

PENALTY POINTS SCHEME

Index

1. Penalty Points Scheme
2. List of Offences/Breach of Vehicle Licence Conditions
3. List of Offences/Breach of Driver Licence Conditions
4. List of Offences/Breach of Operator Licence Conditions
5. County Of Herefordshire District Council Byelaws relating to Hackney Carriages

1. Penalty Points Scheme

- 1.1. Hackney carriage and private hire operators, drivers and vehicles are principally governed by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, Council Byelaws (in respect of hackney carriages) and the policy and conditions set by the Council.
- 1.2. The primary objective of the penalty point scheme is to improve the levels of compliance and to help improve the standards, safety and protection of the travelling public without the need for prosecution referrals.
- 1.3. The penalty point scheme works in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licensees' behaviour and conduct so as to ascertain whether they remain a safe and suitable person to be a vehicle driver or operator and/or suitable to hold a vehicle licence. It does not prejudice the Council's ability to take other action.
- 1.4. The scheme will be used where operators, drivers or proprietors of vehicles fail to comply with any legislative requirement, commit a criminal offence (under legislation or byelaws) or breach conditions of licence, and following complaints from the public.
- 1.5. Licensees involved will be given the opportunity to respond to the proposed imposition of penalty points with a letter detailing the circumstances that led to the points being considered. The outcome of any investigation may result in officers determining that: no further action be taken; penalty points be imposed; a formal warning be issued, and/or prosecution.

- 1.6. If a licensee wishes to challenge the imposition of penalty points, a first appeal will be referred to the Service Manager or Head of Service to review the information. At that review the officers can remove the penalty points, uphold the penalty points. Further appeal following this decision will be referred to Committee/Panel.
- 1.7. Penalty points remain live or current for twelve months from the date the penalty points were imposed. The 12 month period is on a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee. After 12 months the points will be removed from the licence holder's record unless the detail relates to any public safety issue. After 5 years of expiry old points will not be considered relevant and will be permanently removed from the licence holders record.
- 1.8. Where a licensee accumulates more than 12 penalty points in any 12 month period, the matter will be referred to the Taxi Sub Committee for the Committee to decide whether the applicant remains a fit and proper person. The Taxi Panel or the Taxi Sub Committee may then suspend or revoke a licence, or issue a warning to the Licensee, depending upon the circumstances. Periods of suspension of a licence by the Committee will be dependent on the nature of the breaches of the legislation, conditions, behaviour and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.
- 1.9. The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and conditions.
- 1.10. If points are issued to a proprietor or driver for a matter which is also a criminal offence which the council could prosecute for e.g. not wearing a driver's badge, failure to maintain operator records, those person(s) will not then be the subject of a prosecution by the Council.

2. List of Offences / Breach of Vehicle Licence Conditions

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Failure to supply interim MOT test when vehicle is over 6 years of age within specified times	V1	4
Failure to have or maintain illuminated markings at entrances and exits, WAV only	V2	2
Failure to have/maintain grab handles, WAV only	V3	2
Failure to have a means of loading wheelchairs into a wheelchair access vehicle available at all times. Wheel chair vehicles only, WAV only	V4	6
Failure to supply a current mechanical tail lift safety certificate to the Licensing Authority within specified time limits. WAV only	V5	4
Failure to keep a wheelchair access vehicle available without modification at all times. WAV only	V6	6
Failure to provide an annual LPG safety compliance Certificate within specified time limits	V7	4
Failure to maintain seat belts in a safe condition	V8	4
Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	V9	4
Failure to display approved roof sign	V10	2
Failure to maintain roof sign in working order	V11	2
Failure to display roof sign on the front part of the roof, unless the vehicle type does not facilitate this, in which case it must be as near to the front as possible.	V12	2
Failure to display front door signs.	V13	2
Displaying incorrect signs i.e. wrong wording or magnetic, other than by arrangement with the Licensing Authority for insurance or breakdown replacement vehicles	V14	2
Displaying other sign on front door	V15	2
Private hire vehicles advertising incorrectly	V16	4
Display sign that does not comply	V17	2

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Display web site address large lettering than permitted	V18	2
Failure to display three or more "no smoking" signs in the vehicle	V19	2
Private hire displaying the word "taxi"	V20	6
Incorrectly displaying licence plate	V21	4
Failure to return plate on expiry of licence if requested to do so by Licensing Staff	V22	4
Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.	V23	2
Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence	V24	2
Advertising on vehicle without written authorisation from the Licensing Authority	V25	2
Failure to submit taximeter for testing when requested to do so by Licensing Authority	V26	4
Tampering or allowing an unauthorised person to tamper with taximeter	V27	4
Failure to display a statement of fares inside the HC	V28	2
Wilfully or neglectfully causing letters or figures in the statement to be obscured	V29	2
Failure to notify Licensing of accidents or damage affecting the safety or performance of the vehicle	V30	4
Failure to supply steering geometry and alignment reports following an accident if required	V31	12
Failure to get authorisation for a temporary transfer insurance vehicle or leaving the vehicle on for more than twelve weeks without prior consent from the Licensing Authority	V32	12
Failure to have insurance for the licensed vehicle at any time during the licence period	V33	12
Failure to keep a record of insurance/cover note in the vehicle	V34	2

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Failure to notify Licensing Authority of change of insurer or particulars within specified time	V35	4
Failure to produce details to the Licensing Authority of drivers permitted to drive within specified time	V36	2
Failure to notify change of drivers within specified time	V37	2
Failure to notify Licensing Authority of change of address or other contact details within specified time	V38	2
Failure to carry a suitably marked approved fire extinguisher within the vehicle	V39	4
Failure to carry marked first aid equipment as specified in conditions	V40	2
Failure to obtain written permission to use trailers on Licensed vehicles	V41	6
Failure to present vehicle and trailer for inspection when requested	V42	12
Using a driver without the appropriate DVLA category code to tow a trailer	V43	12
Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers	V44	2
Proprietor/Operator allowing a greater number of persons to be conveyed than is specified on the licence	V45	12
Failure to maintain a reasonable standard of behaviour	V46	4
Failure to provide information requested by an authorised officer	V47	4
Failure to provide reasonable assistance to an authorised officer who is asking for information regarding matter/matters relating to the licence held.	V48	4
Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act	V49	4
Fail to have 3 CCTV signs	V50	2
Fail to check CCTV weekly	V51	2

<u>Offence / Breach</u>	<i>Code</i>	<i>Points</i>
Disconnecting CCTV system	V52	4
Obstructing CCTV Camera	V53	4
Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation	V54	12
Failure to provide evidence of insurance or interim MOT or compliance test	V55	6

Failure to provide evidence of insurance or interim MOT or compliance test	O26	6
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3. List of Offences/Breaches of Driver Licence Conditions

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Driver not clean and respectable in their dress	D1	2
Driver not complying with the Driver Dress Code	D2	2
Driver not behaving in a civil and orderly manner	D3	2
Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle	D4	2
Driver smoking/vaping/similar whilst in the vehicle	D5	4
PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre booking	D6	4
Driver of PH vehicle plying for hire	D7	4
Driver calling out or influencing person to travel in the vehicle for gain without a prior appointment	D8	2
Fail to have in possession driver badge whilst driving a licensed vehicle	D9	6
Not wearing driver badge which is visible to passengers being conveyed in the vehicle	D10	2
Failure to surrender driver badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by Licensing Staff	D11	2
Failure to supply annual self-declaration and fee before expiry (1 st Occasion)	D12	6
Failure to supply annual self-declaration and fee for a consecutive year before expiry (2 nd occasion)	D13	12
Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty	D14	2

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Failure of driver to check vehicle proprietor has insurance on the vehicle	D15	2
Driver carrying greater number of persons than the number specified on the licence	D16	12
Carrying other persons in the vehicle without the consent of the hirer	D17	2
Carry a member of family/friend in a licensed vehicle when it is for hire/hired without the consent of the hirer when the vehicle is hired.	D18	2
Failing to carry or ensure safety of passenger luggage	D19	4
Failing to offer reasonable assistance with luggage	D20	2
Failing to take steps to ensure passenger safety	D21	6
Failing to ensure passengers are dropped off safely, at the correct destination	D22	6
Fail to search vehicle after journey	D23	2
Fail to operate taxi meter correctly	D24	4
Tampering or allowing tampering of a taximeter	D25	6
Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	D26	2
Demanding more than the previously agreed fare	D27	6
Demanding more than the fare shown on the taxi meter or scale of charges on the tariff sheet	D28	6
Starting the fare before the hirer enters the vehicle unless specified in the tariff sheet	D29	4
Failure to notify proprietor of complaints made by the passengers	D30	2
Failure to notify passengers of their right to refer their complaint to the Licensing Authority	D31	2
Failure to attend at appointed time or place without sufficient cause	D32	2
Unnecessarily prolonging journey in distance or time	D33	4

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Failure to provide copy of driver licence to operator	D34	2
Failure to notify Licensing Authority of change of address/telephone number within 7 days	D35	4
Failure to notify Licensing Authority of motoring offences over 3 penalty points issued at one time during the period of licence	D36	6
Failure to notify Licensing Authority of criminal conviction/s during the period of the licence	D37	12
Failure to notify Licensing Authority of motoring offences upon renewal of the licence	D38	6
Failure to notify Licensing Authority of the licence holders involvement in incidents which the Police are involved and may lead to a caution/criminal conviction being imposed on them	D39	6
Failure to notify Licensing Authority within specified times of serious injury or illness which affects your ability to drive. This can be by telephone if the applicant cannot notify us in writing, and can be notified by a relative/friend/employer if required	D40	12
Failure to notify the Licensing Authority of a DVLA notifiable condition.	D41	12
Failure to carry assistance dog without exemption	D42	4
Making additional charge for carrying assistance dog	D43	4
Failure to apply for or provide an exemption certificate on medical grounds for not being medically fit to carry an assistance dog	D44	4
Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	D45	6
Failure to keep vehicle reasonably clean	D46	2

<u>Offence / Breach</u>	<u>Code</u>	<u>Points</u>
Failure to notify Licensing Authority of vehicle damage within specified times or present vehicle if requested to do so	D47	4
Failure to provide a written receipt for the fare paid if requested to do so by the passenger	D48	2
Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	D49	6
Failure to comply the regulations governing the wearing of seat belts	D50	6
Refusing a fare without reasonable excuse	D51	6

4. Offences / Breaches of Operator Licence Conditions - Private Hire

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Operating more vehicles than stated on licence	O1	6
Failure to obtain and maintain insurance on vehicle	O2	12
Fail to provide valid insurance on expiry for any premises where the public have access	O3	6
Failure to notify the Licensing Authority of change of insurer within specified times	O4	2
Fail to provide evidence of public liability insurance for premises	O5	12
Failure to operate the business in a manner which does not cause a nuisance to the public	O6	4
Failure to provide a prompt, efficient or reliable service without reasonable excuse	O7	4
Failure to attend a booking at appointed time or place without sufficient cause	O8	6
Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	O9	12
Operating the business from a premises outside the County of Herefordshire	O10	12
Failure to keep booking or waiting areas which the public have access, clean, adequately heated, ventilated and lit	O11	2
Failure to provide seating facilities in waiting areas	O12	2
Failure to comply with planning permission or licence conditions for number of vehicles permitted	O13	4
Failure to supply written confirmation within specified time of changes to the particulars shown on the application form relating to the licence	O14	4

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Fail to notify Licensing Authority of change of address within specified time	O15	2
Failure to notify the Licensing Authority within specified time of any criminal conviction imposed on them, during the period of the licence	O16	12
Failure to keep proper records for a period of not less than six months	O17	4
Fail to keep entries correctly	O18	2
Fail to keep records of private hire vehicles operated	O19	2
Displaying the word Taxi or Cab on a private hire vehicle	O20	4
Failure to keep records of all drivers employed or failure to produce details of the drivers	O21	4
Failure to notify Licensing Authority within specified time of the particulars of any driver who is no longer employed by the operator	O22	2
Failure to maintain telephone or radio equipment in good condition or failure to repair defects promptly	O23	2
Using unlicensed drivers to drive a Herefordshire Licensing Authority licensed vehicle	O24	12
Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	O25	4
Failure to provide evidence of insurance or interim MOT or compliance test	O26	6
Failure to carry out or provide the required DBS checks on dispatch staff	O27	6
Failure to record, maintain or provide details of checks on dispatch staff in a register	O28	6
Failure to make appropriate checks of any operator for which work is outsourced	O29	6

<u>Offence</u>	<u>Code</u>	<u>Points</u>
Failure to establish, maintain or provide a policy on employing ex-offenders to the licensing authority	O30	12
Failure to require notification of criminal conviction as part of the contract of employment	O31	12
Failure to notify licensing authority of any criminal conviction information relating to booking and dispatch staff in accordance with condition	O32	12

5. Breaches of County of Herefordshire District Council Byelaws Relating To Hackney Carriages

<u>Byelaw number</u>	<u>Offence</u>	<u>Code</u>	<u>Points</u>
2 (b) (i)	Wilfully or negligently causing licence number to be concealed from public view while the carriage is standing or plying for hire	B1	4
2 (b) (ii)	Causing or permitting the carriage to stand or ply for hire with an illegible plate	B2	4
3	Failure to furnish the hackney carriage in accordance with requirements of the Byelaw	B3	4
4.	Failure to provide a taximeter in accordance with the requirements of the Byelaw	B4	12
5.	Failure to operate taximeter in accordance with requirements of the Byelaw.	B5	4
6.	Driver or proprietor tampering with meter or permitting any unauthorised person to tamper with meter	B6	6
7. (b)	Failure to proceed to another rank when at the time of arrival rank is full	B7	2
7. (c) (d)	Failure to station or move the carriage immediately behind the carriage or carriages in front on the rank	B8	2
8.	A proprietor or driver using the services of a person to importune a person to hire the vehicle	B9	2
10.	Failure by driver to take reasonable precautions to ensure the safety of passengers	B10	4
11.	Driver or proprietor allowing more persons to be conveyed than the licence allows	B11	12
12.	Failure by driver to wear the badge provided by the Licensing Authority when plying for hire	B12	2
13.	Failure to provide when requested reasonable assistance with luggage	B13	2
15.	Failure to display statement of fares inside the carriage in a legible state	B14	2

Appendix 1 of Taxi and Private Hire Policy

<u>Byelaw number</u>	<u>Offence</u>	<u>Code</u>	<u>Points</u>
17.	Failure to deal appropriately with lost property	B15	2

**DRIVER LICENCES (Hackney Carriage and Private Hire)
Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976**

1. The Council issues dual drivers licences. That means that once you hold a drivers licence, you can drive any hackney carriage or private hire vehicle which is licensed by Herefordshire Council.
2. This reduces the burden on drivers who may wish to drive either type of vehicle, reduces the costs to the drivers and the Council.
3. This document contains the policy, Code of Conduct and legislation relating to driver licences.
4. The Council has the power to make byelaws relating to hackney carriage drivers under the legislation, and it has done so. The byelaws only apply when you are using your licence to drive a hackney carriage.
5. There is also a power to attach conditions to private hire driver's licences, but the Council has decided not to attach standard conditions to these licences.
6. As it issues dual licences, the Council has a Code of Conduct for Drivers which applies to both hackney carriage and private hire activity. This Code is not a condition. It is a standard of behaviour which the Council expects drivers to maintain. Any failure to comply with the Code will lead to the Council questioning whether a licensee remains a safe and suitable person to drive a hackney carriage or private hire vehicle.
7. A dual driver licence can be referred to as a "licenced driver" within the Council and for the remainder of this document.

INTRODUCTION

8. The purpose of licensing drivers is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous drivers.
9. It is a privilege to hold a dual drivers licence and licensees have responsibilities to their passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for

your licence you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account your entire character and behaviour. This not only includes times when you are working as a licensed driver, but all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence.

10. If at any time you as a licensee fall below the standards expected of a new applicant, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. It is no defence to argue that your actions took place when you are not working as a taxi driver. You should appreciate that under the Previous Convictions Policy, if the unacceptable or criminal behaviour took place whilst you were driving as a taxi driver that will be viewed as an aggravating feature by the Council.
11. In many cases a taxi driver is the first person that a visitor to the county will encounter following arrival at a railway or bus station. Licensed drivers are ambassadors for the county and that first impression can affect a person for their entire visit. Licensed drivers should be aware of this and act accordingly at all times.
12. Licensed drivers can also be the eyes ears of their communities. In addition to travelling far and wide around the area they also have close contact with people from every part of society. This means they can quickly establish when situations are not normal. That could be that a person has not made a booking that is expected which may be as a result of them falling ill. If they live alone the taxi driver may be the only person to have realised that there is a problem. Licensed drivers are also very aware of the movements of people. They are in a position to recognise where children may be being used for criminal purposes (for example County lines drug trafficking) or being moved for the purposes of abuse or exploitation. They may also recognise similar movements of adults in relation to modern slavery and other forms of abuse.
13. By working closely with the Council and other agencies the role of the licensed driver can be vital in protecting vulnerable people within the community.
14. Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list.

You should familiarise yourself with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.

15. You must understand and comply with the legal requirements relating to your Dual Driver Licence and the legal requirements and conditions attached to the hackney carriage or private hire vehicle licence of the vehicle you drive. Failure to comply with the requirements may result in your Dual Driver Licence being suspended or revoked.
16. The Council office for hackney carriage and private hire licensing purposes is The Licensing Section, Herefordshire Council, Plough Lane Offices, Hereford HR4 0LE, telephone: 01432 261761.
Email: taxilicensing@herefordshire.gov.uk.

Power to take action against a taxi drivers licence

17. Under section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Council may suspend or revoke or refuse to renew a dual driver licence on the following grounds:
 - (a) that the licensee has, since the date of the grant of the licence –
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
 - (iii) been convicted of an immigration offence or required to pay an immigration penalty; or
 - (b) any other reasonable cause.
18. The Council may suspend or revoke your licence with immediate effect where it is of the opinion that the interests of public safety require such a course of action under section 61(2A) of the 1976 Act. That power is delegated to an officer, the Head of Public Protection, or a service / corporate director in his absence. As this is likely to be an urgent situation, you will be contacted by telephone, text or email and notified of the time the decision will be made and your opportunity to make representations. If you do not avail yourself of that opportunity, the decision will be taken in your absence.

19. Failure to comply with any hackney carriage or private hire legislation, or other road traffic legislation is an offence, and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s), the Council may take action against your licence which may also result in your dual drivers licence being suspended or revoked.
20. If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under s57(3) of the 1976 Act.
21. In the event that you lose your licence, badge or armband, or they are damaged or defaced, you must get a replacement on payment of a fee determined by the Council, and you cannot drive a hackney carriage or private hire vehicle until such a replacement is obtained.

Duration

22. The dual driver licence usually expires 3 years (36 months) from the date of issue, unless a two or one year licence is applied for at the time of application. The cost of a one or two year licence will reflect the additional administration charge for shorter licences.

Renewal

23. Any application for renewal should be made at no more than one month before the licence expires. If a licensed driver does not apply to renew their licence in time, there may be a period when they will be unable to drive a hackney carriage or private hire vehicle. If the renewal application form and fee is not received before the expiry of the current licence, it will be treated as a new application rather than a renewal and the licensed driver will have to provide all the information that is required for the renewal application (e.g. a new DBS check, up-to-date medical etc. Other documents can be provided after expiry provided the application and fee is received before the renewal date.
24. The renewal of the licence will be at the Council's discretion.

Applications

25. All applications must be made online via the Council's website or on the application form which is available to download from the Council's website. However, if you have no access to the internet please contact the licensing team so that they can assist you. Please note there is a 5 day response time for contacts so allow more time for your application if you require direct assistance, as contacting the department will not be considered making a valid application.
26. An application will not be processed unless it is complete.

Photographs

27. All applications must be accompanied by a passport sized photograph of the applicant with the applicant's full name written in block capitals on the reverse.

Age Restrictions

28. Licences will only be granted to persons over the age of 21.

Driving Licence

29. Applicants must have held a full DVLA driving licence for a Category B vehicle for a period of at least 1 year. Where an applicant (or an existing licensed driver) has been disqualified from driving for any period, as a result of a conviction, a dual driver licence will not be granted to that applicant until the requisite period of time as detailed in the DFT Statutory Guidance has elapsed.
30. Applicants must hold a UK driving licence. If an applicant does not hold a UK driving licence, the applicant will need to seek advice from the DVLA website regarding how to obtain a UK licence.
31. The driving licence must be produced at the assessment interview and consent to access DVLA records must be given. A copy will be taken of the licence and retained together with the application form and all other supporting documents.

