



## LICENSING AND REGISTRATION COMMITTEE

<b>DATE:</b>	<b>Monday, 16 October 2023</b>
<b>TIME:</b>	<b>6.30 pm</b>
<b>VENUE:</b>	<b>Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b>

**MEMBERSHIP:**

**Councillor J Henderson (Chairman)**  
**Councillor Wiggins (Vice-Chairman)**  
**Councillor Casey**  
**Councillor Codling**  
**Councillor A Cossens**

**Councillor Davidson**  
**Councillor Kotz**  
**Councillor Land**  
**Councillor Smith**  
**Councillor Thompson**

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DATE OF PUBLICATION: Friday, 6 October 2023

## AGENDA

### **1 Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### **2 Minutes of the Last Meeting (Pages 1 - 10)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Monday, 24 July 2023.

### **3 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

### **4 Questions on Notice pursuant to Council Procedure Rule 38**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

### **5 Miscellaneous Licensing Sub-Committee (Pages 11 - 14)**

The Committee will formally receive and note, for its information only, the minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Monday, 10 July 2023 and Wednesday, 16 August 2023.

### **6 Premises/Personal Licences Sub-Committee (Pages 15 - 18)**

The Committee will formally receive and note, for its information only, the minutes of the Premises/Personal Licences Sub-Committee held on Tuesday, 8 August 2023.

### **7 Report of the Deputy Chief Executive - A.1 - Development of a Comprehensive and Cohesive Taxi/Private Hire Policy (Pages 19 - 104)**

This report is submitted for the Committee's consideration a proposed Taxi / Private Hire Policy. The proposed Statement of Taxi / Private Hire policy is submitted following a recent 8 week period of consultation on the Statement.

### **8 Date of the Next Meeting of the Committee**

To enable the Committee to discuss fixing the date of its next meeting which is likely to be held in January 2024.

### **9 Exclusion of Press and Public**

The Committee is asked to consider passing the following resolution:-

*“that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 10 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act.”*

**10 Exempt Minutes - Miscellaneous Licensing Sub-Committee (Pages 105 - 120)**

The Committee will formally receive and note, for its information only, the exempt minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Monday, 10 July 2023 and Wednesday, 16 August 2023.

**Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Licensing and Registration Committee is to be held in the at Time Not Specified on Date Not Specified.*

## **Information for Visitors**

**FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

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**MINUTES OF THE MEETING OF THE LICENSING AND REGISTRATION  
COMMITTEE,  
HELD ON MONDAY, 24TH JULY, 2023 AT 6.30 PM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors J Henderson (Chairman), Wiggins (Vice-Chairman), Casey, Codling, A Cossens, Kotz, Smith and Thompson
<b>In Attendance:</b>	Tim Clarke (Assistant Director (Housing and Environment)) (Except Items 8-12), Keith Simmons (Head of Democratic Services and Elections), Ian Ford (Committee Services Manager), Michael Cook (Licensing Manager), Grant Fenton-Jones (Private Sector Housing Manager) (Except Items 8-12), Bethany Jones (Committee Services Officer) and Keith Durran (Committee Services Officer)

**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Davidson (with no substitution).

**2. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the meeting of the Committee held on Wednesday 8 March 2023 be approved as a correct record and signed by the Chairman.

**3. DECLARATIONS OF INTEREST**

Councillor Smith declared for the public record that he was a London Taxi driver of 33 years' experience but that he had no ties in that capacity to the District of Tendring.

**4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

On this occasion no Councillor had submitted notice of a question.

**5. MISCELLANEOUS LICENSING SUB-COMMITTEE**

The Committee formally received and noted, for its information only, the Minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Friday, 10 March 2023.

**6. PREMISES/PERSONAL LICENCES SUB-COMMITTEE**

The Committee formally received and noted, for its information only, the Minutes of the meeting of the Premises/Personal Sub-Committee held on Friday, 10 March 2023.

**7. REPORT OF THE CORPORATE DIRECTOR (OPERATIONS & DELIVERY) - A.4 -  
REVIEW OF THE FEES AND CHARGES FOR CARAVAN SITE LICENSING**

The Committee was told that this was the first time that fees and charges had been in front of the Committee for the Licensing of Residential Parks (protected sites) and for

charging fees as part of the Council's inspection regime. Fees and charges for the work had previously been set as part of the corporate fees and charges procedure approved by Full Council, as part of the annual Budget process and in accordance with the Council's Mobile Home Site Licensing Fees Policy.

Members heard that the current schedule of fees and charges was presented for approval along with the proposed fees and charges to take effect from 1 April 2023.

The Committee was informed that, as in previous years, Officers had reviewed the fees and charges payable for applications and, where a discretion existed, proposed that increases be approved to better reflect cost recovery in relation to the administration of the licensing areas concerned. The proposed fees and charges for 2023/24 along with the fees and charges for 2022/23 were set out within Appendix A of item A.4 of the Report of the Corporate Director (Operations & Delivery).

It was moved by Councillor Smith, seconded by Councillor Wiggins and:-

**RESOLVED** that:

- 1) the current fees and charges in place since April 2022, as set out in column A of Appendix A to item A.4 of the Report of the Corporate Director (Operations & Delivery), be endorsed and approved;
- 2) that the proposed fees and charges for 2023/24, as set out in column B of the aforesaid Appendix A be approved with effect from April 2023; and,
- 3) the Assistant Director (Housing and Environment) be authorised to publish The Mobile Homes (Residential Protected Sites) fees and charges in accordance with the relevant legislative provisions.

**8. REPORT OF DEPUTY CHIEF EXECUTIVE - A.1 - VARIOUS LICENSING PROVISIONS - APPLICATIONS APPROVED UNDER DELEGATED POWERS IN QUARTER 1 - 2023/24**

The Committee had a report before it that sought to provide data on the number of licences, certificates and permits that had been authorised by the Council in quarter 1 2023/24. The majority of those had been authorised by Officers in accordance with approved schemes of delegation. Data was provided to the Committee on the most recent completed quarters (April to June, July to September, October to December and January to March) together with previous quarters to help aid comparison between quarters and years.

Members were given details of the number of licences, certificates, and permits within the responsibility of Democratic Services and Elections that had been granted as set out under the separate headings below:

(i) Licensing Act 2003 - Premises Licences/Club Premises Certificates

*The total of Premises Licences / Club Premises Certificates that had been approved under Delegated Powers during the period as detailed below. For comparison, the following also showed the numbers approved for the periods shown:*

<b>Type of Licence</b>	<b>Number of Licences as at</b>			
	<b>5 January to 31 August 2022</b>	<b>31 August 2022 to 31 January 2023</b>	<b>January to March 2023 (Q4 2022/23)</b>	<b>April to June 2023 (Q1 2023/24)</b>
<i>Premises Licences/Club Premises Certificates - Approved</i>	48	26	26	15

(ii) **Personal Licences under the Licensing Act 2003**

The total of Personal Licences approved under Delegated Powers since 7 February 2005, the 'First Appointed Day' on the dates shown were:-

<b>Type of Licence</b>	<b>Number of Licences as at</b>			
	<b>31 August 2022</b>	<b>31 January 2023</b>	<b>March 2023 (End of Q4 2022/23)</b>	<b>June 2023 (End of Q1 2023/24)</b>
<i>Personal Licences</i>	2318	2372	2381	2409

(iii) **Gambling Act 2005 - Gambling Licences/Permits**

Below was a table showing the number of gambling licences and permits that were licensed with this Authority on the dates shown.

<b>Type of Licence</b>	<b>Number of Licences as at</b>			
	<b>31 August 2022</b>	<b>31 January 2023</b>	<b>March 2023 (End of Q4 2022/23)</b>	<b>June 2023 (End of Q1 2023/24)</b>
<i>Adult Gaming Centres</i>	21	19	19	19
<i>Betting Premises</i>	12	11	11	11
<i>Bingo Premises</i>	12	14	15	15
<i>Family Entertainment Centres</i>	4	2	2	2
<i>Unlicensed Family Entertainment Centres</i>	29	29	29	29
<i>Prize Gaming Permits</i>	2	2	2	1
<i>Club Gaming &amp; Club Machine Permits</i>	23	24	23	23
<i>Licensed Premises Gaming Machine Permits</i>	25	21	21	22

Licensed Premises Machine Notifications	117	114	116	116
Small Society Lottery Permits	105	120	117	116

(iv) **Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage/Private Hire Licence**

Below was a table showing the number of drivers, vehicles and operators that were licensed with this Authority on the dates shown.

Type of Licence	Number of Licences as at			
	31 August 2022	31 January 2023	March 2023 (End of Q4 2022/23)	June 2023 (End of Q1 2023/24)
Hackney Carriage Driver	277	278	280	279
Private Hire Driver	7	7	6	6
Hackney Carriage Vehicle	216	201	200	198
Private Hire Vehicle	27	26	27	27
Private Hire Operator	22	19	18	19
Temporary Insurance Vehicles Issued	10	5	3	2

Although the numbers of driver applications processed was broadly the same now as had been the case over the last year, there had been a drop in the number of existing licenced drivers renewing (and a comparative increase in new individuals becoming licensed).

### **Taxi and Private Hire Vehicle Statistics, England 2023**

The Department for Transport had published on 11 July 2023 National statistics for taxis and private hire throughout England. Data for 2023 represented the position as at 01 April 2023. Figures were updated every year through surveying each Licensing Authority in England.

#### **Trends since 2005**

Chart 1 was a line chart that showed how the number of licensed vehicles and drivers had changed over time. Between 2005 and 2020, the total number of licensed vehicles had increased from 184,500 in 2005 to 298,600 in 2020. This figure then fell sharply to 251,100 in 2021, before increasing again to 289,400 in 2023.

Chart 1 showed that there were 346,300 driver licences in 2023, an increase of 4.9% compared to the previous year. Between 2005 and 2020 the number of driver licence had increased from 242,100 to 364,700. It then fell to 330,000 in 2022 before increasing again in 2023.

*Licence lengths for vehicles were generally shorter than those for drivers. This was likely to explain the slightly different trends seen in vehicle and driver licences over the course of the pandemic.*

**Chart 1**



### Long term taxi trends

*Chart 2 was a line chart that showed that between 1972 and 2015 the numbers of licensed taxis in London, and in England and Wales outside of London, had both broadly followed an increasing trend, albeit at different rates. Since 2015 the numbers had fallen, with a particularly sharp fall seen since 2020, which was likely to be at least in part due to the coronavirus pandemic.*

*The number of taxis in 2023 was substantially higher than in 1972: the numbers of licensed taxis had almost quadrupled in England and Wales outside of London (increasing from 12,400 to 46,400), while over the same period the numbers in London had increased by 45% (from 10,100 to 15,100). Prior to 2005 the only data available related to the number of licensed taxis and licensed taxi drivers for England and Wales as a whole. Other than for London, data at a lower geographical level was not available.*

**Chart 2**



As at 1 April 2023:

- there were 57,200 licensed taxis, a 1.3% decrease from 2022
- licensed taxis in London increased by 3.4%
- taxis in England outside of London fell by 2.9%

### Licensing Policies List

Below was a table showing the licensing policies currently in place with the timescales and proposal of new policies that Officers would be working on going forward.

Licensing Enforcement Policy	Adopted 06 August 2019 Expires 06 August 2024
Gambling Act 2005 – Gambling Licensing Policy Statement	Adopted 29 March 2022 Expires 28 March 2025
Licensing Act 2003 – Statement of Licensing Policy	Adopted 22 November 2022 Expires 22 November 2027
CCTV Policy in Taxis	Approved in 2013 and it is proposed that it will become part of the cohesive Taxi Policy referred to elsewhere in the business for this meeting of the Committee.
Sex Establishment Policy	Adopted 2018 – To be reviewed in 2024.

### Proposed Policies List

Hackney Carriage and Private Hire Policy	Proposed to be submitted in 2023
Licensing Act 2003 Films Classification	Proposed to be submitted in 2024

<i>Policy</i>	
<i>Street Collection and House to House Policy</i>	<i>Proposed to be submitted in 2026</i>
<i>Street Trading Policy</i>	<i>Proposed to be submitted in 2026</i>
<i>Scrap Metal</i>	<i>Proposed to be submitted in 2026</i>
<i>Pavement Licence Policy</i>	<i>Proposed to be submitted in 2023 (on the basis that legislation introduced this as more than a temporary provision arising out of a back to business arrangement following the Covid-19 pandemic and associated restrictions).</i>

The Committee **NOTED** the contents in this report.

9. **REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.2 - DEVELOPMENT OF A COMPREHENSIVE AND COHESIVE TAXI/PRIVATE HIRE POLICY**

The Committee had before it a draft Taxi/Private Hire Policy (at Appendix A to this report) and which sought authority for the draft policy to be circulated to key stakeholders and interested parties for consultation purpose.

The Committee was reminded that, at its meeting on 08 March 2023 (minute 142 referred), it had authorised Officers to develop a draft comprehensive policy in relation to the licensing of Taxi and Private Hire Services in the District. The initial element of the work was to consider the Department for Transport's best practice guide to Councils in respect of this area of licensing; the 2022 consultation draft on an updated practice guide and any amendments the Committee had suggested at the 8 March 2023 meeting. The Committee on 8 March 2023 had considered comments that had been received to an initial consultation exercise undertaken between December 2022 to February 2023.

Members heard that it had been reported to the meeting of the Committee on 8 March 2023 that a key impetus towards the development of a cohesive licensing policy in that area had been the statutory taxi and private hire vehicle standards, issued by Government in July 2020. By virtue of Section 177(4) of the Policing and Crime Act 2017, licensing authorities must have regard to the standards issued by Government, and the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

The Committee also heard that, in referencing licensing policies for Taxi and Private Hire Services, in the statutory Taxi and Private Hire Vehicle standards, it read:

*"The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.*

*When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing*

*regime protects the vulnerable cannot be overestimated. This was highlighted in the report by Dame Louise Casey CB of February 2015 on safeguarding failings.”*

Members discussed and decided on the following matters:-

#### Vehicle Licensing

Identity and Signage – Livery - was agreed to consult on whether to introduce a corporate livery colour of green (whether sprayed on or wrapped on) with the livery to be introduced at the next replacement of the individual Hackney Carriage Vehicles.

#### Accessibility

It was agreed to maintain the present requirements.

#### Enforcement and Compliance:

It was agreed to consult on moving to a points-based enforcement system.

It was moved by Councillor Casey, seconded by Councillor Thompson and:-

**RESOLVED** that the draft Taxi/Private Hire Policy be circulated to the Council's stakeholders and interested parties in respect of this area of licensing for consultation purposes, including the questions relating to livery and the introduction of a points-based enforcement system, and that the outcome of the consultation be considered at a future meeting of the Committee prior to its adoption of a finalised Taxi/Private Hire Policy.

### **10. REPORT OF THE DEPUTY CHIEF EXECUTIVE - A.3 - TENDRING COMMUNITY SAFETY ACTION DAYS - LICENSING**

The Committee was informed about the Tendring Community Safety action days that had taken place which had involved a number of licensing enforcement checks.

The Committee was told that members of the Licensing Team had joined forces with partners for a number of activities aimed at improving safety in Tendring.

Members were also informed that, on Wednesday 14 June 2023, the Licensing Officers had been in attendance with Essex Police road policing officers and the Environmental Agency for a series of road checks, clamping down on motoring offences, checking that waste carriers and scrap metal carriers had the appropriate licences, and had carried out spot checks on taxis.

The taxi spot checks had been carried out on 19 taxis, with three warning letters issued and one referral made.

The Committee heard that, on Friday 16 June 2023, the Licensing Enforcement Officer had attended an evening of action tackling the night time economy with a number of partners. As part of this, checks had been carried out at licensed premises and taxis to make sure all were operating safely and legally. One premises had been referred for further enforcement action and one taxi had been found with an expired plate and this had been removed and the taxi taken off the road.

Members were also told that awareness of drink spiking had been raised with 100 drink covers given to pubs to hand out to their customers.

The Committee was assured that those that had received warning letters had received a follow up by the Licensing Enforcement Officer and that all matters had been satisfactorily resolved.

The Committee **NOTED** the contents of this report.

**11. EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor J Henderson, seconded by Councillor Wiggins and:-

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 12 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act.

**12. EXEMPT MINUTES - MISCELLANEOUS LICENSING SUB-COMMITTEE**

The Committee formally received and noted, for its information only, the exempt minutes of the meeting of the Miscellaneous Licensing Sub-Committee held on Friday, 10 March 2023.

The meeting was declared closed at 7.11 pm

**Chairman**

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# Public Document Pack Agenda Item 5

Miscellaneous Licensing Sub-Committee

10 July 2023

**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,  
HELD ON MONDAY, 10TH JULY, 2023 AT 10.00 AM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors J Henderson (Chairman), Smith (Vice-Chairman), Codling, A Cossens (Except Item 9) and Davidson
<b>In Attendance:</b>	Linda Trembath (Head of Legal Services & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Michael Cook (Licensing Manager), Emma King (Licensing Officer), Bethany Jones (Committee Services Officer) and Chloe Blackwell (Licensing Enforcement Officer)

**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions submitted on this occasion.

**2. MINUTES OF THE LAST MEETING**

It was moved by Councillor Codling, seconded by Councillor Smith and:-

**RESOLVED** that the minutes of the last meeting of the Sub-Committee, held on Friday, 10 March 2023 were approved as a correct record and signed by the Chairman.

**3. DECLARATIONS OF INTEREST**

Councillor Smith (Vice-Chairman) declared for the public record that he was a London Taxi driver of 33 years' experience but that he had no ties in that capacity to the District of Tendring.

Later on in the meeting, as reported in Minute 9 below, Councillor A Cossens declared an interest in relation to report **B.4 – APPLICATION FOR THE REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE** insofar as she personally knew the applicant. Councillor A Cossens left the room when the report was put to the Sub-Committee and it was deliberated and decided upon.

**4. EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor Davidson, seconded by Councillor Codling, and unanimously:-

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 5, 6, 7, 8 and 9 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act.

**5. EXEMPT MINUTES**

It was moved by Councillor Davidson, seconded by Councillor A Cossens and:-

**RESOLVED** that the Exempt Minutes of the last meeting of the Sub-Committee, held on Friday, 10 March 2023, be approved as a correct record and be signed by the Chairman.

6. **REPORT OF ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - B.1 - APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

**RESOLVED** – that the named individual's Hackney Carriage/Private Hire Driver's Licence be renewed for two years.

7. **REPORT OF ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - B.2 - APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

**RESOLVED** – that the named individual's Hackney Carriage/Private Hire Driver's Licence be renewed for two years and the licence to be suspended until a satisfactory DBS has been received.

8. **REPORT OF ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - B.3 - APPLICATION FOR THE REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

**RESOLVED** – that the named individual can continue with his Hackney Carriage/Private Hire Driver's Licence, however, if he comes back to the Sub-Committee again with late documentation, the Sub-Committee will consider a suspension of his licence.

9. **REPORT OF ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - B.4 - APPLICATION FOR THE REVIEW OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

**RESOLVED** – that the named individual be allowed to continue but be requested to ensure that she is not late with the relevant documents when renewing the Hackney Carriage/Private Hire Vehicle Licence.

The meeting was declared closed at 12.11 pm

**Chairman**

# Public Document Pack

Miscellaneous Licensing Sub-Committee

16 August 2023

**MINUTES OF THE MEETING OF THE MISCELLANEOUS LICENSING SUB-COMMITTEE,  
HELD ON WEDNESDAY, 16TH AUGUST, 2023 AT 10.00 AM  
IN THE CONNAUGHT ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors J Henderson (Chairman), Smith (Vice-Chairman), Codling, A Cossens and Davidson
<b>In Attendance:</b>	Linda Trembath (Head of Legal Services & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Bethany Jones (Committee Services Officer) and Chloe Blackwell (Licensing Enforcement Officer)

**10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions submitted on this occasion.

**11. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the last meeting of the Sub-Committee, held on Monday, 10 July 2023 were approved as a correct record and signed by the Chairman.

**12. DECLARATIONS OF INTEREST**

Councillor Smith (Vice-Chairman) declared for the public record that he was a London Taxi driver of 33 years' experience but that he had no ties in that capacity to the District of Tendring.

**13. EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor Smith, seconded by Councillor Codling, and:-

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 5 and 6 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act.

**14. EXEMPT MINUTES**

It was moved by Councillor Smith, seconded by Councillor Davidson and:-

**RESOLVED** that the Exempt Minutes of the last meeting of the Sub-Committee, held on Monday, 10 July 2023, be approved as a correct record and be signed by the Chairman.

**15. REPORT OF ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - B.1 - APPLICATION FOR THE RENEWAL OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

**RESOLVED** – that the named individual's Hackey Carriage/Private Hire Driver's Licence be renewed for one year which would commence from the date of the expired licence.

The meeting was declared closed at 10.39 am

**Chairman**

# Public Document Pack Agenda Item 6

Premises / Personal Licences Sub-Committee

8 August 2023

**MINUTES OF THE MEETING OF THE PREMISES / PERSONAL LICENCES SUB-COMMITTEE,  
HELD ON TUESDAY, 8TH AUGUST, 2023 AT 10.00 AM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Casey, Kotz, Smith and Wiggins
<b>In Attendance:</b>	Keith Simmons (Head of Democratic Services and Elections), Linda Trembath (Head of Legal Services & Deputy Monitoring Officer), Michael Cook (Licensing Manager), Emma King (Licensing Officer), Chloe Blackwell (Licensing Enforcement Officer), Bethany Jones (Committee Services Officer) and Emma Haward (Leadership Support Assistant)

**1. CHAIRMAN FOR THE MEETING**

It was moved by Councillor Smith, seconded by Councillor Kotz and:-

**RESOLVED** that Councillor Casey be elected as Chairman for the meeting.

**2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions submitted on this occasion.

**3. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Premises/Personal Licences Sub-Committee held on Friday, 10 March 2023 were approved as a correct record and signed by the Chairman.

