi Legislation and the Highway Code. Applicants will be expected to show a suitable knowledge of the Borough before a licence will be issued.

3.2.16 The Council reserves the right to require any applicant or existing driver to take and pass an additional driving test at the applicant or licence holder's expense. In the case of a new application this would be before application for a driver licence can be made, and in the case of an existing driver, at any time during the duration of the licence. In both cases it will be at the discretion of the Council but will usually (but not exclusively) be based on concerns or complaints in relation to the standard of driving. The cost of undertaking such a test or assessment will be the responsibility of the applicant or licensed driver.

3.2.17 Applicants that have not held a drivers licence issued by Cheshire East Council within a year of the date of application will be required to repeat all the above

(the qualification (BTEC or NVQ), the theory test and the driving test) before they can be considered for a new driver's licence.

Safeguarding Training

3.2.18 All applicants must have attended and completed a Council approved course relating to Child and Adult Sexual Exploitation prior to being licensed. Any existing licence holder must complete this course within the currency of their existing licence in order to have it renewed. Failure to do so will lead to delay in renewal of the licence until such time as the course has been satisfactorily completed.

Previous Convictions

3.2.19 Most applicants will not have any criminal convictions, however it is acknowledged that some applicants will have made mistakes in the past which will have led to them being convicted of crimes. The Council's approach to previous convictions are detailed in the Previous Convictions Policy. This lays down the minimum acceptable standard for those with criminal convictions to be granted a taxi drivers licence. Failure to meet these standards means that the licence cannot be granted by officers under delegated powers, and the matter will be referred to the Licensing Committee/General Licensing Sub-Committee for determination. It must be emphasised that the grant of a licence in these circumstances will be unusual.

3.2.20 Any existing driver who falls below these standards will also be in serious danger of having their licence revoked or suspended

Sanctions against breaches of the Code of Conduct and for Acquiring Driving Licence Points

3.2.21 Where a driver acquires 6 or more penalty points on their DVLA licence, or who breaches any legislation, byelaws or requirements of the code of conduct may be referred to the General Licensing Sub-Committee or the Licensing Committee.

3.2.22 The Council also has its own Penalty Point Scheme as a method of enforcing the requirements for taxi drivers (See appendix ??).

3.2.23 The Licensing Committee or Sub-Committee has the discretion, where appropriate, to order a driver to attend a Driver Correction Course (at the drivers own expense) before they may resume duties as a taxi driver.

3.2.24 The Licensing Committee or Sub-Committee may also suspend or revoke the driver's licence or impose penalty points. Suspension or revocation of your licence can be with immediate effect where the Council is of the opinion that in

the interest of public safety such action is required. Section 61(2A) of the Local Government (Miscellaneous Provisions) Act 1976 provides a local authority with such powers.

3.2.25 It must be understood that a decision to grant a licence would have been made on the basis that an applicant was a fit and proper person to drive a hackney carriage and private hire vehicle at the time the application was determined. That decision would have been made on the particular facts of the case on the day of the decision. That status can be lost at any time in the future and the licence holder must ensure that their behaviour remains of the highest standard to protect their licence and therefore their livelihood.

3.2.26 Providing the above are satisfied, the Council will renew the licence. It is the responsibility of the applicant to provide the Council with the DBS certificate once received. A licence will not be issued without a current DBS certificate, or any of the other specified documents that make up a complete application.

3.2.27 To allow continuous driving, applicants for licence renewals should allow at least eight weeks for the DBS check. Valid renewal applications (including a current DBS certificate) must be received by the Council at least 10 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application.

Where applicants fail to submit a valid renewal application within this timescale, their licence may expire before the renewal is issued. Once a licence expires, is revoked (subject to statutory appeal process) or is surrendered, it ceases to exist and applicants will not be permitted to drive a Hackney Carriage or Private Hire Vehicle in these circumstances.

It is the driver's responsibility to notify the Council of any cautions, convictions, pending court cases and current or pending endorsements to their DVLA Driving licence received during the course of a licence period, in line with the driver conditions. Failure to notify the Council at the time of any caution, conviction, pending court case or current/pending endorsement to a DVLA driving licence may lead to a licence being referred to the General Licensing Sub-Committee to be determined. In these types of situation, the Council will not issue a licence for any interim period between the expiry of the current licence and the next available General Licensing Sub-Committee hearing.

3.2.28 Once a licence ceases to exist, a renewal application will not be accepted by the Council and the applicant must submit a new driver licence application which will be processed in accordance with the Council's new application procedures.

Production of documents

3.2.29 The driver must, on request, produce for inspection their hackney carriage/private hire driver's licence immediately or within 7 days to either the Council office or a police station.

Driver badges and licences

3.2.30 The badge must be worn by the driver at all times when driving the licensed vehicle and the badge must be plainly and distinctly visible.

3.2.31 All drivers of vehicles licensed for hackney carriage purposes of which they are not the proprietor, must deposit their driver's licence (paper counterpart) with the proprietor **before** commencing driving the vehicle. The vehicle proprietor must retain the licence until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

3.2.32 On ceasing to be a licensed driver through suspension, revocation, refusal to renew or expiry of the licence, the licence holder must return the badges and licence to the Council within 7 days (or earlier if the Council so demands) of the suspension, revocation, refusal to renew or expiry becoming effective.

Journeys

3.2.33 Drivers must not unnecessarily prolong a journey, in distance or in time.

Vehicles

3.2.34 Only vehicles licensed by the Council are permitted to be used for hackney carriage and private hire purposes.

Driving Licensed Vehicles

3.2.35 Only drivers who are licensed by the Council that licensed the vehicle are permitted to drive a licensed vehicle. The only exceptions to this are when the vehicle is undergoing an MOT test and needs to be driven by the MOT examiner or it is being driven by a qualified mechanic for the purposes of a vehicle service, recovery or maintenance or otherwise permitted by legislation.

Smoking in vehicles

3.2.36 Drivers must not, at any time, smoke or permit passengers to smoke in their vehicle as required by the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles) Regulations 2007. This includes the use of electronic cigarette and/or vapourisers etc. If drivers are witnessed smoking/vaping, or allow a passenger to smoke/vape, in a licensed vehicle, then they may be served with a fixed penalty notice, issued with a warning and/or referred to the General

Licensing Sub-Committee. Drivers smoking/vaping when their vehicle is parked/not hired must get out and step away from their vehicle.

Transporting children

3.2.37 Drivers must inform parents/carers that the decision to permit children to travel in the vehicle without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children. Failure to use a child car seat or similar designed apparatus where available, will enable the driver to refuse the carriage of that child/young person. However once in the vehicle it is the driver's responsibility to ensure that passengers under 14 years old are correctly restrained.

Legal Requirements

Touting

3.2.38 A proprietor or driver of a hackney carriage, when standing or plying for hire, must not call out or otherwise importune any person to hire such vehicle and must not make use of the services of any other person for this purpose. This is an offence under the Criminal Justice and Public Order Act 1994, section 167.

Plying for Hire

3.2.39 Drivers of private hire vehicles must NOT 'ply for hire'. The Council's interpretation of 'plying for hire' is set out at appendix ? and is based on relevant legislation and case law.

Refusing to convey passengers

3.2.40 A driver of a hackney carriage who is waiting at a rank/stand must not refuse to carry a passenger without a reasonable excuse. E.g. if the person/s are severely intoxicated or being abusive to the driver.

Overcharging

3.2.41 Drivers of hackney carriages must not charge more than is permitted under the current table of fares. Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commences must not charge more than that indicated on the taximeter or more than the current table of fares allows.

Persons riding without consent

3.2.42 Drivers of hackney carriages must not permit persons to be carried in the vehicle unless they have the consent of the person who is actually hiring the vehicle.

Unlicensed drivers

3.2.43 Licensed drivers of hackney carriages must not allow persons to drive a hackney carriage unless they are authorised to do so by the proprietor and hold an appropriate licence to do so.

Obstruction

3.2.44 Hackney carriage drivers must not obstruct other hackney carriage drivers/vehicles from undertaking their normal hiring and driving activities, on a rank or other designated collection point.

3.3 Hackney Carriage Vehicle Licences

Summary

- 3.3.1 Hackney carriages are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 3.3.2 Hackney carriages are licensed to stand for hire at a taxi rank or can be hailed in the street when within the administrative area of the Council with which it is licensed. Hackney carriages may also undertake pre-booked journeys anywhere in the country.
- 3.3.3 All hackney carriages, whilst plying for hire, shall be immediately capable of providing for at least one wheelchair, if designated as a Wheelchair Accessible Vehicle by the Council. Under section 167 of the Equality Act 2010 the Council may create a list of all licensed wheelchair accessible vehicles, placing the below duties on the driver:
- (a) To carry the passenger while in the wheelchair;
 - (b) Not to make any additional charge for doing so;
 - (c) If the passenger chooses to sit in a passenger seat, to carry the wheelchair;
 - (d) To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
 - (e) To give the passenger such mobility assistance as is reasonably required.
- 3.3.4 The Council will not licence a vehicle which is licensed by another local authority or allow or permit a hackney carriage identification plate issued by another authority to be displayed on the vehicle.
- 3.3.5 The Council does not limit the number of hackney carriage vehicle licences that it will issue.
- 3.3.6 The Council has absolute discretion over granting a hackney carriage vehicle licence. That means that it can refuse to grant a licence unless the vehicle meets or exceeds its requirements. It also means that the character of the vehicle owner can be taken into consideration, and again, the licence can be refused unless the vehicle owner also meets or exceeds the Council's requirements.