Immigration requirements

32. An applicant for a dual driver licence must have the right to remain and work in the UK. This will be evidenced on application by the driver who must provide documentation which must comply with the Home Office guidelines. At the time this policy was adopted this detailed in Appendix 1 to the Home Office document *Guidance for Licensing Authorities to prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales*¹.
33. You will be advised how to produce your original documents. They will then be inspected, verified and copied.
34. Where an applicant has an unqualified right to remain and work, that will be noted and this process will not be repeated on renewal.
35. However, where there is a qualification to either of the rights, the required documentation must be provided each time the licence is renewed. In those cases a licence for a shorter period than the usual 3 years may be granted.
36. If at any time during the duration of a licence, the right to remain or work is lost, that licence will cease to have effect and the licensed driver must immediately notify the Council and return the licence and badge.

Criminal Record Checks

37. All applicants (new and on renewal) will be required to provide an enhanced Disclosure and Barring Service (DBS) check with a check of both the Adult and Children Barred Lists, at their own expense, as part of the application process. This is conducted via the Council, but the DBS Certificate is sent to the applicant's home address. Once a licence has been granted, all licensees will be required to subscribe to the DBS Update Service. Once a licensed driver has subscribed to the update service then, provided the applicant maintains the subscription to the service and there are no changes to the DBS status, the applicant is not required to repeat the DBS application process, but instead merely provide the update service reference number and original DBS certificate. If at any time during the duration of a licence, the DBS Update Service is not maintained, that licence will cease to have effect and the licensed driver must immediately notify the Council and return the licence and badge.

¹ available at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675533/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf

38. The application will then be considered in the light of the DFT Guidance.
39. Applicants who are foreign nationals and who have not been continuously resident in the UK for more than 5 years since the age of 18 must obtain and produce (at their own expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old and the Council will verify the authenticity of any documentation that is provided.
40. UK citizens who have lived outside the UK for more than 3 months at a time since the age of 18 must obtain and produce (at their own expense) a certificate of good conduct authenticated by the relevant embassy for each and every country in which they have resided for more than 3 months from the age of 18 until arrival in the UK. Such certificates must be less than 3 months old, and the Council will verify the authenticity of any documentation that is provided.

Provisional application

41. An applicant can complete the steps to this point and the Council will then assess whether a licence could be granted in relation to the driving licence and immigration checks and whether it would be granted in relation to previous convictions. This will allow an applicant to reduce expenditure on a speculative application until such time as they have been informed that, subject to satisfactory results in the following requirements, a licence will be granted.

Knowledge Test

42. In order to establish that an applicant has a working understanding of the conditions and awareness of the county, new applicants will be required to successfully undertake and pass a knowledge test before a licence will be granted. Applicants must arrange and pay for this test themselves. Existing licensed drivers are exempted from this requirement. There is a limit of 3 occasions that the knowledge test can be taken. After the 3rd failure the application process will be closed. A failed test can be re-taken but a period of 2 weeks between each test must elapse to allow the applicant time to revise the content before attempting the test again. The knowledge test can be taken at any time before or after an application has been made,

however, it is advised that the applicant is certain before taking it that the DBS and medical will not preclude the application progressing to issue.

43. The knowledge test (driver skills assessment) will assess the following, although this is not an exhaustive list:
- a) geographic knowledge;
 - b) basic English communication skills;
 - c) basic numeracy skills
 - d) hackney carriage and private hire code of conduct;

Medical Requirements

44. Applicants are required to pass a medical examination (at their own expense) and provide a Council issued medical certificate completed by their own GP who must have full access to their medical records, or by a medically qualified medical practitioner who has access to a printed copy of their full medical record from the GP surgery with whom the applicant is registered, to meet PSV/HGV Group 2 (vocational licence) medical standards of fitness, as defined and updated by the DVLA. Medicals will only be valid for 1 month from date of signature.
45. An applicant can also provide a PSV/HGV Group II medical certificate which has been completed within the previous four months. This must be produced on a Council issued medical certificate.
46. Medical certificates are required at the initial application; thereafter every 5 years until the age of 65; and every year from the age of 65, or more frequently as advised by Occupational Health.
47. The Council reserves the right to seek a second opinion (at the expense of the applicant) in any case where it has any concerns about the medical fitness of an applicant, both on application and at any time during the duration of the licence. Any fee required for a referral will need to be paid to licensing by the applicant before the issue is raised with a Medical Practitioner. The Council may revoke, refuse to renew or suspend a licence if any information raises concerns as to the applicant's fitness to carry out their duties as a licensed driver or if requested information is not submitted within 7 days of the request. Occupational Health trained Medical Practitioners will be used when a second opinion is required. If a satisfactory medical certificate is provided by an Occupational Health trained Medical

Practitioner there will not usually be a need to refer to the Council's Occupational Health Specialist.

Driver Licence and Badges

48. At the end of the application process an applicant will be required to complete and provide a self-declaration, a DVLA summary and details for an update DBS check to be undertaken via the DBS update service, prior to the licensed being granted.
49. Successful applicants will be issued with their licence, one licence for display in the vehicle and 1 armband or lanyard style badge on receipt of the licence fee.
50. These must be worn and copies lodged with the operator or hackney carriage proprietor (as applicable) in accordance with the code of conduct.

Equality Act Exemption Certificates

51. Licensed drivers must carry assistance dogs when requested and, when driving a listed wheelchair accessible vehicle, provide mobility assistance to wheelchair-bound passengers (detailed below).
52. Applications can be made to the Council for exemption from the 'assistance dogs' requirements under sections 169 and 171 of the Equality Act 2010. Similar applications for exemptions from the requirement to provide mobility assistance can also be made under section 166 of the 2010 Act.
53. Application forms are available from the Licensing Section together with details of the criteria that will be used to determine whether or not any such exemption certificate should be issued, and if so on what terms.
54. Where a driver is medically exempt from the above requirements, the driver must notify the Council in order to obtain the necessary exemption certificate. This certificate will then last until the driver is required to provide their next general medical certificate. This means that an exemption certificate will last for a maximum of 5 years, but if it is being granted subsequent to the last medical, it will not run beyond the renewal date for the general medical certificate.

Seat belts

55. The law relating to seat belts, as it applies to drivers and passengers in hackney carriages and private hire vehicles, is different from non-licensed passenger vehicles.
56. When driving a hackney carriage, the driver does not need to wear a seatbelt when seeking hire (plying), answering a call for hire (travelling to a pre-booked hiring) or when a commercial or fare paying passenger is being carried (this does not apply to the vehicle being used for private/domestic use). However, the Council advises strongly that a seatbelt should be worn by drivers of hackney carriages at all times, unless they feel that this compromises their personal safety.
57. When driving a private hire vehicle, the driver does not need to wear a seatbelt when a commercial or fare paying passenger is being carried (this does not apply to the vehicle being used for private/domestic use). However, the Council advises strongly that a seatbelt should be worn by drivers of private hire vehicle at all times, unless they feel that this compromises their personal safety.
58. In relation to commercial or fare paying passengers in hackney carriages and private hire vehicles (except when the vehicle is being used for private/domestic use) the rules relating to seat belts are as follows:

Appendix 2 of Taxi and Private Hire Policy

Commercial or fare paying passengers	Front seat	Rear seat	Who is responsible?
Children under three years' old	Correct child restraint MUST be used.	Correct child restraint MUST be used If one is not available in a hackney carriage or private hire vehicle, the child may travel unrestrained.	Driver
Child Aged 3–11 and under 135cm in height (about 4.5 Feet)	Correct child restraint MUST be used	Correct child restraint must be used if seat belts are fitted. If a child seat is not available, a child may travel using just the seat belt in these situations: - In a hackney carriage or private hire vehicle - For a short distance if the journey is unexpected and necessary - There is not room to fit a third child seat	Driver
Child Aged 12 or 13 years or younger child 135cm or more In height	Adult seat belt must be worn if fitted	Adult seat belt must be worn if fitted	Driver
Passengers aged 14 years and over	Must be worn if fitted	Must be worn if fitted	Passenger

59. Children can be carried lawfully in hackney carriages and private hire vehicles without the correctly sized child restraints. In these circumstances, the driver must make the parent, carer or other responsible adult accompanying the child aware of the potential dangers of carrying a child who is not correctly restrained in motor vehicles. It will remain the parent's, carer's or other responsible adult's decision as to whether they are prepared to accept those risks.

Sanctions against breaches of the Code of Conduct and for acquiring driving licence points

60. It must be understood that a decision to grant a licence was made on the basis that the applicant was a safe and suitable person to drive a hackney carriage and private hire vehicle 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 licensees must ensure that their behaviour remains of the highest standard to protect their driver licence and therefore their livelihood.
61. Any behaviour which would lead to a licence not being granted under this policy, where a driver acquires penalty points on their DVLA licence for serious motoring offences of six or more points issued for one offence, or where the drivers acquires 6 or more points on their DVLA Licence, or any breach of any legislation, byelaw or requirement of the Code of Conduct, may lead to the driver being subject to enforcement action.
62. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for taxi drivers.
63. The Council has a range of options open to it including suspension or revocation of the licence, refusal to renew the licence, the imposition of penalty points or the issue of warnings.
64. Suspension or revocation of a driver licence can be with immediate effect where the Council is of the opinion that the interests of public safety require such a course of action (section 61(2A) of the 1976 Act).

BYELAWS**COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL BYELAWS RELATING TO HACKNEY CARRIAGES**

BYELAWS made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the County of Herefordshire District Council with respect to hackney carriages in the County of Herefordshire.

INTERPRETATION

1. Throughout these byelaws "the Council" means the County of Herefordshire District Council and "the district" means the County of Herefordshire.

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

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to, in respect of the carriage, to be displayed on the outside and the inside of the carriage only by means of the plates supplied by the Council.
- (b) A proprietor or driver of a hackney carriage shall not:
 - (i) wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided.

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

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

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

5. The driver of a hackney carriage shall:
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time bring the machinery of the taximeter into action by operating the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer.

6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
 - (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand, other than an angled parking stand, not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand so as to face in the same direction; and
 - (d) from time to time when the carriage immediately in front is driven off, or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of every person conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at the appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. A driver shall when standing or plying for hire and when hired wear the badge provided by the Council in such position and manner as to be plainly and distinctly visible.
13. The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;

- (b) afford reasonable assistance in loading and unloading; and
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

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

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

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

15. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of the fares in accordance with the byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the offices of the Council, and leave it in the custody of the officer in charge of the offices on his giving a receipt for it; and
 - (b) be entitled to receive from any person to whom the property shall

be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than ten pounds.

Penalties

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

Repeal of Byelaws

19.

- (a) The following byelaws are hereby repealed:

The byelaws relating to hackney carriages which were made by the Hereford City Council on the 21st day of July 1997 and which were confirmed by one of the Majesty's Principal Secretaries of State on the 26th day of August 1997.

The byelaws relating to hackney carriages which were made by the South Herefordshire District Council on the 17th day of December 1986 and which were confirmed by one of her Majesty's Principal Secretaries of State on the 18th day of February 1987.

- (b) The following byelaws inasmuch as they relate to the County of Herefordshire only are hereby repealed:

The byelaws relating to hackney carriages which were made by the Malvern Hills District Council on the 6th day of March 1987 and which were confirmed by one of her Majesty's Principal Secretaries of State on the 27th day of April 1987.

TAXI DRIVERS CODE OF CONDUCT

65. This Code of Conduct relates to you as a licensed taxi driver. It outlines the standards of behaviour which are expected of you whilst you hold a dual driver's licence. Failure to comply with these requirements may lead to enforcement action being taken. This could be by way of penalty points attached to your dual driver licence, suspension, revocation or refusal to renew your licence.

66. You are a licensed driver for the duration of the licence and at all times you should ensure that your conduct and behaviour is that of a safe and suitable person. You must ensure that you do not act in any way at any time that might affect that. The Council will consider all your behaviour and that is not limited to the times when you are driving a hackney carriage or private hire vehicle.
67. When you are driving a hackney carriage or private hire vehicle, that remains a Council licensed vehicle and you remain a Council licensed dual driver wherever you may be located, and for whatever purpose you are using the vehicle (this includes social and domestic use). This Code of Conduct applies across the whole of the United Kingdom.

Your taxi drivers Licence and Badge

68. You have been issued with 1 copy of your driver's badge and a coloured armband/or badge to be worn around the neck or visible location. You must wear the driver's badge in the armband on your left upper arm, or the badge around the neck or visible location at all times when you are driving or working with a private hire vehicle or hackney carriage and failure to do so is a criminal offence (under section 54 of the 1976 Act when using a private hire vehicle and Byelaw 12 when using a hackney carriage). You must display the second copy of your badge in a position which is plainly and clearly visible to your passengers at all times whilst you are working as a licensed driver.
69. You must return your licence, badge and armband to the Licensing Section if requested to do so:
- a) the licence expires, is suspended or revoked
 - b) you lose the right to work in the UK, or the right to remain in the UK
 - c) you wish to surrender your dual driver licence
 - d) the DBS Update Service has not been maintained
 - e) your medical fitness has changed and you may no longer be medically fit to drive a licensed vehicle
 - f) required to do so by an "Authorised Officer of the Council".
70. In the event of the loss of your licence, badge or armband you must report the loss to the Licensing Section immediately.

Deposit of Taxi Driver Licence when working for others

71. You must show your dual driver licence to the private hire operator when driving any private hire or hackney carriage vehicles, which you will be using for private hire work. They will then keep a copy of your licence while you are driving for them, although you will retain the original at all times whilst working.

Production of Documents

72. If an Authorised Officer of the Council, an Authorised Officer of another Council with which the Council has a reciprocal arrangement with or a police constable or PCSO asks you, you must produce:
- a) Your DVLA driving licence;
 - b) Your dual driver licence;
 - c) The vehicle registration document and/or
 - d) A valid certificate of insurance

Within **five days** of the request being made at the location that they specify.

Medical condition

73. You must notify the Council, in writing within 48 working days of any change in your medical condition including any treatments or medications (prescription or otherwise) that may adversely affect your ability to drive private hire or hackney carriage vehicles.
74. You must ensure that when you are working you are sober and not under the influence of any illegal drugs. If you are taking any prescription medication, you must ensure that it does not impair your driving ability.
75. If at any time you feel unwell or are in any doubt regarding the above, you must discontinue work until such time as you have had advice from a medical practitioner and/or Council officers that you are able to return to work.

Declaration of conviction / caution / criminal investigation

76. You must declare all criminal convictions, cautions, arrests, being charged with a criminal offence, being subject to a criminal investigation, CBOs

(Criminal Behaviour Orders) CPNs (Community Protection Notices), , injunctions, restraining orders to the Council on your initial application form.

77. If you are convicted of any criminal offence, or accept a formal caution for an offence, or are made the subject of a CBO or CPN, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details, in writing and within 48 working hours of the event.

Driving

78. You must comply with all road traffic regulations at all times.
79. You must comply with all legislation and conditions relating to the hackney carriage or private hire vehicle that you are driving at all times. Those conditions are available on the Council's website.
80. You must not use a hand-held mobile telephone or any other handheld device (apart from a two-way radio) whilst driving.
81. You must not sound your vehicle horn:
- a) unnecessarily, i.e. unless in an emergency or to let other road users or pedestrians know you are there.
 - b) when your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road.
 - c) on any road in a built up area between 11.30 pm and 7.00 am.
82. Your vehicle horn must not be used to signal your arrival to collect any pre-booked passenger.
83. You must not drive any hackney carriage or private hire vehicle in a dangerous or inconsiderate manner and in addition to complying with all road traffic regulations you must ensure that the driving and behaviour is of the highest standard.
84. When parking, or otherwise waiting for either a hiring (hackney carriage), a booking to be communicated to you (private hire and hackney carriage) or attending for a pre-booked hiring (private hire and hackney carriage) you must ensure that you do not obstruct other road users including pedestrians on pavements and in pedestrianised streets. You must also ensure that you do not block vehicle entrances or any emergency exits for buildings.

85. When stopping to set passengers down you must do so in a manner which minimises the risk to those passengers as they alight from the vehicle. You must warn passengers clearly of any unusual or unexpected dangers within the vicinity.
86. When driving a hackney carriage, you must not demand a fare greater than that shown on the meter for a journey within the Council's area, other than in accordance with the tariff sheet.
87. When driving a private hire vehicle you must not demand a fare greater than that shown on the meter (if that is how your operator calculates fares) unless agreed between the hirer and the operator.
88. You must stop the engine of the vehicle at all reasonable times when the vehicle is stationary otherwise than through the necessities of traffic.
89. It is a criminal offence to hold and use a mobile phone or other handheld device whilst driving. In addition this will be regarded as a serious breach of the Code of Conduct.

Conduct and Behaviour

90. You must be honest and trustworthy at all times.
91. You must be polite and courteous to your passengers, other road users and the public generally.
92. You must not use abusive or foul language, or spit in or near the vicinity of your vehicle.
93. You must not use aggressive language or behaviour, or engage in any violent conduct.
94. You must not carry any form of weapon on your person or in your vehicle at any time and under no circumstances must you ever take the law into your own hands.
95. If the hirer requests, you must provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. That receipt must also contain details of the journey including

Appendix 2 of Taxi and Private Hire Policy

the date, pick up point and destination, vehicle licence number, operator's name and driver name or licence number. You must then sign the receipt.

96. You must not cause or allow noise emitted by any radio or sound equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person or persons, whether inside or outside the vehicle.
97. If a passenger objects, you must not play any radio or sound reproducing instrument or equipment in the vehicle.
98. You must treat everybody decently, equally and fairly.
99. You must at all times treat people, with courtesy and respect.
100. You must not discriminate against any person because of their race, colour, creed, age, gender, sexuality, or disability.
101. You must not use abusive, racist, sexist, or any other offensive language or terms with passengers or other members of the public (remember that not everybody shares your sense of humour, or views).
102. You must protect passengers and yourself. Be wary about entering any premises, especially domestic premises unless you know the person as an established customer. Even then make sure that you take all steps to minimise any risk to yourself or your reputation.
103. You must not obtain the telephone numbers of, or engage on any form of social media with anybody under the age of 18.
104. You must not engage in any kind of sexual activity within or in the vicinity of your licensed vehicle.
105. You must behave in a civil and reasonable manner at all times and must comply with any reasonable request made by the hirer.
106. You must always pick up your passengers on time unless unavoidably delayed.
107. You must always assist your passengers with their luggage. If they do not request this, you must ask whether they need help. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down.

107. You must report to the Council and/or local police any concerns (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. When you are driving a private hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and Council immediately.

Personal Appearance and Dress Code

108. You must maintain good standards of personal hygiene at all times.

109. You must always be clean and respectable in your dress and present a professional image. To achieve this you must comply with the following dress code which will also ensure that public and driver safety is not compromised

Acceptable standards of dress

110. Collared shirts, blouses, polo shirts, or sweat shirts must cover the shoulders and be capable of being worn tucked inside trousers, shorts or skirts.

111. Shirts or blouses may be worn with a tie or open necked.

112. All clothing must be clean, of smart appearance and in good condition.

Trousers, shorts and skirts

113. Trousers can be either full length or shorts.

114. Skirts must be no shorter than 5 cm above the knee (when standing) and can be of any longer length, but must not impede the safe operation of the pedals

115. Trousers, shorts or skirts must be smart and not casual or sportswear.

Footwear

116. Footwear for all drivers must fit around the heel of the foot. Wooden soled footwear is not permitted.

Unacceptable standards of dress

117. Anything not conforming to the above, including:

- a) Clothing not being kept in a clean and fresh condition or any items which have holes or rips.
- b) Words or graphics on any clothing that is of an offensive or suggestive nature.
- c) Sportswear e.g. football or rugby kits, track suits, beach wear, etc.
- d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- e) Not having either the top or bottom half of their bodies suitably clothed.
- f) No baseball caps or hoods worn up whilst in the vehicle.

Use of the Vehicle

118. Private hire vehicles and hackney carriages are smoke free vehicles at all times under the Health Act 2006. It is a criminal offence to smoke in a licensed at any time (section 7) or to allow a person to smoke in a licensed vehicle (section 8) and you can be prosecuted for either or both offences. In addition this will be regarded as a serious breach of the Code of Conduct.