**4. DECLARATIONS OF INTEREST**

There were no Declarations of Interest submitted for this meeting on this occasion.

**5. REPORT OF ASSISTANT DIRECTOR (GOVERNANCE & LEGAL) - A.1 -  
TEMPORARY EVENT NOTICE - THE ESPLANADE HOTEL, 27 - 29 MARINE  
PARADE EAST, CLACTON-ON-SEA: REFERENCE: TENOP/4852/23**

The Council's Licensing Manager (MC) gave a verbal summary of the written report and advised that the Sub-Committee had before it, for its consideration, as set out in item A.1 of the Report of the Assistant Director (Governance & Legal), a request for the Sub-Committee to determine an objection to a Temporary Event Notification (TEN) which was lodged by Essex Police.

The Sub-Committee heard that a Temporary Event Notification (TEN) had been sent to the Licensing Authority of Tendring District Council in accordance with Section 100 of the Licensing Act 2003 by Mr Paul Cowley.

Members were told that Essex Police, the Responsible Authority within the Tendring District area had submitted an objection notice with reference to the prevention of crime and disorder, public safety and the prevention of public nuisance.

Officers mentioned that the Sub-Committee are asked to determine the matter in accordance with the Licensing Act 2003. Tendring District Council Licensing Police and the Home Office Guidance issued under Section 182 Licensing Act 2003, having due regard to the applicant's submissions and objections by the statutory body.

Members heard that when carrying out the functions the licensing authority gave regards the four licensing objectives. Those objectives are:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

The Sub-Committee were informed that Temporary Event Notices are intended to allow an individual to use premises for one or more licensable activities on an infrequent basis. There is no application process but the premises user must give at least 10 working days notice to the relevant Licensing Authority, the relevant Chief Officer of Police, and Environmental not including the day of the event or the day of receipt of the Notice.

Mr Cowley (referred to in the Licensing Act as the 'Premises User') had submitted a Temporary Event Notification to cover the sale by retail of alcohol on and off the premises, the provision of regulated entertainment, and the provision of late night refreshment to take place on the 18 August 2023 between the hours of 2100 and 0300 on 19 August 2023.

The Committee were also told that the address of the event was The Esplanade Hotel, 27 – 29 Marine Parade East, Clacton-on-Sea, Essex, CO15 1UU. Within the notification it was requested that the licensable activities for the event would be restricted to the Ground floor Bar & Function Room area of the premises.

The premises held a valid premises licence under the Licensing Act 2003 for the sale of alcohol on and off the premises and performance of recorded music, which would cover Friday 18 August 2023 between the hours of 1000 and 2300 only. The conditions on the premises licence were the standard conditions which had been converted from the old justices licence, none of which could be carried forward onto the Temporary Event Notice.

Officers explained that the notification stated the nature of the event as 'Private function involving the consumption of alcohol and playing of recorded music. (House Music Night)' with a maximum number of people at the event of 170. The premises had held previous Temporary Event Notices.

Members heard that the notification was submitted electronically to the Licensing Authority on 26 July 2023. Essex Police and Environmental Health were informed on the same day. During the 3 full working day objection period, which expired on 31 July 2023, the Licensing Authority received an objection notice from Essex Police objection.

The hearing needed to consider the points raised in the Objection Notice and make a determination on the Temporary Event Notice. The Premises User and Essex Police had been invited to attend the hearing and were given the opportunity to address Members.

Following the Licensing Manager's (MC) introduction of the report the Sub-Committee moved on to questions for Essex Police and the applicant.

<b>Questions from Sub-Committee</b>	<b>Answer</b>
<i>Is there anything Essex Police want to add?</i>	<i>(Essex Police) Essex Police have made their objection based on prevention of crime and disorder, public nuisance, and public safety. On the 22 July 2023 between the hours of 0051 to 0149, Police were called in relation to crime and disorder, fighting and disturbance on the street ranging from 15 to 30 people fighting outside the premises, this coincided with a function being held at the premises. These premises have had previous TENs granted, there have been 4 other events held this year, these events have gone off without any issues at all. In relation to the Ibiza Themed night, it was ill prepared and ill managed – there was no door staff, the DPS was not at the event and as a result it was unrestricted which meant a number of local police officers being dispatched. Unfortunately, the licence conditions that are attached to the premises are old, so even if we were to bring it to hearing, the best we could hope for would be to add conditions that are already on a licence to a Temporary Event Notice. The decision for Essex Police is simple, either the event goes ahead, or it does not. There is no in-between in relation to conditions that could be added, that could keep the public safe, crime and disorder reduced, and public nuisance managed. As a side issue, if this is something the applicant would like to consider going forward then Essex Police would strongly suggest a Premises Licence so we have an opportunity to negotiate, add conditions and have a set of parameters that could be used. We want the premises to be successful, but we also want it to be safe.</i>
<i>Is there anything the applicant wants to add?</i>	<i>(Applicant) We do agree with everything that has been said. We've done other events that haven't had a problem. The crowd that we expected was to be an older crowd and to not be as busy as it was and yes, on our behalf it was ill prepared and in hind sight we should have had more staff and it was towards the end of the night that there was trouble so I do understand Essex Police decision,</i>

	<i>however if we were to go forward with another night we will be prepared and have more staff but there are things that will also need to happen outside of the premises and we are willing to work with the Police for whatever you need to make it a safe night. The hotel has a lot of other elements to it, and we have a contract with the Council that we wouldn't want to jeopardise that.</i>
<i>Is the event that would happen on the 18 August 2023 the same event that happened in July?</i>	<i>(Applicant) It's not the same theme but it is centred around House Music so still the same sort of event, yes.</i>
<i>Is it the same people?</i>	<i>(Applicant) We're not sure it will be the same people but it will not be the exact same but there could be some of the same people as before.</i>
<i>Is this event going to be ticketed?</i>	<i>(Applicant) There is the opportunity to get tickets online, but people can also pay on the door on the night.</i>

The Sub-Committee convened to decide if the Sub-Committee agreed with Essex Police decision to object the Temporary Event Notice or disagreed.

It was **RESOLVED** that the Sub-Committee accepts the objection and issues a Counter Notice.

The Sub-Committee explained the reason for this decision based on concern over public safety, the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee noted that the DPS was not on the premises at the event in July and that there were no door staff or other security to monitor, and control, events. However, in the case before the Sub-Committee, there are concerns for 3 of the 4 objectives which made Members accept the Police objections and to issue a Counter Notice.

The meeting was declared closed at 10.41 am

**Chairman**

## LICENSING AND REGISTRATION COMMITTEE

16 OCTOBER 2023

### REPORT OF THE DEPUTY CHIEF EXECUTIVE

#### A1 DEVELOPMENT OF A COMPREHENSIVE AND COHESIVE TAXI/PRIVATE HIRE POLICY

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

This report is submitted for the Committee's consideration a proposed Taxi / Private Hire Policy (at Appendix A to this report). The proposed Statement of Taxi / Private Hire policy is submitted following a recent 8 week period of consultation on the Statement. Prior to that there has been an extensive programme of activity to develop the draft Policy and engage with stakeholders. Hackney Carriage and Private Hire Policy is a matter for Cabinet ultimately and so liaison has also taken place with the Portfolio Holder for Planning and Housing (who has licensing policy in his portfolio).

###### EXECUTIVE SUMMARY

The Committee, at its meeting on 24 July 2023, authorised officers to circulate the draft Statement of Taxi / Private Hire Policy to Council's stakeholders and interested parties in respect of this area of licensing for consultation purposes and that the outcome of this consultation be considered at a future meeting of the Committee prior to adoption of the finalised Taxi / Private Hire Policy by Cabinet.

Prior to the 24 July 2023 meeting, the initial element of the work in regard to the development of the policy was to consider the Department for Transport's best practice guide to Councils in respect of this area of licensing, the 2022 consultation draft on an updated best practice guide and any amendments the Committee suggested at the 8 March 2023 meeting. The Committee on 8 March itself considered comments received to an initial consultation exercise undertaken between December 2022 to February 2023. Further consultation on the policy took place between July and September 2023 and the survey results are attached to the report.

A key impetus towards the development of a cohesive licensing policy in this area has been the statutory taxi and private hire vehicle standards, issued by Government in July 2020. By virtue of Section 177(4) of the Policing and Crime Act 2017, licensing authorities must have regard to the standards issued by Government, and the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

In referencing licensing policies for Taxi and Private Hire Services, in the statutory Taxi and Private Hire vehicle standards, it reads:

*"The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle*

*licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.*

*When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the report by Dame Louise Casey CB of February 2015 on safeguarding failings."*

If satisfied, the Committee is invited to recommend the proposed Statement of Taxi / Private Hire Policy for adoption by Cabinet at its meeting on 10 November 2023.

#### **RECOMMENDATION(S)**

**It is recommended that the Committee:**

- a) Considers the outcome of the consultation undertaken on a Statement of Taxi / Private Hire Policy as set out in this report;**
- b) considers the report and, if satisfied, recommend to Cabinet that the draft Statement of Taxi / Private Hire Policy set out at Appendix A to this report be adopted for the period 2023-2028 (including those changes identified in this report and the separate sheet as part of Appendix A headed "Proposed amendments to Taxi Policy following the July 2023 meeting of the Committee");**
- c) seeks the authority from Cabinet for Officers to develop and implement a programme to bring the policy positions in the approved Statement (in (b) above) into operation over the coming months;**
- d) endorses the approach to Disclosure and Barring Service Disclosures for Hackney Carriage and Private Hire Drivers through the Council's existing contractor for staffing disclosures while more long term arrangements are investigated;**
- e) invites officers to examine the fee arrangements for Hackney Carriage and Private Hire Drivers and report thereon to a future meeting of the Committee with a view to assessing the impact on new applicants of the combined cost to them of the licence fee and training/tests for driving standards, child sexual exploitation prevention, topographical knowledge, medical and suitability and**
- f) notes that a review of the content of the topographical etc. test of new applicants for Hackney Carriage and Private Hire Driver Licences has commenced and will be the subject of a report to a future meeting of the Committee.**

#### **REASON(S) FOR THE RECOMMENDATION(S)**

The steps outlined in the recommendations above seek to support the Committee in good decision making in this area of licensing and, in this regard, recognise the legitimate rights of existing licensees to continue to hold their licences and the role of the Council in undertaking its regulatory role in relation to Hackney Carriage and Private Hire services. The proposed draft policy builds upon two consultation periods to the development of the draft policy that was itself considered on 24 July 2023 and which the Committee's decision at that meeting in respect of proposals to be incorporated into the draft policy. The development of a cohesive licensing policy reflects the recommendations from the Department for Transport as set out in its 'Statutory Taxi and Private Hire Vehicle Standards' (July 2020).

## **ALTERNATIVE OPTIONS CONSIDERED**

There is no good reason identified to depart from the recommendation to the Council from the Department for Transport review its Taxi Licensing Policy and develop a cohesive statement of licensing policy in this area of licensing. In so far as the draft policy sets out how the Council, as licensing authority, will exercise its discretion, the alternatives were considered at the 8 March meeting of the Committee. The Committee at this meeting and following the proposed consultation on the draft policy may determine alternatives to the use to that set out in the draft policy.

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

While recognising that the primary and overriding objective of the licensing framework for hackney carriage and private Hire Services must be to protect the public, the proposed comprehensive Taxi and Private Hire Policy would support the following themes from the Council's Corporate Plan 2020-24:

- Delivering High Quality Services: Effective regulation and enforcement
- Community Leadership through partnerships: Law and Order - for a safer community
- Strong Finances and Governance: Effective and positive Governance.

Due regard has also been given to the emerging themes for the Corporate Plan 2024-28 which were the subject of consultation across the period of development of the draft policy set out in this report and its attachments.

### **LEGAL REQUIREMENTS (including legislation & constitutional powers)**

The legislative framework in which the Council considers applications for Taxi and Private Hire Driver, Vehicle and Operator Licence and renews, suspends or revokes those licences is set out in the relevant provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). This framework has been amended and supplemented from time to time. In applying that framework, the Council must have regard to the statutory taxi and private hire vehicle standards issued by Government in July 2020. Likewise, it will give due consideration to the Government's guidance to licensing authorities on the exercise of their licensing functions for Taxi and Private Hire Services.

"Having regard" to guidance requires public authorities, in formulating a policy to give considerations the weight of which is proportionate in the circumstances. Given this is statutory guidance issued directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these recommendations cannot be overestimated.

Within the 1976 Act, there are provisions that permit Councils to attach conditions to the grant of Taxi and Private Hire Driver, Vehicle and Operator licences as it may consider reasonably necessary. This discretion must be relevant to the role of the Council as a licensing authority.

As with all other areas of its activity, a local authority is entitled to adopt policies in relation to taxi and private hire licensing. Policies are an integral part of the decision making process and should be used to inform, guide and provide a valuable aid to the decision makers in assisting them with consistent decision making.

Irrespective of a policy statement, it continues to be the case that each request, review, application, or case must be considered and decided in its own right and on its own merits taking into account the policy in question. Where departure from a policy of the Council is proposed it should be accompanied by reasons to explain the departure in licensing terms. Officers, in their decision-making on applications, renewals, suspension and revocation situations will apply the policy of the Council.

In submitting this report for consideration by the Committee, there will be a short presentation as part of the introduction to it, of the various statutory powers that form the basis on which the regulation of Hackney Carriage and Private Hire Services is built.

## **FINANCE AND OTHER RESOURCE IMPLICATIONS**

The cost of the activity in support of developing the comprehensive Taxi and Private Hire Policy (in terms of production, consultation and publication) will be met from the current service budget.

In the course of the development of the Policy, notice was served on the Council by the Disclosure and Barring Service that the Council's Registered Body Status was to be withdrawn as there was less than 100 disclosures sought directly by the Council each year. These direct disclosures relate solely to Hackney Carriage and Private Hire Drivers. Staff disclosures are obtained through a private company contracted by the Council through the Partnerships Directorate. The withdrawal of the Registered Body status means that the Council will need to secure Disclosure checks through a third party for Hackney Carriage and Private Hire Drivers. As an interim position, while the market is explored, it is proposed to use the Council's existing contractor as the third party. This is likely to incur additional costs. The intention is to assess the impact of this additional cost in time for the review of licence fees and consideration of those fees by the Committee early in 2024.

The review of licence fees provides an opportunity to assess the impact on new Hackney Carriage and Private Hire Drivers of the total cost of submitting an application for a licence. This total cost includes not just the licence fee, but also training/tests for driving standards, child sexual exploitation prevention, topographical knowledge, medical and suitability.

## **USE OF RESOURCES AND VALUE FOR MONEY**

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The development of a cohesive policy for this area of licensing will assist in the allocation of resources to achieve the intentions of the policy.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	A cohesive policy will support a shared understanding of the Council's expectations in this area of licensing.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	Reporting on the application of the Council's policy is envisaged following its adoption. This will ensure resources can be focussed as policy is developed.

## **MILESTONES AND DELIVERY**

This report sets out the approximate timescales/milestones for a draft Hackney Carriage and Private Hire licensing policy to be adopted. It is recognised that it will not be feasible or expedient to introduce all of the policy changes identified in the draft policy as soon as it becomes effective following the decision of Cabinet. As such a transitional programme is proposed to be developed by Officers in the months following that approval.

## **ASSOCIATED RISKS AND MITIGATION**

By not incorporating the stand-alone policies into one comprehensive policy it may result in drivers and vehicle standards falling below the professional levels expected from members of the public and may have an impact on their safety.

## **OUTCOME OF CONSULTATION AND ENGAGEMENT**

The Committee is invited to consider the content of this report and the proposed revised draft taxi and private hire policy set out at Appendix A. This section of the report sets out the steps taken since the meeting of the Committee on 24 July 2023; including the consultation undertaken in respect of the draft policy.

Public Consultation on the draft taxi and private hire policy for the District commenced on 26 July 2023. A page was created for the consultation on the Council's website on 26 July and a public notice was displayed outside of the front of the Town Hall and the Council's Offices at Pier Avenue, Clacton-on-Sea. A post on the council's social media page was also created advertising the consultation.

Consultation responses were asked for over a period of 8 weeks ending on 20 September 2023.

The below were written to inviting them to comment on the draft policy:

- All licensed Hackney Carriage and Private Hire Drivers
- All vehicle licence holders
- All licensed Private Hire Operators
- All applicants with pending Hackney Carriage/Private Hire applications
- DVSA and ROSPA
- A range of partner organisations such as in health, universities and community groups (including Citizens Advice Tendring, Community Voluntary Service Tendring and Age UK) and business organisations such as the Federation of small businesses and local business associations of Clacton, Frinton and Manningtree.
- Responsible Authorities
- Essex County Council Child Protection Unit, School Contracts and Trading Standards.
- Essex Police
- Institute of Licensing
- A range of licence holders of local premises licences (including pubs, off-licences, late night refreshment premises and night time economy)

In addition to the consultation letters, the Licensing Team visited the taxi ranks and offices within the District handing out copies of the policy and consultation survey to encourage the trade to voice their opinions.

An additional reminder letter was sent on 4 September 2023 to the following partners:

- DVSA and ROSPA
- A range of partner organisations such as in health, universities and community groups (including Citizens Advice Tendring, Community Voluntary Service Tendring and Age UK) and business organisations such as the Federation of small businesses and local business associations of Clacton, Frinton and Manningtree.
- Responsible Authorities
- Essex County Council Child Protection Unit, School Contracts and Trading Standards.
- Essex Police
- Institute of Licensing

A meeting also took place on 11 September 2023 between Members of the Licensing and Registration Committee, Licensing Officers and representatives of the trade. This meeting gave an opportunity for the policy to be discussed and any issues/concerns raised.

There have been 27 replies to the consultation from trade and 2 from the general public. The results of these can be seen in Appendix C.

Following the consultation, the Committee are asked to consider the proposed policy set out at Appendix A (including the identified changes sheet included within Appendix A). These changes address the following areas:

- Child Sexual Exploitation and Vulnerable Persons Safeguarding training – the proposal to introduce this as a standard requirement for applicants/existing licensees.
- Enforcement – To replace the existing warning letter approach with a Points Based System (set out at Appendix B).
- Length of time applicants to have held a full DVLA licence – to consider changing the minimum time from 4 years at present to 3 years for Driver licence applicants/licensees. The minimum duration must be of consecutive years at the time of application and duration of licence.
- Vehicle Licensing – Identity and Signage. This is to consider not adopting a standard vehicle colour for new Hackney Carriages (and otherwise upon replacement of their existing vehicle). However, the Committee is invited to determine whether a requirement for a standard white roof sign that is no smaller than 30” in length and shall bear the words “Licensed by Tendring District Council – TAXI” on the front face of the sign (for new vehicles and upon replacement of existing licensed vehicles) and a front facing vehicle licence plate specified by the Council.
- Vehicle Licensing – Minimum and Maximum age limits. The proposal is to do away with a minimum age limit for vehicles and to adopt a single maximum age limit of 15 years. The maximum age shall apply from the date of first registration of the vehicle with the DVLA. For vehicles over 10 years of age there shall be a third mechanical test (in addition to the annual vehicle licence test). It is also proposed to introduce a requirement for new vehicles to be licensed to meet the Euro 6 emission standards or better. The Committee’s attention is drawn to the next set of emission standards (Euro 7) which is anticipated to be effective for new cars from 2025. A review of the policy position would be appropriate following the change of emission standards.
- Required in-cab CCTV – to retain the current position where installation is voluntary and subject to authorisation from the Council.

In respect of the Topographical/Knowledge Test , the Committee will be aware that a review of this has commenced and will be the subject of a further report to a future meeting.

### **EQUALITIES**

In developing a new cohesive Taxi and Private Hire Licensing Policy Statement, the Council will have due regard to its public sector equality duty to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **SOCIAL VALUE CONSIDERATIONS**

Well regulated activities should, of themselves, contribute to the overall economic and social wellbeing of the District. The adoption of a cohesive Hackney Carriage and Private Hire Licensing Policy seeks to support well regulated licensable activities.

### **IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030**

There are no environmental implications arising directly from the content of this report.

### **OTHER RELEVANT IMPLICATIONS**

**Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.**

<b>Crime and Disorder</b>	In undertaking these licensing functions the Council will have regard to the duty upon it by virtue of section 17 of the Crime and Disorder Act 1998 (duty to take into account the prevention of Crime and Disorder).
<b>Health Inequalities</b>	There are no direct implications arising from the proposals set out in this report.
<b>Area or Ward affected</b>	All

### **ANY OTHER RELEVANT INFORMATION**

None

## PART 3 – SUPPORTING INFORMATION

### BACKGROUND

The Committee is formally requested to agree the draft taxi and private hire policy in relation to the licensing of Taxi and Private Hire Services. The policy statement sets out in one place the Council's approach to its licensing functions, within the legislative framework, and ensures that the various elements of the policy support the broad public and consumer protection role of the licensing authority.

At its meeting on 24 July 2023, this Committee approved the necessary steps to be undertaken to enable a proposed draft taxi and private hire policy to be consulted on. This would then enable any recommendations to the draft policy to be submitted to the Cabinet meeting on 10 November 2023.

### PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

Licensing and Registration Committee – 24 July 2023  
Licensing and Registration Committee – 8 March 2023, Minute 142  
Licensing and Registration Committee – 3 November 2022, Minute 134

### BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None.

### APPENDICES

**Appendix A - Taxi / Private Hire Draft Policy (including Proposed amendments to Taxi Policy following the July 2023 meeting of the Committee) – in the policy the significant changes are identified in red coloured type**  
**Appendix B – Proposed Enforcement Points Based System**  
**Appendix C – Consultation and engagement Results**

### REPORT CONTACT OFFICER(S)

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# Tendring District Council



## HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2023–2028

Adopted XXXXX

Tendring District Council: [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk)

## **FOREWORD**

This Statement of Hackney Carriage and Private Hire Licensing Policy is produced by Tendring District Council and will be the basis for all Hackney Carriage and Private Hire related licensing decisions taken by the Council.