Period of Licence

- 3.3.7 Vehicle licences will be issued for 12 months.
- 3.3.8 The applicant for a vehicle licence must be the legal keeper of the vehicle concerned and entitled to be registered as the keeper of the vehicle under the

provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced to demonstrate compliance with this requirement, for example the V5C/logbook.

Vehicles

3.3.9 The Council requires all hackney carriage vehicles to comply with specifications and requirements set out in Appendix ? and advises all applicants and current licence holders to familiarise themselves with this section.

3.3.10 Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that can be used at any one time e.g. if the vehicle has X number of fixed seats and the fixings to carry 1 customer in a wheelchair then the licence will be to carry X + 1 passenger. If any of the fixed passenger seats become obstructed when a wheelchair is fitted then the driver must not permit that seat/those seats to be used during that journey.

Vehicle Type and Age

3.3.11 In order that a reliable hackney carriage service of an acceptable standard is provided within the Borough a person to be considered for a hackney carriage vehicle licence on first or subsequent occasions shall comply with the following suitability criteria:

Wheelchair Accessible Vehicle

1.3.12 From [DATE] any vehicle presented for initial licensing as a hackney carriage must be a purpose built vehicle capable of carrying a wheelchair bound passenger (a 'wheelchair accessible vehicle') which complies with the current Greater London Authority Transport for London Conditions of Fitness' or it is an E7 2007 Model year only (currently such vehicles are FX4, TX1, TX2 or TX4, Metrocab, Mercedes Vito Taxi or E7 from 2007 model year only, but other vehicles that meet or exceed these specifications will be considered on a case by case basis). Such vehicles are referred to as WAV's ('wheelchair accessible vehicles').

3.3.13 If the vehicle does not comply with the London 'Conditions of Fitness' or is any other type of vehicle, the following additional specifications will apply:

- i. Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle must have European Whole Vehicle Approval (M1) or Low Volume Type Approval Standards or Single Vehicle Type

Approval, including an inspection certificate issued by D.V.S.A as a minimum standard. In all such cases, it will be at the discretion of the Council to grant or refuse the grant of a hackney carriage vehicle licence.

- ii. The interior of the vehicle must be able to accommodate a wheelchair and its user riding seated within the wheelchair.
- iii. Have a minimum unobstructed available width of 0.74 metres (including at the point of entry).
- iv. Have a minimum unobstructed available length of 1.2 metres for a wheelchair user.
- v. Have a minimum unobstructed height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position.
- vi. The vehicle must be fitted with suitable wheelchair anchorages, either chassis or floor linked.
- vii. The vehicle must be fitted with a suitable 3 point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages.
- viii. The vehicle must have a suitable ramp(s) for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council.
- ix. Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement.
- x. At least one door entrance must be designed and constructed to help elderly and disabled passengers enter and egress the vehicle. The door entrance and any steps must be conspicuously marked to help visually impaired passengers.
- xi. All passenger door entrances must have grab handles or rails suitable located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers.

- xii. To assist elderly and disabled passengers, at least one passenger seat must be of a 'swivel' or other design and construction, approved by the Council.
- xiii. In addition, the vehicle must meet the general requirements details below (paragraph 6) so far as they are not incompatible with the above.

Non Wheelchair Accessible Vehicles ('Saloon vehicles')

3.3.14 A 'saloon vehicle' refers to any vehicle which is not wheelchair accessible. Any saloon vehicle that is currently licensed as a hackney carriage can remain as a saloon vehicle for the duration of the licence up to the maximum age of the vehicle which is 12 years, provided that the vehicle is continuously renewed. If the vehicle is transferred, the licence will not be renewed for a saloon vehicle, and on renewal a wheelchair accessible vehicle must be provided. If at any time an application for renewal of the licence (complete in every way) is not received before the expiry of the current vehicle licence, the vehicle licence will lapse and the right to use a saloon vehicle will end. A new licence application would then be required for a wheelchair accessible vehicle in accordance with the above paragraphs.

3.3.15 If the vehicle is to be licensed as a saloon (licensed pre-operative date) and is not a purpose built vehicle, it must be approved by the Council and comply with the following specification:

- i. Have a minimum of four doors that can be opened from both inside and outside the vehicle. Each door must be capable of being opened by passengers from both inside and outside the vehicle. Each door must be adjacent to and allow direct access to and from the seats.
- ii. Have a minimum seating capacity for at least four adult passengers based on a seat width of not less than 400mm per person across the rear seat.
- iii. Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. If that is not possible or practical then d, e and f (as applicable) below will apply.
- iv. The minimum wheelbase of the vehicle must be 2.44 metres.
- v. The minimum unobstructed distance between the uncompressed seat cushion and the roof must be 0.9 metres (measured 0.25 metres from and parallel with the seat back) in relation to the front passenger and drivers seats, and 0.84 metres in relation to any other passenger seats.

- vi. The minimum unobstructed distance between the seat back and the footwell bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats.
- vii. The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding armrest).

Additional requirements for minibus and MPV type vehicles

3.3.16 In order to be licensed, minibus and MPV type vehicles must be fitted, in addition to the front driver and passenger doors, with at least:

- One other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle; or
- Two side loading doors that can be opened from the inside.

Hackney Carriage Licences issued prior to [date of policy] – Grandfather Rights

3.3.17 Vehicles which are licensed at the time this policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test. These vehicles will be subject to a mechanical vehicle test every 6 months (from the age of ??) The cost of the test will be met by the vehicle owner. At each renewal test, and subsequent 6 month test the vehicle will be permitted one retest only. Once a vehicle fails a retest it will cease to be suitable for licensing.

3.3.18 Current holders of hackney carriage licences for non-wheelchair accessible vehicles i.e. saloons, hatchbacks and estates, will continue to benefit from existing grandfather rights allowing them to replace their current vehicle with, another non-wheelchair accessible vehicle either during the licence period or at the expiry of the licence. However, those rights will cease if the vehicle is transferred to another proprietor.

Electric and Zero Emission capable Vehicles

3.3.19 The Council encourages and promotes the purchase of zero emission capable or hybrid vehicles to be licensed as hackney carriages. Where possible the Council will seek to implement a number of 'charge points' around the Borough which will be available for vehicle proprietors to use, and also to actively target funding opportunities for such charge points. Hybrid vehicles will not be permitted as hackney carriages unless they also fulfil the wheelchair accessible vehicle requirements or are vehicles operating under Grandfather Rights.

Application and Supporting Documentation

The application process to licence a hackney carriage vehicle is the same for a new or renewal application.

3.3.20 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information, documentation or fee is not provided, the applicant will be requested to provide the missing information/documentation/fee and informed that the application will not be accepted/valid until such time as all the information/documentation/fee is provided. The full fee for the licence is payable at the time application is submitted.

3.3.21 Any person wishing to licence a hackney carriage vehicle must submit:

- a) A completed application form;
- b) A Basic, Standard or Enhanced Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service (unless also licensed as a driver and have provided an enhanced DBS and update service registration as part of that process);
- c) A statutory declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent convictions';
- d) The appropriate licence fee (in full at the time of the application);
- e) A valid Certificate of Compliance (in accordance with the requirements set out at paragraph 3.2.26 below);
- f) A current vehicle fitness/garage test pass certificate (from the Council's Garage);
- g) A valid certificate of insurance for public hire. **This must remain valid for the period of the licence and must be produced on demand to an authorised officer of Cheshire East Council or police and in any case within 24 hours;**
- h) The V5C registration certificate (or alternative interim measure outlined in paragraph 3.3.21 below);
- i) A valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements set out in Appendix?

3.3.22 Where a vehicle has been modified, you will be required to submit a Voluntary IVA Certificate before you submit the application to licence the vehicle. It is the responsibility of the applicant to ensure they are providing the council with the correct information. To obtain the certificate, applicants will need to contact the DVSA or visit the www.gov.uk website. The council requires that the normal level of check is undertaken.

3.3.23 Where the vehicle is fitted with a mechanically operated ramp/lift, a valid certificate/report confirming the ramp/lift complies with the requirements of the Lifting Operations and Lifting Regulations 1998 shall be provided. (NB the vehicle proprietor is responsible for ensuring that a competent person carries

out the necessary checks every 6 months in accordance with these Regulations).

3.3.24 Where non-mechanical ramps are used, confirmation is required from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998. (NB The Council's Approved Testing Station garage will check that the provision of non-mechanical ramps is being maintained by the vehicle proprietor).

3.3.25 Where fittings are used to secure wheelchairs to the floor of the vehicle, a valid certificate/report confirming that all the fittings meet the required specifications should be provided.

Vehicle Testing Requirements

Certificate of Compliance

3.3.26 Vehicles must be tested at a relevant test centre which will be either:

- Environmental Hub (ANSA), Cledford Lane, Middlewich CW10 0JR; or
- Macclesfield MOT Testing Station, Unit 6 Pool Street, Macclesfield SK11 7NX.

