Chelmsford City Council Regulatory Committee

19th November 2026

Private Hire Vehicle Plate Exemption Policy and Conditions

Report by:
Director of Sustainable Communities

Officer Contact:
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Purpose
To seek approval of the revised Private Hire Vehicle Plate Exemption Policy and Conditions, which supports the Taxi Licensing Policy 9.7 already adopted by the Council.

Recommendations
1. That the Committee approves the Private Hire Vehicle Plate Exemption Policy and Conditions at **Appendix A**.

2. That the approved policy is published and implemented following the Committee decision.

Summary of Key Points
The Council has already adopted Taxi Licensing Policy 9.7, including its approach to private hire vehicle plate exemptions. The accompanying policy sets out the practical eligibility criteria, application process and conditions in a single document. It does not seek to change the adopted Taxi Licensing Policy.

1. Introduction

1.1. The Council's adopted Taxi Licensing Policy 9.7 sets out the circumstances in which a private hire vehicle may be exempted from displaying external identification plates. The proposed supporting policy gives applicants and officers a clear account of how those provisions will be applied.

2. Policy framework

2.1 The policy distinguishes executive, chauffeur and specialist pre-booked services from routine private hire work. It includes indicative examples of services normally suitable or unsuitable for exemption, while retaining consideration of each application on its merits. Routine airport transfers are not automatically excluded where the service otherwise meets the executive or specialist criteria.

3. Applications and exemptions

3.1. Applicants must provide a business case and supporting evidence. The policy reflects the adopted vehicle-age standard, delegated decision-making and review arrangements. Existing exemptions continue when the same licensed vehicle is renewed; a replacement vehicle requires a fresh application.

4. Conditions

4.1. The policy also consolidates the additional conditions applying to plate-exempt vehicles, including identification, advertising, change of use and the circumstances in which an exemption may be reviewed or withdrawn.

5. Implementation

5.1. The proposal implements the plate exemption provisions already adopted within Taxi Licensing Policy 9.7. It does not seek to reopen the wider Taxi Licensing Policy. Any operational updates to forms and published guidance will follow approval. The adopted policy is attached as **Appendix C**.

6. Conclusion

6.1. Members are asked to consider approving the supporting policy at **Appendix A** with tracked changes detailed as **Appendix B**. The adopted Taxi Licensing Policy 9.7 remains the overarching policy framework.

List of appendices:

Appendix A – Private Hire Vehicle Plate Exemption Policy and Conditions (clean version).

Appendix B – Current Policy – Tracked Changes.

Appendix C – Current adopted Policy

Background papers:

Chelmsford City Council Taxi Licensing Policy 9.7 (adopted).

Corporate Implications

Corporate Implication	Response
Legal/Constitutional	Plate exemptions are considered under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976. The supporting policy is intended to operate consistently with adopted Taxi Licensing Policy 9.7.
Financial	No new fee is proposed by this report. Applications remain subject to the Council's prescribed fee.
Potential impact on climate change and the environment	No direct impact identified from approval of this supporting policy.
Contribution toward achieving a net zero carbon position by 2030	No direct impact identified.
Personnel	The policy will be administered within existing licensing arrangements.
Risk Management	Clearer published criteria should support consistent decision-making. Existing exemption holders and the treatment of replacement vehicles will need to be communicated clearly.
Equality and Diversity	The proposed policy concerns vehicle identification and service type. A proportionate equality screening should be confirmed before the report is finalised for Committee.
Health and Safety	Customer privacy, safety and security are express considerations in exemption decisions.
Digital	Application forms and published guidance may require updating.
Other	None identified.

Equality Impact Assessment

A full Equality Impact Assessment is not considered necessary because the proposal consolidates the implementation of the Council's existing plate exemption policy without changing the adopted policy position, and no additional impacts on people with protected characteristics have been identified.

Assessment of impact

Using the information above, assess if the policy / function could potentially disproportionately impact on different protected groups.

Specify if the potential impact is positive, could adversely impact or if there is no impact. If an adverse impact, indicate how the impact will be mitigated.

Please note any data used in the impact assessment should be anonymised and with due regard given to data privacy in line with GDPR.

Characteristic	Positive impact	Could adversely impact	No impact	How different groups could be affected	Actions to reduce negative or increase positive impact
Age What will the impact be on different age groups such as younger or older people?				No additional impact has been identified from consolidating the existing policy. The absence of external identification plates may make a private hire vehicle harder to identify for some younger or older passengers.	Ensure the exemption conditions provide appropriate alternative identification and that passenger safety is considered when determining applications.

Characteristic	Positive impact	Could adversely impact	No impact	How different groups could be affected	Actions to reduce negative or increase positive impact
Disability Consider all disabilities such as hearing loss, dyslexia etc as well as access issues for wheelchair users where appropriate				Passengers with visual, cognitive or learning disabilities may experience difficulty identifying or verifying a vehicle without external plates. The report does not establish whether the alternative identification arrangements fully address this.	Check that the identification arrangements are accessible and consider any additional safeguards needed when assessing exemption applications.
Pregnancy and maternity Pregnant women and new and breastfeeding Mums				No additional impact specific to pregnancy or maternity has been identified from the proposed consolidation of the existing policy.	No additional measures have been identified at this stage. Consider any relevant needs raised through individual applications or passenger feedback.
Marriage or Civil Partnership Could this policy discriminate on the grounds of marriage or civil partnership				No additional impact relating to marriage or civil partnership has been identified.	No additional measures have been identified
Sex Is the service used by people of both male and female biological				No additional impact relating to sex has been identified from the proposed consolidation. Passenger	Consider the adequacy of passenger identification and safety

Characteristic	Positive impact	Could adversely impact	No impact	How different groups could be affected	Actions to reduce negative or increase positive impact
characteristics or intersex and are the sexes given equal opportunity?				identification and safety arrangements remain relevant to the operation of exempt vehicles.	arrangements when determining applications.
Gender reassignment Is there an impact on people who are going through or who have completed Gender Reassignment? Additionally, is there an impact on people with different gender identity?				No additional impact relating to gender reassignment has been identified.	No additional measures have been identified. Consider any relevant issues raised during implementation.
Religion or belief Includes not having religion or belief				No additional impact relating to religion or belief has been identified.	No additional measures have been identified.
Sexual Orientation What is the impact on people of different sexual orientation such				No additional impact relating to sexual orientation has been identified.	No additional measures have been identified.

Characteristic	Positive impact	Could adversely impact	No impact	How different groups could be affected	Actions to reduce negative or increase positive impact
heterosexual, lesbian, gay or bisexual people?					
Race Includes ethnic or national origins				No additional impact relating to race has been identified. Information about exempt vehicles may be harder to understand for passengers who do not speak English as their first language.	Use clear, straightforward information explaining how passengers can identify and verify an exempt vehicle.
Are there any other groups who could find it difficult to access or make use of the policy / function? For example: low income / people living in rural areas / single parents / carers and the cared for / past offenders / long-term unemployed / housebound / history of domestic abuse / people who don't speak English as a first language / people without computer access etc.				People without internet access or digital skills may have difficulty accessing information or completing an application if these processes are available only online. The report does not confirm whether this is the case.	Confirm that information and application support can be accessed through an appropriate alternative to online services.

Consultation on Equality Impact Assessment

Separate consultation on a full Equality Impact Assessment is not proposed, as the supporting policy does not change the adopted policy position.

Equality Impact Assessment Conclusion

No additional equality impacts requiring mitigation have been identified. Any equality issues arising from the implementation of the supporting policy will be considered and addressed through the Council's licensing processes

Decision	**Explanation**
o **Continue the policy with no changes** *[For example: evidence suggests no potential for discrimination / all opportunities have been taken to advance equality.]*	
o **Continue the policy with adjustments** *[For example: Low risk of negative impact / actions or adjustments would further improve positives or remove a potential negative impact.]*	
o **Adverse impact but continue** *[For example: Negative impact has been objectively justified.]*	
o **Suspend or withdraw the policy for further review / consideration of alternative proposals** *[For example: High risk of negative impact for any group / insufficient evidence / need to involve or consult with protected groups / negative impact*	

which cannot be mitigated or justified / unlawful discrimination etc.]	

Consultees:

Legal Services

Relevant Policies and Strategies:

Taxi Licensing Policy 9.7.