This Policy was approved on the \*\*\*\* 2023 and shall be effective from the \*\*\*\* 2023 and shall remain in effect for five years; The Policy will be reviewed at the end of this period, but may also be subject to review in response to changes in regulation or guidance or other relevant significant issues which necessitate a review of Policy.

The Council recognises that the industry plays an integral part in the running of what is a growing and inclusive economy within the District, as well as being a vital support for those residents requiring transport, particularly vulnerable residents. Well run operators and drivers will receive the support of the Council in order to support the sustainability and subsequent growth of the trade, which sustains large direct and indirect employment. However, the Council will not hesitate in dealing firmly and robustly where operator and driver standards fall short; therefore all drivers and vehicles will be licensed in accordance with Statutory provisions and this Policy to ensure the safety of the public when using this vital transport service. This Policy will be kept under review and will be amended when legislative amendments and issues arise that make change necessary.

All relevant application forms and guidance are available via the Tendring District Council website or from the Council's licensing services by email: [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)

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## 1.0 INTRODUCTION

This is Tendring District Councils Statement of Hackney Carriage and Private Hire Licensing Policy. It is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on The Council, as Licensing Authority the duty to carry out its licensing functions in respect of hackney carriage drivers and vehicles, and private hire vehicles, drivers, and operators.

The licensing of hackney carriage and private hire drivers, vehicles and operators aims to secure the following objectives:

- All licensed drivers and operators are “fit and proper” persons in accordance with the statutory legislation
- All vehicles licensed by the Council are safe, comfortable, properly insured and available where and when required
- The safety and protection of passengers (and consumer rights) and others is paramount.

Any complaint or other intelligence relating to driver behaviour that puts passenger safety at risk will be investigated including working with other relevant and partner authorities.

The Council will ensure that these aims are met by setting minimum requirements for the licensing of drivers, vehicles and operators. These requirements include:

- Up to three yearly licensing of drivers including medical checks, criminal record checks, a good standard of driving ability with a comprehensive knowledge of the District. DVLA checks of all drivers' licences at first application and upon renewal
- Five yearly licensing of private hire operators, subject to the power to grant a licence for a shorter period of time should this be appropriate in the circumstances
- Routine inspections of records maintained by private hire operators to support compliance
- Annual licensing of vehicles will include mechanical vehicle testing, along with inspections conducted by an authorised Officer and confirmation of required documentation
- Investigation of complaints and enforcement of legislation and licence conditions with appropriate action taken in accordance with the Council's Licensing Enforcement Policy
- Provision of information to the hackney carriage and private hire trades with members of the public through press releases and publications, the Council's website and other relevant means

## 2.0 DESCRIPTION OF THE DISTRICT

The Tendring District Council is situated in the County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities.



The District forms a rural peninsular bounded by the Stour estuary to the North, the Colne estuary to the South and the North Sea to the East. The majority of residents in the District live in the well-established towns, the largest of which is Clacton on Sea.

Tendring is well known for having one of the longest coastlines and the sunniest, driest weather of any District in the country. Tourism thrives in the District with many former visitors choosing to settle here and with tourism being a main source of income for businesses in the District.

The District benefits from a good rail and road infrastructure and is within easy reach of London Stansted Airport. The District boasts no fewer than fourteen railway stations, with London Liverpool Street terminating at the end of the mainline. There are also excellent links to the continent via Harwich International Port and further port expansion in the Bathside area of Harwich has been approved which has led to increased employment opportunities for the District.

The Council is a partner in the development of proposals known as “Freeport East” for the development of a freeport based on Felixstowe, Harwich and Gateway 14. The aim of the proposals are to attract inward international investment and drive domestic growth.

## 3.0 PRINCIPLES, PROCESS, DELEGATION AND DECISIONS

### 3.1 Legislation

In undertaking its Hackney Carriage and Private Hire licensing function, the Council will have particular regard to the relevant provisions of the following:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equalities Act 2010
- Road Traffic Acts
- Health Act 2006

- Human Rights Act 1998
- Regulators Code
- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

### **3.2 Statutory Taxi & Private Hire Vehicle Standards and Best Practice Guidance**

The Department for Transport (DfT) has national responsibility for hackney carriage and private hire policy in England and Wales. In formulating this policy for the District of Tendring, advice contained in the DfT's "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" has been taken into account, in addition to aligning the local policy with the DfT's Statutory Standards.

Local circumstances and requirements have been taken into account in this policy, and the DfT itself recognises that individual Councils are best placed to "decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes", providing they have regard to the Statutory Standards.

### **3.3 Decision Making at the Council**

The Council will be mindful of the needs of the applicant and licence holder, but this will be balanced against the paramount duty that the Council has to ensure the safety and protection of passengers and others.

The Council aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders, including the provision of advice and guidance.

The Council has delegated its licensing function to the Council's Licensing and Registration Committee and further delegated authority to the Miscellaneous Licensing Sub-Committee (formally the Taxi Licensing Sub-Committee), and to Officers of the Council who will determine applications and licensing decisions in accordance with this Policy.

Whilst officers and the relevant Committee will, in the majority of cases, follow the Policy, there may be a limited number of occasions where specific circumstances require a departure from the Policy. In such circumstances, the reasons why departing from the Policy would be appropriate will be made clear. The Policy is intended to apply to a significant majority of all circumstances.

The Miscellaneous Licensing Sub-Committee consists of a selection of Members from the Licensing and Registration Committee. Three to five Councillors will sit on hearings to deal with new applications, renewals and reviews of licences that are referred directly to it. Councillors, when determining applications for a licence, renewal or a review of a licence, will have regard to hackney carriage and private hire legislation, this Policy and any other relevant legislation, legal case law and other relevant Council policies as appropriate to the licensing framework.

The Council has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions.

### **3.4 Miscellaneous Licensing Sub-Committee**

The following are circumstances where matters are referred to the Miscellaneous Licensing Sub-Committee:

- Renewal applications for hackney carriage and private hire licences where the applicant has more than 3 penalty points on his/her licence or does not meet the current policy requirements, save where the Committee has previously determined that an application

need not be referred back to it, and can instead be determined by officers under delegated powers;

- Applicants for licences who have convictions or who do not meet the current policy requirements;
- Applications for renewal of licences where the circumstances of the applicant have changed since the grant of the previous licence;
- Any other circumstances where Officers wish the case to be referred to the Committee.

All matters presented to the Sub-Committee will be in the format of a written report, a copy of which will normally be provided or made available to the applicant or licence holder no later than 5 days before the Committee meeting, unless emergency procedures are required.

Each case will be determined giving appropriate weight to:

- The relevant legislation and/or relevant case law (if appropriate)
- The information provided by parties at a hearing
- Available and appropriate guidance
- Expectations of this policy

Within that framework, each case will be determined on its own merits. The Sub-Committee will conduct administrative consideration of the application based upon the evidence presented and following a comprehensive set of procedural rules.

A legal advisor, advocate or friend may represent any applicant or licence holder where such person chooses not to represent themselves.

The Sub-Committee will usually meet in private in order to protect the personal and sensitive information relating to an applicant. Each meeting will have to formally decide to exclude the public. To ensure impartiality, all Officers (apart from the Council's legal advisor and the Democratic Services Officer) are absent during the decision-making process.

Applicants and licence holders will be informed of the decision of the Sub-Committee on a stated date after the hearing, whereupon a written copy of the decision will be provided. The decision determined by the Sub-Committee will be accompanied with the reasons for that decision.

To make a fair decision, it is important that the Sub-Committee is aware of all of the facts relating to any given case. Accordingly, the Committee will need to understand why the applicant feels that they should be granted a licence or why an existing licence holder should keep their licence within the context of the matters brought before the Committee. Where this would be contrary to the Policy of the Council, applicants/licensee should set out how their circumstances can be distinguished from the Policy position or otherwise there are sufficiently valid reasons for the Sub-Committee to consider departing from the Policy decision. The hearings procedure ensures that applicants and licence holders have the opportunity to present suitable and sufficient evidence to support their case.

In the unusual and rare event that a licence holder is unavailable for a hearing a matter may be heard by the authority in their absence.

## **4.0 REVIEW OF POLICY AND PROCEDURES**

### **4.1 Consultation**

The Council has consulted widely and invited comments from any interested party in particular those listed below.

- Tendring District Council licensed hackney & private hire drivers
- Tendring District Council taxi proprietors and private hire vehicle licence holders and operators.

- Tendring District Council Safer Communities Team
- Local businesses and residents
- The National Private Hire Association
- The National Taxi Association
- Institute of Licensing
- Essex County Council (School contracts) & (Trading Standards)
- Essex Police
- The Royal Society for Prevention of Accidents (RoSPA) & Driver and Vehicle Standards Agency (DVSA)
- Members of the Public through the Council's website

## **4.2 Implementation**

The Policy and associated documentation are available for inspection on the Council's Website. Paper copies are available upon request.

The Policy will remain in existence for a period of five years, however the Council will indicate interim reviews should there be sufficient issues arising that warrant this. Councillors sitting as the Licensing and Registration Committee will determine whether this position arises at any moment in the life of the policy.

The Policy will be approved, adopted and implemented by the Licensing and Registration Committee or Cabinet as appropriate.

Upon implementation of this Policy, the Council expects licence holders to comply with its terms immediately.

## **5.0 Information Sharing**

- 5.1** The Council encourages partnership working alongside many other enforcement agencies such as the Police, National Anti-Fraud Network (NAFN), HM Revenue and Customs, the Home Office, DVSA, Department of Work and Pensions, benefit fraud, other Licensing Authorities etc. The Council will ensure that information is shared lawfully and fairly in accordance with its information sharing agreement. The Council is legally required to provide information if lawfully requested to do so, which is normally pursuant to the investigation of a criminal offence, to detect fraud, investigate immigration offences, or enforcement.
- 5.2** A key source of information will be the DBS (Disclosure and Barring Service). However, the Council will lawfully share and seek information elsewhere where it is justified and necessary to do so under common law police disclosure in order to receive timely and relevant information as it might relate to an arrest, charge, caution etc. where there might be significant risk to the public in not doing so swiftly. The Council will also look at any history of complaints and concerns raised by the public or others when considering the 'fit and proper person test'. In the interests of public safety, The Council will not issue a licence to any individual that appears on the barred lists for children or adults.
- 5.3** The Council maintains close ties with all local authorities across the county of Essex through an established Licensing Officers Forum. Through this group we will seek to further share information, align policy and develop best practice in order to reduce attractiveness of being licensed outside of our area and thereby maintain the objectives of this policy. This information will not be personal data (or data not in the public domain).

**5.4** In some circumstances it may be appropriate under the Safeguarding and Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS in this regard.

***A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to children or vulnerable adult, shall be referred to the DBS.***

**5.5** The power for the Council to make a referral in this context arises from the undertaking of a safeguarding role. The DBS recommends that licensing authorities should make referral to the DBS when it is thought that:

- An individual has harmed or poses a risk of harm to a child or vulnerable adult;
- An individual has satisfied the 'harm test'; or
- Received a caution or conviction for a relevant offence and;
- The person they are referring is, has or might in future be working in regulated activity. the Council are mindful of future proposals by Government, contained within the Finance Bill 2020-21 that are likely to require applicants to provide the council with proof of registration with HMRC as a requisite part of the initial and ongoing licence application process.
- If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to the barred list.

## 6.0 DRIVERS

### 6.1 Hackney Carriage and/or Private Hire Driver Licence – new and renewal applications

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 require that a district council shall not grant a driver’s licence to drive a private hire vehicle or hackney carriage unless they are satisfied that an applicant is a fit and proper person. The onus is on the applicant to demonstrate that they meet this requirement, not on the Council to demonstrate that the applicant does not. The Council must be “satisfied” if there doubt the law says a licence must not be granted.

In order for the Council to establish whether an applicant meets the fit and proper set out in the below the applicant must provide evidence of:

- Good character (honesty and trustworthiness)
- A high driving standard
- Medical fitness
- Criminal history
- Relevant and detailed knowledge of the District
- Understanding of English (spoken, written and reading)

Applicants must take note of the following requirements for the grant and renewal of a licence which has been recommended by the DfT statutory standards is amended to identify that those standards will be applied by Tendring District Council unless expressly stated alongside those standards.

Crimes resulting in death	Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
Exploitation	Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.
Offences involving violence against the person	Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
Possession of a weapon	Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
Sexual Offences	Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.
Dishonesty	Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs	<p>Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p> <p>Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.</p>
Discrimination	<p>Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p>
Motoring Convictions	<p>Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.</p> <p>Any motoring conviction <b>while</b> a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.</p> <p>See appendix A for further details.</p>
Drink driving/driving under the influence of drugs	<p>Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. <b>In relation to the above, a reference shall be made against the period identified for drink driving (7 years in the DfT standards) shall normally be extended to 10 years following conviction in respect of applicants to Tendring District Council.</b></p>
Using a hand-held device whilst driving	<p>Where an applicant has a conviction for using a held-hand mobile telephone or a hand- held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p>
Cautions (Simple or Conditional)	<p><b>Where an applicant has received a caution these will be accessed on its own merits and may mean that the application needs to be determined by the Miscellaneous Licensing Sub-Committee. References to convictions in this policy shall be taken to also encompass cautions for the offences concerned. The relevant period for a caution (normally) making an applicant/licensee unsuitable to hold a Hackney</b></p>

	Carriage/Private Hire Driver Licence will be considered on a case by case basis up to the relevant period set out for a caution.
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Current licensed drivers with fixed penalty endorsements and previous convictions/cautions that fall under the above detailed limits will mean that the application will need to be determined by the Miscellaneous Licensing Sub-Committee.

Drivers must have held a full United Kingdom (UK) driver's licence for at least 4 years, however driving licences issued by EU/EEA States and Countries detailed in the driving licences (Exchangeable Licences) Orders are also permitted to count towards the 4 year period qualification requirement for the grant of a hackney carriage/private hire driver's licence.

Applicants who have held the necessary driving licence for the required length of time will be assessed on their individual merits.

## 6.2 Hackney Carriage and Private Hire Dual Driver Licence

This Council currently issues a Dual Driver Licence that authorises the holder to drive both Hackney Carriages and Private Hire Vehicles. Presently, for the purposes of this Policy, the Hackney Carriage and Private Hire Dual Driver Licence is referred to using the term 'Dual Driver Licence'

A Dual Driver Licence is issued for a maximum period of 3 yrs.

Application forms must be completed in full. Any incomplete forms will be returned to the applicant as invalid. An e-mail address provided by an applicant or licensed driver is deemed to be valid for all e mail correspondence sent by officers, and can only be updated by written notification of a change of e mail address.

Applications will only be accepted as valid if they include and/or are accompanied by the following:

- Application form provided by the Council, complete in its entirety and signed by the applicant
- The appropriate fee. The current fees are available from the Licensing Department or the Council's website.
- The applicant's original UK DVLA driving licence. Applicants must have held a full DVLA licence for at least 4 years for a new application (EU/EEA States and Countries detailed in the driving licences (Exchangeable Licences) Orders are permitted to count towards the 4 year period qualification requirement).
- A completed medical certificate. A medical and eye test document required must be no older than 3 months at the time a valid new driver application is determined.
- Driving Standards Assessment practical taxi test, delivered by an external company (cost met by the applicant) – This must be under one year from assessment.
- Passenger Assistant Training Scheme or equivalent, delivered by an external company (cost met by the applicant) – This must be under one year from assessment.
- Child Sexual Exploitation training.
- Successful completion of the Council's knowledge test (new applicants).
- One recent, colour, passport sized photographs of the applicant (signed during the medical assessment by the medical practitioner as a true likeness) (no sunglasses or hats. Headdress may only be worn for religious beliefs while displaying full facial features).
- Application for a Disclosure and Barring Service (DBS) Enhanced Check completed by the applicant with accompanying identification. The enhanced certificate must be submitted to the Council no more than 28 days from the issued date.
- For all applicants who have lived in the United Kingdom for less than 5 years continuously, a certificate of good conduct from the appropriate Embassy is required.
- For those applicants not holding a UK passport, evidence will need to be provided of the applicant's right to work in the United Kingdom, which will include a relevant VISA or letter from the appropriate

Embassy/Authority. The Council may also contact the Home Office to carry out immigration checks if appropriate to do so.

- All applicants must provide original documentary evidence confirming their right to live and work in the UK. Any licence granted to drivers whose leave to remain in the UK is time limited will only be valid for the period for which they are entitled to work in the UK. In order for the licence to be extended, drivers must produce further evidence to prove they have the right to work in the UK.
- Two proofs of address (dated within the last 3 months at time of application or a current Council Tax bill) in accordance with the DBS requirements.
- Documentary proof of the applicant's National Insurance number.
- Individuals, companies and any type of partnership must complete a HMRC tax check and give their Council a tax check code.
- Any other documents as may be required.

### **6.3 Fee**

All applications must be accompanied by the appropriate fee as prescribed by the Council. Licensing fees are reviewed on an annual basis and approved by the Council.

Any outstanding application older than 12 months will be destroyed. Should the applicant wish to pursue the application after 12 months, a new application will need to be submitted, along with a new DBS application, medical certificate and application fee.

### **6.4 Fit and proper test**

In determining any application or considering a report relating to an applicant or existing licensee for a driver, operator or vehicle licence, the Council has to satisfy its duty in respect of public safety and make a judgement as to whether the applicant or existing licensee is a 'fit and proper' person to hold a licence.

The following tests are used for the basis of its decision:

#### **Drivers**

"Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"

#### **Private Hire Operators**

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

#### **Vehicle Proprietors**

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

If the answer to the question is 'no', the individual should not hold a licence.

Councils have to make difficult decisions but the safeguarding of the public is paramount. An applicant or licensee should not be 'given the benefit of doubt'. If the Sub-Committee or delegated officer is only "50/50" as to whether the applicant or existing licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

## 7.0 National Anti-Fraud Network - National Register of Taxi Licensing

All applicants are required to declare whether they have previously had any application for a driver licence refused by any other local authority and/or whether they have had any previously held driver licence revoked by any other local authority. To this end, the Authority may verify this information with the National Anti-Fraud Network (NAFN) National Register of Taxi Licence Revocations and Refusals database – known as [the] NR3. The Authority also contributes where an application has been refused or licence revoked by the Authority.

## 8.0 Suitability Test and Knowledge Test

### 8.1 Suitability Test

Before someone can request an application pack they will be required to undergo an applicant suitability test for which an initial fee is payable. This test covers numeracy, literacy, map reading, dates and times. When they attend this test they will need to bring along with them their DVLA drivers licence and proof of their national insurance number. If they fail to pass this test they will be required to wait 14 days before taking the test again to which a further payment is required. These tests can be arranged by contacting the Council's Licensing Team. Once this fee is submitted, no refund will be made should they wish to cancel their application. Should they fail to turn up to the appointment without notice, the Council's Licensing Team may withdraw their application. **See Appendix H for further information.**

### 8.2 Knowledge Test

In order for someone to become fully licensed, they will be required to undergo and pass a Knowledge Test which will be computerised multiple choice questions.

The module test consists of questions under the following categories:- Road Signage, Highway Code, Routes of roads within the Tending area, Places of Interest and Local Knowledge, Conditions, Law and Equality. **See Appendix I for further information.**

An applicant will be expected to have knowledge of the law in relation to Hackney Carriage/Private Hire Driver and Vehicles as well as the Licensing Conditions adopted by The Council. Applicants should also be familiar and have studied the Highway Code and the route areas shown in the driving knowledge test guidance. The test is computer based and the questions are automatically generated by the computer. The test is time limited and candidates will have a maximum time to complete it.

## 9.0 Driving Standards, Passenger Assistance Training Scheme and DVLA Licence

It is a statutory requirement that a Hackney Carriage/Private Hire licence will not be issued to any person, who at the time of the application, has not held a full driving licence for a continuous period of 4 years immediately prior to the date of receipt of a valid application to the Council.

Driving licences issued by EU/EEA States and Countries detailed in the Driving Licences (Exchangeable Licences) Orders are permitted to count towards the 4 year period qualification requirement for the grant of a private hire and/or hackney carriage licence, but applicants must produce a UK driving licence.

In order to establish that an applicant has reached an acceptable driving standard, new applicants will be required to have successfully undertaken the driving standards practical taxi test and passenger assistant training scheme delivered by an external providers.

A typical driving standards practical taxi test assessment may require the applicant to perform various driving manoeuvres, possibly an emergency stop and to drive independently of direction following road signs and directions to a particular destination. A high level of driving competence is required. To pass the test, the applicant must have no serious or dangerous driving faults.

In regard to the Passenger Assistant Training (PATs), applicants will be expected to demonstrate a variety of skills such as correctly positioning the vehicle for disabled access, assembly of the wheelchair ramp/lift, securing the wheelchair passenger in place using clamping equipment, as well as safely unloading the wheelchair.

Existing drivers may also be required to undertake these tests where serious concerns are raised about the standards of their driving.

All new applications for a driver's licence will be required to successfully complete a practical taxi test and wheelchair test without exception.

DVLA status will be checked at ad-hoc intervals by the Council. Any discrepancies while doing the check may result in the licence holder having to appear in front of the Committee.

## **10.0 Age**

All applicants for Hackney Carriage/Private Hire driver licences will be assessed on their individual merits. The Council does not consider it necessary to set an age limit for drivers provided that regular medical checks are made and that the applicant has held a DVLA driving licence for at least 3 consecutive years at the time of application and duration of licence.