3.3.27 Rules are in operation at the testing stations for the safety of applicants and the safety of the testers. Licence holders are expected to comply with the rules at all times

The vehicle test will be tested against a set of Hackney Carriage Vehicle Test Guidelines set down by the Licensing Team. See Appendix ?

3.3.28 Vehicles licensed by Cheshire East Council fall under the MoT exemption requirement, therefore applicants will need to be aware that when their vehicle is no longer licensed, it will need to be presented for an MoT.

3.3.29 When the vehicle has met the test criteria, the licence will be granted which will exempt the vehicle from requiring a standard MoT.

3.3.30 Applicants will be able to tax the vehicle at the Post Office by completing a V112 Declaration of Exemption Form, this must be done in person.

3.3.31 Licence holders are required to carry the vehicle licence in the vehicle that it relates to as proof of MoT.

Vehicle Fitness/Inspection

3.3.32 The Council requires all vehicles to be tested at least once a year, to ensure that they are suitable and 'fit' to be licensed. Vehicles can be tested prior to an

application for an initial Hackney Carriage vehicle licence being submitted. Similar tests will be required following an application for renewal of a vehicle licence. In both cases, the vehicle must pass the test before the licence will be granted.

- 3.3.33 The frequency of testing is once per year until the vehicle reaches its 5th anniversary when the vehicle will be required to be tested 6 months after the licence has been granted. If the vehicle fails that test the licence will be suspended using the powers contained in section 68 of the Local Government (Miscellaneous Provisions) Act 1976 until such time as the faults are rectified.
- 3.3.34 Where a vehicle licence is suspended, under section 68 of the Local Government (Miscellaneous Provisions) Act 1976, as a result of an accident, a garage test will be required to confirm that its roadworthy, once any repairs have been completed. The driver is responsible for the cost of any additional garage tests. A vehicle fitness certificate will be required before the suspension can be lifted.
- 3.3.35 Where a vehicle fails the garage test the proprietor will be given 28 days to rectify the failure items and submit the vehicle for re-inspection. If the garage deems the vehicle to be non-repairable, it fails the re-inspection or it not resubmitted within 28 days then the vehicle will not be eligible for a retests and any licence in place will be suspended or will not be granted.
- 3.3.36 It is the responsibility of the applicant/licence holder to ensure that the vehicle is presented for test at the time indicated. Any vehicle that is presented after this time will not be inspected. In this situation the applicant/licence holder will need to re-book a test and pay an additional test fee.
- 3.3.37 The licence holder/applicant may cancel a test appointment only if they provide at least two working days notice (excluding Saturday, Sunday and Bank Holidays) to the Council's Contact Centre.
- 3.3.38 If you fail to present a vehicle for a scheduled test, you will have to pay a test fee before a further test appointment will be allocated.
- 3.3.39 On an inspection for renewal of a vehicle licence, if an authorised officer is not satisfied that a vehicle is fit for use as a Hackney Carriage, the officer may immediately suspend the vehicle licence under section 68 of the Local Government (Miscellaneous Provisions) Act 1976, which means the vehicle cannot be used as a hackney carriage. The proprietor will be asked to surrender the licence plate and additional signage. The return of the plate and additional signage, and issue of a licence, will be conditional on the vehicle passing a further full test (which will be at the expense of the licence holder) in accordance with instructions from the vehicle examiner. When the vehicle passes the further test, the suspension will be lifted. If the licence plate and

additional signage are not surrendered voluntarily, the plate will be removed after 7 days, by an authorised officer. If the proprietor refuses to surrender the vehicle plate, a tamperproof 'Vehicle Licence Suspended' stickers will be affixed to the vehicle plate. In this instance, a replacement vehicle plate will be available for purchase from the Council if and when the suspension is lifted.

Vehicles not fit for the conveyance of passengers

3.3.40 Where a proprietor has notified the Council that damage has occurred to a vehicle, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not, using the DVSA's "Categorisation of Vehicle Defects" document as a guide on how to deal proportionately with defects*. If not, an authorised officer of the Council may, at the time, suspend the vehicle and require the proprietor of the vehicle to return the vehicle's plate to them within 7 days. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council to be fit for conveying passengers. A vehicle fitness/garage test certificate will be required to determine whether the suspension can be lifted. *How vehicle defects are categorised in roadside checks and vehicle tests can be found on the Gov.uk website.

Plates and Identification of vehicle

3.3.41 All hackney carriage vehicles must display the licence plates and additional signage provided by the Council, on the vehicle at all times in the positions specified in the vehicle conditions (see appendix ?). As the vehicle is a licensed hackney carriage, the plate and any identification signage must be displayed at all times and must never be removed or covered during the term of the licence.

3.3.42 In addition to the above, wheelchair accessible hackney carriages will be required to display wheelchair stickers at all times. Non-Wheelchair accessible hackney carriages will be required to display "No wheelchair" stickers at all times.

3.3.43 The identification stickers shall be displayed on:

- a) The inside of the lower near-side of the windscreen, so that the sticker is visible to passengers within the vehicle;
- ii) The top near-side rear window, facing outwards; and
- iii) The top off-side rear window, facing outwards.

3.3.44 One licence plate shall be securely affixed to the front of the vehicle and one licence plate shall be securely affixed to the rear of the vehicle. The plates

should, at all times, be fitted to the vehicle using the fastenings and fittings issued by the Council. The fastening of plates with temporary removable or magnetic fixings will not be acceptable.

3.3.45 The plates (and any backing brackets) and stiller shall at all times remain the property of the Council and the vehicle proprietor shall not cause or permit the information displayed upon the plates to be altered, removed or obscured in any way.

3.3.46 If the vehicle plates or additional signage are lost or damaged, duplicates must be purchased from the Council within 7 days.

Advertising

3.3.47 Advertisements may be displaying in or from the vehicle provided any advertising complies with legislation, the British Code of Advertising Practice and the approval of the Council has been obtained. All requests for permission to advertise on a vehicle must be made to the Licensing Team Leader **before** the advert is put on the vehicle.

3.3.48 Generally only **one** advert will be allowed to be applied to any vehicle. Any requests for further adverts must be made in writing and will be at the discretion of the Licensing Team Leader.

Ranks

3.3.49 The Highways section of Cheshire East Council is primarily responsible for the creation of ranks and will work with the hackney carriage trade, Council and Cheshire Police to determine where ranks/stands ought to be situated.

3.3.50 Where a driver is plying for hire and is illegally parked or creating an obstruction or if, in the opinion of an officer of the Council or police officer, the driver is plying for hire in a dangerous location (this does not include a legitimate period of time where a hackney carriage has stopped to drop off or pick up a fare), the drivers licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action.

Hackney Carriage Fares/Taximeters

3.3.50 All hackney carriage vehicles must be fitted with a calendar controlled and sealed meter that is approved by the Council, constructed, attached and maintained in compliance with the byelaws and must have been satisfactorily tested by an Authorised Officer of the Council or at any approved testing station before it is used.

3.3.51 The meter must be calibrated to the Council's current Hackney Carriage Table of Fares.

3.3.52 The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the meter and display the word 'HIRED'. This key or device must be capable of locking the meter so it does not work and no fare is recorded on it.

3.3.53 When the meter is working, the fare must be clearly legible.

3.3.54 The word 'FARE' must be clearly printed on the meter so it clearly indicates the fare displayed.

3.3.55 The meter must be placed in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.

3.3.56 Alternatives to conventional meter displays (e.g. rear view mirror displays) separate displays etc must be approved by the Council and placed where they can be seen clearly by all passengers.

3.3.57 A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passenger can easily read it.

Signage

3.3.58 The vehicle must be fitted with a sign with the word '**TAXI**' (minimum size 35cm wide and 10cm high) on its roof. The sign must be capable of being illuminated.

3.3.59 The vehicle must be fitted with a '**FOR HIRE**' sign in a conspicuous position on the vehicle. This sign must be illuminated when it is dark when the vehicle is available for hire.

3.3.60 The proprietor must ensure that the '**TAXI**' and '**FOR HIRE**' signs switch off automatically when the meter is operating.

Changes/Transfers etc

Vehicle substitution

3.3.61 If the proprietor wishes to change the vehicle that is licensed the following procedures must be followed:

- The proprietor must complete an application form for the 'new' vehicle;
- The proprietor must pay the stated fee for a 12 month period;

- The proprietor must surrender the original licence. No refund for the remaining term of the licence will be given;
- The new vehicle must be presented for test and subsequently pass;
- Written proof of consent to the change of vehicle must be provided from all interested parties;
- The proprietor must maintain and produce evidence of a continuous policy or insurance, which clearly states that the vehicle is to be used for hire or reward.

Change of proprietor and/or driver

3.3.62 The proprietor must give notice to the Council of any transfer in their interest in the hackney carriage vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred and accompanied by the relevant documentation for the proprietor.

3.3.63 The proprietor must give notice to the Council when any changes are made as to the driver of the vehicle.

Change of address

3.3.64 The proprietor of a hackney carriage must notify the Council in writing, within 7 days, of any change of their address.

Letting/Leasing of vehicle

3.3.65 If the proprietor enters into a leasing arrangement, the proprietor will remain on the vehicle licence as a person with a beneficial interest in the vehicle and will still be jointly responsible for the vehicle.