CHELMSFORD CITY COUNCIL

Plate Exemption Policy & Conditions

Private Hire Vehicles Only

Section 75(3) Local Government (Miscellaneous Provisions) Act 1976
Supporting executive and specialist private hire services whilst maintaining public safety and effective regulation.

Document Information
Reference Plate Exemption Policy & Conditions
Version Number Version 2
Status Proposed Policy
Approved By Regulatory Committee
Date Approved [INSERT DATE]
Effective From [INSERT DATE]
Review: Date June 2029
Originating: Officer Daniel Winter
Directorate: Sustainable Communities
Director: Paul Brookes
Service Area: Public Health and Protection Services

Aim of policy

1.1 The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates.

2. Background

2.1 Chelmsford City Council is responsible for licensing private hire vehicles within the district of Chelmsford. 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 Chelmsford City Council 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).

2.2 Some vehicle proprietors request that the Council exercises its authority to exempt individual vehicles from the need to display licenced plates, if the vehicle is intended to be used for executive work, airport transfers or other contract work.

2.3 It is not the intention of Chelmsford City Council that vehicles be plate exempt as a matter of course, however, in certain circumstances it may be beneficial for requests to be granted both for commercial reasons, and to maintain a more balanced fleet in Chelmsford which can offer a wider variety of vehicles to suite public needs.

3. Scope of Policy

3.1 Chelmsford City Council will consider requests for plate exemptions made in accordance with this policy in relation to individual vehicles only.

3.2 Each application will be considered on its merits.

3.3 A Plate Exemption Certificate will normally only be considered where the vehicle is of a high-quality executive standard and is intended to be used predominantly for executive, chauffeur or other specialist pre-booked services consistent with the application. The applicant must demonstrate a genuine business case showing that the principal benefit of exemption relates to the privacy, safety or security of the customer, rather than the commercial interests of the operator. Plate-exempt vehicles will not normally undertake a mixture of executive and standard private hire work.

Examples of such work may include, but are not limited to:

- Transport of national or local government personnel travelling on official business;
- VIP transport and close-protection services;
- Wedding transport; and
- Contracted executive or chauffeur services transporting company personnel or clients.

Types of work not normally considered suitable for exemption (indicative, not exhaustive):

- Council school transport or social services contracts;
- Routine airport, seaport or railway transfers where the service does not otherwise meet the criteria for executives, chauffeur or specialist private hire work;
- Routine transport to theatres or sporting events;
- Routine journeys associated with the nighttime economy; and
- School proms, other than where speciality vehicles are involved.

The nature of a journey alone does not automatically determine eligibility. The Council will consider the nature of the service, the intended clientele and the justification for exemption. Each application will be determined on its individual merits.

A vehicle will not normally be granted an exemption where more than four years have elapsed since first registration at the date of application. The Council may depart from this standard in exceptional circumstances, having regard to the vehicle's condition, appearance, specification and intended use.

3.4 Applications must relate to a private hire vehicle licensed by Chelmsford City Council and may be submitted by the vehicle proprietor, or a licensed private hire operator authorised to act on their behalf. The prescribed application form, fee and supporting evidence must be provided, including relevant contracts, business information, advertising material or website details where appropriate.

3.5 The Council may request additional information, documentation or a vehicle inspection where reasonably necessary to assess the proposed vehicle, service and justification for exemption.

3.6 The Licensing Lead Officer will determine applications on behalf of the licensing authority. Where an application is refused, the decision may be reviewed by the Public Health & Protection Services Manager, in accordance with the adopted Taxi Licensing Policy 9.7.

3.7 The standard private hire vehicle licence conditions continue to apply except where inconsistent with an additional condition expressly imposed on a plate-exempt vehicle; in that event, the additional plate exemption condition prevails. A valid private hire vehicle licence remains necessary.

3.8 A successful applicant will be issued with a Plate Exemption Certificate specific to the identified vehicle.
Once granted, a Plate Exemption Certificate will remain valid for as long as the same vehicle continues to be licensed by Chelmsford City Council, unless the exemption is withdrawn or surrendered. The certificate does not require renewal when the private hire vehicle licence is renewed. The exemption is specific to the vehicle for which it was granted and is not transferable. Where the vehicle is replaced, a new application must be submitted and determined in accordance with the policy in force at that time.

The Council may review or withdraw a Plate Exemption Certificate where the vehicle no longer meets the exemption criteria, is no longer used predominantly for approved executive or specialist work, an exemption condition is breached, or withdrawal is otherwise necessary and proportionate.

3.9 Where an exemption is withdrawn or surrendered, the vehicle must comply with the applicable external licence plate and identification requirements before being used for private hire work.

4. Conditions

4.1 The notice of exemption and identifying licence plate must be carried in the vehicle at all times and must be produced on the request of an Authorised Officer.

4.2 In the event of the loss or damage to either the licence plate or notification, the proprietor will seek a replacement immediately.

4.3 When operating under the exemption notice, the windscreen badge issued in respect of the vehicle will be displayed in the nearside front windscreen of the vehicle at all times.

4.4 The vehicle will not display any advertising, including company telephone numbers or logos.

4.5 The driver of a plate exempted vehicle will be smartly dressed at all times the vehicle is engaged on private hire work.

4.6 If there is any change of use of the vehicle, the proprietor will inform Chelmsford City Council in writing within 7 days.

4.7 The vehicle must be used predominantly for the executive, chauffeur, corporate or specialist pre-booked services for which exemption was granted. Ordinary private hire work must not be undertaken under cover of the exemption contrary to its approved purpose.

4.8 A taximeter will not be installed in the vehicle.

Private hire plate exemption policy and conditions

Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 "exemption from displaying plates" notice

Public Places	**Date Produced:**	**~~December 2014~~ ~~19th~~ October 2026**
Public Health and Protection Services	**Last Reviewed:**	**December 2014**
	Ref & Issue No:	**1**
Commercial Services: Licensing	**Next Review Due:**	**~~December 2017~~ October 2029**
	Originating Officer:	**~~Matthew Evans~~ Daniel Winter**
Policy in respect of Plate exemption	**Authorised By:**	**~~Keith Nicholson Director of Public Places~~ Paul Brookes**

1. Aim of policy

1.1 The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates.

2. Background

2.1 Chelmsford City Council is responsible for licensing private hire vehicles within the district of Chelmsford. 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 Chelmsford City Council 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).

2.2 Some vehicle proprietors request that the Council exercises its authority to exempt individual vehicles from the need to display licenced plates, if the vehicle is intended to be used for executive work, airport transfers or other contract work.

2.3 It is not the intention of Chelmsford City Council that vehicles be plate exempt as a matter of course, however, in certain circumstances it may be beneficial for requests to be granted both for commercial reasons, and to maintain a more balanced fleet in Chelmsford which can offer a wider variety of vehicles to suite public needs.

3. Scope of Policy

3.1 Chelmsford City Council will consider requests for plate exemptions made in accordance with this policy in relation to individual vehicles only.

3.2 Each application will be considered on its merits.

~~3.3 A plate exemption will only be granted if the vehicle is to be used for executive or special occasion work only. Examples of this may be (but will not be limited to);~~

- ~~Transport to and from business events, conferences and other corporate hiring~~
- ~~Chauffeured services~~
- ~~School proms~~

A Plate Exemption Certificate will normally only be considered where the vehicle is of a high-quality executive standard and is intended to be used predominantly for executive, chauffeur or other specialist pre-booked services consistent with the application. The applicant must demonstrate a genuine business case showing that the principal benefit of exemption relates to the privacy, safety or security of the customer, rather than the commercial interests of the operator. Plate-exempt vehicles will not normally undertake a mixture of executive and standard private hire work.

Examples of such work may include, but are not limited to:

• Transport of national or local government personnel travelling on official business;
• VIP transport and close-protection services;
• Wedding transport; and
• Contracted executive or chauffeur services transporting company personnel or clients.

Types of work not normally considered suitable for exemption (indicative, not exhaustive)

• Council school transport or social services contracts;
• Routine airport, seaport or railway transfers where the service does not otherwise meet the criteria for executive, chauffeur or specialist private hire work;
• Routine transport to theatres or sporting events;
• Routine journeys associated with the nighttime economy; and
• School proms, other than where speciality vehicles are involved.

The nature of a journey alone does not automatically determine eligibility. The Council will consider the nature of the service, the intended clientelle and the justification for exemption. Each application will be determined on its individual merits.

A vehicle will not normally be granted an exemption where more than four years have elapsed since first registration at the date of application. The Council may depart from this standard in exceptional circumstances, having regard to the vehicle's condition, appearance, specification, and intended use.