## **11.0 Medical fitness**

There is a general recognition that it is appropriate for HC/PHV drivers to have more stringent medical standards than those applicable to normal car drivers due to the fact that they will be conveying members of the public and provide assistance to disabled passengers, as well as offering reasonable assistance with any luggage.

All applicants will be required to obtain a Group 2 medical standards certificate signed by their GP (or a Doctor listed under the British Medical Association (BMA), with full medical history supplied by their GP, may be used instead).

**Once licensed, a medical check will be required to be undertaken at renewal or annually once the driver reaches the age of 65 years.**

Should there be concerns about a licensed driver's health, a The Council may request further medical information or an additional medical check to be conducted, in order to ascertain whether the licensed driver is still fit enough to drive a licensed vehicle. The Council may suspend or revoke a licence if the information is not submitted within 3 months of being requested, or where the returned medical information states that the licensed driver is no longer fit to drive a licensed vehicle.

The medical examination will be at the applicant's own cost and also any additional cost that an eye sight test may attract.

## **12.0 Criminal Record**

Prior to consideration of any application, the Council will obtain from the applicant a Disclosure & Barring Service Enhanced Certificate in respect of the applicant, to be assessed in

accordance with the Council's statement of policy about relevant convictions. This must include a check for working with adults and children and be conducted by this Council.

All drivers will be required to submit an Enhanced Certificate, which includes whether an applicant is barred from working with children or adults, upon application and renewal.

The enhanced certificate must be submitted to the Council no more than 28 days from the issued date.

Prior to consideration of any new application, overseas applicants who have lived in the United Kingdom for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous five years) (the applicant must meet the cost) this in addition to an Enhanced Certificate from the Disclosure & Barring Service. This can be applied for at the following link <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

A licence will generally not be granted to any applicant who does not comply with the minimum requirements as set out above. Where several minor offences have been committed the Council will take into consideration any pattern of offending. The Council can also take into consideration spent convictions and cautions when determining an application for a driver's licence as Licensing Authorities are exempt from the Rehabilitation of Offenders Act 1974.

A licence may be suspended or revoked pending the outcome of any investigation or trial where an existing driver has been charged with a serious crime relating to

- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
- A drug related offence
- Indecent exposure, indecent assault or any of the more serious sexual offences or
- Grievous bodily harm, wounding or assault
- Dishonesty
- Any other serious crime that may have an adverse effect on public safety

A licence may also be suspended or revoked where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought.

Any application from a new applicant charged with a serious offence as outlined above will not be determined until the outcome of that matter has been determined.

Where an existing driver commits an offence and/or breaches the licence conditions, the nature and number of incidents will be taken into consideration when determining if the driver continues to be considered suitable to retain a licence.

Complaints in relation to existing drivers will generally be held on file and taken into consideration for a period of three years from receipt. Although where a further warning is issued during this period, the original warning will be kept on file from the date of the most recent warning. Where a licence is revoked for persistent breach of licence conditions a period of 4 years should generally elapse before a further application is favourably considered.

The licence holder shall notify the Council in writing immediately but no longer than 7 days of any caution/conviction (whether criminal or motoring) being imposed upon them during the period of the licence or within a period of 7 days of any fixed penalty offence (as defined in Section 51 of the Road Traffic Offenders Act 1988) being endorsed upon their driving licence during the period of this licence.

### **13.0 Disclosure and Barring Service – Update Service**

An enhanced DBS check shall be undertaken upon application (either new or renewal) and all currently licensed drivers will at the point of renewal be required to subscribe to the DBS Update Service within the specified timescale of receiving their DBS Certificate. Periodically, officers of the Council will undertake an online check of the DBS Update Service to check the driver's current status. Depending on what is revealed from the online status check, the Council may require an additional DBS check to be undertaken.

All licensed drivers will be required to renew their subscription to the DBS Update Service on an annual basis, before their current subscription ends, should they wish to continue to hold a Hackney Carriage/Private Hire driver's licence from the Council.

Where an individual fails to maintain and/or renew their subscription before it ends, they will be required to apply for a new Enhanced DBS Check and register for the Update Service again. Licensed drivers will need to retain their DBS Certificate once they have subscribed as this may need to be provided to the Council when it undertakes the online check.

Disclosure status will be checked at ad-hoc intervals by the Council. While doing the check may result in the Hackney Carriage/Private Hire Driver's licence having to appear in front of the Sub-Committee.

### **14.0 Relevant Convictions**

Any person submitting an application for a Hackney Carriage or Private Hire driver's licence is required to declare any criminal convictions and/or cautions and any motoring offences in addition to an enhanced DBS check. The information supplied must be complete and accurate and will be treated in a confidential manner.

The relevant offences are detailed within this Policy at section 6.1. If it is provisionally deemed by the Council's officers that they cannot be satisfied that an applicant is fit and proper due to previous convictions/cautions/offences/complaints, the applicant may request to be referred the Miscellaneous Licensing Sub-Committee for their application to be determined there. The officer will advise the Sub-Committee why they reached the decision to provisionally refuse the application. Any determination to refuse the applicant may be appealed to the Magistrates' Court.

Applications will be determined on individual merits and there may be times when the Council needs to act outside of this policy if there are clear and justifiable reasons.

### **15.0 Renewal of licences**

It is not the responsibility of the Council to remind a licence holder that a licence is due to expire, however The Council will endeavor to issue a 'reminder' to existing licence holders that their licence(s) are due for renewal. Application forms can be requested by email or from the Council's Licensing Team who can also provide information relating to fees and supporting documentation. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

Not being sent or not receiving a reminder is not an acceptable reason for late application for a 'renewal'.

It is the driver's responsibility to ensure that their licence is renewed prior to the expiry of their current licence.

A licence may be renewed up to approximately 4 weeks prior to the expiry date.

Any licence that has lapsed and is not the subject of an application for a new licence within 1 month following expiry will be considered a new grant application in full. In these circumstance

a Driving Standards pass certificate and PATS will also need to be provided as well as passing the suitability and knowledge test.

Where an application is submitted for a new licence within 1 month of a licence lapsing will be exempted from these requirements (unless there is reasoned decision to apply those requirements).

Where a licence holder will not be available at the time of renewal, for example due to hospitalization or an extended holiday, then they may apply in writing to the Licensing Team, prior to the expiry date, explaining their circumstances and request a waiver from the normal requirements. If granted, this waiver will allow the licence holder to renew their licence after the expiry date or depending on the circumstances the licence can be renewed early. The date of renewal of the licence will start from the day after the expiry of the previous licence.

In any case, following expiry of a licence (where no application was made for renewal prior to the expiry), the driver will not be licensed and will not be permitted to drive a licensed vehicle until such time as a new licence has been granted.

Applicants are encouraged to submit their applications as soon as possible within the timescales detailed above.

At each renewal, all documents in line with the current application pack in force along with the appropriate fee must be submitted in order for the application to be processed.

## **16.0 Suspension / revocation of licence**

In many cases suspension or revocation of a licence will be subject to the determination by the Miscellaneous Licensing Sub-Committee. However, in the event of a concern for public safety for the reasons set out in law, the Licensing Manager may issue an immediate suspension.

In the event of a driver's licence being suspended or revoked there shall be no refund of the licence fee.

## **17.0 Driver's dress code**

The Council strives to promote the professional image of the hackney carriage and private hire trade. It is the Council's view, that the travelling public expect drivers to conform to a minimum standard of dress.

Acceptable standards of dress include:

- Collared shirts or blouses or t-shirts of smart appearance (no inappropriate slogans or words/logos that may cause offence)
- Tailored trousers/shorts/skirts or jeans of smart appearance
- Plain jumpers/cardigans/jackets
- Appropriate footwear i.e. no flip-flops, no open toed or open heeled shoes
- All clothing must be of a clean and smart appearance and not ripped or torn

## **18.0 Right of appeal**

This Statement of Hackney Carriage and Private Hire Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on The Council the duty to carry out its licensing

functions in respect of hackney carriage drivers and vehicles, and private hire vehicles, drivers, and operators.

Any decision to refuse to grant, refuse to renew or to suspend or revoke a licence will be determined by Officers through the scheme of delegation. The applicant will have a right of appeal to the Magistrates' Court.

Following the determination of an application which results in a refusal, or a decision to suspend or revoke a licence, the applicant will receive a copy of the decision in writing. The written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

#### **19.0 Duration of a driver's licence**

A Hackney Carriage or Private Hire Driver's Licence shall be valid for a standard term of three years (unless, for administrative reasons at the Licensing Officer's discretion on a case by case basis, a shorter period is deemed to be appropriate).

#### **20.0 Hackney Carriage and Private Hire Driver Conditions**

**20.1 Dual Licence Conditions - See Appendix A for further information.**

**20.2 Private Hire Drivers Conditions - Conditions - See Appendix B for further information.**

#### **21.0 Child Sexual Exploitation and Vulnerable Persons**

All drivers will need to undertake Child Sexual Exploitation/Vulnerable Persons training carried out by a provider authorised by the Council.

## **22.0 VEHICLES**

### **22.1 Hackney Carriage / Private Hire Vehicle Licences**

Section 47(2) of the Town Police Clauses Act 1847 permits a Borough/District Council to require that a hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage licensed by that Council. The licence plate issued by the Authority must be displayed in a secure, unobscured manner unless the vehicle is exempt from displaying said licence plate.

The Council will consider giving its discretion to allow a licensed private hire vehicle not to display its plate, where the operator is able to supply documented confirmation that the specific vehicle is being used to provide an “executive” hire service by way of a contract with an individual or a company. A letter of authorization issued by the Council must be issued and the licence plate must be carried within the vehicle and produced upon request by a customer or authorized Council or Police Officer. Any other private hire “circuit” work undertaken by this vehicle will require the vehicle to display the relevant licence plate.

A vehicle licence is issued to a specific vehicle, and proprietor, therefore, any change of vehicle or proprietor during the currency of a licence would require the relevant application process to be completed.

Any vehicle which it is proposed will replace an existing licensed vehicle will be required to meet the current licence requirements for a new vehicle.

### **22.2 Taximeters**

The Authority requires every vehicle licensed as a Hackney Carriage to be fitted with a taximeter. The taximeter shall be of a type which is approved and must be calibrated to the current fare tariff.

### **22.3 Fare Tariff**

A fare tariff (“the tariff”) is set by the Authority for Hackney Carriages, but this control does not apply to fares set by Private Hire Vehicle operators unless a taximeter is fitted.

Hires that end outside of the District boundary can be negotiated prior to the commencement of the journey but not exceed the maximum tariff.

A Table of Fares (“the tariff”) must be displayed within the vehicle fitted with a taximeter.

**Please see Appendix J - Current Fare Tariff for more information.**

### **22.4 Receipts**

Drivers shall, if requested by the passenger, provide a written receipt for fares paid.

### **22.5 Roof signs and Display of Licensed Plates**

The Authority requires all Hackney Carriage vehicles to be fitted with working roof mounted signs. The roof sign has to be standard white in colour from the front and no smaller than 30” in length and shall bear the words “Licensed by Tendring District Council – TAXI” on the front face of the sign (for new vehicles and upon replacement vehicles). If the vehicle is available for hire the roof light must be illuminated.

The Authority requires that no Private Hire vehicle be fitted with a roof-mounted sign of any kind.

The Council's Licence Plates shall be affixed to the front and rear of the vehicle by the use of the plate platform and/or bracket provided in a position so that the details shown on the plate may be seen clearly and are not illegible, defaced or concealed from public view except where provided for by Statute. Such plate shall be affixed by use of the bracket beneath the registration number plate in accordance with the instructions provided or, in cases where this is not practical, by riveting the plate platform to the bodywork of the vehicle just above the bumper. The vehicle may not be used for the purpose authorised by the vehicle licence without such plate being so affixed.

## **22.6 Hackney Carriage Vehicle/Private Hire Vehicle Numbers limit**

The Council does not restrict the number of hackney carriage vehicles that are licensed in the District. The Council has no legal power to restrict numbers of Private Hire Vehicles as such it allows the market to respond as demand changes over time.

Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall grant a private hire vehicle licence provided the Council is satisfied that the vehicle is:

- Suitable in type, size and design for the use of a Private Hire Vehicle
- Not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage
- In a suitable mechanical condition
- Safe
- Comfortable
- That there is in force in relation to the use of the vehicle a policy of insurance that complies with the Road Traffic Act 1988.

Once licensed, a hackney carriage or private hire vehicle remains a hackney carriage or private hire vehicle until the licence either expires, is suspended or revoked. A licensed vehicle can only ever be legally driven by a driver who holds the relevant hackney carriage or private hire drivers' licence and appropriate insurance; or a qualified mechanic whilst undertaking a MOT or Council test (at a Council approved facility) and only for testing purposes.

Tendring District Council will not permit dual plating, therefore once a vehicle is licensed by Tendring District Council it cannot be licensed with any other authority or Transport for London.

## **23.0 Wheelchair accessible vehicles**

The DfT/Government's criteria for wheelchair carriage is that the user of a reference wheelchair is able to enter, leave and travel in the passenger compartment of the vehicle in safety and reasonable comfort whilst seated in their wheelchair.

All drivers of wheelchair designated vehicles will be required to comply with the Equality Act 2010 unless they have applied for and been granted an exemption from doing so on medical or physical grounds. Any refusal by the Council to grant such an exemption can be appealed by the driver to the Magistrates' Court within 21 days of the refusal notification.

It is an offence to refuse to carry a wheelchair seated passenger in a designated vehicle and the driver is liable to a fine of £1,000 on conviction and will also receive a criminal record if convicted.

Section 165 of the Equality Act 2010 places a legal duty on a driver of designated wheelchair accessible vehicles to carry out the following actions:

- To carry the passenger while in the wheelchair
- Not to make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

**Mobility assistance is assistance—**

- to enable the passenger to get into or out of the vehicle;
- 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;
- to load the passenger's
- into or out of the vehicle;
- if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Wheelchair accessible vehicles may be either rear or side loading.

It is strongly encouraged by the Council that drivers who are looking to purchase a new or replacement vehicle consider a wheelchair accessible vehicle.

## **24.0 Applications**

Applications will only be acceptable as valid if they include and/or are accompanied by the

- Application form provided by the Council completed in its entirety and signed by the applicant
- Appropriate Fee. The current fees are available from the Licensing Department or the Council's website.
- Valid certificate of insurance for the vehicle which covers the activity required. Such insurance to provide fully comprehensive cover.
- Current Mot (required after 1 year for Hackney Carriage and after 3 years for Private Hire)
- Current Mechanical Test
- Original vehicle registration document showing the applicant to be the registered keeper or other acceptable proof of ownership (the V5 New Keeper Supplement completed by the applicant or an official receipt from a registered company in the case of newly manufactured vehicles)
- Any other documents as may be required.

Incomplete applications may be returned to the applicant for resubmission when complete, and this may result in time off the road.

Provided all the documents are correct and the vehicle has passed the Council's mechanical test your application will be processed. The Council will aim to issue the licence and/or licence plate within 10 working days of a completed application and supporting documentation.

Where a decision to renew a licence is referred to the Miscellaneous Licensing Sub-Committee, this period may be extended. Every effort will be made to ensure continuity of trade, however, it would assist Officers if applications and supporting documentation are received at the earliest opportunity.

## **24.1 Licence fee**

All applications must be accompanied by the appropriate fee as prescribed by the

Council, the current scale of fees is available from the Council or on our website.

Licensing fees are reviewed on an annual basis and should they be subject to change will be approved by Council.

In the event of the surrender or revocation of a vehicle licence before its expiry there is no refund made.

## **24.2 Insurance**

All hackney carriage and private hire vehicles must hold the relevant insurance for the activity and such insurance to provide fully comprehensive cover.

Evidence of continuous insurance cover throughout the period of the licence must be provided.

Failure to provide evidence of insurance will result in the vehicle licence being suspended.

It is not the responsibility of the Council to remind a licence holder that the insurance is due to expire, however The Council will endeavour to issue a 'reminder' to existing licence holders that their insurance proof is due to be submitted to the Council.

Not being sent or not receiving a reminder is not an acceptable reason for late documentation.

Insurance status will be checked at ad-hoc intervals by the Council. Any discrepancies while doing the check may result in the licence holder having to appear in front of the Sub-Committee.

## **24.3 Testing of vehicles**

Hackney Carriage vehicles require a valid MOT certificate and are to be tested every year from when the vehicle reaches 1 year old. Private Hire vehicles will require a valid MOT certificate and are to be tested every year once the vehicle has reached 3 years old (as stated by Government MOT requirements).

In addition to the MOT testing requirements, all licensed vehicles are required to undertake the Council's vehicle mechanical test every 6 months at the Council's nominated testing station for compliance with the Council's policy.

**All vehicles that are (10) ten years old plus, will be subject to an additional mechanical test within the year at the Council's nominated testing station for compliance with the Council's policy.**

Where concerns arise during the period of the licence regarding the mechanical fitness of a licensed vehicle, the Council may request a further test to be undertaken. However, the Council cannot require a vehicle to have more than 3 tests per year.

Where an application for a vehicle renewal is made 1 month after the expiry of the licence the application will be considered as a new application and any age restrictions will apply.

Any licence that has lapsed and is not the subject of an application for a new licence within 1 month following expiry will be considered a new grant application in full and any age restrictions will apply.

Where an application is submitted for a new licence within 1 month of a licence lapsing will be exempted from these requirements (unless there is reasoned decision to apply those requirements).

Any vehicle failing its examination test will be required to undertake and pass a further examination test before it can be licensed or, in the case of an existing licensed vehicle, before it can continue to be used as a licensed vehicle. This further examination is known as a retest. The proprietor is responsible for the cost of the retest and it must be paid directly to the nominated testing station in full prior to further testing taking place.

The Council will suspend a vehicle licence if the vehicle is not presented for its interim test (6 month) by the due date.

It is not the responsibility of the Council to remind a licence holder that the interim test is due to expire, however The Council will endeavour to issue a 'reminder' to existing licence holders that their interim test is due to be submitted to the Council.

Not being sent or not receiving a reminder is not an acceptable reason for late documentation.

#### **24.4 Routine Daily Vehicle Condition Checks**

The licensed driver driving the vehicle is responsible for its condition while in use. Drivers are therefore responsible for carrying out daily routine vehicle inspections with a walkaround check. Checks must include lights, tyres, wipers, mirrors, seatbelts and taxi plates to ensure the safety of the vehicle and carrying passengers.

#### **24.5 Temporary Insurance Vehicles**

Where an existing licensed vehicle is temporary replaced due to accident or major repairs, the replacing vehicle must meet all policy requirements in respect of its age and Euro 6 compliance. A replacement fee will be required and a temporary licence of a maximum of one month can be issued on satisfactory.

At the discretion of the Council (including where the issued plates are inaccessible or damaged beyond use), where a vehicle is replaced, the licence plates for the new vehicle will not be issued until the old plates have been returned to the Authority. Effectively the old licence is surrendered, and a new licence is issued although in practice this tends to be an amended vehicle licence.

Where the previously licensed vehicle needs to be returned back onto the original licence (for example, the replacement vehicle was a temporary arrangement due to accident damage or major repair to the original vehicle) then following a re-test of vehicle it can be reinstated onto the original licence with the age restrictions applied using the same previous criteria. The reinstatement will not be subject to a further replacement vehicle fee except a mechanical test re-inspection; however, fees may be levied where new licences, plates or door stickers have been damaged and require replacement.

#### **25.0 Re-allocation of Expired Hackney Carriage Vehicle Plates**

It is not the responsibility of the Council to remind a licence holder that a licence is due to expire, however The Council will endeavor to issue a 'reminder' to existing licence holders that their licence(s) are due for renewal. Application forms can be requested by email or from the Council's Licensing Team who can also provide information relating to fees and supporting documentation. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

Not being sent or not receiving a reminder is not an acceptable reason for late application for a 'renewal'.

It is the vehicle licence holder's responsibility to ensure that their licence is renewed prior to the expiry of their current licence.

A licence may be renewed up to approximately 4 weeks prior to the expiry date.

If, when a hackney carriage/private hire vehicle licence expires, the vehicle is not re-licensed within twenty-eight days and the owner does not take steps to inform the Council of their intentions, then the plate number will be re-allocated. A letter will be sent to the owner of the vehicle advising them that the licence has expired.

## **26.0 Type of vehicle and age**

Granting of new vehicles must meet the minimum requirements of Euro 6 Emissions standards.

In the interests of improving air quality, any application for the renewal of a Taxi or PHV licence that fails to meet this standard will be refused.

No vehicle capable of carrying more than 8 passengers can be licensed by the Council.

In order to assess vehicle suitability, the Council will take into account passenger safety, comfort, the design of the vehicle, **and may consider the NCAP rating.**

In order to be considered suitable to be licensed as a Hackney Carriage or Private Hire Vehicle the vehicle must comply with the basic specification set out below and pass the Council's vehicle inspection test.

**Vehicle will only be licensed until they are (15) fifteen years old, from the date of first vehicle registration in accordance with the Vehicle log book.**

**For vehicles over (10) ten years of age there shall be a requirement for a third mechanical test.**

## **27.0 Guidelines for saloon and estate vehicles:**

Please see Appendix F for more information.

## **28.0 Guidelines for multi-seater vehicles:**

Please see Appendix G for more information.

## **29.0 Licence Plate Exempt Vehicles**

The Road Safety Act 2006 requires vehicles used for a contract with an organisation or company for carrying passengers for Hire or reward under a contract to be licensed as Private Hire Vehicles. As a general guide this includes executive Hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

Proprietors of executive type vehicles licensed as Private Hire Vehicles may seek the permission of the Authority to waive certain conditions of licence. Proof of contracts must be submitted to the Council with application.