119. You must not eat in the vehicle whilst carrying passengers, or allow passengers to eat in the vehicle at any time.

120. Animals must not be carried in private hire vehicles or hackney carriages other than those belonging to or in the care of passengers. You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid Exemption Certificate issued by the Council. Any animal must be kept under the hirer's control, and must be carried in the rear of the vehicle (except assistance dogs). No animals can be carried in the luggage compartment of a vehicle unless the vehicle is an estate car or hatchback and the animal can be seen from outside the vehicle through a window.

121. You must not carry more passengers than the maximum number prescribed by the conditions attached to the hackney carriage or your private hire vehicle licence and displayed on the vehicle plate.

122. You must carry a reasonable amount of luggage when requested and assist passengers in loading and unloading it from the vehicle.
123. You must not carry any additional passengers not already accompanying the hirer in the vehicle without the hirer's permission.
124. You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried in the front.
125. You must not carry any child below the age of ten years in the front of the vehicle.
126. Hackney carriages and private hire vehicles are not expected to carry a range of child seats. If you are carrying children under the age of 14 you must make any adult with responsibility for the child aware that the correct restraints may not be available and the carriage of the child in those circumstances is at the adult's own risk. Children under 3 years of age can travel unrestrained in a hackney carriage or private hire vehicle if the appropriate restraint is not available. Children over 3 years of age and below 11 years of age or shorter than 135cms (approx. 4ft 6in) can use adult seat belts if the appropriate restraint is not available. Children over 11 years of age or taller than 135cm (approx. 4ft 6in) must use adult seat belts.

Vehicle Checks

127. It is your responsibility to ensure that the correct policy of insurance is in force for any hackney carriage or private hire vehicle that you are driving.
128. Before using a hackney carriage or private hire vehicle for the first time each day, you must undertake a "walk around check" This requires that you ensure that the vehicle is roadworthy and fit for use as a hackney carriage or private hire vehicle. The check must include the tyres (pressure and tread depth), checking the lights are functioning (so far as is possible with one person – all lights except brake lights), checking all glass (lights and windows) is intact and ensuring there is no obvious damage to the vehicle. Any defects that are detected must be rectified before the vehicle is used to carry passengers.

129. Every time you commence driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is not missing and that it is securely fixed to the outermost rear of the vehicle, so that it can be clearly read by pedestrians and other road users. You must also ensure that any other identifying information (whether supplied by the Council or not) is correctly and securely attached to the vehicle.
130. If you have been issued a certificate of exemption from carrying assistance dogs or providing wheelchair assistance you must ensure that that notice is correctly placed on the nearside of the front windscreen.
131. You must not offer or accept any hire of the vehicle except where the hiring has been pre-booked via your private hire operator (this does not apply to hackney carriages).

Lost Property

132. After every hiring, you must search the vehicle for any misplaced or lost property.
133. If any property is found or handed to you, you may agree to return the property personally to the owner, and charge the metered fare from your office/business premises (or home address where you do not have business premises) to an agreed meeting point, or £10, whichever shall be greater. If you cannot find the owner after taking steps to make enquiries, any lost property found must be retained for a period of 6 months.

Taximeters in Private Hire Vehicles (taximeter use in hackney carriages is governed by the Byelaws)

134. You may use a meter in a private hire vehicle only if it is constructed, attached and maintained in compliance with the Private Hire Vehicle Licence Conditions.
135. Unless the fare is agreed in advance, you must switch the meter on at the point the hirer's journey commences and keep the meter working until the termination of the hiring.
136. You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).

137. You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey, other than in accordance with the tariff sheet
138. You must ensure that when the vehicle is not hired the key is to be locked and the meter must be cleared.
139. You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.
140. You must not (nor may you allow anyone else) to tamper with the meter without lawful excuse, or alter any meter with the intent to mislead.

Plying for hire when driving a private hire vehicle (does not apply when driving a hackney carriage)

141. You must not pick up passengers who have not pre-booked with your operator.
142. You must not offer or accept an offer for the immediate hire of a vehicle while it is being used in a public place.
143. You must not park or wait on or near any hackney carriage rank, or drop passengers off on a hackney carriage rank.

Fares when a hackney carriage is used for pre-booked work

144. A hackney carriage can be used for pre-booked work both within the county of Herefordshire and elsewhere. When the journey is wholly within the zone/county, or commences or ends in Herefordshire, the fare charged cannot be greater than that displayed on the meter or in accordance with the table of fares. Where a pre-booked journey commences and ends outside Herefordshire the table of fares and the meter do not control the maximum fare that can be charged. In these circumstances the fare to be charged must be negotiated between the hirer and the driver or booking agent.

LEGAL REQUIREMENTS (contained in national legislation) when driving a hackney carriage**Your Dual Driver Licence and Badge**

145. When driving a hackney carriage you must wear one copy of your badges in the issued armband on your left upper arm or on a lanyard around your neck or in a visible place, at all times whilst you are working as a hackney carriage driver and you commit a criminal offence if you do not do so, for which you might be prosecuted (Hackney Carriage Byelaw 12). Another copy must be displayed in the vehicle in a place which is visible to passengers.

Disability Discrimination

146. When driving a hackney carriage and requested by a passenger, you must carry an assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. You must not make any additional charge for doing so. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (Section 168 of the Equality Act 2010).

147. When you are driving a hackney carriage that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.

148. The duties are:

- 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.

149. Mobility assistance is assistance:

- a) to enable the passenger to get into or out of the vehicle;
- b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- c) to load the passenger's luggage into or out of the vehicle;

- d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

150. In vehicles equipped with a taximeter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

Conduct

151. You must not drive a hackney carriage at any time if you do not hold a dual driver licence, or if your licence has been suspended with immediate effect or any appeals process has been exhausted (section 47 of the 1847 Act).

152. You must not lend your taxi driver licence to anybody else (section 47 of the 1847 Act).

153. When driving a hackney carriage you must accept a hiring from a hackney carriage rank (taxi rank) or when you are stationary on the highway for a journey within the Council's area unless you have a "reasonable excuse" to refuse (section 53 of the 1847 Act).

154. When driving a hackney carriage if you agree to charge a fare lower than that shown on the meter for a journey in a hackney carriage then you cannot charge more than that agreed fare (section 54 of the 1847 Act).

155. When driving a hackney carriage if you have agreed to accept a fixed amount of money for a journey, you must ensure that the journey lasts until that amount is shown on the meter, unless the destination is reached before that amount is registered on the meter in which case the difference must be refunded to the hirer (section 56 of the 1847 Act). This excludes any tip the passenger may wish to pay by way of keeping any change due.

156. When driving a hackney carriage if you have been hired and are asked to wait, and either a deposit has been paid or the meter is running, you must wait until that hirer returns to your hackney carriage or until such time as it is reasonable to assume the hirer is not returning (section 57 of the 1847 Act).

157. When driving a Hackney Carriage you must not charge more than the fare shown on the meter for a journey within and/or outside the County,

irrespective of how the journey was arranged (sections 55, 58 & 66 of the 1847 Act).

158. When driving a hackney carriage you must not carry anyone apart from the hirer and their companions without the express consent of that hirer (section 59 of the 1847 Act).
159. You must not drive any hackney carriage without the consent of the hackney carriage proprietor (if that is not yourself) (section 60 of the 1847 Act).
160. You must not leave a hackney carriage unattended at a hackney carriage rank (section 62 of the 1847 Act).
161. You must not prevent any other driver of a hackney carriage from taking a fare, or obstruct them in picking up or sitting down passengers (section 62 of the 1847 Act).
162. When driving a hackney carriage you must produce your taxi driver licence if requested to do so by an Authorised Officer of the Council (or another council with whom a reciprocal arrangement exists) or any police constable (section 53(3) of the 1976 Act).
163. You must return your driver licence, driver badge(s) to the Council within 48 working hours if you lose the right to remain or work in the UK (section 53A (9) of the 1976 Act).
164. You must not make any false statement or withhold any information when applying to renew your taxi driver licence (section 57(3) of the 1976 Act).
165. You must return your licence, driver badge(s) to the Council within 48 working hours of any suspension, revocation or refusal to renew your licence (section 61(3) of the 1976 Act).
166. You must use the shortest available reasonable route for all journeys by hackney carriage, subject to any directions given by the hirer (section 69 of the 1976 Act).
167. You must not tamper with any seal on a taximeter, or alter the taximeter with any intent to mislead (section 71 1976 Act and Hackney Carriage Bylaw 6).

168. You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, an Authorised Officer of another council with which there is a reciprocal enforcement arrangement, or a police constable (section 73 of the 1976 Act).
169. When driving a hackney carriage you must not conceal or obscure the number of the hackney carriage whilst standing or plying for hire, or use any vehicle where any part of the plate is illegible (Hackney Carriage Bylaw 2).
170. When driving a hackney carriage you must not activate the taximeter when standing or plying for hire, but you must activate the meter before the journey commences but not until passengers are properly seated and secured. At the end of the journey you must stop the meter. This should be before passengers alight from the vehicle. (Hackney Carriage Bylaw 5).
171. When driving a hackney carriage and you are plying for hire you must proceed to a hackney carriage stand and if that stand is full, proceed to another stand. When you arrive at a stand that is not full you must position the vehicle behind the rearmost vehicle on the stand and move forward as space becomes available (Hackney Carriage Bylaw 7).
172. You must not use the services of any other person to forcefully encourage anyone to hire your hackney carriage (Hackney Carriage Bylaw 8).
173. When driving a hackney carriage you must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons entering, carried in or alighting from the hackney carriage (Hackney Carriage Bylaw 8).
174. When driving a hackney carriage if you have been pre-booked you must attend at the appointed time and place (Hackney Carriage Bylaw 10).
175. When driving a hackney carriage you must not carry more passengers in the hackney carriage than the conditions attached to the vehicle licence permit (Hackney Carriage Bylaw 11).
176. When driving a hackney carriage you must carry a reasonable quantity of luggage for the hirer and assist them in loading and unloading, including taking it from or to any building if requested to do so (Hackney Carriage Bylaw 13).

177. When driving a hackney carriage you must search the vehicle for lost property after every hiring (Hackney Carriage Bylaw 16).
178. When driving a Hackney Carriage the driver must accept cashless payment where it is offered for journeys over £5.00.

LEGAL REQUIREMENTS (contained in national legislation) when driving a private hire vehicle

Your dual Driver Licence and Badge

179. When driving a private hire vehicle you must wear one copy of your badge in the issued armband or lanyard, on your left upper arm or around your neck, or other visible place, at all times whilst you are working as a private hire driver and you commit a criminal offence if you do not do so, for which you might be prosecuted (section 54 of the 1976 Act). The second badge must be displayed in a place within the vehicle which is visible to passengers.

Disability Discrimination

180. When your operator has accepted a booking for a passenger with an assistance dog (whether or not the existence of the dog has been communicated to you), you must carry that assistance dog and allow it to remain with their owner unless you have a certificate of exemption issued by the Council. When you are carrying an assistance dog you must allow it to be carried wherever the owner requires i.e. you cannot insist on the dog being separated from the owner or the owner and dog sitting in a particular seat (section 170 of the Equality Act 2010).
181. When you are driving a private hire vehicle that has been designated as a wheelchair accessible vehicle in a list maintained by the Council under section 167 of the Equality Act 2010, you must comply with the duties and provide mobility assistance to any passenger in a wheelchair as detailed in section 165 of the Equality Act 2010.
182. The duties are:
- 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.

183. Mobility assistance is assistance:

- a) to enable the passenger to get into or out of the vehicle;
- b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- c) to load the passenger's luggage into or out of the vehicle;
- d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

184. In vehicles equipped with a taximeter, the meter must not be activated until the wheelchair bound passenger has been properly loaded and secured for the journey, all loading ramps or other equipment have been properly stowed and the vehicle is ready to commence the journey. At the end of the journey the meter must be stopped before any unloading activity commences.

185. You must not drive a private hire vehicle at any time when your dual driver licence has been suspended (section 46(1) (b) of the 1976 Act).

186. When driving a private hire vehicle you must produce your dual driver licence if requested to do so by an Authorised Officer of the Council (or another council with whom a reciprocal arrangement exists) or any police constable (section 53(3) of the 1976 Act).

187. You must return your dual driver licence, driver badge(s) and armband to the Council within 48 working hours if you lose the right to remain or work in the UK (section 53A (9) of the 1976 Act).

188. You must not make any false statement or withhold any information when applying to renew your dual driver licence (section 57(3) of the 1976 Act).

189. You must return your licence, dual driver badge(s) and/or armband to the Council within 48 working hours of any suspension, revocation or refusal to renew your licence (section 61(3) of the 1976 Act).

190. When driving a private hire vehicle you must use the shortest available reasonable route for all journeys by private hire vehicle, subject to any directions given by the hirer (section 69 of the 1976 Act), unless a price has been agreed before the start of the journey
191. You must not tamper with the taximeter with any intent to mislead (section 71 of the 1976 Act).
192. You must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an authorised officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (section 73 of the 1976 Act).
193. You must not drive any private hire vehicle with any roof sign.

Penalty Points Scheme

194. Please see the separate document.

HACKNEY CARRIAGE PROPRIETOR (VEHICLE) LICENCES**Town Police Clauses Act 1847****Local Government (Miscellaneous Provisions) Act 1976**

1. This document contains the policy, byelaws, conditions and legislation relating to a hackney carriage proprietor (vehicle) licence. The legislation refers to hackney carriage proprietor licences, but as these are often referred to as hackney carriage vehicle licences, for the avoidance of doubt the term "hackney carriage proprietor (vehicle)" will be used throughout this policy.
2. As hackney carriage proprietor (vehicle) licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a "person", "you", "licensee" or "proprietor" is taken to mean the proprietor of the hackney carriage.
3. The Council has the power to make byelaws relating to hackney carriages under the legislation, and it has done so.
4. There is also a power to attach conditions to hackney carriage proprietor (vehicle) licences, and the Council has standard conditions which attach to these licences. These are contained within this document.
5. There is also a list of the main laws and byelaws that apply to hackney carriage proprietors.

Introduction

6. The purpose of licensing hackney carriage vehicles is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.
7. It is a privilege to hold a hackney carriage proprietor (vehicle) licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The Council has to have been satisfied that when you applied for your licence the vehicle was suitable and safe for use as a hackney carriage and that you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your entire character and behaviour.

Appendix 3 of Taxi and Private Hire Policy

8. As a vehicle proprietor this assessment of your character not only includes times when you are working within the hackney carriage trade, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the hackney carriage trade. You should appreciate that under the DFT Guidance, if the unacceptable or criminal behaviour took place whilst you were working within the hackney carriage trade that will be viewed as an aggravating feature by the Council.
9. In many cases a hackney carriage is the first vehicle that a visitor to the county will encounter following arrival at a railway or bus station. As a consequence, the appearance of hackney carriages can affect a person for their entire visit. Hackney carriage proprietors should be aware of this and ensure that their vehicle is therefore maintained to the highest standard at all times.
10. Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
11. The Council has decided to attach conditions to hackney carriage licences that it considers reasonably necessary under the powers contained in section 47(1) of the 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 47(3) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
12. You must understand and comply with the legal requirements relating to the hackney carriage licensed in your name, including a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your hackney carriage proprietor (vehicle) licence being suspended or revoked.
13. The Council office for hackney carriage and private hire licensing purposes is The Licensing Section, Herefordshire Council, Plough Lane Offices, Hereford

HR4 OLE, telephone: 01432 261761, email: taxi-licensing@herefordshire.gov.uk.

14. This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

Sanctions against the Hackney Carriage Proprietor (Vehicle) Licence

15. Where a proprietor breaches any legislation, byelaw or condition of the licence, they may be referred to Committee.
16. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for hackney carriage and private hire licensees.
17. Whenever, and in what circumstances a proprietor is brought before Committee, the Committee will decide each case on its merits, after hearing the facts.
18. The Committee may also suspend or revoke the hackney carriage proprietor (vehicle) licence or remove penalty points.

Power to take action against a Hackney Carriage Proprietors (Vehicle) Licence

19. Under section 60 of the 1976 Act, the Council may suspend, revoke or refuse to renew a hackney carriage proprietor (vehicle) licence on the following grounds:
 - a) that the hackney carriage vehicle is unfit for use as a hackney carriage;
 - b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
 - c) any other reasonable cause.
20. An authorised officer of the Council, an authorised officer of another council where there is a reciprocal arrangement, or a police constable can immediately suspend a hackney carriage proprietor (vehicle) licence under section 68 of the 1976 Act on the grounds of:
 - a) the vehicle is unfit;
 - b) the taximeter is inaccurate.
21. Failure to comply with any hackney carriage legislation (including byelaws), or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your

Appendix 3 of Taxi and Private Hire Policy

- licence which could lead to your hackney carriage proprietor (vehicle) licence being suspended, revoked or the renewal refused.
22. Failure to comply with the Council's conditions may result in your hackney carriage licence being suspended, revoked or the renewal refused.
 23. If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked and you may also be prosecuted under section 57(3) of the 1976 Act.
 24. The hackney carriage proprietor (vehicle) licence remains the property of the Council.
 25. In the event that you lose your proprietor licence, hackney carriage proprietor (vehicle) licence plates or additional signage, or if they are damaged or defaced, you must get a replacement licence or plates on payment of a fee determined by the Council, and you cannot use the hackney carriage until such replacements are obtained and fitted.
 26. It must be understood that a decision to grant a Hackney Carriage proprietor (vehicle) licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your vehicle licence and therefore your livelihood.

POLICY

Applicants

27. Hackney carriage proprietor (vehicle) licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies. Usually the vehicle must be registered to one of those, but there will be occasions where the vehicle is leased or hired. In all cases the applicant(s) must demonstrate that they have ownership of the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document is not proof of ownership and other documentation will be required. This can include, but is not limited to:
 - a) Receipt for the purchase of the vehicle;
 - b) Lease/hire contract;

- c) Partnership agreement between 2 or more individuals.

Character of the applicant

28. The licensee of a hackney carriage can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the Council that they are a suitable person to hold a hackney carriage proprietor (vehicle) licence.
29. All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service (DBS) check at their own expense every 3 years, as part of the application process. The same will be required of all partners (if they are involved in the operation of the business) in a limited liability or conventional partnership and all directors and secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. If the applicant has already provided a DBS for a dual driver licence this can be used, provided it is up to date.
30. The application will then be considered in the light of the DFT Guidance.
31. In addition, the Council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant. All vehicles must be maintained to a satisfactory standard.

Convictions

32. If you or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of any criminal offence, this must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any DVLA penalty notices above 3 points, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive.

Vehicles

33. It is the applicant's responsibility to ensure that any vehicle presented for licensing as a hackney carriage meets the Council's criteria which are detailed below. As the Council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.

Limits on the numbers of Hackney Carriages

34. At present there is no limit on the number of hackney carriages that are licensed by the Council. The Council has no plans to alter that approach.

Licensed Vehicle Type, Age and Emissions Policy

35. Any vehicle submitted to be licensed as a hackney carriage must be of Category M1 (as shown on the registration document) unless either of the following apply:

Category M2 or N1 vehicles (as shown on the registration document) will be acceptable provided the vehicle has passed an IVA test.

36. Licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 5 years for WAV vehicles, prior to the date that the application was made.
37. In order to reduce emissions it is important to set standards that are common to all within the hackney carriage fleet, to ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the hackney carriage fleet, the following standards will apply.
38. There is no upper age limit upon renewal, however, the additional test criteria will apply. The licensed vehicle's appearance must also remain in good order and will be examined at the time of the compliance test.
39. All vehicles on the grant of a licence or change of vehicle on plate after March 2025 must meet or exceed Euro 6 emission standards. All new hackney carriage vehicles on plate must be wheelchair accessible.

Low Emission Vehicles

40. The Council aims to encourage the uptake of low emission vehicles in the County, and will examine the feasibility of introducing incentives for electric, hybrid and ultra-low emission vehicles.
41. It is anticipated that more Electric Vehicle rapid re-charging points for use by the public will be available in the future at locations in Herefordshire.

Acquired rights

42. If a non-wheelchair access vehicle has been continually licensed as a hackney carriage by the Council since 2002 that licence can continue to be attached to any category of vehicle provided a renewal application and fee is made before the expiry of that hackney carriage proprietor licence. If at any time an application form and fee is not received before the expiry of

the current hackney carriage proprietors (vehicle) licence, then the rights acquired will be lost and any application will be treated as a new application requiring a wheelchair accessible vehicle as detailed below.