3.4 ~~Applications may only be made by a person who holds an Operator licence issued by Chelmsford City Council.~~
Applications must relate to a private hire vehicle licensed by Chelmsford City Council and may be submitted by the vehicle proprietor or a licensed private hire operator authorised to act on their behalf. The prescribed application form, fee and supporting evidence must be provided, including relevant contracts, business information, advertising material, or website details where appropriate.

3.5 ~~Chelmsford City Council may require the applicant to provide additional information, or the vehicle to be submitted for inspection by an Authorised Officer.~~
The Council may request additional information, documentation, or a vehicle inspection where reasonably necessary to assess the proposed vehicle, service, and justification for exemption.

3.6 ~~Applications will be considered initially by the Licensing Lead Officer, however, the applicant will have a right of review in the event that permission is not granted. The matter will be reviewed by the Director of Public Places.~~
The Licensing Lead Officer will determine applications on behalf of the licensing authority. Where an application is refused, the decision may be reviewed by the Public Health & Protection Services Manager, in accordance with the adopted Taxi Licensing

Policy 9.7.

~~3.7 This policy does not replace or override any section of the private hire vehicle licence conditions, and relates only to the display of licence plates on private hire vehicles.~~
The standard private hire vehicle licence conditions continue to apply except where inconsistent with an additional condition expressly imposed on a plate-exempt vehicle; in that event, the additional plate exemption condition prevails. A valid private hire vehicle licence remains necessary.

~~3.8 A successful applicant will be issued with a written notification of plate exemption, in relation to the specific applicant and vehicle only, and is non-transferrable.~~
A successful applicant will be issued with a Plate Exemption Certificate specific to the identified vehicle.
Once granted, a Plate Exemption Certificate will remain valid for as long as the same vehicle continues to be licensed by Chelmsford City Council, unless the exemption is withdrawn or surrendered. The certificate does not require renewal when the private hire vehicle licence is renewed. The exemption is specific to the vehicle for which it was granted and is not transferable. Where the vehicle is replaced, a new application must be submitted and determined in accordance with the policy in force at that time.

The Council may review or withdraw a Plate Exemption Certificate where the vehicle no longer meets the exemption criteria, is no longer used predominantly for approved executive or specialist work, an exemption condition is breached, or withdrawal is otherwise necessary and proportionate.

Where an exemption is withdrawn or surrendered, the vehicle must comply with the applicable external licence plate and identification requirements before being used for private hire work.

3.9 Where a Plate Exemption Certificate is revoked or withdrawn, the vehicle must immediately comply with all requirements relating to the display of licence plates and vehicle identification.

4. Conditions

4.1 The notice of exemption and identifying licence plate must be carried in the vehicle at all times, and must be produced on the request of an Authorised Officer.

4.2 In the event of the loss or damage to either the licence plate or notification, the proprietor will seek a replacement immediately.

4.3 When operating under the exemption notice, the windscreen badge issued in respect of the vehicle will be displayed in the nearside front windscreen of the vehicle at all times.

4.4 The vehicle will not display any advertising, including company telephone numbers or logos.

4.5 The driver of a plate exempted vehicle will be smartly dressed at all times the vehicle is engaged on private hire work.

4.6 If there is any change of use of the vehicle, the proprietor will inform Chelmsford City Council in writing within 7 days.

4.7 ~~The vehicle will not be used for normal private hire work~~. The vehicle must be used predominantly for the executive, chauffeur, corporate or specialist pre-booked services for

which exemption was granted. Ordinary private hire work must not be undertaken under cover of the exemption contrary to its approved purpose.

4.8 A taximeter will not be installed in the vehicle.

CHELMSFORD CITY COUNCIL

Taxi Licensing Policy

Hackney Carriage and Private Hire Vehicles

A modern regulatory framework supporting public safety, professional standards and accessible transport services.

Chelmsford City Council
Sustainable Communities
Taxi Licensing Policy
Hackney Carriage and Private Hire Vehicles/Operators

Document Information

Reference	Taxi & PHV Policy
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Originating Officer	Daniel Winter
Service Area	Sustainable Communities

Policy Amendment history

Version	Date Approved	Effective Date	Approved By	Summary of Amendments
9.1	18 November 2021	22 November 2021	Regulatory Committee	Amendments to driver knowledge testing provisions at paragraph 2.8
9.2	18 November 2021	22 November 2021	Regulatory Committee	Amendments to complaint reporting and vehicle identification provisions at paragraphs 1.13.6 to 1.13.8
9.3	18 November 2021	4 January 2022	Regulatory Committee	Amendments relating to electronic payment requirements and associated vehicle licence conditions
9.4	27 January 2022	28 January 2022	Regulatory Committee	Amendments to licensed vehicle signage and livery requirements
9.5	17 March 2022	18 March 2022	Regulatory Committee	Amendments to driver and operator licensing provisions at paragraphs 2.2.2 and 4.1.7
9.6	13 July 2023	13 July 2023	Regulatory Committee	Amendment to Euro 6 compliance implementation date Extending the requirement from 1 April 2024 to 1 April 2026
9.7	[INSERT DATE]	[INSERT DATE]	Regulatory Committee	Comprehensive policy review including safeguarding provisions, operator standards, vehicle standards, signage, and advertising controls, executive exemption clarification, vehicle age extension provisions, accessibility updates, delegated authority clarification, complaints handling updates and full document modernisation

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Introduction

Chelmsford City Council is responsible for the licensing of Hackney Carriages and Private Hire Vehicles within the District boundary.

This policy draws together previously adopted policies relevant to this area of licensing and takes into account the statutory guidance issued by the Department for Transport in July 2020. In doing so the aim of this policy is to provide clear guidance as to how the Council will discharge its responsibilities. Accordingly, this policy explains how local regulation is achieved and decisions are taken in order to provide a consistent, transparent and proportionate licensing regime.

The Policy has been developed after consultation with interested parties. A period of consultation operated from 25/02/2021 until 06/04/2021. The list of consultees is maintained separately and is available from the Licensing Service.

In drafting the Policy, the Authority has given regard to legislation, available guidance and given proper weight to the views of those it has consulted.

The policy is laid out in 4 main parts plus appendices:

PART 1 – includes background and the general principles that direct the priorities of Chelmsford City Council in consideration of its responsibilities as Licensing Authority for all aspects of this policy including arrangements for consideration of an application and enforcement.

PART 2 – additional policy and procedural matters relevant to the licensing of drivers of private hire vehicles and hackney carriages

PART 3 – additional policy and procedural matters that are relevant to licensing vehicles (Private Hire Vehicles or hackney carriages)

PART 4 – additional policy and procedural matters relevant to the issue of Operator's licences

When implementing the Policy, the Authority will maintain appropriate links with partner agencies and stakeholders to ensure the objectives laid out in this policy are met including:

- Essex Police
- Essex County Council
- Department for Transport
- Driver and Vehicle Standards Agency (DVSA)
- The vehicle testing station of the Council (Freighter House)
- The Hackney Carriage and Private Hire Trade Forum
- Appropriate Governmental departments
- Other licensing authorities in Essex or elsewhere

PART 1

Role of Chelmsford City Council as the Licensing Authority

1.1. Summary of licensing requirements

1.1.1 Chelmsford City Council is the Licensing Authority (the Authority) for the purposes of licensing vehicles and people regulated by this regime.

1.1.2 The activities subject to regulation under the licensing regime are as follows;

- Vehicles for up to 8 passengers provided for hire or reward
- Vehicles that can be hailed in the street i.e. vehicles that can 'ply for hire' (Hackney Carriage Licence)
- Those vehicles that need to be pre-booked in advance (Private Hire Vehicles)
- A person who drives a hackney carriage or a private hire vehicle (a licensed driver)
- A person who owns a licensed vehicle (vehicle owner/proprietor)
- A person who takes bookings for private hire vehicles (a Private Hire Operator)

1.1.3 Hackney Carriages and Private Hire Vehicles remain subject to the licensing regime under which they are licensed at all times and as such cannot be driven by anyone other than a driver licensed by the same Authority that licenses the vehicles. In the case of Private Hire Vehicles, they must operate under the authority of an Operator who holds an Operator's Licence, also issued by the same licensing Authority[1]. Vehicles, drivers and operators that are licensed by one licensing authority may undertake lawful private hire work within another local authority area where bookings are accepted and conducted in accordance with relevant legislation.