**Please note that this policy is in draft and currently for consultation purposes only.**

- 29.1 Those wishing to licence an executive vehicle should contact the licensing authority, ideally prior to purchasing a vehicle, so as to avoid any unnecessary expense should the vehicle or business model not be appropriate to be licensed as executive type or granted plate exempt status.
- 29.2 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver's badge. The same legislation also allows The Authority to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge (plate exemptions).
- 29.3 Vehicles that are issued with an exemption certificate are primarily expected to undertake executive chauffeur work and not normally be used for general daily private hire work e.g. normal airport transport. Exempted vehicles found to be carrying out standard private hire work will be subject to enforcement action and the exemption certificate may be revoked.
- 29.4 Examples of the services that may not be considered suitable for 'plate exempt' status are: • Council school and social services contracts • Routine journeys to airports, seaports or railway stations (where the provision of door stickers etc. are considered a safety feature upon arrival) • Routine theatre journeys and sporting events • Routine work within the nighttime economy to bars, restaurants and those facilitating 'stag' and 'hen' parties • Journeys to school proms (other than specialty vehicles)

The lists are not exhaustive and intended only to be indicative.

- 29.5 Additional conditions are applicable to exempted vehicles in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these extra conditions, then these extra conditions shall prevail.
- 29.6 If an exemption certificate has been issued and the vehicle will no longer be used for the purpose for which initially applied for then the exemption plate and certificate must be surrendered and returned to the council.

## **30.0 Funeral and Wedding vehicles**

### **30.1 Funeral Vehicles**

A vehicle does not need to be licensed as a Hackney Carriage/Private Hire Vehicle when it is used in connection with a funeral or is being wholly or mainly used by someone carrying out a business as a Funeral Director.

### **30.2 Wedding vehicles**

A vehicle does not need to be licensed as a Hackney Carriage/Private Hire Vehicle whilst being used in connection with a wedding. The exemption only applies to journeys directly relating to the wedding service. This could be, for example, taking the bride or groom to the service. Transport to other places, such as the airport, would require a licence.

### **31.0 Tinted Windows**

All tinted windows must meet the requirements as prescribed by the Road Vehicles (Construction and Use) Regulations.

### **32.0 Vehicles powered by Liquid Petroleum Gas (LPG)**

An applicant for a licence involving a vehicle which has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming that the LPG installation conforms with the Association's Code of Practice and is, therefore, considered safe.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Where relocation of the spare wheel is not possible an acceptable alternative, as supplied by the conversion company, will be permitted.

### **33.0 Advertising Door Signs on Hackney Carriage (Taxi) and Private Hire vehicles including third party advertising.**

Each application for approval of advertising material will be considered on its own merits but advertisements will not be permitted which advertise or promote the sale of alcohol or tobacco products; nor if they contain political, ethnic, religious, sectarian, sexual or controversial text; display nude or semi-nude figures; or are likely to offend public taste; depict men, women or children as sexual objects; depict direct and immediate violence to anyone shown in the advertisement or observing it; advertise any racist group or organisation which intends to promote such a group or such organisation and/or any of its activities.

#### **In particular the Council will not give its permission for:**

- An advertisement which incites someone to break the law.
- An advertisement that is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised, the wording or design of the advertisement, or by way of inference.
- An advertisement which depicts or refers to indecency or obscenity or uses obscene or distasteful language.
- An advertisement which relates to adult entertainment or activities such as lap dancing, escort agencies or massage parlours.
- An advertisement that promotes alcohol or tobacco.
- An advertisement which condones or provokes anti-social behaviour.
- An advertisement which contains images or messages which relate to matters of public controversy and sensitivity.
- An advertisement which contains negative references to Tendring District Council, its services, staff or Members.

\* All adverts must comply with the above code and be pre-approved by the Council before they are placed on any hackney carriage or private hire vehicle and permission should be sought in writing giving an example of the size of the door sign and content of the promotion.

**\* The Council reserves the right to refuse any request for door sign advertising that does not comply with the above code and to suspend the licence of any vehicle displaying signs that breach the above code or that have not been duly authorised by the Council.**

The licensee remains responsible for the content of any advertisement displayed on his/her vehicle, whether internal or external. It remains the licensee's responsibility to comply with the current law and British Code of Advertising Practice referred to above, irrespective of any consent to display the advertisement which may have been given by the Council.

It is the licence holder's responsibility to ensure that none of the advertising material obscures the driver's vision, the vehicle's licence plates, or constitutes a danger to passengers or the public or other road users where they are displayed on the vehicle.

The maximum size of door sign that Tendring District Council will allow to be fixed to a hackney carriage or private hire vehicle licensed by the Council is as follows:

**Large**

**(447 x 292 mm)**

**(17.5 x 11.5 inches)**

The maximum number of door signs permitted per vehicle is four, but if two doors are being used to display the taxi company's own logo then any advertisement can only be placed on the remaining two uncovered doors. All door signs must be of the same size (see maximum size details shown above) and all advertising signs must carry/display the same identical advertisement. I.e. advertisements for different products on each sign will not be agreed or permitted.

#### **34.0 CCTV**

The Council permits the installation of CCTV within a licensed vehicle but does not require it to be installed as mandatory and only where inspected by the Licensing Department.

No CCTV system shall be installed in a vehicle without the prior written consent of the Council.

No cameras shall be installed in the vehicle without prior written consent from the Council as to the number and location of such cameras.

The number and location of cameras shall not be varied without the prior written consent of the Council.

**34.1** The installation of CCTV in licensed vehicles can be both a deterrent to would-be troublemakers and a source of evidence in the case of disputes between drivers and passengers, other incidents and accidents. If fitted correctly, it can assist the police and insurance companies with their investigations and must be recording at all times when working as a licensed vehicle but this is a matter for each owner to assess and document the need in accordance with data protection legislation.

**34.2** Where fitted, proprietors and/or operators will become 'data controllers' and must notify the Council prior to installation and pay the required fee to the ICO (Information Commissioners Office) - where required - and comply with all aspects of data protection and the CCTV codes of practice, including clear signage that the vehicle uses CCTV. Further information can be found on the following link <https://ico.org.uk/>

**34.3** CCTV (and where applicable, dashcams) must be installed by a competent person to ensure no interference with other equipment and in such a manner that it does not increase the risk of injury or discomfort to the driver and passengers, or affect any other safety system or in any way breach the motor vehicle construction and use regulations. It must be regularly checked and maintained, be clearly visible and the vehicle must display the required signage. It is not the intention of the authority to limit approval of devices and equipment to specific suppliers, only to ensure the safety of passengers and compliance with legislation.

**34.4** CCTV must not routinely be used to record conversations of passengers. Sound must only be used by way of a panic switch as specified by the ICO and can be activated by either the driver or passenger which can be used in extreme circumstances such as in response to a threat of physical violence. The footage may only be accessed by the Police or authorised officer of the council, not by either the proprietor or driver. Footage must be kept for no longer than necessary and in accordance with the owner's own data retention policy.

**34.5** Where CCTV (including audio recording) is in use there must be appropriate signage visible externally that informs passengers before they alight the vehicle.

## 35.0 Vehicle Protection screens

The Council does not require driver protection screens to be fitted as mandatory. However, Where these are fitted, the following requirements will apply and may be required as licence conditions. If a licenced vehicle is subsequently fitted with a driver protection screen, the Proprietor is required to notify the Authority as a significant alteration to the vehicle so that appropriate conditions can be attached to the licence.

Where a vehicle owner decides to have a protection screen fitted, they must do so at their own expense and:

- Inform their insurance company of the modification
- Ensure that the screen is certified as safe and meets appropriate safety standards.
- Should be of the solid polycarbonate type and not plastic sheeting
- Ensure that the screen does not interfere with the vision of the driver through the windscreen or left and right of the vehicle
- Ensure that the screen does not interfere with the airbags
- Ensure that any fixtures and fittings do not protrude such that they affect the safety of passengers
- Ensure that the screen is fitted by a competent person

***Before having a driver protection screen fitted, if there is any doubt as to whether it will meet safety standards, proprietors should seek advice from the Council's Licensing office before having one fitted.***

## 36.0 Taxi ranks

### 36.1 Waiting on stands

It is an offence for any person to cause or permit any vehicle other than a hackney carriage licensed by this Authority to wait on any rank or stand for hackney carriages within the Tendring District. Drivers of hackney carriages may only wait on a rank or stand whilst plying for hire or waiting for a fare; drivers who park on a rank or stand and leave their vehicle unattended are committing an offence. Hackney Carriages licensed by this Authority are not permitted on any rank or stand outside of the Tendring District.

### 36.2 Plying for hire

For the avoidance of doubt, the Council does not have a byelaw requiring hackney carriages to return to a taxi rank between fares. Hackney Carriages can be hailed in the street, and can be hired whilst stationary from a designated rank.

### 36.2 Taxi Rank Provisions

Provisions are reviewed every three years in consultation with Essex County Council Highways as the majority of roads with taxi ranks are adopted by Essex County Council.

## 37.0 Hackney Carriage Vehicle Conditions

Please see Appendix C for more information.

## 38.0 Private Hire Vehicle Conditions

Please see Appendix D for more information.

## **39.0 PRIVATE HIRE OPERATOR LICENCE**

### **39.1 Private Hire Operator's Licence**

The objective of licensing Private Hire Vehicle Operators is, again, the safety of the public, who will be using operator premises, vehicles and drivers arranged through them. The Council will grant a private hire operator licence provided the Council is satisfied that the applicant is a fit and proper person to hold such a licence.

Planning consent for the operator premises may be required and all applicants must ensure that they obtain the correct and necessary permissions before trading.

Any application for the renewal of a licence which is not made before the expiry of the previous licence will be treated as an application for a new licence.

Applications will only be acceptable if they include the following:

- Application form completed in its entirety and signed by the applicant along with all the information prescribed
- Application for a Disclosure and Barring Service (DBS) Enhanced Check completed by the applicant with accompanying identification.
- The appropriate fee. The current fees are available online on our website.

It is not the responsibility of the Council to remind a licence holder that a licence is due to expire, however Tendring District Council will endeavor to issue a 'reminder' to existing licence holders that their licence(s) are due for renewal. Application forms can be requested by email or from the licensing team who can also provide information relating to fees and supporting documentation. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

Not being sent or not receiving a reminder is not an acceptable reason for late application for a 'renewal'.

It is the driver's responsibility to ensure that their licence is renewed prior to the expiry of their current licence.

A licence may be renewed up to approximately 4 weeks prior to the expiry date.

### **39.2 Criminal Records checks**

Private Hire Vehicle operators are not exceptions to the Rehabilitation of Offenders Act 1974. Private hire operators that are not licensed drivers, will be required to produce an basic DBS disclosure. An basic Disclosure from the DBS, or a certificate of good conduct from the relevant embassy for overseas applicants, is however, considered appropriate in promoting the objective of public safety.

Before an application for a private hire operator's licence will be considered, the applicant must provide a current (less than one months old) basic DBS (issued specifically for Tendring District Council), or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant. Applicants that hold a current Driver's Licence issued by the Council will be exempt from this requirement.

The basic certificate must be submitted to the Council no more than 28 days from the issued date.

Prior to consideration of any new application, overseas applicants who have lived in the United Kingdom for a continuous period of less than five years are required to provide a certificate of good conduct from their previous country or countries of residence (within the previous five years) in addition to an basic Disclosure Certificate. A certificate of good conduct authenticated by the relevant embassy will satisfy this requirement.

### **39.3 Record keeping**

The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept on a prescribed booking pad, or on a spreadsheet, or on trade specific computer system. This software must be capable of providing the information listed below. The entries must be numbered consecutively, and no pages should be removed. The operator shall enter the required information for each booking invited or accepted by him, before the commencement of each journey.

- The time and date of the booking
- The name and address of the hirer
- How the booking was made (i.e. by telephone, personal call etc.)
- The time of pick-up
- The point of pick-up
- The destination
- The time at which a driver was allocated to the booking
- The name and licence number of the driver and the registration number of the vehicle allocated for the booking.
- Fare (if agreed at the time of booking) or indication that the meter was used.
- The name of the booking staff
- The name of the dispatcher
- Remarks (including details of any sub-contract).

All records kept by the operator shall be preserved for a period of not less than 12 months, following the date of the last entry. In the case of computer records the entries must be capable of being printed on demand and/or emailed in a universal format at the request of a Police officer or the licensing officer.

### **39.4 Licence Duration**

The Council will, issue a successful applicant for a Private Hire Operator's Licence with a five-year licence from the date of grant.

### **39.5 Fees**

On receipt of the appropriate fee, the permitted number of vehicles can be increased at any time during the period of the licence. The application fee is for a 5 year private hire licence for 1 private hire vehicle. Additional fees are required for each further private hire vehicle to be added to the operator licence.

### **39.6 Operation**

A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

All three licences:

- private hire operator's licence,
  - dual or private hire driver's licence and
  - private hire vehicle licence
- must be issued by the same Council.

**39.7 Private Hire Operator Licence Conditions**

Please see Appendix E for more information.

**39.8 Insurance**

The operator shall retain a copy of the insurance for any vehicle they use to fulfil private hire bookings.

Where the operator maintains a bookings office open to members of the public they shall ensure that the premises is covered by a suitable level of public liability insurance of at least £1million.

Where the operator employs people, suitable employees liability insurance should be in place.

**39.9 Address from which an Operator may operate**

Upon the grant of an operator's licence, the Council will specify on the licence the address from which the operator may operate. This address will be the address stated on the application form.

The operator must notify the Council in writing of any change of address during the period of the licence, whether this is a home address or the operating address, within seven days of such a change taking place.

The Council will not grant a licence to an operator whose premises are located outside the district of Tendring. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

**39.10 Gaming machines**

Operators that provide a waiting facility for members of the public and/or drivers should be aware that they cannot make gaming machines available for use. This action would be a criminal offence under the Gambling Act 2005.

**40.0 Departure from the Policy**

There may be instances whereby the Council may need to consider applications outside the policy.

Where it is necessary to depart substantially from this policy, clear and compelling reasons for doing so will be given. Any such decision may be referred to the Licensing and Registration Committee or the Miscellaneous Licensing Sub Committee.

**40.1 Amendments to the Policy**

All changes to the Policy are agreed by the Licensing and Registration Committee and if necessary then considered by Full Council.

## 41.0 ENFORCEMENT AND COMPLIANCE

### 41.1 Penalty Point System Hackney Carriage / Private Hire – Drivers, Vehicles and Operators.

The penalty point system is for breaches of minor offences under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and the Council's Hackney Carriage and Private Hire Driver, Vehicle, and Operator Conditions. Offences may also be committed under other legislation, bye laws or conditions. Appendix XX shows a copy of the penalty points system.

Points will be imposed on the appropriate licences by either Licensing Officers for minor breaches or by the Miscellaneous Licensing Sub Committee for more serious breaches regarding Public Safety. If a driver acquires more than 12 penalty points in 2 years, the Committee will determine whether the person is fit and proper to hold the relevant licence.

There is no financial penalty with a penalty points system and the licensee may continue to work unless the Committee determines otherwise. The Council reserves the statutory right to suspend or revoke the licence at any time if the particular circumstances of the case warrant such action, notwithstanding that less than 12 penalty points have been incurred.

### 41.1—Warning compliance scheme

~~Any vehicle that is approached by an authorised Officer of Tendring District Council in order to carry out a vehicle inspection/driver check must remain until the inspection has been carried out. An exemption to this is if a fare arrives, which the driver is obliged to take or the driver informs the officer of a pre-booked fare prior to the inspection taking place.~~

~~Alternatively an authorised Officer of Tendring District Council may request a driver attend the Council offices or otherwise agreed location with the licensed vehicle in order to carry out an inspection.~~

~~Tendring District Council has implemented a warning compliance system in order to regulate enforcement and any action required.~~

~~This scheme is used to enforce current legislation and any future bye laws in respect of Hackney Carriage Drivers and will be operated as follows:~~

- ~~• The Council's Hackney Carriage and Private Hire Licensing Policy and Licensing Enforcement Policy will be fully considered by an authorised Officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.~~
- ~~• Where it is decided that the use of the warning compliance scheme is appropriate, then warnings will be issued after due consideration and where proportionate to the offence.~~
- ~~• Warnings will only be imposed where the licensee agrees the breach or offence has taken place. Where the licensee does not agree that the breach or offence has taken place, the matter will be referred in the first instance to the Licensing Manager for consideration. The Licensee may be required to appear before the Miscellaneous Licensing Sub Committee.~~
- ~~• The imposition of a warning against a driver who is an employee will not necessarily result in additional imposition of a warning to their employer or operator. However the Council retains the discretion to issue warnings to drivers, proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licenses and it is considered that joint responsibility is held.~~

- Warnings issued to either a proprietor or driver will be confirmed in writing within ten working days from the discovery of the contravention.
- When issued, the warning will remain “live” for a period of one year from the date they are imposed so that only warnings accumulated in a rolling twelve month period will be taken into account.
- There is no financial penalty associated with the system and the licensee may continue to work. However, the licensee may be asked to attend either a meeting with the Licensing Manager or attend a hearing of a Licensing Sub Committee if 3 warnings are imposed on an individual licence in any one 12 month period, where appropriate action will be taken in accordance with this policy.
- Where a driver, proprietor or operator attains 3 warnings, disciplinary options available to the Miscellaneous Licensing Sub Committee will include suspension or revocation of the appropriate licence, where applicable.
- If it is felt that the matter does not warrant suspension or revocation of the licence, the period for which the warnings are to remain “live” may be extended or a written warning may be issued to the driver as to his future conduct.
- Periods of suspension of a licence will be dependent on the nature of the breaches of the legislation or the requirements of this Policy and the compliance history of the licence holder.
- A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances they deem necessary.
- Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of
- appeal to the Magistrates’ Court against the suspension or revocation. All suspensions will therefore be subject to a 21 day appeals period prior to implementation to allow for the formal appeals process.
- The warning compliance system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this policy.
- The warning compliance system outlined identifies a number of breaches of conditions, byelaws and/or statutory provisions.

#### **41.2 ~~WARNING PROTOCOL FOR HACKNEY CARRIAGE DRIVERS/VEHICLES OWNERS AND OPERATORS~~**

##### **Brief Introduction**

~~If drivers, operators or vehicle owners receive three written warnings for clear and provable breaches of conditions and/or traffic offence within a rolling 12 month period they are to be brought before the Miscellaneous Licensing Sub Committee for Members to determine whether they are fit and proper and the action (if any) that should be taken which could include suspension or revocation of their licences.~~

##### **The Three Steps System**

~~Step 1 — Informal Warning Letter sent to the licence holder for a first time offence. This letter will outline the offence which has occurred and list all details including the date and time of the offence. This letter will include a warning of what action might be taken if further breaches occur during a rolling period of twelve months. Where considered appropriate general advice on how to prevent the same or similar offences occurring will be included in the letter.~~

~~Step 2 — Second and Formal Warning Letter sent to the licence holder if a second offence has occurred during a rolling period of twelve months. This letter will outline the offence which has occurred and list all details including the date and time of the offence. The licence holder will be requested to attend the Licensing Office for an interview regarding the two current offences. This letter will include a warning of what action might be taken if a third breach occurs during a rolling period of six months. Further advice/guidance will be given in appropriate cases.~~

~~Step 3 — If a third offence has occurred during a rolling period of twelve months a letter will be sent to the licence holder which outlines the offence which has occurred and lists all details including the date and time. The licence holder will be informed in writing that it will now be necessary for them to attend a meeting of the Miscellaneous Licensing Sub-Committee to enable Members to determine whether they are fit and proper and the action (if any) that should be taken. The date of the Miscellaneous Licensing Sub-Committee meeting will be given to them as soon as possible.~~

~~The decision of the Miscellaneous Licensing Sub-Committee along with their rights to appeal against any action taken by the Miscellaneous Licensing Sub-Committee will be notified to them in writing.~~

### Types of Offences

- ~~• Failing to comply with any of the conditions noted on their driver, vehicle or operator licences.~~
- ~~• Failing to produce relevant documents within timescale when requested.~~
- ~~• Failing to produce a vehicle for mechanical test when required.~~
- ~~• Overloading of licensed vehicle (including exceeding the licensed number of passengers).~~
- ~~• Late application for renewal on expiry of a licence.~~

~~This list is not proscriptive and may be added to at the discretion of the Licensing Committee.~~

### **Options available to the Miscellaneous Licensing Sub Committee when considering cases of this type**

After taking into account all the evidence submitted by the Licensing Section and any comments made by the licence holder, Members will determine whether they consider the licence holder is fit and proper to hold a driver, vehicle or operator licence and the action (if any) that should be taken which could include suspension or revocation of their licences.

### **Appeals against Member decisions**

The licence holder has a right of appeal to the Magistrates' Court within 21 days of receipt of the decision letter.

## **42.0 Complaints**

Complaints which are pursued by the Council are based upon the driver's fitness to hold a licence and/or the condition of the licensed vehicle or offences alleged to have been committed (including breach of licence conditions). Accordingly, any complaints about crime or driving manner will be directed to Essex Police.

Each step of any complaint investigation will be recorded as there is potential for the complaint to progress to being heard in Court and/or may be disclosable in connection with any police investigation.

The public can submit concerns about licensed drivers, vehicles (including proprietors) and operators by e-mail to [licensingsection@tendingdc.gov.uk](mailto:licensingsection@tendingdc.gov.uk)

In order to progress an investigation a complainant should aim to provide the following information where available:

- Date and time of the incident;
- Vehicle identification (plate number, description of vehicle etc.);
- Identification of Licensed Operator (if applicable);
- Identification of the driver (licence number, personal description);
- Description of the incident

The investigating officer may require the complainant to confirm information in writing.

A formal response outlining the conclusion of an investigation will be provided to the complainant.