Vehicle specification

43. There are 2 different types of vehicle that can be licensed as hackney carriages: those which are Wheelchair Accessible Vehicles (WAV) and those which are not.
44. Non-WAV vehicles can only be licensed in respect of a hackney carriage proprietor licence that has been in continual existence since 2002.
45. All applications for new hackney carriage proprietor licences, except in respect of renewals of licences granted since 2002, must relate to a wheelchair accessible vehicle.
46. The Council maintains a list of all WAV (both hackney carriages and private hire vehicles). Drivers of those vehicles must then provide mobility assistance to wheelchair-bound passengers.
47. The following specifications detail the minimum requirements for each type of vehicle, together with the requirements for all hackney carriages.

Non-Wheelchair accessible vehicles

48. If the vehicle is to be licensed as a Non-WAV (saloons, estate cars, people carriers (MPV), sports utility vehicles (SUV) and any other vehicle that cannot carry a passenger whilst they remain in their wheelchair) it must be approved by the Council and comply with the following specification:
 - a) Be a right-hand drive vehicle;
 - b) Have at least four doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers;
 - c) 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 the below will apply;
 - d) Roof racks and tow bars 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

Appendix 3 of Taxi and Private Hire Policy

acceptable alternative, subject to the additional signage as detailed above;

- e) Tow bars (if fitted) must be fitted in accordance with the manufacturer's instructions;
- f) Trailers can be used, but only when fulfilling a pre-booked hiring. Any trailer that is used must meet the following requirements and be tested by the Council (the charge to be paid by the licensee) and will be issued with a "trailer plate" which must be displayed on the rear of the trailer and clearly visible whenever the trailer is being used by the hackney carriage. The trailer can only be used on the specified hackney carriage. Trailers must comply with the following standards if being used when booked for a licensed journey:
 - i. Unbraked trailers must be less than 750kgs gross weight.
 - ii. Trailers over 750kgs gross weight must be braked, acting on at least two road wheels.
 - iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
 - iv. A suitable lid or other approved means of enclosure must be fitted to secure the contents within the trailer whenever in use.
 - v. The maximum permissible length of the trailer cannot exceed 7 metres, including the drawbar and coupling.
 - vi. The width of the trailer must not be greater than the width of the towing vehicle, subject to no trailer being wider than 2.3m.
 - vii. The maximum length for braked twin axle trailers is 5.54m.
 - viii. The trailer must at all times comply with all Road Traffic legislation requirements
 - ix. The vehicle insurance must cover towing a trailer.
 - x. Trailers must not be left unattended anywhere on the highway.
 - xi. The speed restrictions applicable to trailers must be observed at all times.
 - xii. The registration number plate of the hackney carriage and the Council issued "trailer plate" must be attached to the rear of the trailer.
 - xiii. The trailer must be inspected annually and must be considered to be satisfactory by the Licensing Authority.

Appendix 3 of Taxi and Private Hire Policy

- xiv. Only drivers with the appropriate DVLA driving licence category may drive a vehicle with a trailer. The vehicle proprietor must check any driver's DVLA licence for the required category, prior to allowing the use of a trailer.
- g) Passengers must be able to communicate with the driver via an intercom system, sliding screen, mesh or hole in any division between the driver's and passenger compartments.
- h) Any vehicle which is a convertible will not be licensed as a hackney carriage.

Additional requirements five or more passenger seat vehicles

- 49. In order to be licensed as a hackney carriage, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least:
 - a) one other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle, or
 - b) two side loading doors that can be opened from the inside.

Wheelchair Accessible Vehicles (WAV)

- 50. The vehicle must be a purpose built hackney carriage capable of carrying a wheelchair bound passenger which complies with the current Transport for London "Conditions of Fitness" or it meets the following specification.
- 51. Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard.
- 52. In addition:
 - a) The interior of the vehicle must be able to accommodate a wheelchair and its user, riding seated within the wheelchair itself;
 - b) The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry);
 - c) The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user;
 - d) The passenger compartment must 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;

Appendix 3 of Taxi and Private Hire Policy

- e) The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked;
- f) The passenger compartment 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;
- g) 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;
- h) 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;
- i) 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;
- j) 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;

All vehicles

53. The following are the minimum requirements for all hackney carriages, irrespective of their type:
- a) The vehicle must be wind and water-tight;
 - b) The vehicle must have a floor properly covered with carpet or other suitable covering;
 - c) The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely;
 - d) The vehicle's bodywork and paintwork must be in good condition, free from dents or other damage or rust;
 - e) The vehicle must not be fitted with any additional external accident protection devices (e.g. bull bars or additional bumpers);
 - f) The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturer's specification when the

Appendix 3 of Taxi and Private Hire Policy

vehicle was new did not include a spare wheel, the manufacturer's alternative (e.g. spray can) will be acceptable;

- g) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must comply with the legal requirement of tyre depth.
- h) The vehicle must be fitted with nearside and offside exterior rear view mirrors;
- i) The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed;
- j) All seats must be securely fixed/bolted to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturer's option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council;
- k) The vehicle must be fitted with glass which complies with current Construction and Use Regulations (the Road Vehicles (Construction and Use) Regulations 1986 as amended). These regulations require that the front windscreen allows 75% of light to be transmitted and the front door windows allow 70% of light to be transmitted. In addition, the remaining glass within the vehicle must have a minimum light transmittance of not less than 70%. The rear of the vehicle must be fitted with at least one window (or one window per rear door fitted), the light transmission capacity of which must be a minimum of 70%. No self-adhesive material (tinted or clear) can be affixed to any part of the glass without the approval of the Council;
- l) The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number permanently marked 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 accessible for use in an emergency.
- m) The vehicle must carry a first aid kit in a suitable container, with the licence number permanently marked on it.
- n) 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, other than an additional internal light;
- o) 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;

Appendix 3 of Taxi and Private Hire Policy

- p) The minimum unobstructed distance between the seat back and the foot well 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;
- q) The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any arm rests);
- r) Any vehicle that has been converted to run on liquid petroleum gas (LPG) must be accompanied by a certificate stating that the conversion was undertaken in accordance with the LPG gas Association's code of practice, and if the conversion was undertaken more than one month before the application for the licence, an annual installation check which is not more than one month old.

54. In addition, in all types of hackney carriage the following requirements must be met.

Seating

55. 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 must have at least 300mm at the narrowest point. The available boot space must allow room for a standard folded wheelchair. The seating configuration and number of passengers that can be carried is subject to assessment by the Council, but each seat must have a minimum width of 41cm. If the above cannot be complied with seats can only be removed to achieve compliance if the vehicle is designed at manufacture to remove seats as part of its design.

Documents

56. A vehicle licence will only be issued where the vehicle has evidence of:
- a) A valid vehicle insurance certificate specifically stating that the vehicle is to be used for public hire/hackney, hire and reward carriage use.
 - b) A compliance certificate issued by the Council approved tester which is less than 1 calendar month old for new vehicles and a compliance or MOT as required for renewals.
 - c) A V5 vehicle registration document. In the case of a new vehicle, the sales invoice which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued.

57. Before or on the date of expiry the relevant renewal certificate must be produced to the Council. This can be done electronically or direct from the originator.
58. All documentation must be originals when copied. If the document has already been produced we will not normally request a copy. Online copies will be accepted directly from the original issuer.

Engine/Chassis Numbers

59. The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police Vehicle Identification Section who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed hackney carriage, the Council must be notified within 72 hours of that change and the updated V5 must be produced as soon as it is received from DVLA. If an applicant purchases a vehicle they must request this information off the V5 prior to the new keeper slip being handed over.

Maintenance and servicing

60. Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. If the service history is not available, then an acceptable explanation for this must be provided to the authorised officer of the Council.

Vehicle tests

61. A licence will be granted or renewed only if the vehicle is considered by the Council to be roadworthy, fit for purpose and meets the criteria specified.
62. Vehicles will be compliance tested before the licence is initially granted, then every 12 months for vehicles up to 6 years old and every 6 months for vehicles older than that. Vehicles older than 12 years will require 3 tests per year. The anniversary date for interim MOT's will remain the same, this will avoid loss of time between tests.
63. Compliance tests in relation to new applications and renewals are to be carried out at the Council's testing centre at Rotherwas in Hereford. The correct fee must be received before the test is carried out.

64. If required by age the vehicle must have an interim MOT certificate which is less than 4 weeks old.
65. The applicant or licensee must make an appointment for the vehicle to be tested as part of the application process. It is the responsibility of the applicant/licensee to do this and then to ensure that the vehicle is presented at the specified location and time. If the vehicle is presented late, there is no guarantee that the test will be able to be conducted on that day and a further test must be arranged. In that case the initial test fee will be forfeited and a second fee must be paid for the rearranged test.
66. A test appointment can be cancelled only if at least two clear working days' notice (excluding Saturday, Sunday and Bank Holidays, the day on which notice is given and the day of the test) is given to the Council.

Dual Plating

67. Once a vehicle is licensed as a hackney carriage by the Council, it cannot be licensed as a hackney carriage (or private hire vehicle) by any other local authority during the duration of the Herefordshire licence.

The Council will not licence a vehicle that is licensed as a hackney carriage or private hire vehicle by another local authority.

Insurance “write-offs”

68. The Council will not licence any vehicle as a hackney carriage that has been written off by an insurance company.

Vehicle Use

69. You must maintain a policy of insurance for your licensed vehicle in accordance with section 143 of the Road Traffic Act 1988.
70. If your hackney carriage vehicle has an accident which results in damage which may affect its safety, performance, or the comfort or convenience of your passengers, you must report this to the Council within 48 working hours (section 50(3) of the 1976 Act). The vehicle must not be driven, apart from to a garage for assessment, repair or testing until the Council confirm that it is satisfactory
71. You must not obstruct any Authorised Officer or police Officer. You must provide assistance or information they may reasonably require (section 73 of the 1976 Act).

72. Any person driving a hackney carriage vehicle at any time, for any purpose and anywhere in the United Kingdom, must be licensed to drive a hackney carriage under section 46 of the 1847 Act, even if the vehicle is not being used for hackney carriage or pre-booked purposes. Any person driving a hackney carriage without the required hackney carriage driver licence will be committing an offence under section 47 of the 1847 Act. The only exceptions to this are when the vehicle is being tested by the Council or a mechanic in connection with vehicle maintenance.
73. If any hackney carriage proprietor permits a person who does not hold a hackney carriage driver licence to drive the vehicle at any time (other than in accordance with the exceptions detailed above) the proprietor commits an offence the Council will consider this a serious matter and action may be taken against the hackney carriage proprietor (vehicle) licence (whether or not a criminal prosecution or conviction ensued).
74. Once a vehicle has been licensed as a hackney carriage by the Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week). In addition to the requirement that it is only driven by a hackney carriage driver licensed by the Council (see above) the proprietor must ensure that at all times and wherever it may be located, it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.
75. If the hackney carriage proprietor (vehicle) licence is suspended, revoked or not renewed, the proprietor must return the licence plates and additional signage to the Council. This must be done immediately after the end of the appeal period (21 days from the written notification of the decision, or after any such appeal is determined or abandoned). If the suspension is immediate (under section 68 of the 1976 Act) this requirement must be complied with immediately.
76. If the proprietor refuses to surrender the vehicle plates and additional signage, tamperproof "Vehicle Licence Suspended" stickers will be affixed to the vehicle plates. These will destroy the plates, and replacements must be purchased from the Council if and when the suspension is lifted.

Warning Notice

77. If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of the Council or its Authorised Officers or testers renders the vehicle unfit for hackney carriage use (which includes pre-booked work), then the Council will not licence that vehicle.

78. The Council is not liable for any expense incurred in preparing or testing a vehicle which cannot be licensed for whatever reason.
79. Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

Taximeters

80. All hackney carriage vehicles must be fitted with a Council approved taximeter.
81. The meter must be accurate, be capable of showing that the vehicle is for hire, it must be fitted with a key or other device that, when turned, will operate the meter and must be capable of locking the tariff until the end of the journey.

Duration and renewal of the licence

82. The licence expires 12 months from the date of issue. Any application for renewal should be made at one month before the licence expires. If you do not apply to renew the vehicle licence in time there may be a period when you will be unable to use the vehicle as a hackney carriage. If the renewal application is not received before the expiry of the current hackney carriage proprietor (vehicle) licence, it will be treated as a new application rather than a renewal and you will have to provide all the information and vehicle that is required for a new application. In that case any acquired rights will be lost.
83. Renewals are generally dealt with by officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if the vehicle's age or emissions exceed the policy or you or any of your joint proprietors (or directors or secretary in the case of a limited company) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour) the renewal application may need to be considered by Committee/Panel. If this is the case, then a 2 month temporary licence may be considered, without prejudice to any decision the Committee might make. This will only be considered if there are no safeguarding or public safety implications to issuing a temporary licence.
84. The licence is issued to you but it can be transferred to another individual, partnership or limited company. Notification of any transfer must be made in writing and indicate the consent of all interested parties. The Council will then issue a revised licence identifying the new licensee(s).

85. Following any transfer of licence to another person, on expiry of that licence, renewal will be at the Council's discretion.

Plates and Additional Signage

86. The licence plates and other additional signage required by the Council must be displayed on the vehicle at all times. In addition, wheelchair accessible vehicles will be required to display "Wheelchair" stickers at all times.
87. If you lose or damage the plates, replacements must be purchased from the Council.

Accidents and temporary vehicle transfer conditions

88. Accidents involving personal injury to passengers shall be notified to the Police. The Licensing Authority shall also be notified as soon as possible, but in any case within 24 hours or, when the office is closed, within 24 hours of it re-opening.
89. Vehicles that have sustained major accident damage will be required to provide a satisfactory steering geometry and alignment report. This shall be in the form of a written or printed document from an approved VBRA vehicle repairer. In addition the vehicle shall be required to undergo a further compliance test.
90. Vehicles which replace a licensed vehicle on a temporary basis shall meet the requirements contained within the standard vehicle licence conditions, other than door signs which can be magnetic.
91. All licensed vehicles including wheelchair accessible and vehicles of a larger seating capacity are allowed to be temporarily substituted by a standard vehicle for use as a replacement, but only for a limited period to be agreed with the Licensing section. This replacement shall comply with section 1 and 4 plus all other relevant conditions.
92. A temporary transfer will be valid for a 3 month maximum period unless authorised by the Licensing Authority due to extenuating circumstances.
93. If the transfer takes place during normal office working hours, the licensing Section shall be notified before the transfer takes place. Transfers outside of normal office working hours shall be notified to the Licensing Section immediately after the office reopens.

94. Vehicles used as a temporary transfer vehicle must have a "Certificate of Readiness" which incorporates a certificate of compliance, inspection sheet. Valid insurance must be in place prior to the vehicle being used. Such vehicles shall comply with Section 4 of the standard licence conditions.
95. If you wish to change the vehicle that is licensed the following procedures must be followed:-
- a) If the licence relates to a wheelchair accessible vehicle, the replacement vehicle must also be a wheelchair accessible vehicle. Non wheelchair accessible vehicles will only be accepted as replacements for licences which have acquired rights
 - b) You must pay the stated fee for a 12 month period
 - c) Any refund against a licence will be calculated by the Council
 - d) A completed application for a change of vehicle on plate must be provided

Letting/leasing of vehicles

96. You must not lease, let or hire a licensed hackney carriage to any other person, other than a fare paying passenger, without first notifying the Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.
97. You must notify the Council in writing of anyone no longer having an interest in the vehicle within 72 hours of the event.

Advertisements

98. No advertisements may be displayed in or from the vehicle unless prior written approval of the Council has been obtained. Any advertising must comply with all legislation and the British Code of Advertising Practice.

Navigational devices

99. Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. All devices must be securely located in a suitable cradle or other mounting device.

The taximeter and table of fares

100. The vehicle must be fitted with a tamper proof taximeter that has been approved by the Council. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be 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.
101. The location and fixing must not be located to cause injury to passenger and the Council must test the meter before the vehicle can be used as a hackney carriage and annually as part of the compliance test.
102. The meter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.
103. 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 and no fare is recorded on it.
104. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must not exceed the fare permitted by the Table of Fares.
105. The word "FARE" must be clearly visible on the meter so it clearly indicates the fare displayed.
106. A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.

Radios and other equipment

107. Any radio, booking systems/data heads and/or GPS equipment provided must be maintained in a safe condition and any defects must be repaired promptly. The licensed operator/booking agent must ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the Ofcom licence and the licensed operator/booking agent must allow the Council access to inspect all equipment and Ofcom licenses.
108. Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.

109. Where apparatus for the operation of a two-way radio, booking system/data heads and/or GPS systems are fitted, no part of the apparatus can be situated in a way which could cause accident or injury to a passenger, nor can it be placed in the rear boot compartment if LPG tanks are situated in there.

Signs

110. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing (see above in relation to advertisements).
111. The vehicle (apart from purpose-built hackney carriages with a built in roof sign) must be fitted with the roof sign approved by the Council. The sign must be illuminated when the vehicle is available for hire and switch off automatically when the meter is operating. The minimum width must be 45cm, with "Herefordshire Council" above and "Licensed Hackney Carriage" below the word "Taxi" on both the front and rear. The front of the sign shall be green in colour as specified by the Council. The rear of the sign shall be red in colour and may show the fleet number, not more than 7.5 cm in diameter, in the top right hand sign of the sign.
112. An adhesive sign must be permanently fixed to both front doors. These signs must be a minimum of 60 cm wide by 19 cm high and all lettering must measure at least 6 cm in height. It must incorporate the Council's logo and display the vehicle licence number.

CCTV – Specification available as a separate document

113. From twelve months from the date of decision all licensed vehicles must have a CCTV system capable of recording both audio and video with a monitor that meets the Council's specification for taxi camera systems and complies with ICO regulations. The system must record both audio and video. All such systems must have been installed by a competent installer before the vehicle can be licensed. The device must be active at all times when the vehicle is in use as a licensed vehicle.
114. The picture on the CCTV system must be clear and not obstructed by items which cover part of the lens, this includes items hanging from the rear-view mirror.
115. At least 3 approved signs must be displayed in the vehicle (2 within the rear of the vehicle and 1 in the front) warning customers that CCTV surveillance equipment is in operation.

116. Activation of audio recording must be capable of being triggered by the driver pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed to off again. This switch will activate/deactivate audio recording. Once activated the audio recording must continue for an uninterrupted period until it is deactivated.
117. The system must be checked at least weekly and a record kept of the system being operative. Any failure in the system must be notified to the Council as soon as practicable and in any event within one Business Day and a schedule of repair agreed by them. Failure to notify could result in the vehicle licence being suspended. The vehicle cannot be used as a licensed vehicle until the CCTV system is repaired.
118. The images and audio cannot be monitored and relevant data will only be recovered when necessary. This will include (but this is not an exhaustive list) situations following complaints or road traffic collisions, where there is any police investigation or any other investigation of a criminal offence. The Council is the data controller for the personal data collected via the CCTV system. Owners of vehicles with CCTV installed must cooperate with the Licensing Authority to discharge responsibilities under the Data Protection Act 2018, including reporting any data incidents and providing access to recordings in response to subject access requests.
119. Other than the monitor displaying live images in the vehicle, any recorded image captured by the camera can only be viewed by an authorised officer of the Licensing Authority, or an operator authorised by the Council.
120. In addition, audio recording must be used in any of the following circumstances:
 - a) An unaccompanied child (under 18) or vulnerable adult is being carried in the vehicle;
 - b) Where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

Seating Arrangements

121. Any seating arrangement other than the manufacturer's original specification, or as approved by the Council, will result in the suspension of the licence until such time as either the original or approved arrangement is restored, or the new arrangement is approved by the Council.

Reportable Incidents

122. You must report to the Council and/or local police as appropriate, any concerns (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. When you are driving a private hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and Council immediately.

CONDITIONS

123. The following Conditions are attached to your hackney carriage vehicle licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your hackney carriage proprietor (vehicle) licence, suspension, revocation or refusal to renew the hackney carriage proprietor (vehicle) licence.
124. You must return your licence (and the plates and additional signage if requested by the Council).
125. You must notify the Council within 48 working hours of the event if you or anybody named on the licence as a joint proprietor (or any director or secretary of a limited company, or partner in a Limited Liability Partnership when the licence is held by such a body) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any, community protection notices, civil injunctions that you receive.
126. If your vehicle has an accident which results in serious damage which may affect its safety, performance or the comfort or convenience of your passengers, you must report this to the Council within 48 working hours. If you are in doubt as to whether the vehicle is affected you must notify the Council.