1.2. Legal Background and Policy Rationale

1.2.1 The operation of Hackney Carriages and Private Hire Vehicles has a specific role to play in an integrated transport system. They can provide services where public transport is not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or weekends), and for those with mobility difficulties. This Policy sets out the approach the Authority will take in the licensing of Hackney Carriages and Private Hire Vehicles, Drivers and Operators when considering and making decisions on applications made under this regime. The Authority will aim to apply this Policy in a consistent manner; However, the Authority may depart from this Policy where it considers there is good reason to do so and will provide reasons for any such departure.

1.2.2 Nothing in this Policy will undermine the rights of any person to apply for a variety of authorisations under this licensing regime and have each application considered on its individual merits. However, subject to the legislative framework and public law principles, the Authority retains discretion in setting and applying the requirements of this Policy and expects all applicants and licence holders to comply with its provisions

1.2.3 This Policy was approved by the Council on the 17th June 2021 and shall be effective from the 18th June 2021 and; shall remain in effect until replaced or amended by the Authority; 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.

1.2.4 The main legislation and guidance referred to in this policy is:

1. Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act)
2. Town Police Clauses Act 1847 (The 1847 Act)
3. Department for Transport Statutory & Private Hire Vehicle Standards July 2020 (DfT guidance)
4. Chelmsford Hackney Carriage By-Laws

Other references are shown throughout.

Common offences under items1 & 2 above can be found here

1.3. Scope

This policy covers the following licences:

- Hackney Carriage and Private Hire Driver Licences (Driver Licences)
- Private Hire Vehicle Licence
- Private Hire Operators Licence (Operator Licence)
- Hackney Carriage Vehicle Licence

1.3.2 This Policy covers all permissions provided for in respect of the above licences. Including new applications, transfers, replacements and (where required) relicensing. This Policy also includes the review (where required) of any authorisation (License), which could lead to a range of sanctions available to the Authority including, where circumstances justify, the suspension or revocation of a licence

1.3.3 All relevant application forms and guidance are available via the Chelmsford City website or from the Council's licensing services at licensing@chelmsford.gov.uk or telephone 01245 606606

1.4. New licence applications and 'renewal'; applications received after the introduction of this Policy will be expected to comply with all the relevant requirements.Aims and Objectives

1.4.1 The primary and overarching aim of the licensing regime governing hackney carriages and private hire vehicles is the protection of the public. In support of this aim, in carrying out its functions, the Authority will promote the following objectives:

- The protection of public health and safety;
- The promotion of a professional and responsible Hackney Carriage and Private Hire trade;
- Equality of provision and access to an efficient and effective Taxi and Private Hire transport service Reduce the impact of licensed vehicles on the environment.
- To promote effective regulatory oversight of all licensed operators, including those whose principal place of business is situated outside the Chelmsford district

At the core of the licensing regime is the need to ensure, more than anything else, the safety of passengers. Any complaint or other intelligence relating to driver's behaviour that puts passenger safety at risk will be investigated including working with other relevant and partner authorities. The protection of children and vulnerable adults will be treated as paramount.

1.5. Administration and Delegation of Functions

1.5.1 The Authority discharges its functions as described within the Council's Constitution. Licensing matters relating to this policy are discharged through the Regulatory Committee (The Committee) with delegations to The Director of Sustainable Communities and Protection Services Manager. Restrictions on the exercise of delegated functions are detailed in the scheme of delegation under Part 03 (Responsibility for Functions).

The full terms of reference for the various committees, the arrangements for delegation and officer functions are detailed in the Council's Constitution which is published on the Council's website

1.5.2 The Committee considers licensing policy matters and determines applications, and enforcement matters within its remit. Any matter may be referred to by the Director to the Regulatory Committee where considered appropriate having regard to the circumstances of the individual case. This may include the following:

- Applications where mandatory pre-licensing requirements have not been satisfied
- Matters falling outside policy guidance
- Matters giving rise to sincere concern that the granting or the continuation of the licence may undermine policy objectives.

1.5.3 Chelmsford City Council Directors have the authority (general power of competence) to act in relation to all matters within their area of responsibility with the exception of any matter expressed to be specifically delegated to a particular officer under any part of the Council's Constitution or following a decision of the Council, the Cabinet or any other Committee of the Council.

1.5.4 Valid applications (those meeting all pre-licensing conditions and requirements), matters within policy parameters and any matters delegated by the Committee can be dealt with in full by Licensing Officers under authority of the Director of Sustainable Communities and Protection Services Manager.

Summary of delegations

1.5.5 **The Director of Public Places** has Responsibility for 'Licensing functions within the responsibility of the Authority', and the specific authority to;

- grant licences and consents

- make onward delegation of any matter to another officer (subject to any statutory restriction or restriction contained in the Council's Constitution)

1.5.6 **The Sustainable Communities Services Manager** have specific delegated authority to

- Refuse applications for Hackney Carriage and Private Hire Vehicle Driver's Licences where an applicant has failed four consecutive local knowledge tests and advise the applicant that a further application will not normally be considered within twelve months unless exceptional

circumstances are demonstrated.

1.5.7 **The following restrictions apply to the authority of the Director of Sustainable Coummunities and Protection Services Manager and must be referred to the Regulatory Committee**:

- applications (including renewals) for hackney carriage and private hire licences where the applicant has more than 6 penalty points on his/her licence or does not meet the current policy requirements, save where the Regulatory 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 private hire licences who have convictions or who do not comply with the relevant requirements of this Policy and

- applications for renewal of private hire licences where the circumstances of the applicant have changed since the grant of the previous licence

1.5.8 The scheme of delegations allows that in the absence of any officer to whom a delegation is made, for that delegation to be made by that Officer's Manager.

1.6. Committee Hearings

1.6.1 Committee hearings are arranged to determine policy, any applications or existing licences that cannot be dealt with under delegated powers and any other matter that may be referred to by the Director. All matters presented to the 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.

1.6.2 Each case will be determined on its individual merits, and the Authority will give 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

- This policy

1.6.3 Unless an urgent matter requires determination, hearings are held at set dates throughout the year and published on the Council's website. Applicants and licence holders should therefore note that there may be a delay before their application or licence can be determined by Committee. The Committee will conduct a quasi- judicial consideration of the application based upon the evidence presented. The business of the Committee is dictated by the number of matters presented for determination at that time. Accordingly, the duration of each session can vary.

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

1.6.5 Unless it is determined by matters of policy, the Committee will usually meet in private in order to protect the personal and sensitive information relating to an applicant. To ensure impartiality, all Officers (apart from the Council's legal advisor and the Democratic Services Officer) are absent during the decision-making process.

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

1.6.7 To make a fair decision, it is important that the Committee is aware of all of the facts relating to any given case. Accordingly, the Committee will need to understand why the applicant considers 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. The hearings procedure ensures that applicants and licence holders have the opportunity to present suitable and sufficient evidence to support their case.

1.7. Ex-parte Hearings (Without the subject present)

1.7.1 In the unusual and rare event that a licence holder is unavailable for a hearing e.g. persistently refuses to engage, is on remand, or known to be out of the country for a prolonged period, a matter ***may*** be heard by the authority ex-parte (in their absence). This is expected to be a rare occurrence but it is acknowledged that it may legally be possible where a matter is so serious that it is considered justifiable to do so. In such a situation and assessment will be made as to whether such a hearing will take place and take account of the nature of the information/allegation, balancing the right of a fair hearing against whether or not it is in the public interest to hold the hearing ex-parte.

1.8. Decision making

1.8.1 In determining any application or considering a report relating to an existing licence the Authority has to satisfy its duty in respect of public safety and make a judgement as to whether the applicant or existing licence holder is a 'fit and proper' person to hold a licence. This judgement is based on the balance of probabilities, and the following tests are used for the basis of its decision:

Drivers

"Would you (as a member of the committee or other person delegated with the ability to determine the ongoing status of a Hackney Carriage / Private Hire Driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"[2]

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?" [3]

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?" [4]

1.8.2 Where a Hackney Carriage Driver, Private Hire Driver, Vehicle Proprietor or Private Hire Operator licence has been revoked by the Authority, a further application from that individual or entity will not normally be considered for a period of 12 months from the date of revocation.

1.8.3 Any application received within this period will be refused unless the applicant can demonstrate exceptional circumstances to the satisfaction of the Authority.