Where a matter has been reported to the police - in order to avoid compromising any investigation - licensing officers will usually wait on the outcome of that investigation before considering any further action.

In order to help customers correctly identify and report a driver who may give cause for complaint, the Authority requires that certain information is to be displayed inside all licensed vehicles in the form of an internal vehicle notice.

The format of the notice will be provided by the Council and shall be clearly displayed and visible from the rear seating area of the vehicle. Driver identification can additionally be found either worn by the driver or on the dashboard of the vehicle.

Complaints that are made anonymously unless of a serious nature may be recorded for intelligence purposes only and may not be investigated unless substantiated by a secondary source.

Complaints of a minor nature may be recorded for intelligence purposes only but may not be pursued unless a history of complaints indicates a potential matter of wider concern.

Complaints will not be investigated if it is made with vexatious intention, frivolous or has been made repeatedly and previously been subject of investigation.

Where a complaint potentially indicates a criminal offence enforced by the police or another regulatory body or authority, the information relating to that complaint may be shared with that body or authority.

#### **43.0 Whistleblowing**

Tendring District Council is committed to the highest possible standards of openness and accountability and anyone can report any suspected malpractice or wrongdoing. <https://www.tendringdc.gov.uk/council/consultation-contact-and-complaints/how-complain>

**APPENDIX A – PROTOCOL FOR APPLICATION OF THREE PENALTY POINTS**

Adopted Protocol for dealing with applications for Hackney Carriage and Private Hire Drivers' Licences where up to three penalty points have been endorsed on the applicants' Driving Licences

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**1. Delegation to Corporate Director (Governance)**

That the Corporate Director (Governance) is authorised to determine applications for Hackney Carriage Vehicle, Hackney Carriage Driver, Private Hire Operator, Private Hire Driver and Private Hire Vehicle Licences in accordance with the Council's policy or in cases where no more than three penalty points have been endorsed on the applicant's driving licence except in the case of mobile phone offences.

**2. Submission of Fixed Penalty Notice**

In accordance with Condition 17 of the Dual Driver's Licence and Condition 12 of the Private Hire Driver's Licence a driver who has received a Fixed Penalty Notice shall submit to the Corporate Director (Governance) **the original of such Notice\* within seven days of receipt** thereof. If the original of the Notice\* cannot be produced, the application for any future renewal of the Licence will be referred to the next meeting of the Licensing Sub-Committee for determination irrespective of the number of penalty points endorsed on the Driver's Licence.

\* Notice must include the speed you were doing and the legal speed.

**3. Factors to be taken into account when determining applications in accordance with the Delegated Power**

<b>Speeding</b>	
1-5 miles per hour in excess of mandatory speed limit	Licence granted for a maximum period of three years
6-10 miles per hour in excess of mandatory speed limit	Licence granted for a maximum period of two years
11 miles per hour in excess of mandatory speed limit	Licence granted for a maximum period of one year
<b>Failing to comply with Automatic Traffic Signal</b>	Licence granted for a maximum period of one year
<b>Pedestrian Crossing Offences</b>	Licence granted for a maximum period of one year

**4. Serious Traffic Offences**

In cases where, in the opinion of the Corporate Director (Governance), a more serious traffic offence has been committed which has put passengers at risk but only three penalty points have been endorsed on the applicant's driver's licence, it will be at that Officer's discretion to refer the application to the Miscellaneous Licensing Sub-Committee for determination.

**APPENDIX B - DUAL LICENCE - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER CONDITIONS**

**Conditions:**

1. The driver shall ensure that the Vehicle Licence Plates are clear and legible at all times.
2. The driver shall keep the dial of the taximeter lit during all hirings within the period of lighting-up time and any other time when required to do so.
3. 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 fixed for the purpose;
  - (b) if a stand is occupied by the full number of carriages authorised to occupy it, proceed to another stand;  
on arriving at a stand not full, position the carriage behind the rearmost carriage, facing the same direction, and move forward when the carriage in front is moved forward or has driven off.
4. The driver when standing or plying for hire shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
5. The driver shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
6. Where a vehicle has been hired to be in attendance at an appointed time or place, the driver thereof shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time or place.
7. The driver when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
8. **The driver shall not convey in the vehicle a greater number of passengers than the number of persons specified on the plate affixed to the outside of the vehicle., Children under the age of three years shall not be counted for the purpose of a fare but still count as a passenger and must at all times be under the supervision of a responsible adult other than the driver of the vehicle.**
9. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.
10. The driver of a Hackney Carriage constructed or adapted so as to carry luggage shall, when requested by any persons hiring the carriage:-
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any building or place at which he may take up or set down such person.
11. Every driver who shall knowingly convey in the carriage the dead body of any person shall immediately thereafter notify the fact to the Chief Environmental Health Officer of the Council and shall not further use the vehicle for public hire without the consent of that Officer.
12. The driver shall ensure that the fare table is unobscured and legible at all times.
13. The driver shall behave in a civil and orderly manner.

14. The driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.
15. The driver shall if any property accidentally left in the vehicle by any persons who may have been conveyed in the vehicle be found or handed to him:-
  - (a) as soon as possible and in any event within 72 hours, return it to its owner or if not known to the nearest Police Station and obtain a receipt / reference number for the property, which must be passed to the Licensing Office;
  - (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 Council Offices, whichever be the greater) but not more than five pounds.
16. The driver shall notify the Council in writing within a period of seven days of any change in his permanent address and produce his licence for the change to be recorded thereon.
17. The driver shall notify the Council in writing within a period of **seven days** of any caution/conviction (**whether criminal or motoring**) being imposed upon him or her during the period of this Licence or within a period of seven days of any fixed penalty offence (as defined in Section 51 of the Road Traffic Offenders Act 1988) being endorsed upon his or her driving licence during the period of this licence.
18. Upon reaching the age of 65 and thereafter on an annual basis any driver wishing to continue to hold his/her licence or apply for a new or renewed licence shall provide to the Council a medical certificate in a format prescribed by the Council duly signed by a recognised General Practitioner certifying that the licence holder/applicant is fit to drive a Hackney Carriage. That in the case of existing licensed drivers the medical certificate shall be supplied to the Council within fourteen days of their 65th birthday and thereafter annually within the same period of time.

In the event of no medical certificate being provided within the prescribed period, or if the General Practitioner certifies that the driver is not fit to drive, the licence shall be revoked forthwith.
19. Unless medically exempt the driver shall carry, free of charge, guide dogs, hearing and certain other assistance dogs as may be prescribed from time to time, accompanying disabled people.
20. These conditions may be added to or varied by the Council at any time.

**APPENDIX C - PRIVATE HIRE DRIVER CONDITIONS**

**Conditions:**

1. The driver shall ensure that the Private Hire Licence Plates are clear and legible at all times.
2. The driver shall behave in a civil and orderly manner.
3. Where a vehicle has been hired to be in attendance at an appointed time and place, the driver thereof shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such appointed time and place.
4. The driver shall not by calling out or otherwise importune any person to hire such vehicle and shall not make use of the services of any other person for this purpose.
5. If a badge has been provided by the Council the driver shall, when driving or attending to the vehicle, wear the badge in such position and manner as to be plainly visible.
6. The driver of a vehicle constructed or adapted so as to carry luggage shall, when requested by any persons hiring the vehicle:-
  - (a) convey a reasonable quantity of luggage;
  - (b) afford reasonable assistance in loading and unloading;
  - (c) afford reasonable assistance in removing it to or from the entrance of any building or place at which he may take up or set down such person.
7. Every driver who shall knowingly convey in the vehicle the dead body of any person shall immediately thereafter notify the fact to the Chief Environmental Health Officer of the Council and shall not further use the vehicle for hire without the consent of that Officer.
8. The driver shall not convey in the vehicle a greater number of passengers than the number of persons specified on the plate affixed to the outside of the vehicle, provided that for the purposes of ascertaining the number of persons travelling in the vehicle children under the age of three years shall not be counted and such children must at all times be under the supervision of a responsible adult other than the driver of the vehicle.
9. The driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.
10. The driver shall if any property accidentally left in the vehicle by any persons who may have been conveyed in the vehicle be found by or handed to him;
  - (a) as soon as possible and in any event within 72 hours, return it to its owner or if not known to the nearest Police Station and obtain a receipt / reference number for the property, which must be passed to the Licensing Office;
  - (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 Council Office, whichever be the greater) but not more than five pounds.
11. The Driver shall notify the Council in writing within a period of seven days of any change in his permanent address and produce his licence for the change to be recorded thereon.

12. The driver shall notify the Council in writing within a period of **seven days** of any caution / conviction (**whether criminal or motoring**) being imposed upon him or her during the period of this Licence or within a period of seven days of any fixed penalty offence (as defined in Section 51 of the Road Traffic Offenders Act 1988) being endorsed upon his or her driving licence during the period of this licence.
13. Upon reaching the age of 65 and thereafter on an annual basis any driver wishing to continue to hold his/her licence or apply for a new or renewed licence shall provide to the Council a medical certificate in a format prescribed by the Council duly signed and recognised General Practitioner certifying that the licence holder/applicant is fit to drive a Private Hire Vehicle. That in the case of existing licensed drivers the medical certificate shall be supplied to the Council within fourteen days of their 65th birthday and thereafter annually within the same period of time.

In the event of no medical certificate being provided within the prescribed period, or if the General Practitioner certifies that the driver is not fit to drive, the licence shall be revoked forthwith.

14. Unless medically exempt, the Driver shall carry, free of charge, guide dogs, hearing and certain other assistance dogs as may be prescribed from time to time, accompanying disabled people.
15. These conditions may be added to or varied by the Council at any time.

## **APPENDIX D - HACKNEY CARRIAGE VEHICLE CONDITIONS**

1. The vehicle shall be suitable in type, size and design, for the purpose of public hire.
2. (a) The Council's Licence Plates shall be affixed to the front and rear of the vehicle by the use of the plate platform and/or bracket provided in a position so that the details shown on the plate may be seen clearly and are not illegible, defaced or concealed from public view except where provided for by Statute. Such plate shall be affixed by use of the bracket beneath the registration number plate in accordance with the instructions provided or, in cases where this is not practical, by riveting the plate platform to the bodywork of the vehicle on the rear right hand side on, or just above, the bumper. The vehicle may not be used for the purpose authorised by the vehicle licence without such plate being so affixed.  
  
(b) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in, or from the vehicle, except as may be required by any statutory provision or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taxi meter fitted to the vehicle.
3. (a) The proprietor shall cause to be affixed and maintained on the roof of the vehicle a sign which will be lit during the time when it is obligatory to use side or head lamps which reads 'Taxi'. This condition does not apply when the vehicle is an FX4 (London Cab).  
  
(b) The proprietor may display such signs, etc., as may from time to time be approved by the Council.
4. The vehicle shall:-
  - (a) be equipped with sufficient means by which any person in the vehicle may communicate with the driver;
  - (b) be equipped with any necessary windows and a means of opening and closing not less than one window each side;
  - (c) be kept weatherproof;
  - (d) be equipped with properly upholstered seats;
  - (e) be equipped with proper floor covering;
  - (f) be kept in a clean condition, well maintained and in every way fit for service;
  - (g) be equipped with means for securing luggage, if the vehicle is constructed or adapted to carry luggage;
  - (h) be equipped with an efficient fire extinguisher (British Standards Approved) which shall be kept in such a position as to be readily available for use;
  - (i) be equipped with at least two doors for the use of persons being conveyed in the vehicle and a separate means of entry and an exit for the driver.
5. The vehicle will be equipped with a taximeter which is so constructed, attached and maintained as to comply with the following requirements:-
  - (a) The taximeter should be fitted with a key, flag, button or other device the operation of which will bring the taximeter into action and caused the word 'Hired' to appear on the face of the taximeter;
  - (b) Such device should be capable of being locked or operated in such a position or way that the taximeter is not in action and no fare is recorded on the face of the taximeter;
  - (c) When the taximeter is in action there should 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 in that behalf;
  - (d) The word 'Fare' should be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
  - (e) The taximeter should be so placed that all letters and figures on the face thereof are at all times plainly visible to any persons being conveyed in the carriage, and for that purpose the letters and figures should be capable of being suitably illuminated during any period of hiring;
  - (f) The taximeter and fittings thereof should be so affixed to the carriage that it should not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the fixings.

**Please note that this policy is in draft and currently for consultation purposes only.**

6. If seals are fitted or attached to the meter the Council should be notified forthwith if such a seal is broken through any cause.
7. A statement of the fares fixed by the Council shall be exhibited inside the vehicle and shall not be concealed or rendered illegible at any time whilst the vehicle is plying or being used for public hire.
8. A vehicle which has conveyed a dead body of any person shall not be used for public hire without the consent of the Head of Environmental Services of the Council.
9. The vehicle shall not be used for the conveyance of any fare which has been importuned in any way.
10. These conditions may be added to or varied by the Council at any time.

**Failure to conform to these requirements will result in a breach of policy and further action may be taken by the Council against the vehicle proprietor/s.**

## **APPENDIX E - PRIVATE HIRE VEHICLE CONDITIONS**

1. The vehicle shall be suitable in type, size and design for the purpose of private hire and shall not lead persons to believe that it is a Hackney Carriage.
2. (a) The Council's Licence Plates shall be affixed to the front and rear of the vehicle by the use of the plate platform and/or bracket provided in a position so that the details shown on the plate may be seen clearly and are not illegible, defaced or concealed from public view except where provided for by Statute. Such plate shall be affixed by use of the bracket beneath the registration number plate in accordance with the instructions provided or, in cases where this is not practical, by riveting the plate platform to the bodywork of the vehicle on the rear right hand side on, or just above, the bumper. The vehicle may not be used for the purpose authorised by the vehicle licence without such plate being so affixed.  
  
(b) The Proprietor shall cause signs to be affixed and maintained on the near side and off side front doors of the vehicle to the following specifications:-  
  
"The sign shall be 8¼" x 11¾ " overall with a white background and a border ¼" from the edge, the border to be the same colour as the lettering. The sign shall state only the name, address and telephone number of the operator of the vehicle, and the legend "Licensed Private Hire Vehicle". The size of the lettering for the address and legend shall be ¾"; the name shall not be greater than 2" and the telephone number shall not exceed 2½". The colouring of the lettering may be as chosen by the operator"  
  
(b) No sign other than the foregoing shall be displayed on the vehicle in such a manner as to be visible to persons outside the vehicle, unless required by law or with the consent of the Council in writing.
3. The vehicle shall:-
  - (a) be equipped with sufficient means by which any person in the vehicle may communicate with the driver;
  - (b) be equipped with any necessary windows and a means of opening and closing not less than one window each side;
  - (c) be kept waterproof;
  - (d) be equipped with properly upholstered seats;
  - (e) be equipped with proper floor covering;
  - (f) be kept in a clean condition, well maintained and in every way fit for service;
  - (g) be equipped with means for securing luggage, if the vehicle is constructed or adapted to carry luggage;
  - (h) be equipped with an efficient fire extinguisher [British Standards Approved] which shall be kept in such a position as to be readily available for use;
  - (i) be equipped with at least two doors for the use of persons being conveyed in the vehicle and a separate means of entry and exit for the driver.
4. A vehicle which has conveyed the dead body of any person shall not be used for hire without the consent of the Chief Environmental Health Officer of the Council.
5. The vehicle shall not be used for the conveyance of any fare which has been importuned by any person.
6. These conditions may be added to or varied by the Council at any time.

**Failure to conform to these requirements will result in a breach of policy and further action may be taken by the Council against the vehicle proprietor/s**

## **APPENDIX F - PRIVATE HIRE OPERATOR LICENCE CONDITIONS**

The Council has power to impose such conditions on a private hire operator's licence as it considers reasonable, necessary and proportionate. The current conditions are as follows:

1. The Operator shall record in a bound book before the commencement of each journey, the date and time of hiring; the name and address of the hirer; the date, time and place of commencement of the journey, the destination, number of passengers, plate number of the vehicle and badge number of the driver. If the booking is passed to another operator, the name of that operator and date and time of passing shall be recorded. This record shall be preserved for a period of one year from the date of the last entry, and shall be produced for inspection on request by any authorised Officer of the Council or any Police Constable and such Officer or Constable shall be entitled to make copies of any entries recorded therein.
2. The Operator shall maintain a proper record of all persons driving Private Hire Vehicles for which he invites or accepts bookings; such record shall show the driver's name and address, hours of work, rest periods and plate number of the vehicles driven. This record shall be preserved for a period of one year from the date of the last entry and shall be produced for inspection on request by an authorised Officer of the Council or any Police Constable and such Officer or Constable shall be entitled to make copies of any entries recorded therein.
3. The Operator shall provide and maintain the above records at his own expense.
4. If any Director or Partner ceases to be a Director or Partner, or if any person becomes a Director or Partner, or there is any change of Company Secretary or place or business, such fact shall be reported to the Council in writing within seven days.
5. The Operator must not use in any advertisement the words Hackney Carriage, Taxi or Cab if licensed Hackney Carriages cannot be supplied.
6. Notify the Council within 7 days of any change of business address or change of company trading name.
7. The Operator shall be aware that a booking accepted by telephone or otherwise verbally is a lawful agreement and they may be liable for breach of contract if a booking is not honoured. The accurate recording of booking details is a means of protecting themselves should such circumstances arise.
8. These conditions may be added to or varied by the Council at any time.

**APPENDIX G - GUIDELINES FOR SALOON AND ESTATE VEHICLES:**

The following should be observed in relation to all applications for licensing vehicles constructed for the sole use of passengers and their effects in accordance with Construction and Use Regulations, and **NOT** adapted, for the conveyance of up to four passengers.

1. No vehicle will be licensed for less than four passengers.
2. The maximum number of passenger seats is four and the following will be taken into account when deciding seating capacity:-
  - (a) The width of each seat should not be less than 400mm per person, this measurement being taken across the front of the seat and, where necessary, between arm rests.
  - (b) There shall be sufficient room in the rear of the vehicle to accommodate three passengers. There shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and therefore there should be a height of 870mm between the seat and roof of the vehicle and 180mm from the back of the front seat to the front of the rear seat [when the front seat is fully pushed back].
  - (c) There shall be a separate front seat to accommodate one person in addition to the driver [excluding London style cabs].
  - (d) There shall be a minimum of four doors, each adjacent to and allowing direct access to and from the seats.
  - (e) Each seat should comply with the seat belt regulations and, if necessary, be able to secure a child seat/booster seat.
  - (f) All seats should face forward in the direction of travel [except London style cabs].
  - (g) The vehicle shall be right hand drive, with the driver's door to the offside.

## **APPENDIX H - GUIDELINES FOR MULTI-SEATER VEHICLES:**

The following should be observed in relation to all applications for licensing vehicles constructed for the sole use of passengers and their effects in accordance with Construction and Use Regulations, and NOT adapted, for the conveyance of up to eight passengers.

1. The maximum number of passenger seats is eight and the following will be taken into account when deciding seating capacity:-
  - a) The vehicle shall be right hand drive, with the driver's door to the offside.
  - b) The vehicle will have a front nearside passenger door.
  - c) In respect of minibus and other MPV style vehicles a minimum of three doors to the passenger accommodation shall be provided.
  - d) Except where the vehicle is fitted with an offside passenger door, it shall be possible for a passenger to walk from the rear nearside passenger door through the vehicle and out of the rear door without having to step over any seats.
  - e) The width of each seat should not be less than 400mm per person, this measurement being taken across the front of the seat and, where necessary, between arm rests.
  - f) Each seat should face forward in the direction of travel unless, in the case of rear facing seats, there is supporting documentation to say that the seats conform to the relevant Ministry of Transport standards.
  - g) All seats, whether rear or front facing, shall be fitted with a seat belt. Each seat should comply with the seat belt regulations and, if necessary, be able to secure a child seat/booster seat.
  - h) There shall be sufficient room between the seats to allow adequate room for the movement of passengers. There shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and therefore there should be a height of 870mm between the seat and roof of the vehicle and 180mm from the back of the front seat to the front of the rear seat [when the front seat is fully pushed back].
  - i) Have proper signs on how to lift the second row of seats. The sign should be clearly visible to any persons seated in the rearmost seats providing customers with instructions on the operating mechanisms for the seat that may be required to be tipped/moved forward in order to gain access/egress from the vehicle.
  - j) The operating levers to be coloured yellow/orange so that they are easily identifiable. They can be coloured by using the appropriate colour tape. Tape should remain damage free at all times and replaced when worn.
  - k) When deciding the seating capacity of any vehicle, account will be taken of the weight bearing capacity of the rear axle and any other factors considered necessary in order to ensure the comfort and safety of the public. Applicants will be required to supply this information or take the necessary steps to contact the manufacturer of the vehicle in order that this information is available at the time the inspection takes place.
  - l) Taken from the area to the rear of the driver, the floor of the vehicle shall be of one level to the rear of the vehicle.
  - m) The vehicle shall be fitted with either a sliding or front pillar hinged door to the nearside passenger carrying area such additional door, if hinged to be capable of opening 90°, ideally with a step or similar device to assist passengers in entering or leaving the vehicle.