Drivers

127. You must notify the Council of the details (name, address and licensed driver number) of any person who is permitted by you to drive your licensed vehicle for any purpose (this does not include mechanics undertaking vehicle maintenance). This notification must be made as soon as possible and in any event within 72 hours of that permission being given. If you no longer permit that person to drive your hackney carriage you must notify

the Licensing Section in writing, using the Council's approved forms, within 72 hours.

128. Before you allow anyone to drive your licensed vehicle you must ask that person for their dual driver licence and keep a copy.
129. No person may drive a licensed vehicle, unless they hold a dual driver licence issued by the Council. Anyone found driving a licensed vehicle without a dual driver licence, may be prosecuted.

Insurance

130. You must ensure that a valid policy of comprehensive insurance for hackney carriage work/public hire, hire and reward is in place for the vehicle and covers anyone who drives your hackney carriage.

Production of Documents

131. You must not obstruct any Authorised Officer of the Council or police officer. You must provide any assistance or information they may reasonably require.
132. If an Authorised Officer of the Council (or another council with whom a reciprocal arrangement is in place) or a police officer asks you, you must produce within 5 days of the request being made:
 - a) Your licence
 - b) The taxi driver licence of any person authorised to drive your hackney carriage
 - c) The vehicle registration document
 - d) A valid certificate of insurance

Licence Plates

133. The licence plate remains the property of the Council and must be returned to the Council whenever the vehicle is not licensed as a hackney carriage.
134. You must secure and display the exterior licence plate permanently to the rear part of the vehicle using the fittings provided by the Council. The method of fixing must prevent the plates being removed without the need for specialist tools. The plate must be displayed so that it can be clearly read by pedestrians and road users. The licence plate must not be

displayed in any window of the vehicle unless expressly permitted by the Licensing Authority.

135. You must display the signage on the front doors and the internal signs inside the vehicle so that they are visible to front and rear passengers at all times. All wheelchair accessible vehicles must display a wheelchair sticker on the rear doors.
136. You must report the theft or loss of the licence plates to the Council and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made. The vehicle cannot be driven until the replacement plates are in place.
137. You must not wilfully or negligently cause or suffer any plates or additional signage on your vehicle to be concealed from public view at any time.
138. You must return the licence plates to the council if the hackney carriage proprietor (vehicle) licence is suspended, revoked or not renewed.

Vehicle inspection

139. You must allow an Authorised Officer of the Council, or police officer, to inspect your vehicle at any reasonable time.
140. You must ensure the vehicle is presented for test in accordance with instructions from the Council
141. You must produce the vehicle registration document, last MOT, and certificate of insurance to the Authorised Officer at the test.

Specification to be maintained during the duration of a licence for a hackney carriage

142. No change in the specification, design, condition or appearance, or any modification, conversion or alteration of the vehicle can be made unless prior written approval has been given by the Council.
143. The vehicle must fully comply with all relevant Road Traffic legislation and in addition:
 - a) All doors must function correctly and be capable of being opened from outside and within the vehicle;

Appendix 3 of Taxi and Private Hire Policy

- b) All opening windows must function correctly and be capable of being opened from within the vehicle;
- c) All luggage must be properly secured inside a vehicle that does not have a separate and self-contained boot;
- d) If a roof rack (or roof box) is being it must be securely fitted to the roof in accordance with the manufacturer's instructions. The additional signs must be correctly fitted to the front and rear of the roof rack (or roof box). All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off;
- e) If a trailer is being used (and a trailer can only be used in connection with pre-booked hiring or for personal use when not on duty) the driver must ensure that the lights on the trailer are working correctly and that the trailer plate is properly displayed on the rear of the trailer. A waterproof cover must be used to protect any luggage;
- f) Passengers must be able to communicate with the driver via a sliding screen, mesh, intercom or hole in any division which may be fitted between the drivers and passenger compartments;
- g) The vehicle and all seats, door handles and trim, and all internal and external parts of the vehicle must be maintained at all times in a clean, comfortable, safe, and mechanically sound condition and be in every way suitable for public service;
- h) The floor covering must not be torn or frayed;
- i) The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely;
- j) The vehicle's bodywork and paintwork must be maintained to an acceptable standard free of dents or rust;
- k) The vehicle must carry a spare wheel to fit the vehicle, and the wheel together with equipment to change the wheel, jack and wheel brace must be securely stored. This does not apply if the manufacturers' specification when new did not include a spare wheel, in which case the manufacturer's alternative (e.g. spray can) will be acceptable;
- l) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must have at least the statutory minimum of tread across the entire contact surface;
- m) The vehicle must be fitted with nearside and offside exterior rear view mirrors which must be maintained in a serviceable condition;
- n) The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle passed the Council's

Appendix 3 of Taxi and Private Hire Policy

vehicle test. Any unapproved (by the Council) self-adhesive material (tinted or clear) must not be affixed to any part of the glass;

- o) In the case of a replacement engine, the Council must be notified of that within 72 hours of the fitting, and the revised V5 must be presented to the Council as soon as it is received;
- p) At all times the vehicle must carry a 1 kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number painted on it. The fire extinguisher must be 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;
- q) At all times the vehicle must carry a first aid kit in a suitable container, with the licence number permanently marked on it;
- r) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer with the exception of an internal light, unless they have been approved by the Council.

Additional Conditions for wheelchair accessible hackney carriages

- 144. At all times, the vehicle must carry in a safe, usable condition suitable ramps for a wheelchair user. If the alternative tail lift or some other mechanical means of access is fitted it must be maintained in a safe, functioning condition.
- 145. The driver must ensure before the commencement of the journey that the passenger is correctly seated and the wheelchair is correctly secured and the passenger is correctly restrained, and at the end of the journey must ensure that the passenger is delivered safely on to the pavement.
- 146. The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.
- 147. All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

Sliding doors

- 148. Where sliding doors are an integral part of a vehicle and a locking device has not been fitted, the child locking systems must be engaged by the driver when carrying unaccompanied children, or upon request of a passenger.

Lost property

149. The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the property to them. If not it must be delivered to the vehicle proprietor within 48 hours.

The meter / table of fares

150. The vehicle must be fitted with a tamper proof taximeter that has been approved by the Council. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be 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.
151. The meter must be accurate, be capable of showing that the vehicle is or is not hired, and lock the tariff until the end of the journey.
152. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must be clearly displayed on the meter so it clearly indicates the fare displayed.
153. The meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.
154. If the meter fails or does not comply with the conditions, you must ensure the vehicle is not used as a hackney carriage.
155. A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.
156. Functioning Cashless Payment Facility in Vehicles Proprietor(s) must ensure their vehicles are equipped with a functioning cashless payment facility. These cashless facilities must be registered as a "transport" provider or similar with the payment card reader provider. The minimum payment is £5.00, if the fare is less than this the driver will ask for cash.

Navigational devices

157. Any electronic navigational device which is being used must be securely located within the vehicle.

Signage

Appendix 3 of Taxi and Private Hire Policy

158. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing. See below for detail:-

The advertisements will be assessed against the following criteria:

Non sexual

Non discriminatory

Not to cause public offence

Not misleading

Location does not distract from council vehicle signs

Not to obscure vision of the driver

Not to display, flags or any other national emblems.

The above list is not exhaustive and the assessments will be carried out by staff of the Licensing Authority, if this is contended the matter will be referred to the Officer Panel for a decision.

159. The vehicle must at all times be fitted with a sign with the word "TAXI" on its roof if it is not built in to the vehicle. This can be combined with a "For Hire" sign if required. A "For Hire/taxi" sign must be fitted, in a conspicuous position on the roof of the vehicle. The sign(s) must be illuminated when the vehicle is available for hire and switch off automatically when the meter is operating.

No Smoking

160. The vehicle must have at least 3 "no smoking" signs displayed inside the vehicle clearly visible to passengers.

BYELAWS

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL BYELAWS RELATING TO HACKNEY CARRIAGES

BYELAWS made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the County of Herefordshire District Council with respect to hackney carriages in the County of Herefordshire.

INTERPRETATION

1. Throughout these byelaws "the Council" means the County of Herefordshire District Council and "the district" means the County of Herefordshire.

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

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to, in respect of the carriage, to be displayed on the outside and the inside of the carriage only by means of the plates supplied by the Council.
- (b) A proprietor or driver of a hackney carriage shall not:
 - (i) wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided.

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

the driver.

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

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

5. The driver of a hackney carriage shall:
 - (a) when standing or plying for hire, keep the key, flag or other device

Appendix 3 of Taxi and Private Hire Policy

- fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) before beginning a journey for which a fare is charged for distance and time bring the machinery of the taximeter into action by operating the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is between half-an-hour after sunset and half-an-hour before sunrise and also at any other time at the request of the hirer. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or the seals affixed thereto.
6. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
- (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) If a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand, other than an angled parking stand, not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand so as to face in the same direction; and
 - (d) from time to time when the carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
7. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
8. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety

of every person conveyed in or entering or alighting from the vehicle.

9. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at the appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such a carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
11. A driver shall when standing or plying for hire and when hired wear the badge provided by the Council in such position and manner as to be plainly and distinctly visible.
12. The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading; and
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

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

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

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges

Appendix 3 of Taxi and Private Hire Policy

authorised by the Council which it may not be possible to record on the face of the taximeter.

14. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of the fares in accordance with the byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

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

Penalties

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

conviction therefore.

Repeal of Byelaws

18.

- (a) The following byelaws are hereby repealed:

The byelaws relating to hackney carriages which were made by the Hereford City Council on the 21st day of July 1997 and which were confirmed by one of the Majesty's Principal Secretaries of State on the 26th day of August 1997.

The byelaws relating to hackney carriages which were made by the South Herefordshire District Council on the 17th day of December 1986 and which were confirmed by one of her Majesty's Principal Secretaries of State on the 18th day of February 1987.

- (b) The following byelaws inasmuch as they relate to the County of Herefordshire only are hereby repealed:

The byelaws relating to hackney carriages which were made by the Malvern Hills District Council on the 6th day of March 1987 and which were confirmed by one of her Majesty's Principal Secretaries of State on the 27th day of April 1987.

Up to date table of fares

161. These are available from the Licensing Section.

LEGAL REQUIREMENTS (contained in national legislation) relating to a hackney carriage

162. It is an offence to provide false information when applying for a hackney carriage proprietors licence (section 40 of the 1847 Act).
163. The hackney carriage proprietor including any partners must notify the Council of any change of address (section 44 of the 1847 Act).
164. The proprietor of a hackney carriage commits an offence if the vehicle is used to ply or stand for hire other than in the zone or district in which it is licensed (section 45 of the 1847 Act).

165. The hackney carriage proprietor must not employ an unlicensed driver (section 47 of the 1847 Act).
166. The hackney carriage proprietor must hold a copy of the driver licence of those driving the vehicle, and must produce that copy if requested to do so by a magistrates' court (section 48 of the 1847 Act).
167. The hackney carriage proprietor must ensure that at all times the vehicle displays the hackney carriage plate (section 52 of the 1847 Act).
168. The hackney carriage proprietor must notify any transfer of the vehicle licence to another proprietor within 14 days (section 49 of the 1976 Act).
169. The hackney carriage proprietor must present the hackney carriage for inspection as required by the Council (section 50(1) of the 1976 Act).
170. The hackney carriage proprietor must inform the Council where the hackney carriage is stored if requested to do so (section 50(1) of the 1976 Act).
171. The hackney carriage proprietor must report any collision that has caused damage to the safety performance or appearance of the vehicle to the Council within 72 hours (section 50(3) of the 1976 Act).
172. The hackney carriage proprietor must produce the vehicle licence and insurance if requested to do so by an Authorised Officer of the Council (sections 50(4) of the 1976 Act).
173. The hackney carriage proprietor must return the plate to the Council once you receive notice to do so after expiry, revocation or suspension of the proprietor licence (section 58(2) of the 1976 Act).
174. It is an offence to interfere with a taximeter (section 71 of the 1976 Act).
175. The hackney carriage proprietor must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, an authorised officer of another council with which there is a reciprocal enforcement arrangement, or a police constable (section 73 of the 1976 Act).

Appendix 3 of Taxi and Private Hire Policy

176. The hackney carriage proprietor must not conceal or obscure the number of the hackney carriage whilst standing or plying for hire, or use the vehicle with a defaced or damaged plate (Hackney Carriage Byelaw 2).
177. The hackney carriage proprietor must provide a means of communication between passenger and driver (Hackney Carriage Byelaw 3).
178. The hackney carriage proprietor must ensure that the vehicle is watertight (Hackney Carriage Byelaw 3).
179. The hackney carriage proprietor must ensure that the windows open and close (Hackney Carriage Byelaw 3).
180. The hackney carriage proprietor must ensure that the seats are properly covered (Hackney Carriage Byelaw 3).
181. The hackney carriage proprietor must ensure that the floor is properly covered (Hackney Carriage Byelaw 3).
182. The hackney carriage proprietor must ensure that the vehicle is clean, well maintained and fit for public service (Hackney Carriage Byelaw 3).
183. The hackney carriage proprietor must ensure that there is a means for securing luggage if required (Hackney Carriage Byelaw 3).
184. The hackney carriage proprietor must ensure that the fire extinguisher is a readily available location (Hackney Carriage Byelaw 3).
185. The hackney carriage proprietor must ensure that the taximeter is plainly visible to passengers and illuminated (Hackney Carriage Byelaw 4).
186. The hackney carriage proprietor must not tamper with the taximeter (Hackney Carriage Byelaw 6).
187. The hackney carriage proprietor must display the table of fares in the vehicle and not conceal it or render it illegible (Hackney Carriage Byelaw 15).

188. The hackney carriage proprietor must search the vehicle after every hiring (usually the responsibility of the driver, but also applies to the proprietor) (Hackney Carriage Byelaw 16).

PRIVATE HIRE VEHICLE (PROPRIETOR) LICENCES**Local Government (Miscellaneous Provisions) Act 1976**

1. This document contains the policy, conditions and legislation relating to your Private Hire Vehicle (proprietor) licence. The legislation uses both of the terms “vehicle” and “proprietor” in relation to private hire vehicle licences, but as these are often referred to as private hire vehicle licences, for the avoidance of doubt the term “Private Hire Vehicle (proprietor)” will be used throughout this policy.
2. As Private Hire Vehicle (proprietor) licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a “person”, “you”, “licensee” or “proprietor” is taken to mean the proprietor of the private hire vehicle.
3. There is a power to attach conditions to Private Hire Vehicle (proprietor) licences, and the Council has standard conditions which attach to these licences. These are contained within this document.
4. There is also a list of the main legislation that applies to Private Hire Vehicle proprietors.

Introduction

5. The purpose of licensing private hire vehicles is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.
6. It is a privilege to hold a Private Hire Vehicle (proprietor) licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for your licence the vehicle was suitable and safe for use as a private hire vehicle and that you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your entire character and behaviour.
7. As a vehicle proprietor this assessment of your character not only includes times when you are working within the private hire trade, but at all other times as well. This can include your use of social media as well as other forms

Appendix 4 of Taxi and Private Hire Policy

of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the Private Hire trade. You should appreciate that DFT Statutory Guidance, if the unacceptable or criminal behaviour took place whilst you were working within the private hire trade that will be viewed as an aggravating feature by the Council.

8. In many cases a private hire vehicle is the first vehicle that a visitor to the County will encounter following arrival at a railway station or bus station. As a consequence, the appearance of private hire vehicles can affect a person for their entire visit. Private hire vehicle proprietors should be aware of this and ensure that their vehicle is maintained to the highest standard at all times.
9. Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
10. The Council has decided to attach conditions to Private Hire Vehicle (proprietor) licences that it considers reasonably necessary under the powers contained in section 48(2) of the 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 48(7) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
11. You must understand and comply with the legal requirements relating to the private hire vehicle licensed in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Private Hire Vehicle (proprietor) licence being suspended or revoked.
12. The Council office for private hire and hackney carriage licensing purposes is The Licensing Section, Herefordshire Council, Plough Lane Offices,

Appendix 4 of Taxi and Private Hire Policy

Hereford HR4 0LE, telephone: 01432 261761, email: taxi-licensing@herefordshire.gov.uk. This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

Sanctions against the Private Hire Vehicle (proprietor) licence

13. Where a proprietor breaches any legislation or condition of the licence, they may be referred to Committee/Panel.
14. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for private hire and hackney carriage licensees.
15. Whenever, and in what circumstances a proprietor is brought before Committee, the Committee/Panel will decide each case on its merits, after hearing the facts.
16. The Committee may also suspend or revoke the Private Hire Vehicle (proprietor) licence (see below) or remove impose further penalty points.

Power to take action against a Private Hire Vehicle (proprietor) licence

17. Under section 60 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Private Hire Vehicle (proprietors) licence on the following grounds:
 - a) that the private hire vehicle is unfit for use as a private hire vehicle;
 - b) any offence under, or non-compliance with, this Part of this Act by the operator or driver; or
 - c) any other reasonable cause.
18. An Authorised Officer of the Council, an authorised officer of another council where there may be a reciprocal arrangement, or a police constable can immediately suspend a Private Hire Vehicle (proprietor) licence under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds of
 - a) the vehicle is unfit;
 - b) if fitted the faremeter is inaccurate.
19. Failure to comply with any private hire vehicle legislation or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the

Appendix 4 of Taxi and Private Hire Policy

offence(s)), the Council may take action against your licence which could lead to your Private Hire Vehicle (proprietor) licence being suspended revoked or the renewal refused.

20. Failure to comply with the Council's conditions may result in your Private Hire Vehicle (proprietor) licence being suspended, revoked or the renewal refused.
21. If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.
22. The Private Hire Vehicle (proprietor) licence remains the property of the Council.
23. In the event that you lose your proprietor licence, Private Hire Vehicle (proprietor) licence plates or additional signage, or if they are damaged or defaced, you must get a replacement licence or plates on payment of a fee determined by the Council, and you cannot use the private hire vehicle until such replacements are obtained and fitted.
24. It must be understood that a decision to grant a Private Hire Vehicle (proprietor) licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your vehicle licence and therefore your livelihood.

POLICY

Applicants

25. Private Hire Vehicle (proprietor) licences can be held by individuals, partnerships (two or more people in business together) or limited companies. Usually the vehicle must be registered to one of those, but there will be occasions where the vehicle is leased or hired. In all cases the applicant(s) must demonstrate that they have ownership of the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document

is not proof of ownership and if V5 is not available other documentation will be required. This can include, but is not limited to:

- a) Receipt for the purchase of the vehicle,
- b) Lease/hire contract,
- c) Partnership agreement between 2 or more individuals.

Character of the applicant

26. The licensee of a private hire vehicle can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the Council that they are a suitable person to hold a Private Hire Vehicle (proprietor) licence.
27. All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service (DBS) check at their own expense every 3 years, as part of the application process. The same will be required of all partners (if they are involved in the operation of the business). In a limited liability or conventional partnership and all directors and secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. If the applicant has already provided a DBS for a dual driver licence this can be used, provided it is up to date.
28. The application will then be considered in the light of the DFT Statutory Guidance.
29. In addition, the Council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant.

Convictions

30. If you or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of any criminal offence, that must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices above 3 points, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive.

Vehicles

31. It is the applicant's responsibility to ensure that any vehicle presented for licensing as a private hire vehicle meets the Council's criteria which are

detailed below. As the Council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.

Licensed Vehicle Type, Age and Emissions

32. Any vehicle submitted to be licensed as a private hire vehicle must be of Category M1 (as shown on the registration document) unless either of the M2 or N1 cases below apply:

Category M2 or N1 vehicles (as shown on the registration document) will be acceptable provided the vehicle has passed an IVA test.

33. In order to reduce emissions it is important to set standards that are common to all within the licensed fleet, to ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the licensed fleet, the following standards will apply.
34. Licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 2 years for non-WAV vehicles and 5 for WAV vehicles, prior to the date that the application was made. All vehicles on the grant of a licence or change of vehicle on plate after March 2025 must meet or exceed Euro 5 emission standards.
35. There is no upper age limit upon renewal, however, the additional test criteria will apply. The licensed vehicle's appearance must also remain in good order and will be examined at the time of the compliance test.