General requirements for all vehicles being presented for licensing as a Hackney Carriage

3.3.66 Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any fitted division between the drivers and passenger compartments.

3.3.67 The vehicle must be wind and water-tight.

3.3.68 The vehicle must have a floor properly covered with fitted carpet, rubber type floor covering or other suitable non-slip covering.

3.3.69 The vehicle must have an adequate fully functioning internal light to facilitate the safety of a passengers entry/egress of the vehicle.

3.3.70 The vehicle's bodywork and paintwork must be in good condition and free from dents or other damage and rust (refer to test guidelines for more information).

- 3.3.71 The vehicle must be provided with a spare wheel and tyre of the correct size to fit the vehicle, and the wheel must be securely stored. The tyre of the spare wheel must be inflated to the same pressure as the highest specified pressure on any of the road-wheels. There must also be provided, equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, unless the manufacturers specification when new did not include a spare wheel, in which case the manufacturers alternative (e.g. spray can) will be acceptable.
- 3.3.72 The vehicle must be fitted with nearside and offside exterior rear view mirrors which must be maintained in a serviceable condition.
- 3.3.73 The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed.
- 3.3.74 All seats must be permanently fixed to the vehicle and must be factory fitted with a 3-point seat belt. All retrospectively fitted seat belts must be approved by the Council. The use of folding seats in non-purpose built hackney carriages is not permitted.
- 3.3.75 The vehicle must be fitted with glass which is in accordance with current Vehicle Construction and Use Regulations prescribed in respect of the normal zone of vision, as follows:

Front windows (windscreen and front side windows)

- To transmit 75% light through the front windscreen,
- To transmit 70% light through the front driver/passenger side windows.
- Any subsequent replacement windows shall conform to the above requirements.
- No tinted films or other adhesive material will be acceptable on any part of the windows of the vehicle.

Other windows (rear passenger windows/quarter light windows/rear windscreen)

- To transmit 70% light through.
- Any subsequent replacement windows shall conform to the above requirements.
- No tinted film or other adhesive materials will be acceptable on any part of the windows of the vehicle.

- 3.3.76 Any vehicle which is a convertible must meet all other requirements and have a waterproof roof and side windows which must be raised at the request of any passenger.
- 3.3.77 The vehicle must be equipped with a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the hackney carriage licence number painted on it. The fire extinguisher must have been properly

maintained in accordance with BS 5306; Part 3 and be secured in such a position in the vehicle as to be fit for immediate use in an emergency

- 3.3.78 The vehicle must be equipped with a first aid kit in a suitable container, with the licence number painted on it.
- 3.3.79 The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they have been approved by the Council
- 3.3.80 Roof racks will be permitted. Any vehicle using a roof rack must be fitted with a second roof sign, with one sign in front of the roof rack, and one behind, allowing the signs to be seen in the same way as a vehicle without a roof rack. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box is an acceptable alternative.

Hackney Carriage Vehicle Emissions Policy

- 3.3.81 With effect from [INSERT OPERATIVE DATE] no hackney carriage vehicle licence will be issued or renewed unless the vehicle has been manufactured to Euro 5 or a higher specification. The use of Bio-diesel, bio-fuel or LPG conversions will not be accepted after this date.
- 3.3.82 By [+ 24 months from operative date] no hackney carriage vehicle licence will be issued or renewed unless the vehicle has been manufactured to Euro 6 or a higher specification or UK equivalent.
- 3.3.83 The Council may approve conversions or adaptation systems for vehicles to comply with the requirements of the Council emissions standards. The Council must be provided with satisfactory evidence that the conversion or adaptation system achieves the required emission standard and that test data complies with the European test standards for vehicle emissions. Such approval may be engine/vehicle specific. The cost of obtaining approval of new conversion of adaptation systems will not be met by the Council.
- 3.3.84 It is for the vehicle proprietor to provide satisfactory evidence to the Council or the approved testing station that any vehicle presented for licence or inspection complies with the requirements of this policy.
- 3.3.85 Any vehicle that has previously be 'written off' as a Category C or D may be licensed provided that the vehicle meets all other requirements policy requirements and passes the Council's vehicle test. The application must also be accompanied by a DVSA voluntary individual vehicle assessment.

Engine/Chassis Numbers

3.3.86 The chassis/vehicle identification number plate and engine numbers must match the numbers recorded with the DVLA. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police who may undertake checks.

Seating Arrangements

3.3.87 Any alteration to the seating arrangement during the term of the licence (other than the manufacturers original specification or as approved by the Council) shall be a cause for the suspension of the licence.

Timescale for issuing a licence

3.3.88 Once a fully completed application has been made the application will be processed and all information provided will be verified and the vehicle tested. The vehicle licence and plates will then be available within 10 working days of the Council determining that a licence can be granted.

Licence Conditions

3.3.89 The applicable conditions relevant to a hackney carriage vehicle licence are set out at Appendix ?; these conditions must be complied with. These conditions are in addition to any matters set out within the main body of this policy. The Licensing Committee or its Sub-committee can attach any conditions to individual licences as they see fit.

3.4 Private Hire Vehicle Licence

Summary

3.4.1 Private hire vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Private hire vehicles must not have the appearance of a hackney carriage vehicle.

3.4.2 When considering whether a vehicle is a private hire vehicle by the nature of the work it does, the Council will have regard to the document – Private Hire Vehicle Licensing – A note for guidance from the Department for Transport (August 2011) and any other subsequent Government issued guidance.

3.4.3 The Council cannot limit the number of private hire vehicle licences it will issue.

3.4.4 The Council will not licence a vehicle for private hire which is licensed by another local authority or allow or permit a private hire vehicle identification plate issued by another authority to be displayed on the vehicle.

Period of Licence

3.4.6 Vehicle licences will be issued for 12 months.

3.4.7 The applicant for a vehicle licence must be the legal keeper of the vehicle concerned and entitled to be registered as the keeper of the vehicle under the provisions of regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced to demonstrate compliance with this requirement, for example the V5C/Logbook.

Vehicles

3.4.8 The Local Government (Miscellaneous Provisions) Act 1976 section 48(1)(a)(ii) prevents a vehicle that resembles a hackney carriage from being licensed as a private hire vehicle. Accordingly, any vehicles that would meet Transport for London's Taxi & Private Hire Conditions of Fitness for Hackney Carriage Vehicles will not be licensed as a private hire vehicle in Cheshire East.

3.4.9 The Council requires all private hire vehicles to comply with specifications and requirements set out in Appendix?? and advises all applicants and current licence holders to familiarise themselves with this section.

Proprietors are encouraged to have provisions for the legal transportation of a minimum of one wheelchair at all times (when a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that can be used at any one time e.g. if the vehicle has x number of fixed seats and the fixings to carry 1 customer in a wheelchair then the licence will be to carry x + 1 passengers. If any of the fixed passenger seats become obstructed when a wheelchair is fitted then the driver must not permit that seat/those seats to be used during that journey.

Vehicle Type and Age

3.4.10 **Wheelchair Accessible Vehicles** – if the vehicle is constructed or adapted to carry passenger(s) seated in wheelchair, the following specifications apply:

- i. Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle must have, European Whole Body Type (M1) Approval, Low Volume Vehicle Producers Type Approval or Single Vehicle Type Approval including an inspection certificate by DVSA as a minimum standard.
- ii. The interior of the vehicle must be able to accommodate a wheelchair and its user riding seated within the wheelchair itself.

- iii. Have a minimum unobstructed available width of 0.74 metres (including at the point of entry)
- iv. Have a minimum unobstructed available length of 1.2 metres for a wheelchair and user
- v. Have a minimum unobstructed available height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position.
- vi. The vehicle must be fitted with suitable wheelchair anchorages, either chassis or floor linked.
- vii. The vehicle must be fitted with a suitable 3-point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages.
- viii. The vehicle must have suitable ramps for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council.
- ix. Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement
- x. At least one door entrance must be designed and constructed to help elderly and disabled passengers get in and out of the vehicle. The door entrance and any steps must be conspicuously marked where appropriate, to help visually impaired passengers.
- xi. All passenger door entrances must have grab handles or rails suitably located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers.
- xii. To assist elderly and disabled passengers, one passenger seat may be of a "swivel" or other design and construction, approved by the Council.
- xiii. In addition, the vehicle must meet the general requirements detailed above (paragraph??) (so far as they are not incompatible with the above).

3.4.11 Non Wheelchair Accessible Vehicles (Saloon Vehicles) – A saloon vehicle refers to any vehicle which is not wheelchair accessible. If the vehicle is a saloon vehicle it must be approved by the Council and comply with the following specification:

- i. Have at least four doors that can be opened from both inside and outside the vehicle. Each door must be capable of being opened by passengers from both inside and outside the vehicle.

- ii. have a minimum seating capacity for at least four adult passengers based on a width of not less than 400mm per person across the rear seat.
- iii. must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. If that is not possible or practical then d, e and f (as applicable) below will apply
- iv. The minimum wheelbase of the vehicle must be 2.44 metres.
- v. The minimum unobstructed distance between the uncompressed seat cushion and the roof must be 0.9 metres (measured 0.25 metres from and parallel with the seat back) in relation to the front passenger and driver seats, and 0.84 metres in relation to any other passenger seats.
- vi. The minimum unobstructed distance between the seat back and the footwell bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats.
- vii. The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any armrests).