- n) If the vehicle is fitted with an offside rear passenger door, then the rear door may be of the hinged lift-up type such offside rear passenger door to be of the sliding or front pillar hinged type, capable of opening to 90°, ideally with a step or similar device to ease passengers to enter or leave the vehicle.
- o) Have windows on the near and offside in respect of the rear row of seats and that they be free from obstruction at all times to allow access in the event of an emergency.
- p) Have well positioned exit window signs (where appropriate).
- q) Have an internal device for the rear hatch door to be opened from the inside. This can be by way of an emergency 'quick release' button which can be fitted to the rear hatch door which can be operated by passengers in order to allow access/egress in the event of an accident and one of the side passenger doors being inaccessible.
- r) All vehicles must be capable of carrying a wheelchair in a reasonable manner. In the interests of passenger safety and comfort, should any vehicle be capable of carrying a person who remains in the wheelchair, or where the seating layout may be varied to accommodate a wheelchair, such vehicle must have adequate provision to enable the wheelchair to be fixed securely to the floor of the vehicle. The remaining seating capacity will then be determined in accordance with the conditions set out above but the total passenger carrying capacity shall not be less than four.
- s) Notwithstanding the seating capacity stated on the Vehicle Registration Document, in order to meet the above criteria for the safe conveyance and comfort of passengers it may be necessary for a seat or seats to be removed and any licence and subsequent licence issued by the Council in respect of the vehicle will be subject to such reduced seating capacity.
- t) An appeal against a decision on capacity may be referred to the Licensing Sub-Committee, provided that documentation in support of the appeal can be produced by the applicant.
- u) These conditions may be varied from time to time to accord with changes of Government legislation. It should be noted that the Government is currently considering new legislation which will incorporate the carriage of disabled persons in their wheelchairs.

These conditions may be varied from time to time to accord with changes of Government legislation. It should be noted that the Government is currently considering new legislation which will incorporate the carriage of disabled persons in wheelchairs.

## **APPENDIX I - SUITABILITY TEST**

### **Guidelines for Suitability Tests**

All applicants wishing to apply for a Hackney Carriage and Private Hire Drivers Licence are required to pass a suitability test before they can apply for a full application pack. These notes advise you on what you will need to know to pass the suitability test and how the test is conducted.

The test is computer based and the questions are automatically generated by the computer. The test is time limited and candidates will have a maximum of **24 minutes** to complete it.

The test will consist of:-

- Money & Finance
- Literacy
- Times & Dates
- A-Z (which will be provided at the test)

You will be asked 5 questions from each of the categories and the pass mark is 4 out of 5 per category. Should you fail any of the sub sections listed above you will have failed the complete test. You will not be able to take another test for a minimum of 14 days where a further £30 would be required.

### **Using the Suitability Test Software**

#### **Step 1.**

Read the question through **carefully**, and then select your answer from the four options.

#### **Step 2**

Once your answer has been selected (it will show a tick in the box next to the answer you have selected, and will be highlighted), press the 'Next Question' button as shown below. Please note that you can change your answer at any time by simply selecting an alternative answer.

#### **Step 3**

When you have finished the test it will not be possible to select the 'Next Question' button, and you should click on the button marked 'Finished'. The computer will then ask you if you are sure you have finished and will highlight any questions that you have not selected an answer for. You then have the opportunity to go back and enter an answer for these questions if you wish, or the opportunity to double check your answers. Once you are satisfied with your answers, you should end the test and inform the invigilator.

## APPENDIX J - KNOWLEDGE TEST

### Guidelines for Knowledge Test

All applicants for a Hackney Carriage and Private Hire Drivers Licence are required to pass a special test before they can be Licensed to drive Hackney Carriages and Private Hire Vehicles Licensed by this authority. In London this test is known as 'The Knowledge' and a similar, though less rigorous test is administered by Tendring District Council. These notes advise you on what you will need to know to pass the knowledge test and how the test is conducted.

Applicants will be expected to have a reasonable understanding of the streets and main buildings within the entire District of Tendring. Therefore, the test will incorporate all of the main areas of Tendring such as Clacton, Harwich, Manningtree, Frinton, Walton, Brightlingsea, Great Bentley and the surrounding areas as shown on the map below.



An applicant will be expected to have knowledge of the law in relation to Hackney Carriage / Private Hire Driver and Vehicles as well as the Licensing Conditions adopted by Tendring District Council. Applicants should also be familiar with and have studied the Highway Code.

The test is computer based and the questions are automatically generated by the computer. The test is time limited and candidates will have a maximum of **60 minutes** to complete it.

**The test will consist of:-**

- **Road Signage**
- **Highway Code**
- **Routes of roads within the Tendring area**
- **Places of Interest and local knowledge**
- **Conditions, Law and Equality**

## Test Information

The test is modular and a candidate must achieve a pass mark in each of the sections (shown below) to satisfactorily pass the test. The number of questions and the pass mark in each category is:

- Signage - Answer 5 out of 5 questions correctly
- Highway Code - Answer 5 out of 5 questions correctly
- Routes – Surrounding areas - Answer 1 of 2 questions correctly in each group  
(Clacton / Holland / St Osyth / Jaywick)  
(Harwich / Dovercourt / Parkeston)  
(Walton / Frinton / Thorpe / Weeley)  
(Manningtree / Wix / Mistle)  
(Brightlingsea / Thorington / Great Bentley / Alresford)
- Places of Interest / Local Knowledge – Surrounding area - Answer 3 of 5 questions correctly in each group  
(Clacton / Holland / St Osyth / Jaywick)  
(Harwich / Dovercourt / Parkeston / Manningtree / Wix)  
(Walton / Frinton / Thorpe / Weeley)  
(Brightlingsea / Thorington / Great Bentley / Alresford)
- Conditions, Law and Equality - Answer 4 of 5 questions correctly.

Should you fail any of the modular sub sections listed above, you will have failed the test, but can choose to return and resit the test at a later date and will only be required to undergo the sections that you have failed on. You will only ordinarily be permitted to undertake the knowledge test 3 times. **Should you not have completed the test after 3 attempts your application will be terminated. The following timescales apply if you fail the test:**

- **Fail first attempt - Wait a minimum 14 days before retest of the failed sections.**
- **Fail second attempt - Wait a minimum 14 days before retest of the failed sections.**
- **Fail third attempt - Your application will be terminated.**

There is an appeal procedure in place for a fourth attempt if you fail your third attempt which must be made in writing to the Licensing manager.

If your application is withdrawn, you cannot resubmit an application for 1 months. Any fees paid towards the grant of a hackney carriage/private hire drivers licence will be refunded if the licence is not granted to you.

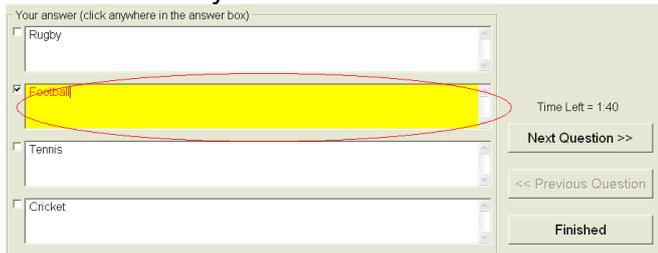
**It is strongly recommended that anybody wishing to be licensed as a new driver should take the time therefore, to familiarise themselves with the highway code, and the law relating to the driving of Hackney Carriage and Private Hire Vehicles, Tendring District Council Vehicle Licensing Conditions, Tendring District Council Hackney Carriage / Private Hire Driving Licence Conditions.**

The knowledge test will be administered in English. Assistance may be given, should an applicant have any difficulty in undertaking this test. Additional information is enclosed with this guidance to assist you.

## Using the Knowledge Test Software

### Step 1.

Read the question through **carefully**, and then select your answer from the four options given as demonstrated by the circle below.



Your answer (click anywhere in the answer box)

Rugby

Football

Tennis

Cricket

Time Left = 1:40

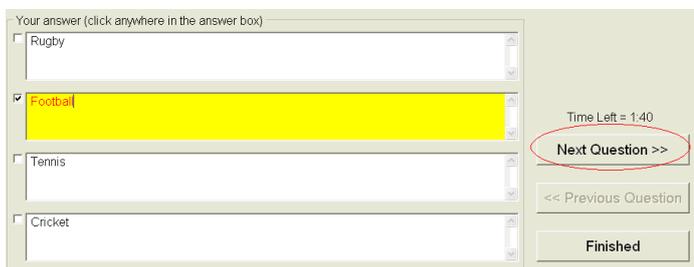
Next Question >>

<< Previous Question

Finished

### Step 2

Once your answer has been selected (it will show a tick in the box next to the answer you have selected, and will be highlighted), press the 'Next Question' button as shown below. Please note that you can change your answer at any time by simply selecting an alternative answer.



Your answer (click anywhere in the answer box)

Rugby

Football

Tennis

Cricket

Time Left = 1:40

Next Question >>

<< Previous Question

Finished

### Step 3

When you have finished the test it will not be possible to select the 'Next Question' button, and you should click on the button marked 'Finished'. The computer will then ask you if you are sure you have finished and will highlight any questions that you have not selected an answer for. You then have the opportunity to go back and enter an answer for these questions if you wish, or the opportunity to double check your answers. Once you are satisfied with your answers, you should end the test and inform the invigilator.

## Guidance to the Knowledge Test (points to study)

There are no lists of roads, routes or places of interest to assist you in learning the area of Tendring. Experience has shown that an applicant could sit down and learn the list without knowing the area in which they will be working. In this day and age of GPS navigation it could be said that there is no requirement for a driver to learn the area as the device will take him or her to the destination. This is not the case. There can be no substitute for having a working knowledge of the area that you intend to drive. It conveys a wrong impression to the customer and is unprofessional when a driver has to fumble with his GPS before setting off on the journey. In undertaking the knowledge test there is no substitute for studying the area and where necessary driving around to familiarise yourself with the location.

**In this test you will be required to identify public buildings such as Police Stations, Courts, Job Centres, Social Services buildings, Hospitals, Hospice, Schools and Colleges, Cemeteries and Crematoriums. You should be able to identify all Pubs, Restaurants, Shops and Supermarkets, Hotels, Nightclubs and Places of Entertainment within the District together with Local Football and Rugby Clubs, Parks and Open Spaces, Golf Courses, Sports and Leisure Centres. You should be able to identify large businesses within the District and the industrial estates that they are located on. The list of places of interest is not exhaustive and applicants should actively research the area using such means as Google, Google Maps or Street View on the Internet for example, or hard copy such as Road Atlases or the Yellow Pages or Thompsons Local Directories. Where any doubt exists a visit to the area may be of benefit.**

**Please note that this policy is in draft and currently for consultation purposes only.**

The licence conditions and bye laws have been attached to these notes; however you should obtain the latest copy of the Official Highway Code and familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

### **Hackney Carriage and Private Hire Licence Conditions and Guidance**

As part of the knowledge test you will be asked questions on licence conditions. For reference and further help you, it is recommended that you have read the conditions as laid out in **appendix B & C** within the policy.

## APPENDIX K - CURRENT FARE TARIFF

### TENDRING DISTRICT COUNCIL

#### HACKNEY CARRIAGE FARE SCALE TO TAKE EFFECT 11 AUGUST 2022

- 1. MILEAGE**
  - (a) If the distance does not exceed 235 yards for the whole distance **£3.40**
  - (b) For each subsequent 235 yards or uncompleted part thereof in addition to (a) above **.30**
- 2. WAITING TIME**

For each period of 60 seconds or uncompleted part thereof **.30**
- 3. EXTRA CHARGES**
  - (a) For hirings throughout Sundays and throughout all Bank and Public Holidays and for hirings commencing after Midnight and before 6 a.m. Mondays to Saturdays inclusive **One-half of the above rate of fare**

**Note: When the Bank and Public Holiday charge is payable, the Sunday and night charges are not payable**
  - (b) For each article of luggage conveyed **.20**  
[Luggage means suitcases or trunks but not smaller items such as a briefcase or carrier bag]
  - (c) For each person in excess of one **.20**
  - (d) For each bicycle or non-folding pram **.20**
- 4. MULTI-SEAT VEHICLES**

When used to carry more than 4 passengers or a greater amount of luggage than can be conveyed in a four-seater **Add one-half of the rates specified in 1 or 3(a) above**

**Note: When this charge is payable no further extra charges are applicable.**
- 5. CHRISTMAS AND NEW YEAR PERIODS**

For the Christmas Period – 6 p.m. on 24 December until 7a.m. on 27 December **DoubleTariff 1**  
For the New Year Period – 6 p.m. on 31 December until 7.am. on 2 January
- 6. MULTI-SEAT VEHICLES – CHRISTMAS AND NEW YEAR PERIOD**

When used to carry more than 4 passengers or a greater amount of luggage than can be carried in a four seater for the days and times set out in Paragraph 5 above **Double Tariff 1 plus 50%**
- 7. DAMAGE AND SOILAGE CHARGE**

The driver may recover costs under Section 65 of Part II of the Local Government (Miscellaneous Provisions) Act 1976 from the hirer who will be responsible for any damage to (or human discharge left in) the taxi, which has been caused by the action of the hirer or travelling companion(s), and the hirer will be liable to meet the full cost of restoration work required to make good the effects of the aforementioned damage and/or human discharge.
- 8. CARRIAGE OF PERSONS WITH DISABILITIES**

(No extra charges for wheelchairs) **Fares as specified in 1,2 and 3 above**

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## Proposed amendments to Taxi Policy following the July 2023 meeting of the Committee

6.1	<p>Added the following:            Cautions - (Simple or Conditional)            Where an applicant has received a caution these will be accessed on its own merits and may mean that the application needs to be determined by the Miscellaneous Licensing Sub-Committee.            References to convictions in this policy shall be taken to also encompass cautions for the offences concerned. The relevant period for a caution (normally) making an applicant/licensee unsuitable to hold a Hackney Carriage/Private Hire Driver Licence will be considered on a case by case basis up to the relevant period set out for a caution.</p>
6.1	<p>The wording: which has been recommended by the DfT statutory standards is amended to identify that those standards will be applied by Tendring District Council unless expressly stated alongside those standards.</p> <p>In relation to the above, a reference shall be made against the period identified for drink driving (7 years in the DfT standards) shall normally be extended to 10 years following conviction in respect of applicants to Tendring District Council.</p>
10.0	<p>All applicants for Hackney Carriage/Private Hire driver licences will be assessed on their individual merits. The Council does not consider it necessary to set an age limit for drivers provided that regular medical checks are made and that the applicant has held a DVLA driving licence for at least 3 consecutive years at the time of application and duration of licence.</p>
22.5	<p>The Authority requires all Hackney Carriage vehicles to be fitted with working roof mounted signs. The roof sign has to be standard white in colour from the front and no smaller than 30" in length and shall bear the words "Licensed by Tendring District Council – TAXI" on the front face of the sign (for new vehicles and upon replacement vehicles).</p>
22.5	<p>The Council's Licence Plates shall be affixed to the front and rear of the vehicle by the use of the plate platform and/or bracket provided in a position so that the details shown on the plate may be seen clearly and are not illegible, defaced or concealed from public view except where provided for by Statute. Such plate shall be affixed by use of the bracket beneath the registration number plate in accordance with the instructions provided or, in cases where this is not practical, by riveting the plate platform to the bodywork of the vehicle just above the bumper. The vehicle may not be used for the purpose authorised by the vehicle licence without such plate being so affixed.</p>
24.3	<p>Removal of Council Officers annual visual inspection and replaced with:            All vehicles that are (10) ten years old plus, will be subject to an additional mechanical test within the year at the Council's nominated testing station for compliance with the Council's policy.</p>
26.0	<p>Removal of restriction of minimum and maximum ages and replaced with:            Vehicle will only be licensed until they are (15) fifteen years old, from the date of first vehicle registration in accordance with the Vehicle log book.            For vehicles over (10) ten years of age there shall be a requirement for a third mechanical test.            Consideration to the NCAP rating.</p>
29.1-29.6	<p>Plate Exempt Vehicles – added content.</p>

39.2	Operators Licence Basic Disclosure – Removed the requirement for signing up to DBS status as this is not available on Basic level
41.1	Warning Protocol for Hackney Carriage Drivers/Vehicles Owners and Operators – to be removed and replaced with Penalty Point System.
Appendix B	Reword of Condition 8. The driver shall not convey in the vehicle a greater number of passengers than the number of persons specified on the plate affixed to the outside of the vehicle., Children under the age of three years shall not be counted for the purpose of a fare but still count as a passenger and must at all times be under the supervision of a responsible adult other than the driver of the vehicle.
Appendix D & E	Plate reference to include “Front of the vehicle”

**PENALTY POINTS SYSTEM  
HACKNEY CARRIAGE/PRIVATE HIRE - DRIVERS, OPERATORS AND VEHICLE LICENCES**

The penalty points system for recording non-compliance with Hackney Carriage or Private Hire requirements will operate as follows: -

1. Tendring District Council's Policies will be fully considered by the enforcing officer when determining the way any breach of the legislation or the requirements of this policy are dealt with. Where it is decided that the use of penalty points is appropriate, they will be issued in accordance with the rate in the attached schedule.
2. Before penalty points are issued there must be sufficient evidence to prove the offence or breach of conditions.
3. Each case will be considered on its merits.
4. When points are issued to the vehicle licence, operator or driver, written confirmation will be sent within 10 working days. There is a right of appeal to the Licensing Manager.
5. Points issued remain live for a period of 2 years from date of issue. Points will be deleted after this two-year period.
6. The Miscellaneous Licensing Sub-Committee may consider previous penalty points if a trend is identified or considered relevant by the members.
7. Any driver, vehicle licence holder or operator accumulating 12 points in a two-year period will be required to appear before a panel of the Miscellaneous Licensing Sub-Committee to consider whether they are still fit and proper to hold the licence.
8. When a driver, vehicle licence holder or operator is brought before the Miscellaneous Licensing Sub-Committee, the panel may exercise one of the following options: -
  - a. Suspend the licence.
  - b. Revoke the licence.
  - c. Issue written warning.
  - d. Extend the two-year period in which points remain live.
  - e. Take no further action.
  - f. Any other action the panel feels appropriate (including Penalty Points)
9. Any driver, operator or vehicle licence holder required to appear before the Miscellaneous Licensing Sub-Committee having accumulated 12 points shall be entitled to make representations to the panel or be legally represented at the hearing.
10. Nothing in this penalty points system will stop the council from taking action under any appropriate legislation.

	Imposition of Points by LO or Cttee	Misconduct	Points	Driver	Vehicle	Operator
1	LO/CTTEE	Providing false/misleading information for licence application, failing to provide relevant information, failure to pay relevant fees (including dishonoured cheques or other financial instruments)	6-12	✓	✓	✓
2	LO	Failure to notify the Council of a change of address as required in this Policy	2	✓	✓	✓
3	LO/CTTEE	Refusal to accept hiring/booking without reasonable justification	6-12	✓		✓
4	LO/CTTEE	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓		✓
5	LO/CTTEE	Plying for hire by private hire drivers, or hackney carriage drivers plying for hire outside of the Council's boundary	9	✓	✓	
6	LO	Private hire vehicle parking or waiting on a taxi rank, or waiting so as to imply a taxi rank is in place	9	✓	✓	
7	LO/CTTEE	Inappropriate behaviour whilst in charge of a licensed vehicle	1-12	✓		
8	LO	Leaving a taxi unattended (on a hackney carriage rank)	3-6	✓		
9	CTTEE	Using an unlicensed vehicle (as a private hire or hackney carriage)	12	✓	✓	✓
10	LO/CTTEE	Failure to produce suitable relevant documents or to fully assist an authorised officer with their reasonable enquiries within timescales when requested by an authorised officer	3	✓	✓	✓
11	LO	Unsatisfactory condition of interior or exterior of a licensed vehicle	3	✓	✓	✓
12	CTTEE	Using a vehicle that is subject to a suspension order issued by an authorised officer or a police officer	12	✓	✓	✓
13	CTTEE	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓	✓
14	LO	Failure to report an accident or damage to a licensed vehicle in accordance with this Policy, and which would bring the vehicle in breach of licence conditions	3	✓	✓	
15	LO	Carrying more passengers than stated on the vehicle licence	6	✓		✓

	Imposition of Points by LO or Cttee	Misconduct	Points	Driver	Vehicle	Operator
16	LO	Failure to display or maintain external plate as issued by the Licensing authority or displaying incorrectly e.g., in the window of a vehicle	4	✓	✓	
17	CTTEE	Carrying or allowing to be carried an offensive weapon in a licensed vehicle	12	✓		
18	LO	Failure to notify a transfer of vehicle licence in accordance with this Policy	3		✓	
19	LO	Failure to carry a working fire extinguisher in a licensed vehicle	3	✓	✓	
20	LO	Displaying signage or advertisements otherwise than in accordance with this Policy	3	✓	✓	✓
21	LO	Failure to use a roof light where required	4	✓	✓	
22	LO/CTTEE	Obstruction of an authorised officer or police officer	6-12	✓	✓	✓
23	LO	Smoking or evidence thereof in a licensed vehicle and/or failing to display no smoking signs	4	✓	✓	
24	LO	Displaying any feature on a private hire vehicle that may suggest it is a hackney carriage	6	✓	✓	✓
25	CTTEE	Failure to carry an assistance animal without requisite medical exemption certificate	12	✓		
26	CTTEE	Driver not holding a current DVLA licence	12	✓		
27	LO	Failure to display driver's badge otherwise in accordance with this Policy	4	✓		
28	LO/CTTEE	Failure to notify a change in medical circumstances otherwise in accordance with this Policy	6	✓		
29	LO	Unsatisfactory appearance of driver	3	✓		
30	LO	Failure to issue receipt on request	3	✓		✓

	Imposition of Points by LO or Cttee	Misconduct	Points	Driver	Vehicle	Operator
31	LO/CTTEE	Using a licensed vehicle in a dangerous condition	9	✓	✓	✓
32	LO/CTTEE	Failure to return vehicle licence plate otherwise in accordance with this Policy	4	✓	✓	✓
33	LO/CTTEE	Unsatisfactory behaviour or conduct of a driver	1-12	✓		
34	LO/CTTEE	Failure to notify the Council of any motoring or criminal convictions otherwise in accordance with this Policy	12	✓	✓	✓
35	LO/CTTEE	Failure to provide reasonable assistance to a passenger	1-12	✓		
36	LO	Failure to display a correct up to date fare tariff	3	✓	✓	
37	LO/CTTEE	Use of licensed vehicle with a bald, dangerous, or defective tyre	3 (per tyre)	✓	✓	✓
38	LO/CTTEE	Failure to submit licence renewal application including documents	4	✓	✓	✓
39	LO	Waiting or stopping on a zigzags, red routes or bus stops.	3	✓		
40	LO/CTTEE	Driving whilst using a handheld electronic communications device or some other device	6-12	✓		
41	CTTEE	Plying for hire without a Hackney Carriage Driver Licence	12	✓		
42	CTTEE	Driving a licensed vehicle without the appropriate Council issued Driver Licence	12	✓	✓	
43	LO	Failing to produce upon request by an authorised officer any driver licences for whom they have permitted to drive that vehicle.	3		✓	✓
44	LO	Failure to present a vehicle for an inspection upon request	3		✓	
45	LO	Failure to return a plate/licence/badge after notice has been given following an expiry, revocation, or suspension of the licence	6-12	✓	✓	✓

	Imposition of Points by LO or Cttee	Misconduct	Points	Driver	Vehicle	Operator
46	LO/CTTEE	Failure to ensure the safety of passengers	3-12	✓	✓	✓
47	LO	Failure to attend on time for a pre-arrange appointment at the request of the Licensing Authority without reasonable cause.	3	✓	✓	✓
48	LO	Failure to give reasonable assistance with passengers' luggage (unless the holder of an exemption)	3	✓		
49	LO	Failure of a Private Hire Operator to request and keep a copy of all driver's licence in his employ	3			✓
50	LO/CTTEE	Failure of the Private Hire Operator to keep to proper records, or failure to produce them upon request of an authorised officer of the Licensing Authority or a Police Office within a reasonable time/or time specified.	3-8			✓
51	LO/CTTEE	Failing to comply with a requirement of an authorised officer of the Licensing Authority or Police Officer	3-12	✓	✓	✓
52	LO/CTTEE	Failure to give information or assistance to an authorised officer of the Licensing Authority or Police Officer	3-12	✓	✓	✓
53	LO/CTEE	Failing to adhere to any of the driver/vehicles or operator licence conditions	1-12	✓	✓	✓
54	LO/CTEE	Use of unacceptable behaviour and/or language towards staff/Councillors of Tendring District Council.	1-12	✓	✓	✓

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## Taxi Policy Consultation Survey Results

Number of Responses: 29

Responses received from the following:

Please note that on some occasions there are more than one category that the response has come under.