Low Emission Vehicles

36. The Council aims to encourage the uptake of low emission vehicles in the County, and will examine the feasibility of introducing incentives for electric, hybrid and ultra-low emission vehicles.
37. It is anticipated that more Electric Vehicle rapid re-charging points for use by the public will be available in the future at locations in Herefordshire.

Vehicle specification

38. There are 3 different types of vehicle that can be licensed as private hire vehicles: those which are Wheelchair Accessible Vehicles (WAV), those which are not and stretched limousines.
39. The Council maintains a list of all WAV (both private hire vehicles and hackney carriages). Drivers of those vehicles must then provide mobility assistance to wheelchair-bound passengers.
40. The following specifications detail the minimum requirements for each type of vehicle, together with the requirements for all private hire vehicles.

Non-Wheelchair accessible vehicles

41. If the vehicle is to be licensed as a Non-WAV (saloons, estate cars, people carriers (MPV), sports utility vehicles (SUV) and any other vehicle that cannot carry a passenger whilst they remain in their wheelchair excluding stretched limousines) it must be approved by the Council and comply with the following specification:
 - a) Be a right-hand drive vehicle;
 - b) Have at least four doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers;
 - c) Have a minimum seating capacity for one adult passenger. Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment.
 - d) Roof racks, tow bars and trailers 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 is an acceptable alternative;
 - e) Tow bars (if fitted) must be fitted in accordance with the manufacturer's instructions;
 - f) Any trailer that is used must meet the following requirements and be tested by the Council (the charge to be paid by the licensee) and will be issued with a "trailer plate" which must be displayed on the rear of the trailer and clearly visible whenever the trailer is being used by the private hire vehicle. The trailer can only be used on the specified private hire vehicle and may be used when the vehicle is not being used for hire and must comply with relevant legislation. Trailers must comply with the following standards when being used as a licensed vehicle:

Appendix 4 of Taxi and Private Hire Policy

- i. Unbraked trailers must be less than 750kgs gross weight;
 - ii. Trailers over 750kgs gross weight must be braked, acting on at least two road wheels;
 - iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer;
 - iv. A suitable lid or other approved means of enclosure must be fitted to secure the contents within the trailer whenever in use;
 - v. The maximum permissible length of the trailer cannot exceed 7 metres, including the drawbar and coupling;
 - vi. The width of the trailer must not be greater than width of the towing vehicle, subject to no trailer being wider than 2.3m;
 - vii. The maximum length for braked twin axle trailers is 5.54m;
 - viii. The trailer must at all times comply with all Road Traffic legislation requirements;
 - ix. The vehicle insurance must cover towing a trailer;
 - x. Trailers must not be left unattended anywhere on the highway;
 - xi. The speed restrictions applicable to trailers must be observed at all times;
 - xii. The registration number plate of the hackney carriage and the Council issued "trailer plate" must be attached to the rear of the trailer;
 - xiii. The trailer must be inspected annually and must be considered to be satisfactory by the Licensing Authority;
 - xiv. Only drivers with the appropriate DVLA driving licence category may drive a vehicle with a trailer. The vehicle proprietor must check any driver's DVLA licence for the required category, prior to allowing the use of a trailer.
- g) Passengers must be able to communicate with the driver via a sliding screen, intercom, mesh or hole in any division between the drivers and passenger compartments.
- h) 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.
- i) After 31 March 2025 any application to renew a non-WAV vehicle must relate to a vehicle that complies with Euro 6 standards.

Additional requirements for minibus and MPV type vehicles

42. In order to be licensed as a private hire vehicle, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least:
- a) one other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle; or
 - b) two side loading doors that can be opened from the inside.

Wheelchair Accessible Vehicles (WAV)

43. The vehicle must be capable of carrying a wheelchair bound passenger which meets the following specification. It cannot look like a hackney carriage, so may not have a roof sign.
44. Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard:
- a) The interior of the vehicle must be able to accommodate a wheelchair and its user riding seated within the wheelchair itself;
 - b) The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry);
 - c) The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user;
 - d) The passenger compartment must 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;
 - e) The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked;
 - f) The passenger compartment 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;
 - g) 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

Appendix 4 of Taxi and Private Hire Policy

fitted with a tail lift or some other mechanical means of access, approved by the Council;

- h) 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;
- i) 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;
- j) 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;

Stretched Limousines

- 45. The term "stretched limousine" in this policy will be taken to mean any vehicle that has been manufactured as such.
- 46. Any vehicle, before it can be considered to be licensed as a stretched limousine, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard.
- 47. Stretched limousines will only be licensed to carry a maximum of 8 passengers. Any vehicle which has the capability to carry more than 8 passengers would be subject to PCV licensing.
- 48. All passenger seats must be equipped with a 3 point seat belt.

All vehicles

- 49. The following are the minimum requirements for all Private Hire Vehicles, irrespective of their type:
 - a) The vehicle must be wind and water-tight (with the roof raised and properly secured and fastened in the case of a convertible vehicle);
 - b) The vehicle must have a floor properly covered with carpet or other suitable covering;

Appendix 4 of Taxi and Private Hire Policy

- c) The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely;
- d) The vehicle's bodywork and paintwork must be in good condition, free from dents or other damage or rust;
- e) The vehicle must not be fitted with any additional external accident protection devices (e.g. bull bars or additional bumpers);
- f) The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturer's specification when the vehicle was new did not include a spare wheel, the manufacturer's alternative puncture device will be acceptable;
- g) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must comply with the legal requirement of tread depth;
- h) The vehicle must be fitted with nearside and offside exterior rear view mirrors;
- i) The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed;
- j) All seats must be permanently fixed to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturer's option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council;
- k) The vehicle must be fitted with glass which complies with current Construction and Use Regulations (the Road Vehicles (Construction and Use) Regulations 1986 as amended). These regulations require that the front windscreen allows 75% of light to be transmitted and the front door windows allow 70% of light to be transmitted. In addition, the remaining glass within the vehicle must have a minimum light transmittance of not less than 70%. The rear of the vehicle must be fitted with at least one window (or one window per rear door fitted), the light transmission capacity of which must be a minimum of 70%. No self-adhesive material (tinted or clear) can be affixed to any part of the glass without the approval of the council;
- l) The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number

Appendix 4 of Taxi and Private Hire Policy

permanently marked on it. The fire extinguisher be properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be accessible in an emergency;

- m) The vehicle must carry a first aid kit in a suitable container, with the licence number painted on it;
- n) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer or internal lights unless they have been approved by the Council;
- o) The minimum unobstructed distance between the seat back and the foot well 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;
- p) The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any arm rests);
- q) Any vehicle that has been converted to run on liquid petroleum gas (LPG) must be accompanied by a certificate stating that the conversion was undertaken in accordance with the LPG gas Association's code of practice, and if the conversion was undertaken more than one month before the application for the licence, an annual installation check which is not more than one month old.

50. In addition, in all types of Private Hire Vehicle the following requirements must be met.

Seating

51. 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 must have at least 300mm at the narrowest point. The available boot space must allow room for a standard folded wheelchair or a suitcase size xx xx xx. The seating configuration and number of passengers that can be carried is subject to assessment by the Council, but each seat must have a minimum width of 41cm. If the above cannot be complied with seats can only be removed to achieve compliance if the vehicle is designed at manufacture to remove seats as part of its design.

Documents

52. A vehicle licence will only be issued where the vehicle has evidence of:

Appendix 4 of Taxi and Private Hire Policy

- a) A valid vehicle insurance certificate specifically stating that the vehicle is to be used for private hire use;
 - b) A compliance Certificate issued by the Council's approved tester which is less than 1 calendar month old;
 - c) A V5 vehicle registration document if the V5 is not yet available and in the case of a new vehicle, the sales invoice, which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued;
53. Before or on the date of expiry of any certificate, the certificate about to expire must be produced together with the relevant renewal certificate to the Council.
54. All documentation must be originals unless it has been seen previously, in which case a copy will usually be accepted. Online copies will be accepted directly from the original issuer.

Engine/Chassis Numbers

55. The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police Vehicle Identification Section who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed private hire vehicle, the Council must be notified within 72 hours of that change and the updated V5 must be produced as soon as it is received from DVLA.

Maintenance and servicing

57. Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. If the service history is not available, then an acceptable explanation for this must be provided to the authorised officer of the Council.

Vehicle tests

58. A licence will be granted or renewed only if the vehicle is considered by the Council to be roadworthy, fit for purpose and meets the criteria specified.
59. Vehicles will be tested before the licence is initially granted, then every 12 months for vehicles up to 6 years old and every 6 months for vehicles older than that. For vehicles over 12 years 3 test will be required. The anniversary date for interim MOT's will remain the same, this will avoid loss of time between tests.
60. Compliance tests in relation to new applications and renewals are to be carried out at the Council's testing Centre at Rotherwas in Hereford.
61. If required by age, the vehicle must have an interim MOT certificate from any DVLA MOT testing centre. A compliance test or interim MOT in relation to that vehicle will remain as the previous date provided it is within 14 days of it's after the due test date (this is to avoid loss of time on a test).
62. The applicant or licensee must make an appointment for the vehicle to be tested as part of the application process. It is the responsibility of the applicant/licensee to do this and then to ensure that the vehicle is presented at the specified location and time. If the vehicle is presented late, there is no guarantee that the test will be able to be conducted on that day and a further test must be arranged. In that case the initial test fee will be forfeited and a second fee must be paid for the rearranged test.
63. A test appointment can be cancelled only if at least two clear working days' notice (excluding Saturday, Sunday and Bank Holidays, the day on which notice is given and the day of the test) is given to the Council.

Dual Plating

64. Once a vehicle is licensed as a private hire vehicle by the Council, it cannot be licensed as a private hire vehicle (or hackney carriage) by any other local authority or Transport for London during the duration of the Herefordshire licence.
65. The council will not licence a vehicle that is licensed as a private hire vehicle or hackney carriage by another local authority or Transport for London.

Insurance “write-offs”

66. The Council will not licence any vehicle as a private hire vehicle that has been written off by an insurance company.

Vehicle Use

67. You must maintain a policy of insurance for your licensed vehicle in accordance with section 143 of the Road Traffic Act 1988.
68. If your private hire vehicle has an accident which results in damage which may affect its safety, performance, or the comfort or convenience of your passengers, you must report this to the Council within 72 hours (including weekends and bank holidays) (section 50)(3) of the 1976 Act).
69. You must not obstruct any Authorised Officer of the Council or police officer. You must provide assistance or information they may reasonably require (section 73 of the 1976 Act).
70. Any person driving a private hire vehicle at any time, for any purpose and anywhere in the United Kingdom, must be licensed to drive a private hire vehicle under section 51 of the 1976 Act, even if the vehicle is not being used for private hire purposes. Any person driving a private hire vehicle without the required private hire driver's licence will be committing an offence under section 46(1)(b) of the 1976 Act. There are exceptions to this when a qualified mechanic is road testing the vehicle.
71. If any private hire vehicle proprietor permits a person who does not hold a private hire vehicle driver licence to drive the vehicle for any purpose the proprietor commits an offence under s46(1)(c) of the 1976 Act and the Council will consider this a serious matter and action may be taken against the Private Hire Vehicle (proprietor) licence (whether or not a criminal prosecution or conviction ensued).
72. Once a vehicle has been licensed as a private hire vehicle by the Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week). In addition to the requirement that it is only driven by a private hire driver licensed by the Council (see above) the proprietor must ensure that at all times and wherever it may be located it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.
73. If the Private Hire Vehicle (proprietor) licence is suspended, revoked or not renewed, the proprietor must return the licence plates and additional signage to the Council. This must be done immediately after the end of the

Appendix 4 of Taxi and Private Hire Policy

appeal period (21 days from the written notification of the decision, or after any such appeal is determined or abandoned). If the suspension is immediate (under section 68 of the 1976 Act) this requirement must be complied with immediately.

74. If the proprietor refuses to surrender the vehicle plates and additional signage, tamperproof "Vehicle Licence Suspended" stickers will be affixed to the vehicle plates. These will destroy the plates, and replacements must be purchased from the Council if and when the suspension is lifted.

Warning Notice

75. If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of the Council or its authorised officers or testers, renders the vehicle unfit for use as a private hire vehicle then the Council will not licence that vehicle.
76. The Council is not liable for any expense incurred in preparing or testing a vehicle which cannot be licensed for whatever reason.
77. Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

Taximeters

78. There is no requirement for a private hire vehicle to be fitted with a taximeter. If there is a meter fitted, then this must be approved by the Council and must comply with hackney carriage conditions for meters.

Duration and renewal of the licence

79. The licence expires 12 months from the date of issue. Any application for renewal should be made at least one month before the licence expires. If you do not apply to renew the vehicle licence in time there may be a period when you will be unable to use the vehicle as a private hire vehicle. If the renewal application form and fee is not received before the expiry of the current Private Hire Vehicle (proprietor) licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for a new application.
80. Renewals are generally dealt with by officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if the vehicle's age or emissions exceed the policy or you or any of your joint proprietors (or directors or secretary in the case of a limited company) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour) the renewal application may need to be considered by

Appendix 4 of Taxi and Private Hire Policy

Committee/Panel. If this is the case, then a 2 month temporary licence will be considered, without prejudice to any decision the Committee/Panel might make. This will only be considered if there are no safeguarding or public safety implications to issuing a temporary licence.

81. The licence is issued to you but it can be transferred to another individual, partnership or limited company. Notification of any transfer must be made in writing and indicate the consent of all interested parties. The Council will then issue a revised licence identifying the new licensee(s).
82. Following any transfer of licence to another person, on expiry of that licence, renewal will be at the Council's discretion.

Plates and Additional Signage

83. The licence plates and other required additional signage required by the Council must be displayed on the vehicle at all times. In addition, wheelchair accessible Vehicles will be required to display "Wheelchair" stickers at all times.
84. If you lose or damage the plates, replacements must be purchased from the Council.

Accidents and temporary transfer conditions

85. Accidents involving personal injury to passengers shall be notified to the Police. The Licensing Authority shall also be notified as soon as possible, but in any case within 24 hours or, when the office is closed, within 24 hours of it re-opening.
86. Vehicles that have sustained major accident damage will be required to provide a satisfactory steering geometry and alignment report. This shall be in the form of a written or printed document from an approved VBRA vehicle repairer. In addition the vehicle shall be required to undergo a further compliance test.
87. Vehicles which replace a licensed vehicle on a temporary basis shall meet the requirements contained within the standard vehicle licence conditions with the exception of allowing magnetic signs on a temporary basis.
88. All licensed vehicles including wheelchair accessible and vehicles of a larger seating capacity are allowed to be temporarily substituted by a standard vehicle for use as a replacement, but only for a limited period to be agreed with the Licensing section. This replacement shall comply with section 1 and 4 plus all other relevant conditions.

89. A temporary transfer will be valid for a 12 week maximum period unless authorised by the Licensing Authority due to extenuating circumstances.
90. If the transfer takes place during normal office working hours, the licensing Section shall be notified before the transfer takes place. Transfers outside of normal office working hours shall be notified to the Licensing Section immediately after the office reopens. In either case, no temporary transfer vehicle can be used without it having a licence plate attached to it.
91. Vehicles used as a temporary transfer vehicle must have a "Certificate of Readiness" which incorporates a certificate of compliance, inspection sheet. Valid insurance must be in place prior to the vehicle being used. Such vehicles shall comply with Section 4 of the standard licence conditions.

Letting/leasing of vehicles

92. You must not lease or let or hire a licensed private hire vehicle to any other person, other than a fare paying passenger, without first notifying the Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.
93. You must notify the Council in writing of anyone no longer having an interest in the vehicle within 48 hours of the event.

Advertisements

94. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing. As detailed below:-

The advertisements will be assessed against the following criteria:

Non sexual

Non discriminatory

Not to cause public offence

Not misleading

Location does not distract from council vehicle signs

Not to obscure vision of the driver

Not to display, flags or any other national emblems.

The above list is not exhaustive and the assessments will be carried out by staff of the Licensing Authority, if this is contended the matter will be referred to the Officer Panel for a decision.

Navigational devices

95. Any electronic navigational device which is being used must be securely located within the vehicle.

The taximeter (if fitted)

96. If fitted the meter must be fitted with a tamper proof taximeter that has been approved by the Council. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be 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.
97. The location and fixing must not be located to cause injury to passenger and the Council must test the meter before the vehicle can be used as a hackney carriage.
98. The meter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.
99. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must not exceed the fare permitted by the Table of Fares.

Radios and other equipment

100. Any radio, booking systems/data heads and/or GPS equipment provided must be maintained in a safe condition and any defects must be repaired promptly. The licensed operator/booking agent must ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the Ofcom licence and the licensed operator/booking agent must allow the Council access to inspect all equipment and Ofcom licenses.
101. Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.
102. Where apparatus for the operation of a two-way radio, booking system/data heads and/or GPS systems are fitted, no part of the apparatus can be situated in a way which could cause accident or injury to a

passenger, nor can it be placed in the rear boot compartment if LPG tanks are situated in there.

Signs

103. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing (see above in relation to advertisements).
104. The vehicle must not be fitted with any sign on the roof of the vehicle.
105. Private hire vehicles that wish to advertise their operator details on the vehicle shall also display two adhesive signs one on each front door of the vehicle which states "Private Hire and Advanced Booking Only". The lettering must measure at least 6cm in height. Magnetic signs may be used for temporary use vehicles.

CCTV

106. From twelve months from the date of decision all licensed vehicles must have a CCTV system capable of recording both audio and video with a monitor that meets the Council's specification for taxi camera systems and complies with ICO regulations. The system must record both audio and video. All such systems must have been installed by a competent installer before the vehicle can be licensed. The device must be active at all times when the vehicle is in use as a licensed vehicle. When the vehicle is being used privately the system must be capable of being switched off, but not accessible while the vehicle is being driven.
107. The picture on the CCTV system must be clear and not obstructed by items which cover part of the lens, this includes items hanging from the rear-view mirror.
108. At least 3 approved signs must be displayed in the vehicle (2 within the rear of the vehicle and 1 in the front) warning customers that camera surveillance equipment is in operation.
19. Activation of audio recording must be capable of being triggered by the driver pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed to off again. This switch will

Appendix 4 of Taxi and Private Hire Policy

activate/deactivate audio recording. Once activated the audio recording must continue for an uninterrupted period until it is deactivated.

110. The system must be checked at least weekly and a record kept of the system being operative. Any failure in the system must be notified to the Council as soon as practicable and in any event within one business day and a schedule of repair agreed by them. Failure to notify could result in the vehicle licence being suspended. The vehicle cannot be used as a private hire vehicle until the CCTV system is repaired and functioning correctly. If it has been necessary to be repaired by a competent person confirming that.
111. The images and audio cannot be monitored and relevant data will only be recovered when necessary. This will include (but this is not an exhaustive list) situations following complaints, road traffic collisions, where there is any police investigation or any other investigation of a criminal offence. The Council is the data controller for the personal data collected via the CCTV system. Owners of vehicles with CCTV installed must cooperate with the Council to discharge responsibilities under the Data Protection Act 2018, including reporting any data incidents and providing access to recordings in response to subject access requests.
112. Other than the monitor displaying live images in the vehicle, any recorded image captured by the camera can only be viewed by an authorised officer of the Licensing Authority or a person authorised by the Licensing Authority.
113. In addition, audio recordings must be used in any of the following circumstances:
 - a) An unaccompanied child (under 18) or vulnerable adult is being carried in the vehicle.
 - b) Where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

Seating Arrangements

114. Any seating arrangement other than the manufacturer's original specification, or as approved by the Council, will result in the suspension of the licence until such time as either the original or approved arrangement is restored, or the new arrangement is approved by the Council.

Stretched limousines

115. Any stretched limousine (any vehicle which has been modified to be longer than the manufacturer's original specification) which is presented for licensing as a private hire vehicle must be covered by:
- a) A UK Single Vehicle Approval Certificate; or
 - b) A European Whole Vehicle Approval Certificate; or
 - c) A UK Low Volume Type Approval Certificate.