1.8.4 Where the Authority is considering whether to suspend or revoke a licence, it will determine the most appropriate course of action based on the individual circumstances of the case. Suspension may be appropriate where further information is required, or where there is a reasonable prospect that the matter can be resolved within a defined period. Revocation may be appropriate where the Committee is satisfied that the licence holder is no longer a fit and proper person, or where the seriousness of the matter justifies immediate termination of the licence. The Authority will not ordinarily suspend a licence solely as a precursor to revocation where the available evidence is sufficient to support a final decision.

1.8.5 In determining any such application, the Authority will take into account the reasons for the previous revocation when assessing whether the applicant is a fit and proper person to hold a licence.

1.8.6 In determining an application referred to it, the committee may:

- Grant the licence as applied for
- Grant the licence with additional conditions

  Require pre-conditions to meet before granting and delegate the authority to grant once those pre-conditions are met
- Grant the licence subject to a shorter expiry date
- Refuse the licence

1.8.7 In considering a report relating to an existing licence, the committee may

- Take no action
- Issue a warning
- Require the licence holder to undertake specific actions in order to keep the licence
- Apply additional conditions to the licence
- Suspend the licence pending particular actions being completed or until further information is received
- Revoke the licence

1.8.8 Members of The Committee are provided with appropriate training to undertake their duties as members of the regulatory committee.

1.9. Appeals

1.9.1 Following a hearing, the Authority will notify the applicant or licence holder of the decision. This will be done in writing on a stated date following the Committee meeting.

1.9.2 There is a statutory right of appeal against the decision. An appeal would normally be lodged with the Justices' Chief Executive of the Chelmsford Magistrates' Court within a period of 21 days, beginning from the day on which the Authority notified the applicant of the decision (i.e. the day the decision is provided).

1.9.3 Unless indicated otherwise the decision of the Regulatory Committee will not take effect until the application to appeal a decision has been decided.

1.9.4 On determining an appeal, the Magistrates' Court may:

- Dismiss the appeal;
- Substitute the decision for any other decision which could have been made by the Authority;
- Remit the case back to the Authority to dispose of it in accordance with the direction of the court;
- Make such order as to costs as it thinks fit.

1.9.5 As soon as the decision of the Magistrates' Court has been made, the Authority will not delay its implementation, and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example as a result of a judicial review).

1.10. Emergency Procedures Relating to Existing Licence Holders

1.10.1 In certain circumstances, it may be necessary for the Authority to take urgent action.

- Driver and Operator licences: This would include where intelligence received by the Authority brings into question whether an existing licensed driver or Private Hire Operator is a fit a proper person to hold a licence. For example, allegations of [5] or convictions of [6] a serious offence
- Hackney Carriage licence or Private Hire Vehicle licence. Such circumstances may include where the vehicle is alleged to have been involved in criminal activity.

1.10.2 In such cases, the Director of Sustainable Communities & Protection Services Manager have delegated authority to take emergency action to suspend. The matter may also be referred to Committee

1.10.3 A licence holder can appeal the decision of a local authority to the Magistrates Court where an application has been refused, or licence suspended or revoked. Information relating to any appeal procedure will be provided together with the notice of a decision.

1.10.4 If a licence has been suspended, the period of suspension may be reviewed, extended or reduced by the Director or PHPS Manager or be referred to by the Committee.

1.10.5 If an application for renewal of a suspended licence is received, the circumstances being changed from the original application, it will be referred to by the Committee for decision.

1.10.6 If an application has been received that relates to any licence that has previously been revoked, it will be referred to Committee for decision.

1.11. Enforcement and Compliance

1.11.1 The Authority undertakes a risk-based, intelligence-led approach to enforcement. This benefits both passengers and the responsible members of the Hackney Carriage and Private Hire trades. The Authority intervenes where it is necessary and proportionate to do so, having regard to the objectives set out in this Policy

1.11.2 Well directed enforcement activity benefits not only the public, but also the people responsible in the Hackney Carriage and Private Hire trades. Therefore, the Authority will make arrangements to monitor drivers, vehicles (including proprietors) and operators and take appropriate enforcement action. Enforcement activity may be carried out as a response to a complaint(s) or as part of any proactive or targeted initiative.

1.11.3 Enforcement action will be in accordance with the Regulators Code issued by the Minister of State for Business and Enterprise in accordance with section 23 of the Legislative and Regulatory Reform Act 2006. Regulators are obliged to have regard to this Code when developing policies and operational procedures that guide their regulatory activities.

1.11.4 The Authority may seek cross boundary agreements to enforce licensed vehicles from other local authority areas and may have reciprocal arrangements through the provision of cross border authority.

1.11.5 The following enforcement actions are available to the Authority:

- **Warnings** - In respect of minor breaches of licence conditions or complaints regarding the conduct or behaviour of a licence holder the Authority may issue a verbal, written or final written warning as may be appropriate to the circumstances;

- **Production of relevant documentation** - An authorised officer (including those with cross-border authority) may require a licence holder to produce certain documentation upon request (or following a notice to supply), for example, any issued licence, driving licence or proof of insurance. Any failure to produce the requested documentation or within the time stipulated on any notice may result in prosecution;

- **Suspension of vehicle licences** - Licensed vehicles shall be kept at all times in a safe, tidy and clean and reasonably efficient condition. Compliance with the vehicle specifications and conditions of licence is essential and will be enforced by periodic, random vehicle inspections by the Authority;

- **Vehicle Defect Rectification Notice** – Where any vehicle is not being properly maintained and/or reveals a defect(s), a rectification notice shall be served on the Vehicle Proprietor and/or driver who must have the vehicle repaired and produce the vehicle to be rectified at the testing station (Freighter House). Depending on the nature and extent of the defect(s), the vehicle may be suspended until the defect(s) have been remedied. A suspension will not be lifted until the vehicle has undergone a further test at the proprietor's expense and been passed as fit for use and returning the rectification notice to the Authority confirming the same. If defects subject to a "rectification notice" have not been remedied within the period specified, the vehicle may be suspended. Such notice may be issued by a test centre vehicle examiner. Where a suspended vehicle remains suspended after a period of two months the licence is deemed to be revoked[7]. Any breach of the suspension may be subject of prosecution.

- **Revocation and suspension of driver licences** - Unless action is taken under the emergency action procedure; where a licence holder has been referred to the Committee, the Committee may order the revocation or suspension of the licence. Such action may be taken with immediate effect dependent upon the individual circumstances of the case;

- **Prosecution** - The Authority may prosecute licence holders for relevant offences in accordance with the statutory Regulators Compliance Code and its own Enforcement Policy. An offence may be referred to for consideration for prosecution in addition to any other matters that might be heard by the Committee.

1.12. Information Sharing

1.12.1 The Council encourages partnership working alongside many other enforcement agencies such as the Police, HM Revenue and Customs, the Home Office, DVSA, Department of Work and Pensions, fraud 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, or to detect fraud, or investigate immigration offences.

1.12.2 Our primary source of information will come from 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 Authority may 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, Chelmsford City Council will not issue a licence to any individual that appears on the barred lists for children or adults.

1.12.3 The Licensing Authority 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.

1.12.4 In some circumstances it may be appropriate under the Safeguarding and Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. ***A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to children or vulnerable adults, should be referred to the DBS***. The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. 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 to is, has or might in future be working in regulated activity.

If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to the barred list.

1.12.5 These referrals may result in the person being added to the barred list enabling other licensing authorities to make informed decisions.

1.12.6 The Authority expects all licensed operators, regardless of where they are based, to cooperate fully with requests for information from Chelmsford City Council and other relevant licensing authorities where reasonably required for the purposes of licensing, safeguarding or enforcement

1.13. Complaints

1.13.1 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.

1.13.2 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.

1.13.3 The public can submit concerns about licensed drivers, vehicles (including proprietors) and operators online at

Feedback about a taxi (chelmsford.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

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

1.13.5 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 for the outcome of that investigation before considering any further action.

1.13.6 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.

1.13.7 The format of the notice will be provided by the licensing authority 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

1.13.8 The notice is to include:

- a photograph of the driver,
- the vehicle licence plate number
- a QR code that connects to a Council URL address;
- the licence number of the driver; and
- the email address of the Licensing Authority

1.13.9 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.

1.13.10 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.

1.13.11 Complaints will not be investigated if they are made with vexatious intention, frivolous or have been made repeatedly and previously been subject of investigation.

1.13.12 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.