3.4.12 **Additional requirements for minibus and MPV type vehicles** – in order to be licensed, a minibus/MPV type vehicle must be fitted, in addition to the front driver and passenger doors, with at least:

- One other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle; or
- Two side loading doors that can be opened from the inside.

3.4.13 No vehicle shall be more than four years old when granted an initial licence as a private hire vehicle.

3.4.14 No vehicle more than eight years old will be relicensed as a private hire vehicle.

3.4.15 The age of the vehicle will be determined as follows:

- If not previously used on a road anywhere in the world: date of first registration with DVLA
- If previously used on a road anywhere in the world (e.g. an imported vehicle): the date of manufacture.

3.4.16 Applications for renewals must be made at least six weeks before the licence expires. If no application is made to renew the vehicle licence in time there may be a period when the vehicle cannot be used as a private hire vehicle. If the renewal application is not received before the expiry of the current licence, it will

be treated as a new application rather than a renewal and the applicant will have to provide all the information that is required for a new application.

3.4.17 Renewals are generally dealt with by officers under delegated powers and can be processed reasonably quickly. However, if there have been any changes since the last grant of the licence (e.g. if the vehicle's age exceeds the policy or there have been complaints or concerns about the proprietors behaviour or the proprietor has been convicted of any crime) the renewal application may need to be considered by the General Licensing Sub-Committee or Licensing Committee. If the decision is not made before the expiry of the vehicle licence, the vehicle cannot be used until the new licence is granted.

3.4.18 The licence is issued to the proprietor and it can be transferred to another proprietor. If that occurs, the Council must be notified immediately on the transfer form available from the Councils website or the Customer Contact Centre and the fee must be paid.

3.4.19 Following any transfer of licence to another person, on expiry of that licence, renewal will be at the Council's discretion e.g. if the new proprietor does not satisfy the Council's requirements, the licence may not be renewed.

Grandfather Rights

3.4.20 Vehicles that are wheelchair accessible or previously categorised as 'minibuses' which are licensed at the time this policy is implemented, may continue to be licensed until they fail the Council's mechanical vehicle test. These vehicles will be subject to a mechanical vehicle test every ?? months. The cost of the test will be met by the vehicle owner. At each renewal test, and subsequent test will be permitted one retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

Electric and Zero Emission capable vehicles

3.4.21 The Council encourages and promotes the purchase of zero emission or hybrid vehicles to be licensed as Private Hire Vehicles. Where possible the Council will seek to implement a number of 'charge-points around the Borough which will be available for vehicle proprietors to use, and also to actively target funding opportunities for charge-points within the Borough of Cheshire East.

Vehicle Emissions Policy

3.4.22 With effect from [DATE] no private hire vehicle licence will be issued or renewed unless the vehicle has been manufactured to Euro 5 or a higher specification. The use of Bio-diesel, bio fuel or LPG conversions will not be accepted after this date.

3.4.23 By [+24 months] no private hire vehicle licence will be issued or renewed unless the vehicle has been manufactured to Euro 6 or a higher specification or UK equivalent.

3.4.24 The Council may approve conversions or adaption systems for vehicles to comply with the requirements of the Council's emission standards. The Council must be provided with satisfactory evidence that the conversion or adaptation system achieves the required emission standard and that test data complies with the European test standards for vehicle emissions. Such approval may be engine/vehicle specific. The cost of obtaining approval of new conversion of adaptation systems will not be met by the Council.

3.4.25 It is for the vehicle proprietor to provide satisfactory evidence to the Council or the approved testing station that any vehicle presented for licence or inspection complies with the requirements of this policy.

3.4.26 Any vehicle that has previously be 'written off' as a Category C or D may be licensed provided that the vehicle meets all other requirements and passes the Council's vehicle test. The application must also be accompanied by a DVSA voluntary individual vehicle assessment.

Application and Supporting Documentation

3.4.27 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information, supporting documentation or fee is not provided, the applicant will be requested to provide the missing information/documentation/fee and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.

3.4.28 Any person wishing to licence a private hire vehicle must submit:

- a) A completed application form;
- b) A Basic Standard, or Enhanced Disclosure Certificate issued within the last 12 months or a DBS Certificate registered on the update service (unless also licensed as a driver and have provided an enhanced DBS and update service registration as part of that process);
- c) Complete a Statutory Declaration detailing the complete history of any criminal or motoring convictions, cautions, reprimands, speed awareness courses and fixed penalty notices;
- d) The appropriate licence fee (in full at the time of application);
- e) A valid MOT (in accordance with the requirements set out at paragraph ?? below);

- f) A current vehicle fitness/garage test pass certificate (from the Council approved garage);
- g) A valid certificate of insurance for public hire. This must remain valid for the period of the licence and must be produced on demand to an authorised officer or police, and in any case within 24 hours;
- h) The V5 registration certificate (or alternative interim measure outlined in paragraph ?? below);
- i) Where a taximeter is fitted – a valid certificate/report to confirm the vehicle taximeter is fitted in accordance with the requirements set out at Appendix?;
- j) Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval or equivalent).

3.4.29 Where the vehicle is fitted with a mechanically operated ramp/lift; a valid certificate/report confirming the ramp/lift complies with the requirements of the Lifting Operations and Lifting Regulation 1998 (N.B. The vehicle proprietor is responsible for ensuring that a competent person carries out the necessary checks, which should be undertaken every 6 months, in accordance with the Regulations);

3.4.30 Where non-mechanical ramps are used; confirmation is required from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Use of Work Equipment Regulations 1998. (N.B. Council officers will check that the provisions of non-mechanical ramps is being maintained by the vehicle proprietor); and

3.4.31 where fittings are used to secure wheelchairs to the floor of a vehicle, a valid certificate/report confirming that all the fittings meet the required specifications should be provided that has been issued by an approved installer.

Vehicle Testing Requirements

3.4.32 Vehicles must be tested at a relevant test centre which will be either:

- Environmental Hub (ANSA), Cledford Lane, Middlewich, CW10 0JR; or
- Macclesfield MOT Testing Station, Unit 6 Pool street, Macclesfield, SK11 7NX

3.4.33 Rules are in place at the testing stations for the safety of applicants and the safety of the testers and all licence holders should comply with the rules at all times.

The vehicle test will be tested against a set of Private Hire Vehicle Test Guidelines. Refer to Appendix ?

3.4.34 Vehicles licensed by Cheshire East Council fall under the MoT exemption requirements, therefore applicants will need to be aware that when their vehicle is no longer licensed, it will need to be presented for an MoT.

3.4.35 When the vehicle has met the test criteria, the licence will be granted which will exempt the vehicle from requiring a standard MoT.

3.4.36 Applicants will be able to tax the vehicle at the Post Office by completing a V112 Declaration of Exemption Form, this must be done in person.

3.4.37 Licence holders are required to carry the vehicle licence in the vehicle that it relates to as proof of MoT.

Vehicle Fitness/Inspection

3.4.38 The Council requires all vehicles to be tested at least once a year, to ensure that they are suitable and 'fit' to be licensed. Vehicles can be tested prior to an application for an initial Private Hire Vehicle Licence being submitted. Similar tests will be required following an application for renewal of a vehicle licence. In both cases, the vehicle must pass the test before the licence will be granted.

3.4.39 The frequency of testing is once per year until the vehicle reaches its 5th anniversary when the vehicle will be required to be tested every 6 months after the licence has been granted. If the vehicle fails the test the licence will be suspended using the powers contained in Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 until such time as the faults are rectified.

3.4.40 Where a vehicle fails the garage test the proprietor will be given 28 days to rectify the failure items and submit the vehicle for re-inspection. If the garage deems the vehicle to be non-repairable, it fails the inspection or is not resubmitted within 28 days then the vehicle will not be eligible for a retest and any licence in place will lapse or will not be granted.

3.4.41 It is the responsibility of the applicant/licence holder to ensure that the vehicle is presented for test at the time indicated. Any vehicle that is presented after this time will not be inspected.

3.4.42 The licence holder/applicant may cancel a test appointment only if they provide at least two working days notice (excluding Saturday, Sunday and Bank Holidays) to the Council Contact Centre.

3.4.43 If you fail to present the vehicle for a scheduled test, you may have to pay a test fee before a further test appointment will be allocated.

3.4.44 On an inspection for renewal of a vehicle licence, if an authorised officer is not satisfied that a vehicle is fit for use as a Private Hire, the officer may

immediately suspend the vehicle licence under section 68 of the Local Government (Miscellaneous Provision) Act 1976 which means the vehicle cannot be used as a private hire. The proprietor will be asked to surrender the licence plate and additional signage. The return of the plate and additional signage, and issue of a licence will be conditional on the vehicle passing a further test (which will be at the expense of the licence holder) in accordance with instructions from the vehicle examiner. When the vehicle passes the further test, the suspension will be lifted. If the licence plate and additional signage are not surrendered voluntarily, the plate will be removed after 7 days, by an authorised officer. If the proprietor refuses to surrender the vehicle plate, a tamperproof 'Vehicle Licence Suspended' stickers will be affixed to the vehicle plate. In this instance a replacement vehicle plate will be available for purchase from the Council if and when the suspension is lifted.