Licensed Driver Only with TDC:	1
Licensed Driver and Vehicle Holder with TDC:	26
Licensed Driver, Vehicle and Operator Holder with TDC:	0
Currently going through process of becoming a driver:	0
Stakeholders (Organisations)	0
General Public:	2

Which area of Tendring do you live in?

Clacton	14	Kirby / Frinton / Walton / Thorpe	5
Jaywick	2	Manningtree	1
Holland / Great Holland	1	Point Clear / St Osyth	3
Harwich	1	Outside Tendring area	2

Do you agree the policy is easy to read?

	<b>Total</b>
<b>Agree</b>	<b>12</b>
<b>Disagree</b>	<b>6</b>
<b>Neither</b>	<b>11</b>

If you want to expand on this answer please use the box below

Should be summarised for easy comprehension.

Whilst I agree that the policy is easy to read others will find it difficult. This will result in a very low response rate.

The policy document is fine. By its very nature it is a dry document. It has a contents table, the document is laid out in a logical way, which makes it easy to navigate.

The only amendment I would suggest is to have a separate section at the start of the draft document, listing the proposed changes, with a note to say where these changes can be found in the document (Page number. etc.).

As a Taxi Driver who is aware of the current policy my focus is on the proposed changes.

There is far too much for people to read.

It is not difficult but it's repetitive.

Too much jargon

Do you agree the policy is clearly laid out?

	<b>Total</b>
<b>Agree</b>	<b>12</b>
<b>Disagree</b>	<b>6</b>
<b>Neither</b>	<b>11</b>

If you want to expand on this answer please use the box below.

None

Do you agree that the policy is easy to understand?

	<b>Total</b>
<b>Agree</b>	<b>13</b>
<b>Disagree</b>	<b>6</b>
<b>Neither</b>	<b>10</b>

If not how could we make it easier to understand

State clearly any changes ie vehicles, plates, colour of vehicles the council proposes to change in the draft.

Put it in layman's terms.

The Equalities Act 2010 places an obligation on the Council called the Public Sector Equality Duty. This duty means we should try to eliminate discrimination, advance equality and support inclusive arrangements.

Is there anything you believe the Council should do to meet the needs of the diverse community the Council serves and who make use of Taxis and Private Hire Services? This would also cover barriers to using those services (or using them more extensively).

I believe the council are serving people well.

Direct communication with companies/operators together with any associations within the licensing area

Subject to mandatory requirements the council should remove as many barriers to licensing as it can and enable operators to charge rates according to demand. There are too few especially in rural areas which results in elderly and disabled being isolated.

Not experienced any problems.

Please feedback on any part of the policy

**Appendix B. Dual Licence.**

The wording regarding carrying children under 3 years old is unclear. The wording suggest that a child can be carried on a parents lap in addition to 4 passengers in a vehicle licenced for only 4 passengers. This would then make your insurance null and void. Therefore leaving you open to prosecution.

Agree with everything in the new policy.

### **Vehicle Licensing – Identity and Signage**

Hackney Carriages (Taxis) can be flagged in the street and stop on Taxi ranks. The Council licences these and they are different from Private Hire Vehicles which must be pre-booked through a licensed Operator. Private Hire Vehicles and Operators are also licensed by the Council.

The intention of licensing is to ensure that taxis and private hire vehicles look different from the other.

The current ways the Council tries to differentiate Taxis from Private Hire Vehicles are:

Hackney Carriage (Taxis) – Top light with the word 'Taxi' (no minimum size), a meter inside the vehicle, green Council licence plate on rear exterior

Private Hire Vehicle (Pre-Booked) – No top light, yellow Council licence plate on rear exterior

The Council invites your views on whether replacement/newly licensed vehicles should be a single colour (and new/replacement Private Hire Vehicles would not be that colour). Over time this would develop into a single colour Taxi fleet with Private Hire Vehicles being any other colour of vehicle. The single colour for Taxis could be a dark green or another colour. Vehicles to be licensed as a Taxi that were not of that single colour could have a full body film wrap applied as long they fully maintained that film wrap while licensed. The policy would not apply to existing licensed Taxi vehicles while the vehicle continuously is licensed by the Council.

	<b>Total</b>
<b>Agree</b>	<b>1</b>
<b>Disagree</b>	<b>25</b>
<b>Neither</b>	<b>3</b>

If you want to expand on this answer please use the box below.

This has been tried before a few years back. I hopefully still have the paper work from then It was agreed to be dropped as it is very restrictive to buy a car of a certain colour certain age certain size. And at present with prices of second hand and new vehicles and waiting time on them, I do not think it would be fair. The body wrap is a good idea but very expensive and hard to

maintain with the constant use of vehicle it being cleaned a lot more and the scuffs the car incurs on a daily basis from trolleys wheel chairs pushchairs mobility aids etc , I believe would end up making the car look very scruffy as the old colour will start showing through any scuffs and scratches. As an owner driver my car is for both work and private use.

I bought an electric vehicle 3 years ago to reduce the amount of damage my car was doing to the planet, I would be further restricted in buy an electric car of a certain colour in the price range I could afford. I do agree it would be helpful to distinguish private hire from hackney, maybe a magnetic sign for the bonnet?

I also feel this could stop some drivers being owner drivers and push them across to Uber, which I believe would be awful for Clacton with so many elderly and vulnerable people, as I don't think they need to be checked as much as Hackney , I may be wrong as I don't know much info on Uber I have a lot more views on this subject But I hope you will take these ones into consideration

I believe that taxis as they are with different colours is good enough, if the system isn't broke, then don't change it for change sake. I can't remember when I saw a licenced PH in tendring! 11 yrs ago the council wanted to change taxis to Green & White! Association members complained, & it went to court, the court agreed in our favour, therefore a prescedent was made.

Times are hard enough without having to pay to get taxis wrapped . And private hire can be any colour how could that be fair .

Colour scheme a terrible idea. Most local taxis are used for private purposes. Hundreds have been broken into over the years when parked overnight. Mine has been broken into twice at Clacton Golf Club car alone, plus other places. They break the driver's door window looking for money. The rain soaks the seat and it takes two days to get a replacement window, and it can't easily be driven home. When we park at an airport or seaport we take the top light off and park so the plate can not be seen. Police never attend without a line of enquiry. Why make us an easy target?

I/We consider the current vehicle licencing - identity and signage to be adequate. At the last survey the Tendring District Taxi Association carried out indicated that all operators carrying out public and private hire.

Recent communication with operators and drivers has indicated that improvements can be made to additionally identify licenced vehicles and drivers particularly to safeguard the public. A very high percentage of TDC drivers are owner drivers who use their cars privately and to pay their trade. It is generally considered far too expensive for them to enter the trade or extend their service to include the current proposal. The proposal is particularly restrictive in the current financial climate which operators and Independent drivers certainly object to. It is also felt that certain proposal changes will hinder their own private use together with not accommodating specific private work, wedding, funeral etc.

I have been working as a Taxi driver in Tendring for just over ten years now and I've never come across a problem with differentiating between Hackney Carriage and Private Hire. Believe me, customers are more likely to get in the wrong vehicle because they cannot remember or do not know who they have booked with.

But if you do want to go down the single colour for Hackney Carriage Taxis (Colchester has Black for example) my recommendation is SILVER.

1) Silver is a common colour, vehicles can be sourced easily, no need for expensive wrapping unless Tendring District Council wants to pay for this, because Taxi Drivers or prospective Taxi Drivers have enough to pay out for. We are self employed and at the moment it will not take a lot for us to walk away and get a job in Sainsbury's.

2) We work in a rural area, it would be great to clean the car after every customer but unfortunately that is not viable. Based on experience white gets dirty quickly where as silver, not so much.

3) As we already know black is used by Colchester so that would cause confusion plus my childhood days were spent being driven around in a black car, they get very hot and uncomfortable in the summer!!

Although the one colour scheme is a good idea.

Due to how many Hackney drivers using their vehicles as both taxis and private cars (myself included) then it renders the car a one use vehicle. eg: when attending a family function. Not very nice turning up in a car covered in taxi livery. Or taking your vehicle on holiday. You want to be inconspicuous. And thirdly, not everyone can afford to run a 2nd vehicle.

Your policy would make it too expensive for the average owner driver to replace and keep the taxi up to date.

Single colour of choice especially so regular passengers can differentiate between the drivers allowing them to easily spot their own particular driver. Also to have a body film wrap would be very expensive and not easily affordable in these times.

I can't really see why it needs to be changed from what's already in place with the limited amount of private hire plates that must have been issued. This would be another added cost for Taxi plated drivers I think another plate for the front of the vehicle should be displayed like taxis in Colchester

The cost of purchasing a car suitable for a taxi (vehicle under 5yrs old) is already a large purchase, I believe that a crest on the front or possibly a sign in the windscreen is a suitable option. The cost of wrapping a car is up to £4k which is just yet another expense to put onto owner/drivers!!! Please please consider the drivers who are trying to make a living as we feel we are being pushed into giving up altogether 😞

I feel this would limit the availability of choice when purchasing a replacement car for many drivers and operators.

Unnecessary barrier

Cost to the driver would put even more pressure on a already tough time

Too hard to find one of certain colour size age etc

Would take too long to achieve.

add financial pressure to drivers and families, no quote has been obtained by the council, also cars could be subject to vandalism with the new wraps

Economic

Cars have double in the used market and a full body wrap is around £3000 making a 3 year old car in the region of £20,000. Remember we are only taxi drivers.

I do not want the colour of my taxi car changed in any way. If you are going forward with this please let me know straight away so that I can contribute with all the other independent taxi drivers to get a solicitor. Because we are all against this change in colour and or wrapping of our

vehicles and do not agree to it.

Is there anything else the Council should consider to increase the distinction between Taxis and Private Hire Vehicles?

Magnetic signs - Easily removable.

No, a taxi is more than recognizable as it is, with a large white & yellow top light, no member of the GP had ever complained to my knowledge in (40) yrs about taxis not being recognisable.

Removable magnetic door signs maybe.

The use of front of vehicle/licence plate, alternative colour identification. Vehicle window QR code/alternative code licence identification. The recording of registered company operator vehicle signage.

I must admit, I do like the idea of a common magnet that could be used by all Tendring Hackney Carriage Taxis. White background with Border, Logo and writing in Tendring Green. Maybe include the tariff chart like you see on a New York Taxi.

Get rid of any additional advertising except one other magnet that has the company name of who the driver is driving for.

Private Hire could display pre-booked only livery even if only a door or window sticker.

No it is working perfectly the way it is now.

Private hire door signs to be larger

I think another plate for the front of Taxis should be displayed and a green top light with private hire for the private hire vehicles

I don't think there is a need. The general public would know who they have rang and booked.

There's probably a law preventing it but let both types do the same work. Choosing one or the other is a barrier in rural areas

Clearer signage for private hire.

happy with how it is currently run, as there is no top light and there is a yellow plate therefore it is easy to identify between the 2 - no change required

Small taxi plates for the front of taxis like Colchester.

## **Vehicle Licensing – Type of Vehicle and Age**

The Council currently has policies about the maximum age vehicles can be licensed as a

Taxi/Private Hire Vehicle. This has tended to be for safety reasons.

The current requirements include:

A maximum upper age limit is currently in place as follow:

12 years for saloon, estate and MPV (people carrier) type vehicles;

13 years for Electric Vehicles and any vehicle with a CO2 emission reading of not greater than 110;

15 years for purpose built London style Taxi and Wheelchair Accessible Vehicles.

All vehicles are subject to two mechanical test inspections per year.

All vehicles are subject to a yearly inspection by Licensing Officers once the vehicle is 10 years old.

Should the maximum ages of vehicle be extended by a further two years going forward?

	<b>Total</b>
<b>Yes</b>	<b>21</b>
<b>No</b>	<b>6</b>
<b>Neither</b>	<b>2</b>

If you want to expand on this answer please use the box below.

Having a body work and interior check at the mechanical test would be good.

I think the age requirement is good enough at present, but to buy a car for our trade could be increased to (6) yrs from the current (5) yrs.

As long as taxi is nice and clean looking and inside nice and cleaning looking .

Changing vehicle is now more expensive than ever. Better to allow a replacement vehicle of upto 6 years old (instead of the current 5 years) with a mileage limit of 50,000 as shown on the MoT certificate.

It really depends on the state of the car not its age.

You could buy a car that is ten years old but hardly driven and has another ten years of life or a car could be two years old and is in a condition that would barely scrape through a mechanical test.

To be honest, other than going by the vehicles age or mileage I cannot think of another way of setting this policy without it becoming subjective. What I mean by this is that a car is purchased by a driver thinking it is at a good standard but then the council believe it isn't, this causes bad feeling between the driver and the council and the driver will probably lose money on the car.

The answer would be that if the car is over five years old the council look at the car before it is purchased. Is that viable?

I think 14 years for the upper age limit is enough.

I think what should be extended is the year you can license a new taxi from the current age of 5 years or newer to 6 years or newer

I feel 12 years is acceptable, however, there are vehicles on the circuit that are looking very tired due to heavy wear and tear. These vehicles are no where near the existing 12 year limit.

Don't extend the age of the taxi by two years as this will result in Tendring having an older fleet of taxis which is pointless. You should extend the current new taxi registration age from 5 years to seven years as this represents a real life savings on the price of a new taxi and keeps the Tendring fleet newer and up to date!

Please consider the fact that electric vehicles will eventually be incorporated and considering the climate and cost of new vehicles - existing drivers should be allowed maybe 7 years when changing vehicles (if looked after and safe) as well.

All taxis would be better at 15 years. The 5yr limit to be moved to 6yrs. This would help with cost of purchase.

Yes I have suggested this before these vehicles are very well maintained this would not only be seen as the council giving something back to the drivers but would help in a big financial way as well as building a good relationship going forward in these challenging times.

If the car remains in an acceptable condition I cannot see why it cannot be licensed until 14 years old. The cost of replacing a suitable car is £16k plus, the servicing and maintenance costs are rising all the time.

If a vehicle is meeting the requirements needed by the council age should not be used against them.

Only for vehicles that would comply with ULEZ exemptions on environmental grounds

Would end up with load of old bangers with high mileage.

the modern cars of today are far more presentable and reliable than they were years ago

Also, existing plate holders to have a 7 year old start point instead off 5. To help off set the 60 percent extra cost of replacement cab, because of rising car prices.. milage entry point capped to sub 30000 miles?

### **Driver Licensing – Disclosure Barring Services (DBS)**

At current DBS certificates are looked at every 3 years upon renewal. As part of moving forward, it is proposed that drivers sign up the DBS update service. This subscription service allows applicants to keep their DBS certificates up to date rather than having to make applications more frequently. This will enable drivers to continue without being suspended having to wait for a new DBS certificate upon request by the Licensing Authority.

To what extent do you agree or disagree that licence holders should be required to sign up to the DBS update service and have a live DBS certificate at all times?

	<b>Total</b>
<b>Agree</b>	<b>21</b>

<b>Disagree</b>	<b>2</b>
<b>Neither</b>	<b>6</b>

If you want to expand on this answer please use the box below.

It depends how much it costs.

I think it is a positive move saving drivers from being suspended. If a driver has some health or private issues that mean they may take their eye off the ball so to speak.  
It would also help licensing if they have to do a check on any individual should the council receive information of possible wrong doing that has not been by the licence holder.

At what cost subscription service and what would it entail for it to be continuous?

All drivers to be given benefit of doubt whilst waiting for DBS to come back and not suspended.

Surely this will make it easier for both parties.

Increased safety for vulnerable.

Only used when renewing licence.

As long as drivers who do not have access to broadband or emails can find this service also.

### **Points Based Enforcement System**

The current warning protocol for Hackney Carriage Drivers/Vehicles Owners and Operators. If drivers, operators or vehicle owners receive three written warnings for breaches of conditions and/or traffic offence within a rolling 12 month period they are to be brought before the Miscellaneous Licensing Sub Committee for Councillors to determine whether they should continue to be licensed.

Your views are invited by the Council on moving from the three warnings in 12 months to a points based system, which will allow minor breaches of the rules to be recorded and considered in context, while referring those with persistent or serious breaches to the Miscellaneous Licensing Sub Committee for Councillors to determine whether they should continue to be licensed.

The aim would be to ensure that minor misdemeanours are allocated low numbers of points and acts/omissions which have a clear safety concern are allocated a higher number of points. A driver who breach a points total to have the Licence reviewed.

Do you agree with the principle of changing to a points based enforcement system?

	<b>Total</b>
<b>Agree</b>	<b>22</b>
<b>Disagree</b>	<b>3</b>
<b>Neither</b>	<b>4</b>

If you want to expand on this answer please use the box below.

I think this is fair.

I personally in 24 years haven't had any breaches of my licence however I think a point system seems fair

As a former founder & Chairperson of the ( TDTA) I have been to several court proceedings regarding minor violations and had success in limiting the punishment handed out by ( TDC) (ie) swearing/ parking.

Re Wensbury the punishment handed out in those cases were disproportionate to the offence. (ie) 2/ 3 MTH suspension's which could ruin a taxi drivers income + cause serious work related problems, not to mention health, stress, anxiety & possible marriage concerns.

In those cases I would impose a fine structure say £200 that way a driver could still work& earn a income.+ The ( TDC could put that fine money into their treasury, rather than technically lose the case & pay the court a fine, which has happened in the past.

Unenforceable fairly.

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### **Comments from Trade**

- Business is a mix of rank, prior bookings and school contracts
- Not enough drivers wanting to work at night
- Mix of owner drivers and commissioned drivers
- Current number of drivers makes it difficult to satisfy demand by customers, results in long wait times and losing trade as they don't want to wait that long.
- Cross border hiring makes reduces trade for TDC licensed drivers
- Lots of drivers left due to covid as they couldn't afford the insurances etc and the older drivers decided to retire.
- Younger people don't seem to want to become drivers, but are at loss of how to encourage younger drivers.
- Process to getting licences granted can take a bit of time which is off-putting for many drivers
- There is a lot of money to pay out up front before being granted a licence.
- Not clear on where drivers can ply trade e.g. ranks throughout District.
- No ranks at all in Harwich and not enough in Frinton
- Why the request to distinguish HCV/PHV more – has there been any problems
- Too many restrictions on vehicles make it harder for drivers to meet licensing requirements against the budgets available to them.
- Lots of Drivers don't work the whole district – do they need to be tested on the whole area as they use Sat Navs for the areas they don't work frequently.
- Some drivers don't feel they need it as only do day work, but agree it could be useful to have dashcam for example as they are less expensive than full CCTV and still can be of assistance for safety etc. Don't think it would encourage them to work nights.
- Would consideration be given to reducing the 4 years holding of a DVLA licence – propose 2 years for example.

### **Cllrs & Officer Comments**

- Companies can use the TDC Jobs Fair – Licensing to liaise when they come up.
- Intend to review rank spaces every 3 years – input from trade would be helpful.
- Knowledge Test to be made available to Councillors and select few long standing drivers to given them the opportunity so what it involves firsthand
- Trade views on CCTV would be very helpful. Do they think it would encourage drivers to work nights.
- Trade to be notified when L&R Committee to take place so drivers can attend if they wish to do so.
- Consultation open until 20 September – spread word to drivers to complete consultation to help give us better insight of what changes they would like. If unable to do it online, contact Licensing and we will arrange for them to come to office to complete it.

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