Complaints Received by the Licence Holder

1.13.13 Complaints recorded in respect of a licence holder of any description will be retained on their record for the duration that they are licensed by this authority. As matters are considered 'on the balance of probability' and the safety of the public is of prime importance - depending on the nature of any current consideration - appropriate weight will be given to those complaints that may be considered as irrelevant, not sufficiently proven or have already been taken into consideration and determined in conjunction with any previous matter.

1.13.14 Where a journey is pre-booked and digital technology exists, the vehicle details including licence plate number and how to make a complaint are to be sent to the customer when the booking is confirmed.

1.13.15 Proprietors and Operators who operate via a website must provide information about how to make a complaint on their website or mobile App. This requirement is incorporated as a condition of the operator's licence.

1.13.16 All Proprietors and Operators must maintain a record of all complaints received. This may be electronic or written. If written it will comprise of bound numbered pages. Each complaint contains the following information:

- Date and time of incident
- Location of incident
- Details of complainant ***including contact details***
- Driver details and licence number
- Details of the complaint
- Outcome of investigation

1.13.17 Where the nature of the complaint amounts to an offence e.g. public order, traffic violation, assault, taxi related offence etc, the licensing authority must be informed as soon as possible.

1.13.18 Proprietors and Operators are legally obliged[8] to co-operate with any enquiry by the Authority and disclose records relating to complaints where lawfully required to do so. Any refusal, undue delay or obstruction to that investigation may bring into question the suitability of the licence holder to remain so which may lead to prosecution, suspension or revocation of the licence or referral to the Regulatory Committee.

1.13.19 All licensed Private Hire Operators must notify the Licensing Authority as soon as reasonably practicable of any complaint, allegation, incident or concern received by the operator which may reasonably be considered relevant to public safety.

For the purposes of this paragraph, matters relevant to public safety include, but are not limited to:
• allegations of unsafe driving;
• allegations of assault, harassment, discrimination or threatening behaviour;
• safeguarding concerns involving children or vulnerable adults;
• allegations involving the misuse of alcohol or drugs;
• allegations of dishonesty or criminal conduct;
• concerns regarding vehicle safety or roadworthiness; and
• any matter which calls into question whether a licensed driver, vehicle proprietor or operator remains fit and proper to hold a licence.

The notification must include sufficient details to enable the Authority to assess any risk and determine whether further investigation or regulatory action is required. This requirement applies whether or not the complaint has been substantiated and regardless of whether the matter has also been reported to the police or another enforcement agency.

1.14. Whistleblowing

1.14.1 Chelmsford City Council is committed to the highest possible standards of openness and accountability, and anyone can report any suspected malpractice or wrongdoing. Our Whistleblowing policy (Public Interest Disclosure Act 1998 (PIDA) and further information can be found at: https://www.chelmsford.gov.uk/your- council/have-your-say/report-wrong-doing/

1.15. Policing and Crime Act 2017

1.15.1 The Council will give full regard to any guidance issued by the Secretary of State regarding the protection of children, and vulnerable individuals who are 18 or over, from harm. If any changes to any parts of this policy or related appendices are necessary following the formal adoption of this policy, then this policy will be amended at the earliest opportunity. Failure to update this policy will not amount to a defense.

1.16. Taxi Ranks

1.16.1 The Authority shall work with the Hackney Carriage trade and other stakeholders to keep taxi ranks under constant review. Details of the locations of all taxi ranks in the Borough can be found here

1.17. Fees and fee setting

1.17.1 Legislation provides that fees charged to applicants should be sufficient to cover the costs of the application process and [where permitted by legislation] administering the regulation of, and provisions for, the Hackney Carriage and Private Hire trades. The Authority cannot make a surplus or deficit from licensing fees.

1.17.2 Fees for any given year are normally set from the 1st of April. A schedule of the proposed fees for any given year will be advertised in the local press if there are any proposed changes and any comments received will be presented to the Committee for determination. Details of current licence fees are available at Chelmsford.gov.uk/licensing

1.17.3 The preferred method of payment is by debit/credit card. (Note: a charge may be levied for some debit/credit card transactions). Payment by cheque is accepted only in exceptional

circumstances and by prior agreement with licensing officers. Licences will not be issued until a cheque has been cleared for payment. Cash payments are no longer accepted.

1.17.4 Fees that are required on application will be refunded where a licence is either not granted or the application is withdrawn. In the case of a driver's licence application a suitable deduction will be made in respect of services provided to enable a knowledge test.

PART 2

Driver Licences

2.1. The Authority is empowered[9] to attach such conditions to a Driver's licence as are considered necessary. These are supported by:

- Driving licence preconditions and by-laws requirements must be met in order for the application to be considered and
- Conditions attached to the licence issued. The Dual Driver Licence conditions as set out are considered reasonable, necessary and appropriate to maintain passenger safety although further conditions may be added to a licence on a case-by-case basis by the Committee.

2.2. Hackney Carriage and Private Hire Dual Driver Licence

2.2.1 This Authority currently issue 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".

2.2.2 A Dual Driver Licence is issued for a maximum period of 3 yrs. Someone applying for a Driver Licence must:

- Submit of completed, signed application and pay the application fee
- Be at least 21 years of age;
- Applicants must hold a full driving licence that is recognised by the Driver and Vehicle Licensing Agency (DVLA) for use in the United Kingdom, for a continuous period of not less than two years prior to the date of application.

  Where an applicant relies on a licence issued outside Great Britain, the applicant must provide evidence that the licence is valid and recognised for exchange or use in the United Kingdom in accordance with DVLA requirements.
- Complete a signed statutory declaration (see below);
- Be legally allowed to work in the UK (immigration status)
- Must register with HM Revenue and customs and provide the licensing authority with a tax check code (This is an absolute legal requirement, and the licensing authority are unable to grant a licence without this information) *
- Satisfy the Council's criteria for a 'fit and proper person' This is described in detail separately, but in summary requires:

- a satisfactory result from an advanced search undertaken by the Disclosure and Barring Service (DBS) Enhanced Disclosure provided for the purpose of the application, (to be checked every six months)

- If submitted with the application, the enhanced DBS certificate must be appropriate *and* issued not more than 28 days before date of application

- If sought on application (or following a successful knowledge test) there may be a delay in processing the application

- All applicants will be required to register for the DBS Update Service, which requires an annual fee to ensure continuation of the service;

- Fees associated with applying for a DBS check are born entirely by the applicant and do not form part of the application fee.

- a satisfactory return from the Driver and Vehicle Licensing Agency (DVLA) licence history, required on application (which will be checked annually)

- a satisfactory medical certificate

- The form is supplied by the Authority and completed by the applicant's own general practitioner or qualified medical health practitioner.

    - (The medical practice may charge for this service which must be borne by the applicant);

- Completion of the approved training course together with a test at the completion of the course,

    - the cost of any training has to be met separately by the applicant and does not form part of the application fee. (The training must be provided by the Council's approved training provider).

- Passing a driver topographical test in addition to the test at the end of the training course.

    - the first and second test attempts are included within the training fee. The costs of any subsequent tests must also be met separately by the applicant

    - An application is only permitted to attempt the training and topographical test 4 times. If they fail after 4 attempts, their application will be refused - no new application may be made within 12 months.

* Guidance is provided on the Council's website Taxi application pages. As part of the determination process the validity of the tax check code will be verified.

2.2.3 Once issued the licence holder is subject to annual medical certification and 6 monthly DBS checks

2.3. Existing Licence holders

2.3.1 An existing driver licence holder may apply to 'renew' their existing driving licence. It should be noted that the term 'renewal' has no legal status and that each application is a new application. For administrative purposes the term renewal enables the fee to be slightly reduced and involves marginally less processing.

2.3.2 Renewals can only be made within one month ***PRIOR TO*** the expiry of the previous licence and ***before*** its expiry. Where that application is valid and complete (see also 2.3.4 below) a new licence will be issued, and the previous licence surrendered. Licence holders will not be able to operate with an expired licence without the authority of the Licensing Authority. It is therefore the responsibility of the applicant to make the application in suitable time, allowing at least 3 complete working days for the issue of a further licence after all information has been received.

2.3.3 It will not be the responsibility of the Authority to remind a licence holder that a licence is due to expire although it will endeavour to do so.

2.3.4 Where an application to 'renew' a licence is incomplete or submitted AFTER the expiry date of the existing licence it will expire on the date shown. The Driver will have to apply for a new application and will be unable to drive a licensed vehicle until or unless a new licence is issued.