Vehicles not fit for the conveyance of passengers

3.4.45 Where a proprietor has notified the council that damage has occurred to a vehicle, or an inspection of the vehicle by an officer of the council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the council will decide if the condition is such that the vehicle may continue in service or not. If not, an authorised officer of the Council may, at the time, suspend the vehicle and require the proprietor of the vehicle to return the vehicle's plate to the within 7 days. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council to be fit for conveying passengers. A vehicle fitness/garage test certificate will be required to determine whether the suspension can be lifted.

Requirements for all vehicles

Plates and Identification of vehicle

3.4.46 All private hire vehicles must display the licence plates and additional signage provided by the Council, on the vehicle at all times in the positions specified in the vehicle conditions (See appendix ?). As the vehicle is a licensed private hire vehicle, the plate and any identification signage must be displayed at all times during the currency of the licence.

3.4.47 If the licence plates or additional signage are lost or become damaged, the proprietor must report it to the Council and request duplicates within 7 days. The cost of duplicate plates/signage will be met by the proprietor.

3.4.48 In addition to the plates and signage provided by the Council, the following signage must be displayed, at the proprietor's own expense, on each side of a private hire vehicle (on the body panel and not on a window):

- I. The words "PRIVATE HIRE"
- II. The words "ADVANCED BOOKINGS ONLY"
- III. The telephone number or name of the vehicle operator

3.4.49 The wording "PRIVATE HIRE", "ADVANCED BOOKINGS ONLY" and the telephone number of the vehicle operator shall:

- i. Be clearly and permanently affixed and displayed in a clearly contrasting colour in letters and numbers not less than 65mm in height and not less than 8mm thickness; and
- ii. Be positioned together in a manner previously approved in writing by the Council.

For the avoidance of doubt the above wording shall not be deemed to be "permanently affixed and displayed" if they are so affixed and displayed by means of a demountable magnetic sign or by any other type of sign which is able to be removed and re-affixed to the vehicle.

3.4.50 The vehicle shall not display a roof sign whether illuminated or not.

3.4.51 The vehicle shall not display any illuminated signs on or from within the vehicle.

3.4.52 The vehicle shall, at all times, display identification stickers supplied by the Council. The stickers shall be displayed on:

- i. The inside of the lower near-side windscreen, so that the sticker is visible to passengers within the vehicle;
- ii. The top near-side rear window, facing outwards; and
- iii. The top off-side window, facing outwards.

3.4.53 One licence plate shall be affixed the front of the vehicle and one licence plate shall be affixed to the rear of the vehicle. Both licence plates shall be displayed in a vertical position and firmly fixed to the outside of the vehicle using the fixing bracket provided for the purpose. Velcro or cable ties are not permitted to be used.

3.4.54 The plates and stickers, and any fixing brackets supplied by the Council shall, at all times, remain the property of the Council and the vehicle proprietor shall not cause or permit the information displayed upon the licence plates to be altered, removed or obscured in any way.

Exemptions

3.4.55 The Local Government (Miscellaneous Provisions) Act 1976 gives a Council the discretion to grant a proprietor of a private hire vehicle licence a dispensation from

displaying the licence plate on their licensed private hire vehicle. Each application for a dispensation will be considered on its own merit and in line with the 'Executive Plating' requirements set out at Appendix ?

Advertising

3.4.56 Advertisements may be displayed in or from the vehicle provided any advertising complies with legislation, the British Code of Advertising Practice and the approval of the council has been obtained. All requests for permission to advertised on a vehicle must be made to the Licensing Team Leader, before the advert is put on the vehicle.

3.4.57 Generally only one advert will be allowed to be applied to any vehicle. Any request for further adverts must be made in writing, and will be at the discretion of the Licensing Team Leader.

Taximeters

3.4.58 Private hire vehicles are not required to be fitted with a taximeter but if they do then they must comply with the specifications and requirements set out in Appendix ? and the Council advises all applicants and current licence holders to familiarise themselves with this section.

Seating

3.4.59 In any vehicle all exits must be easily accessible and not obstructed by another seat. Access to all doors must be free from obstruction. **Any seats that require passengers to move any part of another seat to gain access or egress will not be licensed for carrying passengers.** The seating configuration and number of passengers that can be carried is subject to the approval by the Council.

3.4.60 All seats must be permanently fixed to the vehicle and must be factory fitted with a 3-point seat belt. All retrospectively fitted seat belts must be approved by the Council. The use of folding seats is not permitted.

General requirements

3.4.61 Passengers must be able to communicate with the driver via a sliding screen, mesh or hole in any fitted division between the drivers and passenger compartments.

3.4.62 The vehicle must be wind and water-tight.

3.4.63 The vehicle must have a floor properly covered with fitted carpet, rubber type floor covering or other suitable non-slip covering.

- 3.4.64 The vehicle must have an adequate, fully functioning internal light to enable passengers to enter and exit the vehicle safely.
- 3.4.65 The vehicle's bodywork and paintwork must be in good condition and free from dents or other damage or rust (see the testing guidelines for further information).
- 3.4.66 The vehicle must be provided with a spare wheel and tyre of the correct size to fit the vehicle, and the wheel must be securely stored. The tyre of the spare wheel must be inflated to the same pressure as the highest specified pressure on any of the road-wheels. There must also be provided, equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, unless the manufacturer's specification when new did not include a spare wheel, in which case the manufacturer's alternative (e.g. temporary sealant repair kit) will be acceptable.
- 3.4.67 The vehicle must be fitted with a nearside and offside exterior rear view mirror which must be maintained in a serviceable condition.
- 3.4.68 The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed.
- 3.4.69 The vehicle must be fitted with glass which is in accordance with current Vehicle Construction and Use Regulations prescribed in respect of the normal zone of vision as follows:

Front windows (windscreen and front side windows)

- To transmit 75% through the front windscreen.
- To transmit 70% light through the front driver/passenger side windows.
- Any subsequent replacement windows shall confirm to the above requirements.
- No tinted films or other adhesive material will be acceptable on any part of the windows of the vehicle.

Other windows (rear passenger windows/quarter light windows/rear windscreen)

- To transmit 70% light through.
- Any subsequent replacement windows shall confirm to the above requirements.
- No tinted film or other adhesive materials will be acceptable on any part of the windows of the vehicle.

3.4.70 Any vehicle which is a convertible must meet all other requirements and have a waterproof roof and side windows which must be raised at the request of any passenger.

3.4.71 The vehicle must be equipped with a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher provided to BS EN3: 1996, with the private hire licence number painted on it. The fire extinguisher must have been properly maintained in accordance with BS 5306; Part 3 and be secured in such a position in the vehicle as to be fit for immediate use in an emergency.

3.4.72 The vehicle must be equipped with a first aid kit in a suitable container, which the licence number painted on it.

3.4.73 The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer unless they are approved by the Council.

3.4.74 Roof racks will be permitted. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box in an acceptable alternative.

Changes/Transfers etc.

Vehicle substitution

3.4.75 If the proprietor wishes to change the vehicle that is licensed the following procedures must be followed:

- The proprietor must complete an application form for the 'new' vehicle.
- The proprietor must pay the stated fee for a 12 month period.
- The proprietor must surrender the original licence. Any refund against a licence will be calculated by the Council, taking into consideration the period of time for which the licence has already been held and the administrative cost incurred, and shall be subject to a minimum level of £50, below which no refund will be made.
- The new vehicle must be presented for test and subsequently pass.
- Written proof of consent to the change of vehicle must be provided from all interested parties.
- The proprietor must maintain and produce evidence of a continuous policy of insurance, which clearly states that the vehicle is to be used for hire or reward.

Change of proprietor and/or driver

3.4.76 The proprietor must give notice to the Council of any transfer in their interest in the private hire vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given in writing, within 14 days specifying the name and address of the person to whom the vehicle has been

transferred and accompanied by the relevant documentation for the proprietor.
Please refer to Appendix ? for application process.

3.4.77 The proprietor must give notice to the Council when any changes are made as to the driver of the vehicle.

Change of address

3.4.78 The proprietor of a private hire vehicle must notify the Council in writing, within 7 days, of any change of their address.

Letting/Leasing of vehicle

4.3.79 If the proprietor enters into a leasing arrangement, the proprietor will remain on the vehicle licence as a person with a beneficial interest in the vehicle and will still be jointly responsible for the vehicle.

Temporary Replacement Vehicles in the event of an accident

4.3.80 The proprietor of an existing licensed private hire vehicle must report, to the Licensing Service, within 72 hours, that the vehicle has been involved in an accident and their possible intention to licence a temporary replacement vehicle.

4.3.81 The temporary replacement vehicle must satisfy the standards for private hire vehicles adopted by Cheshire East Council before it is considered for licensing.

3.4.82 An application for a temporary replacement vehicle must be submitted to the Licensing Service together with the appropriate fee, the insurance document for the vehicle being presented for licensing, vehicle registration document for the vehicle being presented for licensing and a lease agreement/contract from the Insurance Company/Vehicle Supplier for the vehicle being presented for licensing. The existing vehicle licence plate will then be transferred to the replacement vehicle. Refer to Appendix ? for the application process.

3.4.83 The temporary replacement vehicle must be mechanically tested, at the Council approved testing station prior to it becoming licensed.