Conditions

116. The following Conditions are attached to your Private Hire Vehicle (Proprietor) licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your Private Hire Vehicle (Proprietor) licence, suspension, revocation or refusal to renew the Private Hire Vehicle (Proprietor) licence.
117. You must return your licence (and the plates and additional signage if requested by the Council):
118. You must notify the Council within 48 hours of the event (including weekends and bank holidays) if you or anybody named on the licence as a joint proprietor (or any director or secretary of a limited company, or partner in a Limited Liability Partnership when the licence is held by such a body) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any, community protection notices, civil injunctions that you receive.
119. If your vehicle has an accident which results in serious damage which may affect its safety, performance or the comfort or convenience of your passengers, you must report this to the Council within 48 hours (including weekends and bank holidays). If you are in doubt as to whether the vehicle is affected you must notify the Council.
120. You must report to the Council and/or local police any concerns (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. When you are driving a private hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and Council immediately.

Drivers

121. You must notify the Council of the details (name, address and taxi driver licence number) of any person who is permitted by you to drive your private hire vehicle for any purpose (this does not include mechanics undertaking vehicle maintenance). This notification must be made as soon as possible and in any event within 48 hours of that permission being given. If you no longer permit that person to drive your private hire vehicle you must notify the Licensing Section in writing, using the Council's approved forms, within 48 hours.
122. Before you allow anyone to drive your private hire vehicle you must ask that person for their dual driver licence and keep a copy.
123. No person may drive a private hire vehicle, unless they hold a dual driver licence issued by the Council. Anyone found driving a private hire vehicle without a dual driver licence, may be prosecuted.

Insurance

124. You must ensure that a valid policy of comprehensive insurance for private hire work is in place for the vehicle and covers anyone who drives your private hire vehicle.

Production of Documents

125. You must not obstruct any Authorised Officer of the Council or police officer. You must provide any assistance or information they may reasonably require.
126. If an Authorised Officer of the Council (or a named officer from another council with whom a reciprocal arrangement is in place) or a police officer asks you, you must produce:
- a) Your licence;
 - b) The dual driver licence of any person authorised to drive your private hire vehicle;
 - c) The vehicle registration document;
 - d) A valid certificate of insurance.
- within 5 days of the request being made.

Licence Plates

127. The licence plates remain the property of the Council and must be returned to the Council upon request whenever the vehicle is not licensed as a private hire vehicle.
128. You must secure and display the exterior licence plate permanently on the rear of the vehicle using the fittings provided by the Council. The method of fixing must prevent the plate being removed without the need for tools. The plate must at all times be displayed so that it can be clearly read by pedestrians and road users. The licence plate must not be displayed in any window of the vehicle, unless expressly permitted by the Licensing Authority.
129. You must report the theft or loss of the licence plates to the Council and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made. The vehicle cannot be driven until the replacement plates are in place.
130. You must not wilfully or negligently cause or suffer any plates or additional signage on your vehicle to be concealed from public view at any time.
131. You must return the licence plate to the Council if the Private Hire Vehicle (Proprietor) licence is suspended, revoked or not renewed.

Vehicle inspection

132. You must allow an Authorised Officer of the Council, or police officer, to inspect your vehicle at any reasonable time.
133. You must ensure the vehicle is presented for test in accordance with instructions from the Council
134. You must produce the vehicle registration document and last MOT, and certificate of insurance to the Council Officer at the test.

Specification to be maintained during the duration of a licence for a Private Hire Vehicle

135. No change in the specification, design, condition or appearance, or any modification, conversion or alteration of the vehicle can be made unless prior written approval has been given by the Council.

136. The vehicle must fully comply with all relevant road traffic legislation and in addition:
- a) All doors must function correctly and be capable of being opened from the outside and within the vehicle.
 - b) All opening windows must function correctly and be capable of being opened from within the vehicle.
 - c) All luggage must be properly secured inside a vehicle that does not have a separate and self-contained boot.
 - d) If a roof rack (or roof box) is being it must be securely fitted to the roof in accordance with the manufacturer's instructions. All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.
 - e) If a trailer is being used, the driver must ensure that the lights on the trailer are working correctly and that the trailer plate is properly displayed on the rear of the trailer. A waterproof cover must be used to protect any luggage.
 - f) Passengers must be able to communicate with the driver.
 - g) The vehicle and all seats, door handles and trim, and all internal and external parts of the vehicle must be maintained at all times in a clean, comfortable, safe, and mechanically sound condition and be in every way suitable for public service.
 - h) The floor covering must not be torn or frayed.
 - i) The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely.
 - j) The vehicle's bodywork and paintwork must be maintained to an acceptable standard, free of dents or rust.
 - k) The vehicle must carry a spare wheel to fit the vehicle, and the wheel together with equipment to change the wheel, jack and wheel brace must be securely stored. This does not apply if the manufacturer's specification when new did not include a spare wheel, in which case the manufacturer's alternative puncture repair kit will be acceptable.
 - l) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must meet the legal requirement for tyre depth.

Appendix 4 of Taxi and Private Hire Policy

- m) The vehicle must be fitted with nearside and offside exterior rear view mirrors which must be maintained in a serviceable condition
- n) The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle passed the Council's vehicle test. Any unapproved (by the Council) self-adhesive material (tinted or clear) must not be affixed to any part of the glass
- o) In the case of a replacement engine, the Council must be notified of that within 48 hours of the fitting, and the revised V5 must be presented to the Council as soon as it is received.
- p) At all times the vehicle must carry a 1 kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number permanently marked on it. The fire extinguisher must be 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.
- q) At all times the vehicle must carry a first aid kit in a suitable container, with the licence number permanently marked on it.
- r) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer with the exception of an internal light unless they have been approved or requested by the Council.

Additional Conditions for wheelchair accessible Private Hire Vehicles

- 137. At all times, the vehicle must carry in a safe, usable condition suitable ramps for a wheelchair user. If the alternative tail lift or some other mechanical means of access is fitted it must be maintained in a safe, functioning condition.
- 138. The driver must ensure before the commencement of the journey that the passenger is correctly seated and the wheelchair is correctly secured and the passenger is correctly restrained, and at the end of the journey must ensure that the passenger is delivered safely onto the pavement
- 139. The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.
- 140. All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

Sliding doors

141. Where sliding doors are an integral part of a vehicle and a locking device has not been fitted, the child locking systems must be engaged by the driver when carrying unaccompanied children, or upon request of a passenger.

Lost property

142. The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the property to them. If not it must be delivered to the operator within 48 hours.

The meter / table of fares / card payment facility

143. Any fare meter that is fitted to the vehicle must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be 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.
144. The meter must be accurate, be capable of showing that the vehicle is or is not hired, and lock the tariff until the end of the journey.
145. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and the word "FARE" must be clearly displayed on the meter so it indicates the fare displayed.
146. If a set fare and destination has been agreed at the time of booking for a private hire journey (as agreed between the operator and the hirer) more than the agreed fare cannot be charged.
147. If the meter fails or does not comply with the conditions, the meter must be removed from the vehicle before it is used as a private hire vehicle.
148. Functioning Cashless Payment Facility in Vehicles Proprietor(s) must ensure their vehicles are equipped with a functioning cashless payment facility. These cashless facilities must be registered as a "transport" provider or similar with the payment card reader provider. The minimum payment is £5.00, if the fare is less than this the driver will ask for cash.

Navigational devices

149. Any electronic navigational device which is being used must be securely located within the vehicle

Signage and advertising

150. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing.
151. The advertisements will be assessed against the following criteria:
Non sexual
Non discriminatory
Not to cause public offence
Not misleading
Location does not distract from council vehicle signs
Not to obscure vision of the driver
Not to display, flags or any other national emblems.
The above list is not exhaustive and the assessments will be carried out by staff of the Licensing Authority, if this is contended the matter will be referred to the Officer Panel for a decision.

No Smoking

152. The vehicle must have at least 3 "no smoking" signs displayed inside the vehicle clearly visible to passengers.

LEGAL REQUIREMENTS (contained in national legislation) relating to a Private Hire Vehicle

153. The private hire vehicle proprietor must ensure that the vehicle is always displaying the plate in accordance with the conditions (section 48 (6) of the 1976 Act).
154. The private hire vehicle proprietor must notify any transfer of the vehicle licence to another proprietor within 14 days (section 49 of the 1976 Act).
155. The private hire vehicle proprietor must present the private hire vehicle for inspection as required by the Council (section 50(1) of the 1976 Act).
156. The private hire vehicle proprietor must inform the Council where the private hire vehicle is stored if requested to do so (section 50(1) of the 1976 Act).

157. The Private Hire Vehicle proprietor must report any collision that has caused damage to the safety performance of the vehicle to the Council within 72 hours (section 50(3) of the 1976 Act).
158. The private hire vehicle proprietor must produce the vehicle licence and insurance if requested to do so by an Authorised Officer of the Council (section 50(4) of the 1976 Act).
159. The private hire vehicle proprietor must return the plate to the Council once you receive notice to do so after expiry revocation or suspension of the proprietors licence (section 58(2) of the 1976 Act).
160. The private hire vehicle proprietor must ensure that the vehicle is not permitted to stop or wait on or near any hackney carriage stand (section 64 of the 1976 Act).
161. It is an offence to interfere with a meter (section 71 of the 1976 Act).
162. The private hire vehicle proprietor must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (section 73 of the 1976 Act).

CCTV – Specification available as a separate document

163. From twelve months from the date of decision all licensed vehicles must have a CCTV system capable of recording both audio and video with a monitor that meets the Council's specification for taxi camera systems and complies with ICO regulations. The system must record both audio (panic switch controlled) and video. All such systems must have been installed by a competent installer before the vehicle can be licensed. The device must be active at all times when the vehicle is in use as a licensed vehicle.
164. The picture on the CCTV system must be clear and not obstructed by items which cover part of the lens, this includes items hanging from the rear-view mirror.
165. At least 3 approved signs must be displayed in the vehicle (2 within the rear of the vehicle and 1 in the front) warning customers that camera surveillance equipment is in operation.
166. Activation of audio recording must be capable of being triggered by the driver pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed to off again. This switch will

Appendix 4 of Taxi and Private Hire Policy

activate/deactivate audio recording. Once activated the audio recording must continue for an uninterrupted period until it is deactivated.

167. The system must be checked at least weekly and a record kept of the system being operative. Any failure in the system must be notified to the Council as soon as practicable and in any event within one Business Day and a schedule of repair agreed by them. Failure to notify could result in the vehicle licence being suspended. The vehicle cannot be used as a licensed vehicle until the CCTV system is repaired.
168. The images and audio cannot be monitored and relevant data will only be recovered when necessary. This will include (but this is not an exhaustive list) situations following complaints or road traffic collisions, where there is any police investigation or any other investigation of a criminal offence. The Council is the data controller for the personal data collected via the CCTV system. Owners of vehicles with CCTV installed must cooperate with the Licensing Authority to discharge responsibilities under the Data Protection Act 2018, including reporting any data incidents and providing access to recordings in response to subject access requests.
169. Other than the monitor displaying live images in the vehicle, any recorded image captured by the camera can only be viewed by an authorised officer of the Licensing Authority or a person delegated by the systems operator.
170. In addition, audio recording must be used in any of the following circumstances:
 - a) An unaccompanied child (under 18) or vulnerable adult is being carried in the vehicle;
 - b) Where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger.

PRIVATE HIRE OPERATOR LICENCES**Local Government (Miscellaneous Provisions) Act 1976**

1. This document contains the policy, conditions and legislation relating to your Private Hire Operator licence.
2. As Private Hire Operator licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a “person”, “you”, “licensee” or “operator” is taken to mean the Private Hire operator.
3. There is a power to attach conditions to Private Hire Operator licences, and the Council has standard conditions which are attached to these licences. These are contained within this document.
4. There is also a list of the main legislation that applies to Private Hire Operators.

Introduction

5. The purpose of licensing Private Hire Operators is to protect the public, ensuring that passengers are not exploited, abused or otherwise affected by unlicensed and potentially unscrupulous or dangerous booking agents.
6. It is a privilege to hold a Private Hire Operator licence and licensees have responsibilities to their passengers and customers, drivers, vehicle proprietors and the public generally. The Council has been satisfied that when you applied for your Private Hire Operator licence you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account your entire character and behaviour.
7. As a private operator, this assessment of your character not only includes times when you are working within the private hire trade, but at all other times as well. This can include your use of social media as well as other forms of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the private hire trade. You should appreciate that under the DFT Guidance, if the unacceptable or criminal behaviour took place whilst you were working within the private hire trade that will be viewed as an aggravating feature by the Council.

Appendix 5 of Taxi and Private Hire Policy

8. In many cases a Private Hire Operator is almost the first person that a visitor to the County will encounter following arrival at a railway station or bus station. As a consequence, the experience of booking a private hire vehicle via the operator can affect a person for their entire visit. Private Hire Operators should be aware of this and ensure that their business is conducted to the highest standard at all times.
9. Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
10. The Council has decided to attach conditions to Private Hire Operator licences that it considers reasonably necessary under the powers contained in section 55(3) of 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 55(4) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
11. You must understand and comply with the legal requirements relating to the Private Hire Operator licence in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Private Hire Operator licence being suspended or revoked.
12. The Council office for private hire and hackney carriage licensing purposes is The Licensing Section, Herefordshire Council, Plough Lane Offices, Hereford HR4 0LE, telephone: 01432 261761, email: taxi-licensing@herefordshire.gov.uk. This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

Sanctions against the Private Hire Operator Licence

13. Where a Private Hire Operator breaches any legislation or condition of the licence, they may be referred to Committee/Panel.
14. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for private hire operators.
15. Whenever, and in what circumstances a Private Hire Operator is brought before Committee, the Committee will decide each case on its merits, after hearing the facts.

16. The Committee/Panel may also suspend or revoke the Private Hire Operator licence (see below) or remove penalty points.

Power to take action against a Private Hire Operator licence

17. Under section 62 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Private Hire Operator licence on the following grounds:
- a) any offence under, or non-compliance with, the provisions of this Part of this Act;
 - b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
 - c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
 - d) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty;
or
 - e) any other reasonable cause.
18. Failure to comply with most Private Hire Operator legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your Private Hire Operator licence being suspended, revoked or the renewal refused.
19. Failure to comply with the Council's conditions may result in your Private Hire Operator licence being suspended, revoked or the renewal refused.
20. If any information given by you on the application form for a Private Hire Operator licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.
21. It must be understood that a decision to grant a Private Hire Operator licence is made on the basis of the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that your behaviour remains of the highest standard to protect your Private Hire Operator licence and therefore your livelihood.

Policy**Applicants**

22. Private Hire Operator licences can be held by individuals, limited liability partnerships (LLP), conventional partnerships (two or more people in business together) or limited companies.

Character of the applicant

23. A Private Hire Operator will receive personal information from those who book a private hire vehicle through that operator. That information may be sensitive or relate to people's movements or activities and as a consequence it is essential that a Private Hire Operator satisfies the Council that they are a suitable person to hold a Private Hire Operator licence.
24. All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service (DBS) check at their own expense, as part of the application process. The same will be required of all partners in a limited liability or conventional partnership and all directors and the secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. This will not be required for individuals who have already had a satisfactory enhanced DBS carried as part of the application to be a licensed driver in Herefordshire, which remains in date.
25. The application will then be considered in the light of the DFT Guidance.
26. In addition, the Council will take into account the compliance history in relation to previous hackney carriage or private hire licences held by the applicant or any partners in a partnership, all directors and secretary of a limited company and any limited company itself.

Certificate of Good Conduct

27. As DBS checks do not cover convictions in countries outside the United Kingdom, any applicant who has lived abroad for any period of more than 6 months from the age of 18 must also provide a Certificate of Good Conduct from the appropriate Embassy or High Commission and it must be in English. The Council may undertake checks to ensure the authenticity of any such documentation. If this cannot be provided then the application will be refused.
28. Nothing in this policy precludes a licence holder from being required to undergo a further DBS check at any time as directed by the Council.

Convictions

29. If you, any partner in a partnership or any director or secretary of a limited company is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence that must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices, speed awareness courses, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive or have to attend.

Maintenance of the Licence and Renewals

30. Once the licence has been granted, you (including all partners in a partnership and all directors and secretary of a limited company) will be required to provide a Basic Disclosure and Barring Service Certificate annually. This will not be necessary if a DBS has previously been supplied and maintained through another application.
31. An application form and fee for the renewal of a licence, should be made at least 5 days prior to the expiry of the current licence. Any application form and fee received after the expiry date will be treated as a new application. If the application is not made in time to enable all the relevant processes to be completed before 5 days of expiry of the current Private Hire Operator licence, there will be a period of time during which you will be unlicensed and cannot make a provision for the invitation of bookings for a private hire vehicle. Operating Private Hire drivers and vehicles without a valid licence is a criminal offence.
32. Where a Private Hire Operator licence is found to have been obtained using false or incomplete information enforcement action may be taken and the licence revoked.

Identity

33. To prove their identity, all applicants (including all partners in a partnership and all directors and secretary of a limited company) must provide an authenticated form of photographic identification (for example photographic driving licence or national identification card).
34. Applicants from outside the UK must provide:
- a) a passport with a valid stamp from the Home Office to say that they have permission to remain in the Country indefinitely; or
 - b) a passport with a valid UK visa, which allows the holder to work as a Private Hire Operator (student visas will not be accepted) and which has at least six calendar months remaining at the time of application.

35. A Private Hire Operator licence will only be granted until the expiry of the visa and will only be renewed or extended with the production of the passport and another valid visa issued by the Home Office. The Council reserves the right to verify, at any time, a Licensee's entitlement to remain in the UK. The Council may not accept letters issued by the Home Office when a visa application is pending.
36. To comply with the Immigration Act 2016, the Council is required to check eligibility to live and work in the UK for all applicants for driver and operator licences. Applicants will be required to provide evidence of this on request. Examples of acceptable documentation include a British passport, EU passport with the right to stay and work in the UK, permanent residence permit, work permit with a passport with correct authorisations, a UK birth certificate together with an official document giving the NI number such as a P45 or P60, or a biometric immigration document indicating a right to stay indefinitely in the UK or a right to do the work in question.
37. For applicants with a limited time to remain in the UK, the Private Hire Operator's licence will only be granted for the period of permission to remain, and may only be granted for a shorter period. The Private Hire Operator licence may be extended should the applicant's right to remain in the UK be made permanent.
38. If an applicant has extended leave to remain (pending a decision) the Private Hire Operator licence cannot be granted for more than six months, and again may only be granted for a shorter period. The Private Hire Operator licence may be extended should the applicant's right to remain in the UK be made permanent.
39. If a Private Hire Operator licence holder loses the right to remain in the UK during the duration of a licence, the Private Hire Operator licence ceases to have effect and the Private Hire Operator licence (and badge for drivers) must be returned within 7 days.

Use of the Licence

Operator's Base

40. Your Private Hire Operator licence relates to one or more addresses (bases) within the Council area. Every address that is being used will be detailed on the Private Hire Operator licence, and if a Private Hire Operator licence does not relate to the address or addresses being used, that licence is void. Continued use of that Private Hire Operator licence will be a criminal offence.
41. If you have more than one operating office or base within Herefordshire that does not mean that you require a separate Private Hire Operator

Appendix 5 of Taxi and Private Hire Policy

licence for each premises, but you must submit a list to the Council containing all the addresses from which you run your business, and all addresses will be detailed on the Private Hire Operator licence. You must inform the Council within 4 hours of any change of any address (ceasing to use an address, moving to a new address or adding an additional address).

42. Planning permission or a Certificate of Lawful Existing Use or Development for the use or change of use of premises, whether home or commercial, is not required before an application can be made for a Private Hire Operator licence. However it may be unlawful to use those premises as an operator's base and advice should be sought from the Council's Planning Department if required.
43. Anyone who is making a provision for the invitation of bookings (evidenced by a private hire office or base) in more than one local authority area will be required to hold a Private Hire Operator licence issued by the local authority in each of those areas.

Manager

44. As a Private Hire Operator, you must identify a person as the manager who has day-to-day responsibility for the private hire operation. There must also be a nominated deputy to act as holiday cover etc. You will have to ensure that one individual is responsible at any particular time.

Drivers and Vehicles

45. As a Private Hire Operator, you must ensure that any dual driver or private hire vehicle operator, employed or used by you holds a current dual driver or vehicle licence issued by the Council. You must hold a copy of the Private Hire Drivers and vehicle licence for the duration of the time that you operate that driver or vehicle.
46. If at any stage you propose dispatching a public service vehicle (PSV) to fulfil a booking, you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence and therefore not have been subjected to the same checks (criminal records and character) as a private hire driver.