2.3.5 In order to make a ***valid*** application to re-apply for a Dual Driver Licence from a previously held licence holder the applicant must:

- complete driver licence application form and submit with the relevant fee
- Continue to be assessed as a 'fit and proper person':
  - have a current appropriate DBS disclosure certificate or be signed up to the update service (accessible by the licensing authority),
  - have a satisfactory DVLA licence (the Authority can access this information separately)
  - submit a valid medical certificate
  - Provide a current certificate in respect of the required training
- Provide specific Immigration status documentation if applicable (para. 2.5.2)

2.3.6 Where an application is made to re-licence but fails to meet the policy criteria (DBS or DVLA checks) it may be granted without prejudice and referred to the Regulatory Committee for a decision e.g. domestic driving licence endorsements exceed 6 points. A licence will not be granted if there are serious or significant concerns that relate to public safety.

2.4. Incomplete Driver Licence Application Process

2.4.1 Where an application for a driver licence is incomplete within a period of two years (for example due to repeated failure of the knowledge test) the application will be deemed to have been withdrawn and the application fees refunded by the same means as payment with reasonable deductions in respect of the first knowledge test (if undertaken) and any other expenses incurred by the Authority e.g. DBS/DVLA checks if applicable.

2.5. Fit and Proper Person Criteria

2.5.1 The assessment of the applicant as being 'Fit and Proper' for the purposes of determining an application for a Driver's Licence and/or the suitability of a driver to keep a Driver Licence includes the following:

- Immigration status

- Driver knowledge
- Assessment of criminal and other offences
- Previous history as a licensed driver
- Completion of related training
- Medical certification
- Adherence to a code of driver conduct
    - including compliance with requirements relating to assistance of wheelchair passengers and vulnerable clients and the acceptance of assistance dogs
- Adherence to an appropriate dress code

2.6. Immigration Status

2.6.1 Licences will not be granted to applicants and will be removed from existing licence holders by reason of their immigration status if:

- The person requires leave to enter or remain in the UK and has not been granted it; or
- The person's leave to enter or remain in the UK:

- Is invalid;
- Has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise); or
- Is subject to a condition preventing the person from doing work of that kind.

2.6.2 Licences will not be granted to applicants and will be removed from existing licence holders if they are subject to a condition on their permission to be in the UK that prevents them from holding such a licence, for example, they are subject to an immigration restriction that does not permit them to work.

2.6.3 Specific documentation is required to demonstrate immigration status on application and then on each renewal of the licence. Please contact the Licensing Service using the details at licensing@chelmsford.gov.uk for more information. Further information is also available from the Home Office www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work- checks

2.7. Applicants who have lived outside the United Kingdom

2.7.1 Where an applicant has lived outside the United Kingdom for a continuous period of three months or more since reaching the age of 18 years, they must provide a Certificate of Good Conduct, certificate of good character, criminal record certificate, or equivalent document issued by the relevant country or countries covering the period of residence.

2.7.2 The Licensing Authority must be satisfied that the document provided is genuine, relevant and sufficient to assist in determining whether the applicant is a fit and proper person to hold a

licence. Where a criminal record certificate or equivalent document cannot reasonably be obtained, the applicant must provide evidence of the steps taken to obtain it and any alternative evidence requested by the Authority.

2.7.3 Any document submitted under this section must be provided in English or accompanied by an official English translation at the applicant's expense

2.7.4 Failure to provide the required documentation, without reasonable explanation, may result in the application being refused.

2.8. Driver knowledge testing

2.8.1 Following the training required under paragraph 2.10 the training providers will test the knowledge of delegates before issuing a pass certificate. The test will comprise of all elements contained within the syllabus. In addition, applicants will also need to complete a topographical (or 'geographical') element, testing their knowledge of roads, places of interest and routes.

2.8.2 An applicant must pass the test requirements within 2 years of the date of completing the training and will be allowed 4 attempts (including one test directly following the training). Where an applicant fails to pass the tests, they will be required to wait a period of at least one calendar year before reapplying.

2.8.3 Where an applicant has failed to achieve a pass within the permitted number of attempts set out in paragraph 2.8.2, the Authority may, in exceptional circumstances, determine that the applicant has demonstrated an adequate level of knowledge and competence to be granted a licence.

2.8.4 The cost of the initial training course includes the first and second assessment attempts. Any subsequent assessment attempts will be chargeable, and the cost must be met by the applicant.

2.8.5 Any such decision will be made by an officer under delegated authority and must be supported by clear evidence that the applicant meets the required standard, having regard to the overall performance in the assessment.

2.8.6 In the event that an applicant is found undermining the integrity of the test they will be considered as having disqualified themselves from any further attempts and not fit and proper to be the holder of a licence and the application refused as if failing the tests.

2.8.7 By prior arrangement, candidates who are dyslexic or have other need for special arrangements may apply to the training provider to make suitable and reasonable adjustments arrangements to accommodate their needs. Tests are supervised by officers or trainers.

2.8.8 Applicants are advised not to apply for an enhanced DBS disclosure certificate or undergo a medical examination until the tests have been passed. A DBS disclosure certificate must be no older than 30 days at the time an application process is completed. The applicant must also sign up to the DBS 'update service'.

2.9. Assessment of criminal and other offences

2.9.1 Disclosure and Barring Service

2.9.1.1 A criminal record check of a driver is seen as an important safety measure. Enhanced Disclosure through the DBS is required as these disclosures provide details of any convictions, Police Cautions and other relevant information. The Authority carries out these checks using the electronic service (eDBS) to ensure accuracy, security and to minimize

delays for applicants. The Authority will process the eDBS disclosure application and applicants will be charged an appropriate additional fee.

2.9.1.2 The applicant for an eDBS Enhanced Disclosure will be sent a disclosure certificate to their home address from the DBS. The Authority does not receive a copy of the report, but the Authority is informed of the content and of any relevant information. Where necessary the applicant may be requested to produce the original certificate to the Authority. The Authority will not process an application where it is not satisfied with the outcome of that disclosure.

2.9.1.3 Whilst it is the responsibility of the applicant to ensure the eDBS application process is correctly completed, Licensing Officers will follow the progress of that enquiry. Applicants should be aware that incorrectly processed enquiries may delay their application as licences will not be issued until the process is correctly completed (with satisfactory results).

2.9.1.4 No application shall be processed where the eDBS Enhanced Disclosure is older than 28 days.

2.9.1.5 All applicants for a licence requiring an enhanced DBS check will be required to subscribe to the DBS update service via the Authority's third-party checking service. Licence holders **must** register with the DBS update service, which involves paying an annual fee to ensure continuation of that service. The service must be signed up to before the expiry of 28 days following the ***issue*** of the disclosure certificate. Failure to maintain a subscription to this service will involve a further full eDBS check at the applicants' own expense. Provided the update service fee is kept up to date there will be no further DBS charges. Through the update service, disclosure status is checked on behalf of the Authority a minimum of every *six months*.

2.9.2 Relevance of convictions, cautions etc. for applicants

2.9.2.1 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merits. It will take account of the details of the DBS enhanced disclosure report, but only in so far as they are relevant to the application for a licence.

2.9.2.2 Accordingly, upon receipt of a DBS Enhanced Disclosure Licensing Officers will assess whether any or all of the conviction(s) and/or any additional information received is capable of having any relevance to the application as to whether the applicant is a 'fit and proper' person to hold a licence. Licensing Officers will refer an application before the Committee where the number and/or nature of the convictions, formal cautions and/or other information relating to the applicant raise doubts as to whether that individual is a fit and proper person to hold the respective Driver licence. Where any applicant has been charged with any offence and is awaiting trial, the Authority may defer the determination of the application until that outcome has been established.