3.4.84 Where a taximeter is fitted, this must be tested and sealed, by the Licensing Service, prior to it becoming licensed.

3.4.85 The temporary replacement vehicle will only be permitted for use for a period not exceeding 30 days. In exceptional circumstances, this period may be extended by a further 14 days, at the discretion of a Licensing Team Leader.

3.4.86 As soon as the proprietors' vehicle is repaired, an application to return the licence back to the original vehicle will be required.

3.4.87 If requested, the proprietor shall present the original vehicle for a further vehicle examination, at the Council approved testing station, before it becomes relicensed. This will be dependent on the damage sustained.

Closed Circuit Television (CCTV)

3.4.88 Proprietors of private hire vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. If CCTV is fitted then the proprietor must prominently display signs indicating that CCTV is in use in the vehicle. In addition to fitting CCTV signage to the vehicle the proprietor is required to be registered as a 'Data Controller' with the Information Commissioners Office (ICO). Further information can be found at <https://ico.org.uk>.

Engine/Chassis Numbers

3.4.89 The chassis/vehicle identification number plate and engine numbers must match the numbers recorded with the DVLA. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the council will inform the police who may undertake checks.

Timescale for issuing a licence

3.4.90 Once a fully completed application has been made the application will be processed and all information provided will be verified and the vehicle tested. The vehicle licence and plates will then be available within 10 working days of the decision that a licence can be granted being taken.

Licence Conditions

3.4.91 The applicable conditions relevant to a private hire vehicle licence are set out at Appendix ?; these conditions must be complied with. These conditions are in addition to any matters set out within the main body of this policy.

3.5 Private Hire Operators Licence

Summary

3.5.1 Operators licences are licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any person who wishes to take bookings, in the course of a business, for a private hire vehicle, must hold a private hire operator's licence.

3.5.2 Applications for Private Hire Operator Licences can be made by post or by email. Please see Appendix ? for the application process.

Period of Licence

3.5.3 Operators licence will be issued for a period of 5 years unless the Council has reasonable cause to issue for a shorter time period.

Operators Premises

3.5.4 All applicants must have a base within the administrative area of Cheshire East in order to ensure that the Council can inspect the base and associated operator records to check compliance with licence conditions.

3.5.5 The Council will only grant operator licences applicable to the physical premises from which the operator's business will be run.

3.5.6 The Council advises operators to have all necessary planning permissions for the operator base before a licence is granted. Proof of which may be requested as part of the application procedure.

3.5.7 Where the base is accessible to the public, either for booking or waiting, the Council will expect the premises to be clean, adequately ventilated and heated and that all relevant legislation has been complied with, including the Equality Act 2010.

3.5.8 There are a number of specific conditions set out in the operator licence conditions that apply to premises. Operators must be particularly mindful of complying with these and should they fail to do so the Council will consider revoking the operator's licence.

Record Keeping

3.5.9 Operators must keep records in accordance with the conditions attached to their licence. Such records must be available upon request from an authorised officer of the Council or a Police Officer.

3.5.10 Under the conditions, the operator is required to keep a number of different forms of records namely:

- Booking records (to include which member of staff took the booking when the booking was taken by a person and not a computerised method);
- Operator vehicle schedule;
- Operator driver schedule.

Each of these records must be kept up to date and retained by the operator for a period of at least 2 years (as per conditions of licence).

3.5.11 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation or fee is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence (including the cost of a DBS check and Safeguarding Training, where appropriate is payable at the time the application is submitted.

3.5.12 Any person (including a sole trader, partnership or company) wishing to become a licensed private hire operator must submit:

- i. A completed application form (where the application relates to a partnership or a company, the application form must provide the name, address and date of birth of all partners, directors/company secretaries, as appropriate). A check of the Companies House register may be undertaken to confirm these details;
- ii. A basic standard or enhanced DBS certificate issued within the last 12 months or a DBS certificate registered on the update service (unless also licensed as a driver and have provided an enhanced DBS and update service registration as part of that process); for each director, partner and company secretary;
- iii. A schedule of employees that are not CEC licensed drivers indicating those staff who take bookings and dispatch vehicles;
- iv. A Statutory Declaration detailing the complete history of any criminal and motoring convictions, cautions, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions;
- v. A Safeguarding Training Certificate for each director, company secretary and employees that are not CEC licensed drivers;
- vi. Details of the policy regarding the employment of ex-offenders;
- vii. The appropriate licence fee
- viii. A list of the vehicles and drivers which are/are to be operated under the operators licence; and
- ix. Any fleet insurance held with an accompanying schedule of vehicles and named drivers disclosed to the insurance company.

Criminal Records Disclosure

3.5.13 All applicants (including sole traders, partnerships and companies) for a private hire operator licence must prove that they are 'fit and proper' to hold an operator licence.

The applicant must also prove that all employees that work for them and who take bookings, dispatch vehicles, or have access to booking records are 'fit and

proper' to be employed in such positions. They must provide evidence that they have seen a basic DBS for each employee who are not CEC licensed driver and also evidence that it is a condition of their employment that they will inform the employer of any criminal convictions they receive during their employment.

3.5.14 Where the applicant or employee already holds a valid dual driver licence issued by CEC (this will only apply to sole traders as individuals) a check will be made on the DBS update service. If the driver is not registered on the DBS update service then they will be required to submit a Basic DBS certificate. If the applicant is not a licensed driver then they will be required to submit a Basic DBS certificate.

3.5.15 For partnerships or companies, the above requirements will apply to all partners and directors/company secretaries.

3.5.16 The Council adopts the same principles when determining whether an applicant is a 'fit and proper person' to hold a private hire operator licence as it does to persons applying for a drivers licence. In this respect, applicants are required to have due regard, as appropriate, to the requirements and information set out at paragraph 3.2 of this policy.

3.5.17 Persons who have not been resident within the United Kingdom for the five years prior to submitting an application will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High commission. The certificate must be authenticated, translated and sealed by the embassy or High Commission.

Insurance

3.5.18 Any premises that provide access to members of the public must be covered by Public Liability insurance for a minimum of £5,000,000.

3.5.19 If there is a requirement for the operator to have Employers Liability Indemnity then it must be for a minimum of £10,000,000.

3.5.20 For vehicle insurance, the Council will only generally accept original insurance documentation. The exception to that policy is that the Council will accept copy documentation where the Council itself receives an email confirmation of cover direct from the Insurance Company itself and the Council is entirely satisfied as to its validity.

3.5.21 Where the policy is a vehicle fleet policy, confirmation that the vehicle is included on the schedule of vehicles will also be required in addition to the insurance certificate.

Closed Circuit Television (CCTV)

3.5.22 Operators are permitted to install closed circuit television (CCTV) systems in premises to which the public have access to make bookings or to wait providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. If CCTV is fitted then the operator must prominently display signs indicating that CCTV is in use in the premises. In addition to fitting CCTV signage to the premises the operator is required to be registered as a 'Data Controller' with the Information Commissioners Office (ICO). Further information can be found at <https://ico.org.uk>.

Complaints Procedure

3.5.23 Operators are required to have in place a complaints procedure and must maintain a record of all complaints received, including details of any investigation and/or actions taken as a result of a complaint. This information should be kept for a minimum of two years.

3.5.24 The complaints procedure and complaint records must be made available to an authorised officer of the Council or a Police Officer.

Licence Conditions

3.5.25 Applicable conditions relevant to a private hire operators licence are set out at Appendix ?. These conditions must be complied with at all times.

Contract

3.5.26 Every contract for the hire of a private hire vehicle is deemed to be made with the operator who accepted the booking for that vehicle, not the operator who provided the vehicle.

Sub-Contracting

3.5.27 Where a licensed operator accepts a booking and then is subsequently unable to honour that booking, or should the operator not have a vehicle immediately available, the booking may be sub-contracted to another operator, including an operator licensed by another local authority.

3.5.28 Where this is the case, the original operator must:-

- a) keep a record of the initial booking details for audit purposes.
- b) contact the hirer and advise that the booking can no longer be honoured and seek guidance from the hirer as to whether or not they wish the booking to be sub-contracted to an alternative private hire operator.

- c) identify an alternative private hire operator and advise the original hirer of the details of that alternative operator details.
- d) provide full details of the booking to the alternative private hire operator and keep a record of the private hire operator to whom the booking was sub-contracted.
- e) keep a record of the alternative private hire operator's licence details as follows:
 - i) the name of the issuing authority for the private hire vehicle operator's licence.
 - ii) the licence number of the private hire vehicle operator's licence.
 - iii) the date the private hire vehicle operator's licence was granted by the issuing authority.
 - iv) the date the private hire vehicle operator's licence issued by the issuing authority is due to expire.

Production of records/documents

3.5.29 Any records required to be retained in accordance with the licence must be produced, on request, to any authorised officer of the council or to any police officer. The operator licence must also be produced if requested.

Safeguarding Training

3.5.30 Where the applicant or employee already holds a valid taxi driver licence (this will only apply to sole traders as individuals), no further checks will be undertaken by the Council and the current Safeguarding Training Certificate will be considered sufficient. However, if a valid taxi driver licence is not held, the applicant/employee must attend a Safeguarding Awareness Training prior to an operator licence being granted, including being renewed and employees being permitted to take bookings.