Staff

47. As a Private Hire Operator, you must maintain a record of all staff (employees, independent contractors and others engaged by or utilised by you as a Private Hire Operator).
48. You must create, maintain and apply a policy in relation to previous convictions of your staff. This should be the same as the DFT Guidance. You

Appendix 5 of Taxi and Private Hire Policy

should apply this policy to all staff who are involved in making bookings for or dispatching private hire vehicles, or who have access to your operator's records, and you should not engage any person in contravention of that policy unless there are truly exceptional circumstances. The reasons for such a decision must be recorded in your staff records.

49. You must require all staff to notify you within 48 working hours if they are arrested in connection with, being investigated for, charged with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, community protection notices, civil injunctions that they receive or have to attend. You must then determine what action to take in relation to that staff member. You must also notify the Council of the event and the action that you have taken within 48 working hours of your decision and record that in the staff records.
50. All such records of staff must be available for inspection by an Authorised Officer of the Council or police officer at any reasonable time.

Booking Records

51. You must create and maintain records of all bookings received for private hire vehicles as detailed in the conditions of licence. These records must be maintained for at least 6 months and must be available for inspection by an Authorised Officer or police constable at any reasonable time. You must inform the Council of the method that you intend to use to record this information. Depending on the scale of your operation this could be handwritten records (in a bound book with sequentially numbered pages) or a computerised system. In either case the records must not be capable of being altered after they have been compiled.

Standards of service

52. You must provide a professional and reliable service to customer's at all reasonable times.

Complaints

53. You must maintain and utilise a comprehensive complaints and compliments process.

Insurance

54. You must maintain public liability insurance for all premises that are open to the public.

Conditions

55. In these conditions, which are imposed under the provisions of section 55(3) of the 1976 Act, unless otherwise indicated:

“the Council” means The County of Herefordshire District Council

“You” means the operator as holder of Private Hire Operator licence issued by the Council under section 55 of the 1976 Act.

56. The following Conditions are attached to your Private Hire Operator licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your Private Hire Operator licence, referral to Committee/Panel, suspension, revocation or refusal to renew the Private Hire Operator licence.
57. If requested by the Council you must return your Private Hire Operator licence to the Council within 48 working hours of the request.
58. You must notify the Council within 48 working hours of the event (including weekends and bank holidays) if you (or any partner in the case of a partnership or director or secretary of a limited company) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, community protection notices, civil injunctions that you receive or have to attend.

General

59. You must identify a person as the individual with day-to-day managerial responsibility (referred to in these conditions as “the manager”), and notify the Council of their identity and contact details, including a business or personal mobile telephone number. The manager will be the first point of contact between the Council and the Private Hire Operator. You must identify another person as a deputy for holiday and sickness cover and identify the deputy, together with their contact details including a business or personal mobile telephone number must also be provided to the Council. You must ensure that it is clear to all managers and deputies who is responsible for discharging that responsibility at any particular time. All references to the manager include references to the deputy when they are acting in that capacity.

DBS Checks

60. You (where the operator is a partnership or limited company, all partners or directors and secretary of the company) must submit a Disclosure & Barring Service (DBS) basic disclosure (dated within one month of the submission)

on or before the anniversary of the granting of the Private Hire Operator licence. Failure to do so will result in the Private Hire Operator licence being suspended until such time as the DBS certificate is provided.

61. The cost of these checks will be covered by you.
62. Where you (or any partners or directors and secretary of the company where the operator is a partnership or limited company) hold a dual driver licence you are not required to submit a yearly basic disclosure, but the requirement will continue to apply to any partners or directors of a company who do not hold a driver's licence.

Staff Policy

63. Where you employ or intend to employ persons involved in taking bookings or the dispatch of vehicles, you must produce and apply a policy on the employment of ex-offenders in those roles. This policy must be based on the DFT Guidance. The policy must be available for inspection on request of an Authorised Officer of the Council. Failure to act in accordance with this requirement, and any subsequent engagement of a person who falls outside the DFT Guidance will lead to consideration by the Council as to whether you as operator remain a fit and proper person.
64. The Private Hire Operator must require all staff employed in taking bookings or dispatching vehicles to report to them within 48 working hours of any criminal conviction, binding over, caution, warning, reprimand, fixed penalty notice, civil injunction or arrest for any criminal matter whilst they are employed in this role.
65. You must view a basic DBS certificate (dated within one month of the check) unless they are a dual driver within Herefordshire and have a valid DBS certificate, for any staff that have access to booking records or dispatch vehicles.
66. You must maintain a register of all such staff which must include a record of when each DBS check has been undertaken. This register must be available for inspection by an Authorised Officer of the Council upon request. The register should include the following:
 - a) the date that person's employment in that role commenced;
 - b) the date the Private Hire Operator checked the DBS certificate;
 - c) the name of the person that checked the DBS certificate;
 - d) the date the person ceased to perform that role.
67. The register must be retained for 6 months in line with the booking records.

Appendix 5 of Taxi and Private Hire Policy

68. Should an employee cease to be on the register and later re-enter the register, a new basic DBS certificate (or use of the Update Service) must be provided to the Private Hire Operator.
69. You must require all staff to notify you within 48 hours (including weekends and bank holidays) if they are arrested in connection with, being investigated for, charged with or convicted of any criminal offence. The same requirement applies in relation to any fixed penalty notices, community protection notices, civil injunctions that they receive or have to attend. You must then determine what action to take in relation to that staff member. You must also notify the Council of the event and the action that you have taken within 48 hours of your decision and record that in the staff records.
70. You must ensure that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. This must meet the same requirement for a DBS as with operating dispatch staff within Herefordshire. You must have obtained evidence of this from the outsourced firm/company before outsourcing these functions.

Vehicle and driver licences

71. You must inspect and retain copies of all the private hire vehicle licences and driver licences of vehicles and drivers operated, engaged or otherwise utilised by you. Those copies must be stored securely and retained for as long as you operate the vehicle or driver. Once those drivers and/or vehicles are no longer operated by you they must be returned to the vehicle proprietor or driver as appropriate.

Records

72. You are required to keep records of bookings received and journeys undertaken under section 56(2) of the 1976 Act (referred to hereafter as the "booking records") and the following are the conditions relating to those records.
73. Booking records must be recorded in English and kept in a suitable book or in any other manner as approved by the Council.
74. You must ensure that the following details of every private hire booking that you invite or accept are recorded before the commencement of each journey:
 - a) the name of the passenger or other identifying features, e.g. hotel room number;
 - b) the time of the request;

- c) the time the vehicle is required;
 - d) the pick-up point;
 - e) the destination (if known at that time);
 - f) the name of the driver ;
 - g) the driver's licence number;
 - h) the vehicle registration number of the vehicle;
 - i) the vehicle licence number;
 - j) the name of any individual that responded to the booking request;
 - k) the name of any individual that dispatched the vehicle.
75. You must keep these records for a period of not less than 6 calendar months from the date of the entry.
76. You must also keep records of all vehicles that you operate. These details must include:
- a) details of the proprietor(s)/licensee;
 - b) registration number;
 - c) any radio call sign used;
 - d) maintenance history of the vehicle.
77. You must keep these records for a period of not less than 6 calendar months from the date that you cease operating that vehicle.
78. You must also keep records of the names and addresses of all licensed drivers that you use. You must notify the Council of the following:
- a) when any driver begins working for, or being available to be operated by you;
 - b) when any driver's activity above detailed ceases;
 - c) any change of address of any driver in service;
 - d) if you become aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out their duties.
79. If at any time you become aware of any reason which would or may prevent a driver from safely carrying out their duties (including but not limited to illness or disability) you must immediately cease using that driver until such time as the driver can demonstrate that they can drive a private hire vehicle without risk to the public.

80. You must keep these records for a period of not less than 6 calendar months from the date when you cease to be engaged or otherwise use the driver to drive private hire vehicles.
81. All records and retained licences must be available for inspection at any reasonable time by an Authorised Officer of the Council or a police officer.

Standards of Service

82. You must provide a prompt, efficient and reliable service to members of the public at all reasonable times.
83. In particular you must (but this is not an exhaustive list):
- a) Ensure that all private hire vehicles that have been booked, attend at the appointed time and place unless delayed or prevented by reasonable cause;
 - b) Ensure the vehicle dispatched is a Herefordshire Council licensed private hire vehicle and the driver of the vehicle is a Herefordshire Council licensed private hire driver;
 - c) Keep any premises which you control and which are open to the public clean, adequately heated, ventilated and lit;
 - d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
 - e) Ensure that the correct licences are in place for any radio equipment;
 - f) Ensure that it is established at the time of booking how many passengers are to be carried and that the vehicle dispatched to fulfil the booking has an adequate number of passenger seats.

Ride Sharing/Car-pooling

84. If the journey is to be part of a ride sharing/carpooling journey, that must be made clear to the hirer before the booking is accepted, and you must ensure that individual hirers explicitly consent to that ridesharing/carpooling arrangement.

Public Service Vehicles

85. Public Service Vehicles (PSVs) may not be used to undertake a private hire vehicle booking, unless with the informed consent of the hirer. To obtain such informed consent you must make the customer aware that the driver of that vehicle may only hold a PCV driver's licence.

Complaints

86. You or the manager must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.
87. You must maintain a register of complaints (digital or hard copy), which must include the following information:
- a) Complainant's name, address/email address;
 - b) Details of the complaint;
 - c) Time and date of the alleged incident;
 - d) Time and date the complaint was received by you or the manager;
 - e) How the complaint was received e.g. phone, email, etc.;
 - f) Name of person that received the complaint;
 - g) Name of the alleged perpetrator;
 - h) If the complaint was referred to the Council – time and date of when it was referred and by whom;
 - i) Details of the action taken to resolve the complaint and by whom;
 - j) Date the complaint was resolved.
88. A copy of the complaints register must be available for inspection upon request by an Authorised Officer of the Council. The records must be retained for a period of 6 months.
89. You must, on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Council.
90. You must ensure that details of how a customer can contact yourself as the Private Hire Operator in the event of any complaint relating to a booking or other contract, are displayed on your website, booking app and (in the absence of online booking platform), at any booking office or available in the vehicle upon request.
91. Where a complaint is received by the Council, you must comply with any reasonable request for information and/or follow any reasonable directions/instructions made by an Authorised Officer or police officer in respect of the complaint.
92. You must notify the Council within 48 hours if you receive a complaint about a driver operated by you when it has been identified that the complaint relates to any of the following:

- a) allegations of sexual misconduct (including the use of sexualised language);
- b) racist behaviour;
- c) violence (including verbal aggression);
- d) dishonesty including theft;
- e) equality breaches;
- f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

Change of Address

93. You must notify the Council in writing of any change of address (including any address or addresses from you operate or otherwise conduct your business as a Private Hire Operator) within 48 working hours of such change taking place.

Convictions

94. You must notify the Council in writing if you have been convicted or cautioned for any offence, been arrested or are under investigation for any offence, Community Protection Notice (CPN), Criminal Behaviour Order (CBO), or there have been a complaint or concerns about your behaviour or other matter imposed on you, which might affect your continuing safety within 48 working hours. The same requirement applies to any partners in the case of a partnership holding an operator's licence and to any directors and secretary of any limited company in the case of a limited company holding a Private Hire Operator licence. The same requirement applies to any manager or deputy manager.

Advertising

95. You must not display or permit to be displayed on or from your premises or from any other place, any sign or notice which consists of or includes the word "Taxi" or "CAB" whether in the singular or plural or any word of a similar meaning unless you also take bookings for hackney carriages.

Insurance

96. Any premises that you control and are open to the public must be covered by Public Liability Insurance.
97. This insurance policy (or a summary) must be clearly displayed at the premises where it can be seen by the public.

Appendix 5 of Taxi and Private Hire Policy

98. You must ensure that at all times there is in force a policy of insurance covering private hire use or such security as complies with the requirements of Part VI of the Road Traffic Act 1988 for all private hire vehicles operated.
99. You must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. You must keep a record, signed by the driver, within each individual's record file when this has been completed. A copy of any individual's records must be produced, on request, to any Authorised Officer of the Council.

Personal data

100. The data controller must be registered with the Information Commissioner's Office as you will be holding personal data for customers and any staff that you engage.
101. You must report any loss of personal data, whether by theft or otherwise, to the Information Commissioner's Office, for more information see [here](#). In addition you must report to the police in the event of suspected theft. You may also need to report any such incident to Herefordshire Council if the incident involves a licence holder.

Working hours

102. You must take steps to ensure that drivers do not work excessively long hours. You must not permit drivers to drive for more than 10 hours per day and must have a break lasting at least 30 minutes after driving for 5½ hours. The driver must also have a break at the end of this period, unless it is the end of the working day.

Display of Conditions

103. You must display a copy of these conditions in any premises which you control and are open to the public. In addition, copy of the conditions attached to vehicle and driver licences must be available for inspection on request by a member of the public.

Subcontracting

104. If you subcontract any booking to another Private Hire Operator licensed in England (including Greater London), Wales or Scotland, you, as the operator who initially accepted the booking, remain liable under the contract.
105. If you do subcontract any booking, you must inform the hirer of the subcontract before the hiring commences.

Information

106. You must understand that a booking that has been accepted by whatever means, is a contract and failure to uphold that (whether by non-attendance by the vehicle, late attendance or any other shortfall in performance) may lead to a claim for breach of contract. The accurate recording of booking details is a means of protecting you if such circumstances arise.
107. Failure to adhere to any of the conditions of this licence may result in enforcement action. Any enforcement action taken will be in accordance with the Council's enforcement policies.

LEGAL REQUIREMENTS (contained in national legislation) relating to a Private Hire operator

108. A Private Hire Operator must only operate private hire vehicles and private hire drivers licensed by the same council as the operator (section 46(1)(e) of the 1976 Act).
109. A Private Hire Operator can subcontract a booking to another private hire operator licensed in England (including Greater London but excluding Plymouth), Wales or Scotland but remains liable to the hirer under the contract (section 55A of the 1976 Act).
110. A Private Hire Operator who initially accepted booking from a hirer remains liable under that contract even if they do not ultimately fulfil that contract as a result of a subcontract (section 56(1) of the 1976 Act).
111. A Private Hire Operator who accepted a booking must maintain records of that booking in accordance with the conditions attached to the Private Hire Operator's licence and must produce those records if requested to do so by an Authorised Officer of the Council or police officer (section 56(2) of the 1976 Act).
112. A Private Hire Operator must maintain a record of all vehicles operated by him and must produce those records if requested to do so by an Authorised Officer of the Council or police officer (section 56(3) of the 1976 Act).
113. A Private Hire Operator must produce their Private Hire Operator licence if requested to do so by an Authorised Officer of the Council or police constable (section 56(4) of the 1976 Act).
114. A Private Hire Operator must not refuse to accept a booking for a private hire vehicle because the passenger will be accompanied by an assistance

dog and no additional charge can be made for any such booking (section 170 (1) & (2) of the Equality Act 2010).

Scheme of Delegated Functions - Licensing

All applications received that fall outside the Licensing Authority's standard conditions and policy will not be automatically granted/renewed. The table below indicates the likely process which will be followed, which may include review by senior officers or referral to the taxi licensing sub-committee, where the members of the committee will make a decision. This will not incur additional costs. Appeals following taxi sub-committee decisions can be made to the Magistrates Court and must be made within 21 days of the decision.

Table of delegated functions to consider applications and appropriate enforcement action to be taken:

Matter to be dealt with	Subcommittee decision required	Magistrate Court	Officers
Appeals following subcommittee decisions		Direct to Magistrate Court	
Grant/renewal of licence for dual driver with no information returned on checks.			HC7 grade or above if all mandatory checks and test results are received and comply with policy and conditions.
Grant/renewal for dual driver licence with unspent cautions/convictions	All cases		
Application for dual driver licence with spent cautions/convictions not of a sexual, violent or similar nature.			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.
Application for dual driver/operator licence where the applicant is listed on a national offenders register or has spent/unspent convictions of a violent, sexual or similar nature or information is	All cases		

provided through the NR3 reporting system.			
Grant/renewal of licence for operator with no information returned on checks.			HC7 grade or above if no information is received from a standard DBS, NR3 check, safeguarding or Police.
Application for operator licence with spent cautions/convictions not of a sexual, violent or similar nature.			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.
Application for operator licence with unspent convictions/cautions	All cases		
Application for vehicle licence which complies fully with licence conditions and policy			HC7 grade or above if all mandatory checks and test results are received and comply with policy and conditions.
Application for vehicle licence, which does not comply with licence conditions and policy			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.
Request to transfer vehicle licence, which complies with licence conditions and policy			HC7 grade or above if all mandatory checks and test results are received and comply with policy and conditions.
Request to transfer vehicle licence, which does not comply with licence conditions and policy			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.

Request to change vehicle on plate within standard conditions			HC7 grade or above if all mandatory checks and test results are received and comply with policy and conditions.
Request to change vehicle on plate outside standard conditions			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.
Applications for dual driver with licence restored after disqualification under the totting up procedure.	All cases		
Applications for dual driver licence with isolated motoring cautions/convictions - not of a serious nature.			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.
Application for dual driver licence with cautions/convictions for major traffic offences which are less than 10 years old	All cases		
If the traffic offence is a single offence and is more than 10 years Old.			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.
Dual Driver application with cautions/convictions for driving without insurance	All cases		
Applications for dual driver licence with drink/drugs drive offences	All cases		
Dual driver licence application. If the offence is a single drink drive offence and is more than 10 years old.			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.

Offences/allegations committed during the term of the licence involving sexual offences, exploitation, violence or any public order/safety offences.			Immediate suspension recommended/verbally notified to licence holder by service Manager or above, to be reviewed at the next appropriate scheduled taxi sub-committee. The written suspension notice to be signed prior to issue as specified in signing of immediate suspension of dual driver.
Offences/allegations committed during the term of the licence not involving sex, exploitation, violence or public order offences.			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee following suspension or for review.
Signing of immediate suspension of dual driver licence for public safety reason.			Any of the following:- Chief Executive, Corporate Director, Service Director or Head of Service.
Review of suspension of a dual driver licence following an administrative suspension for failure to supply documents			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.
Review of suspension of a dual driver licence as a result of being suspended after being involved in a criminal offence, where found guilty.	All cases		
Review of suspension of a dual driver licence as a result of being suspended after being involved in an investigation where found not guilty or case not pursued.			HC9, Service Manager or Head of Service level. May refer to taxi subcommittee.

Revocation of the dual driver licence	All cases		
Investigation of minor Complaints			Licensing Team – HC7 grade or above.
Investigation of persistent /serious complaints			HC9 grade (Principal Officer) or above. May refer to taxi subcommittee for decision.
Applications for dual driver licence with unsatisfactory medical report from GP or other medical advisor i.e. Council's Medical Advisor Occupational Health.			HC9, Service Manager or Head of Service level for refusal/suspension/revocation.
Applications for dual driver licence where medical condition is now advised by medical professional in writing as satisfactory following suspension/refusal.			HC9 grade (Principal Officer) or above.
Issue of Penalty Points /Notices			Authorised Officers of the Licensing Authority. Officers will carry identification and authorisations can be checked during normal office hours. Prior to the issue of points, the HC9 senior licensing officer will review prior to issue.
Appeal for issue of Penalty Points/Notices up to maximum permitted.			HC9, Service Manager or above. Any appeal must be made within 21 days of issue.
Exceeding maximum permitted penalty points or persistent offences/complaints of a similar nature	All cases		
New applicant barred on the ISA Register	All cases		

Notification of ISA barring during term of the licence	All cases		Immediate suspension issued by HC9, Service Manager or Head of Service level. To be reviewed at taxi sub-committee.
Suspension of vehicle licence on public safety grounds			HC9, Service Manager or Head of Service level. May refer to subcommittee.
Review/re-instatement of suspension of vehicle licence on public safety grounds			HC9, Service Manager or Head of Service level. May refer to subcommittee.
Amend Taxi and Private Hire Policy with changes to Statutory Guidance or Legislation.			HC9, Service Manager or Head of Service level.
Amend Taxi and Private Hire Policy with changes required due to administrative errors.			HC9, Service Manager or Head of Service level.
Amend Taxi and Private Hire Policy with changes required due to operational changes.			HC9, Service Manager or Head of Service or above.
Amend Taxi and Private Hire Policy with significant changes which could have cost implications to the trade.	All cases		