4. Compliance, Enforcement and Complaints

4.1 Summary

4.1.1 This part of the policy sets out the manner in which the Council approaches compliance and enforcement, including the way in which complaints will be dealt with, as it relates to hackney carriage and private hire licensing.

Compliance and Enforcement

4.1.2 The Council's licensing officers will work closely with the hackney carriage and private hire trades to achieve compliance with the relevant legislation and the Council's conditions of licence. The Council will do so in accordance with the Council's Enforcement Policy and Regulatory Services and Health Enforcement Policy, which are available on the Council's website.

In addition, hackney carriage and private hire vehicle drivers and operators must comply with all reasonable requests made by officers of the Council, other local authorities and the police. Obstructing Officers is an offence and the Council will consider enforcement action for such offences.

- 4.1.3 The Council will work closely with other enforcement authorities when dealing with licensed and unlicensed vehicles and drivers, especially concerning cross border related issues.
- 4.1.4 Licence holders are strongly encouraged to cooperate with officers of all other local authorities. Failure to cooperate may lead to the suspension or revocation of their driver's licence.
- 4.1.5 Breaches of the driver code of conduct and/or vehicle and operator licence conditions will be dealt with in accordance with the Council's enforcement policy and will be referred to the duly authorised officer. Serious or repeated breaches of licence conditions will result in the matter being referred to the General Licensing Sub-Committee.

Complaints

- 4.1.6 Where appropriate, complainants will be encouraged to raise complaints directly with the relevant licence holder or business concerned in the first instance. However, the Council will also respond to complaints in line with its Enforcement Policies and will use complaint information to assist in the determination of licensing decisions.
- 4.1.7 The Council will maintain a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licence holders. Data held within the system will be used to target compliance and enforcement activity as well as to provide a picture of the potential risks a licence holder may pose. It will also be used as part of the 'balance of probabilities' assessment required in any licence review undertaken as a result of multiple or serious complaints.

4.2 Enforcement - Policy Statement

- 4.2.1 The Council has an Enforcement Policy which it will taken into account before taking any enforcement action.
- 4.2.2 The Licensing Team must be familiar with the requirements of the policy and appropriate training will be provided, where required.

- 4.2.3 Enforcement Officers will be authorised by the Council to take enforcement action relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.
- 4.2.4 Where there is a shared enforcement role with other agencies, e.g. the police, we will liaise with and co-operate with them to ensure there is no conflict of interest or unnecessary duplication of enforcement.
- 4.2.5 The Council will investigate all valid complaints with regards to drivers, vehicles and operators/proprietors. It will also do spot checks and undercover checks. Investigations will be focused and targeted on businesses that do not comply and/or in those areas of the Borough where complaints have identified potential problems. Those individuals or businesses will face proportionate and meaningful sanctions. Complaints are frequently made against hackney carriage and private hire drivers. Such complaints will be considered first by a licensing officer as to the nature of the complaint being serious enough to be forwarded to an authorised Officer or the General Licensing Sub-Committee.
- 4.2.6 The authorised officer of the Council/General Licensing Sub-Committee will consider the history of all complaints made against the licence holder to assess any patterns. If a problem is inherent, then the Council will consider whether the licence holder is a 'fit and proper person' to continue to hold such a licence.
- 4.2.7 Complaints may be investigated by way of an interview under caution in compliance with the Police and Criminal Evidence Act 1984.
- 4.2.8 Hackney carriage and private hire and drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences show a lack of responsibility whilst driving. The Council expects all licence holders to adhere to the specifications set out in this policy and in any relevant legislation. Any complaints that relate to misconduct will be fully investigated and appropriate action will be taken where deemed necessary.
- 4.2.9 Licence holders are expected to co-operate fully with all requests made of them by an authorised officer of the Council. Failure to do so and/or obstruct an officer in their duty will lead to appropriate action being taken where deemed necessary. This includes, but is not limited to, attending interview and vehicle inspections, and producing documentation upon request.

4.3 Enforcement Options

- 4.3.1 Licence applications and enforcement decisions will always be consistent, balanced, fair and relate to common standards which ensure that the public is adequately protected. In reaching any decision many criteria will be considered including the:

- Seriousness of any offences;
- Driver or operator's past history;
- Consequence of non-compliance;
- Likely effectiveness of the various enforcement options;
- Danger to the public.

Having considered all relevant information and evidence, the choices for action are:

Licensing Applications

- Grant licence subject to the Council's Standard Conditions;
- Grant licence subject to the Council's Standard Conditions and any other reasonable conditions specific to the case;
- Refuse to grant a licence;
- Grant for a limited time period.

Enforcement Action

- Take no action
- Take informal action
- Suspend a licence
- Revoke a licence
- Use simple cautions
- Prosecution

Where an officer is unable to determine an application/licence, where an applicant has declared convictions, or when the Council have become aware of convictions the application/licence may be referred to the General Licensing Sub-Committee. The Council will have regard to the Convictions Guidelines at Appendix?

Information Action

4.3.2 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and written requests for action. Verbal warnings will be confirmed in writing.

4.3.3 Such information actions may be appropriate in any of the following circumstances:

- The act or omission is not serious enough to warrant more formal action;
- From the individual driver or operator's past history it can be reasonably expected that information action will achieve compliance;
- Confidence in the operator's management is generally high;
- The consequences of non-compliance will not pose a significant risk to the safety of the public;

- Failure to notify of a conviction that would not in itself breach the guidance on determining the suitability outlined in the policy.

Details of any information action will be recorded on the Council's records. This will form part of the history which will be reviewed when considering the appropriate action to take if further enforcement action is prompted. When a licence holder has received three warnings in a 36-month rolling period, their licence will be referred to the General Licensing Sub-Committee to determine whether any further action is required.

Appearance before the General Licensing Sub-Committee

4.3.4 An offending individual or company may be summoned before the General Licensing Sub-Committee to answer allegations of breaches of relevant legislation, or Conditions attached to licences.

The Licensing Sub-Committee have the option of deciding the application on its merits and may:

- Take no action
- Give a formal written warning
- Require the production of driving licences or other specified documentation at the Council's office
- Suspend the licence for a period of time
- Revoke the licence
- Recommend prosecution action

Details of the appeals procedure will be sent out in the written notification of action sent by the Council.

The General Licensing Sub-Committee will have regard to the guidance on convictions shown at Appendix ? of this policy.

Suspension Notices under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976

4.3.5 An authorised officer may serve notice, in writing, for a hackney carriage, private hire vehicle or taximeter attached to a licensed vehicle, requiring the vehicle or taximeter to be examined at the Council's garage at a time specified in the notice.

4.3.6 This notice will only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter. An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as the Officer is satisfied with the condition of the vehicle.

4.3.7 This action will only be taken when the Officer has reasonable grounds to suspect that the condition of the vehicle is not fit for use as a licensed vehicle.

Prosecutions

4.3.8 The decision to prosecute is a significant one. Prosecutions will, in general be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and/or the public is put at serious risk. Such circumstances are, however, in a minority. Decisions to prosecute will be made in a consistent manner and be proportionate to the circumstances.

The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:

- Where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it;
- When there appears to have been reckless disregard for the safety of passengers or other road users;
- Where there have been repeated breaches of legal requirements;
- Where a particular type of offence is prevalent;
- Where a particular contravention has caused serious public alarm.

Officers will take account of the Council's Enforcement Policy when circumstances have been identified which may warrant a prosecution.

Simple Cautions

4.3.9 A simple caution may be used as an alternative to a prosecution in certain circumstances.

5. Table of Fares

5.1 Cheshire East Council will keep the Table of Fares under review. The Council will respond to reasonable requests to change the table of fares from the hackney carriage trade.

6. Policy Consultation

6.1 Members of the public were invited to put forward their comments to the proposed policy document during a series of consultation periods. In addition consultation was undertaken with the following stakeholders and partners:

- Hackney carriage and private hire operators, drivers and proprietors
- Members of Cheshire East Council's Licensing Committee

- Officers of Cheshire East Council's Legal Services
- Officers of Cheshire East Council's Licensing and Environmental Services
- Cheshire East Council's Garage Vehicle Inspectors
- Cheshire East Council's Partnership team
- Cheshire East Council's Transport Services Team (TSS)
- Cheshire East Council's Safeguarding Children and Adult Safeguarding Services
- Cheshire Police
- Cheshire Fire & Rescue Services
- Guide dogs for the blind

The most recent draft policy was approved to go out to consultation by the General Licensing Sub-Committee on [DATE]. The consultation was for a [x week period] after which the responses were collated, amendments were made where deemed appropriate and the updated policy was referred back to the General Licensing Sub-Committee to be approved.

The General Licensing Sub-Committee agreed to adopt the policy in its current form on [DATE] for it to be implemented on [DATE].

APPENDICES

Appendix A – Safeguarding

Appendix B – Guidance relating to the relevance of convictions, cautions, penalty points etc.

Appendix C - Driver Code of Conduct

Appendix D – Driver Criteria

Appendix E – Hackney Carriage Vehicle Conditions

Appendix F – Plying for Hire

Appendix G – Private Hire Vehicle Conditions

Appendix H Private Hire Operator Conditions

Appendix I Vehicle signage

Appendix J Code of conduct when working with vulnerable persons