2.9.2.3 The Committee determines applications that do not meet the pre-licensing criteria. Whilst each case is judged on its merits, matters revealed by an enhanced DBS check will be of particular concern if they may impact on the safety of passengers. For the information of applicants and the general public, the Authority has regard to its 'Convictions Policy' which is published on the Council website at:
https://www.chelmsford.gov.uk/business/licensing/taxis/driver-licence/

2.9.2.4 When deciding what action is appropriate, the Committee need only consider an evidential argument that the applicant is not a 'fit and proper person' on the 'balance of probabilities', rather than 'beyond reasonable doubt'. Accordingly, the Committee is not restricted to taking action ***only*** where an applicant has been convicted of an offence. The Committee may also take account of formal cautions, criminal charges, police intelligence or any other material

provided during the application process. Furthermore, it is **not** the responsibility of the Committee to determine the innocence or guilt of an applicant in relation to any offence or to be considered appearing to re-try an offence. The consideration of the Committee is on a balance of probabilities whether the applicant is a 'fit and proper person' to hold a Driver's Licence and satisfy the Authority's duty in respect of public safety. When determining such matters, the Committee will use the following test as the basis for its decision:

"Would you (as a member of the Regulatory Committee or other person delegated with the ability to grant Driver's Licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"[10]

2.9.3 Statutory Declaration

2.9.3.1 The Rehabilitation of Offenders Act 1974 does not apply to applicants for Hackney Carriage and Private Hire Drivers' licences by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 at Schedule 2 paragraph 4. Therefore, all applicants are required to disclose all convictions and/or cautions. This means the applicant must disclose each and every conviction and/or caution recorded against them during their lifetime on initial application and then confirmed on every subsequent renewal application.

2.9.3.2 Where an applicant fails to declare any convictions and/or cautions this may result in prosecution or referral to the Committee, or both. For renewal applications only: if an applicant fails to declare any convictions and/or cautions that have not already been declared on a previous renewal application, they will be issued with a written warning on one occasion only. If the same applicant fails to declare any convictions and/or cautions on any subsequent renewal application following the issue of a written warning, this may result in prosecution or referral to the Committee, or both. If that omission is relevant for the purpose of the application, it will be given consideration and processed according to our policies.

2.9.3.3 Convictions, formal cautions or other matters during the period of the licence

2.9.3.4 An enhanced DBS certificate is required on application and at 6-month intervals during the life of the licence. In order for this to be managed in an effective way, the Authority requires drivers to do this electronically with an "eDBS" Enhanced Disclosure on application with the licensed driver being required to subscribe to a DBS Update Service, whereby the Licensing Authority can be made aware of any relevant offences leading to conviction, formal caution and/or charge

2.9.3.5 The DBS update Service will allow an Authority to check the DBS status of licensed drivers during the period of licence. In addition to this requirement, drivers who are arrested and released, charged or convicted, must disclose the arrest, conviction, caution and/or charge of any sexual offence, any offence involving dishonesty or violence and any motoring offence as well as any penalty imposed in writing to the Authority without delay, and in any event within **48 hours**. [For these purposes a fixed penalty motoring offence amounts to a conviction].

2.9.3.6 If a licensed driver ceases to have a valid DVLA driving licence their Private Hire driver's licence issued by this Authority is automatically invalid.

2.9.3.7 Where any driver fails to notify the Authority of any convictions and/or formal cautions this may result in prosecution or referral to the Committee, or both as failure to notify calls into question their status as a 'fit and proper person'.

2.9.3.8 Where the Authority is made aware of any matter that would question a driver's on-going

status as a fit and proper person this may result in prosecution or referral to the Committee, or both. Furthermore, it is **not** the responsibility of the Committee to determine the innocence or guilt of an existing licensed driver in relation to any offence and/or issue of concern, but instead on a balance of probabilities whether the existing licensed driver is still a fit and proper person to be licensed as a Private Hire Driver and satisfy the Authority's duty in respect of

public safety. When determining such matters, the Committee will use the following test as the basis for its decision:

"Would you (as a member of the Regulatory Committee or other person delegated with the ability to determine the ongoing status of a Hackney Carriage / Private Hire Driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"[11]

2.9.4 Previous Licensing History and NR3 Checks

2.9.4.1 All applicants for a Hackney Carriage or Private Hire Driver licence are required to declare whether they have previously had an application for a driver licence refused, suspended or revoked by any licensing authority.

2.9.4.2 Failure to disclose a previous refusal, suspension, revocation or any other relevant licensing history, or the provision of false, misleading or incomplete information during the application process, may itself be taken into account when determining whether an applicant is a fit and proper person to hold a licence and may result in the application being refused.

2.9.4.3 The Authority will record details of refusals, suspensions and revocations of Hackney Carriage and Private Hire Driver licences on the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3), which is operated by the National Anti-Fraud Network (NAFN).

2.9.4.4 The Authority will make enquiries of the NR3 register when determining applications for Hackney Carriage and Private Hire Driver licences.

2.9.4.5 Applicants are required to provide all information reasonably requested by the Authority to enable NR3 checks to be undertaken. Failure to disclose previous licensing history or the provision of false or misleading information may be taken into account when determining whether an applicant is a fit and proper person to hold a licence.

2.9.4.6 The Authority will process information in accordance with relevant data protection legislation and will normally provide 28 days' notice before recording details on the NR3 register.

2.10. Training

2.10.1 All drivers must undertake equality, diversity, disability, and safeguarding training and produce a certificate of completion with our training provider. Applicants must complete this training before a licence is issued. During training, account will be taken of language proficiency in addition to a geographical knowledge test if required. The knowledge test referred to at para 2.8 will form part of the training.

2.10.2 English Language Proficiency

2.10.3 The Authority requires all applicants for a Hackney Carriage and Private Hire Driver's Licence to demonstrate sufficient spoken and written English language proficiency to enable them to safely and effectively undertake the role of a licensed driver.

Applicants must be able to:

• Communicate effectively with passengers;

• Understand and respond appropriately to verbal instructions and enquiries;

• Read and understand licence conditions, policies, road signs and other written information relevant to the role;

• Communicate appropriately with emergency services, enforcement officers and other agencies where required; and

• Understand and implement safeguarding responsibilities.

All new applicants must successfully complete the Authority's approved English language proficiency assessment before a driver's licence will be granted.

The English language proficiency assessment may be incorporated within the Authority's approved driver training and assessment programme.

Failure to demonstrate the required standard of English language proficiency may result in the refusal of an application or, where appropriate, the review, suspension or revocation of an existing licence.

2.10.4 Existing holders of a driver's licence will complete the training within a period of 18 months following the formal adoption of this policy. Where a licence is allowed to expire before re-application the full training will be required. A further licence will not be issued until the training has been completed.

2.10.5 The holder of an issued driver's licence will be expected to undertake refresher training prior to each application to re-licence thereafter (or renew).

2.10.6 The Authority may require drivers to undertake other specified training during the life of the licence where it is proportionate and necessary to do so e.g. as directed by the Regulatory Committee following a formal hearing.

2.10.7 All licensed drivers and applicants will be required to undertake safeguarding, personal safety, vulnerability awareness, or similar training approved by the Authority from time to time.

Such training will include awareness of initiatives, campaigns or schemes adopted or supported by the Authority relating to public safety, violence against women and girls, harassment prevention, or the protection of vulnerable persons.

Failure to complete any training required by the Authority within the specified period may result in the refusal, suspension, or non-renewal of a licence.

2.11. Driving Proficiency

2.11.1 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for both Private Hire and Hackney Carriage Drivers. This Authority believes that the standard DVLA driving test provides sufficient evidence of driving competency for drivers of Private Hire and Hackney Carriage vehicles within that the area of Chelmsford City Council. It is considered that introducing a requirement that drivers pass the specific DSA test would not produce benefits, which are commensurate with the costs involved.

2.12. Driver Qualification

2.12.1 At present there are no additional requirements for a driver qualification. The Authority wishes to support drivers so they can offer a high standard of service throughout the City. It may be necessary on occasion for the Regulatory Committee to consider recommending specific driver training as part of their determination.

2.13. Medical Certification

2.13.1 The Authority requires Group 2 Standards of Medical Fitness to Drive, as applied by DVLA to the licensing of HGV and PSV drivers, as the appropriate standard for licensed Private Hire Drivers to be carried out by a suitably qualified medical practitioner. Exemptions and grandfather rights available to HGV and PSV are not available to applicants for taxi licences.

2.13.2 Applicants are required to undertake a medical examination at each application. Medical examinations will be required at the licence holders 65th birthday and annually thereafter. Licences will be issued for three years duration.

2.13.3 Licence holders shall advise the Authority of any deterioration in their health that may affect their driving capabilities. Where there is no doubt as to the medical fitness of the applicant, the Authority may require the applicant to undergo and pay for a further medical examination by a medical Doctor appointed by the Authority. Where there remains any doubt about the fitness of any applicant, the Committee will review the medical evidence and decide based upon the evidence made available. No licence shall be issued until satisfied that the medical requirements have been met.

2.14. Code of Driver Conduct, Dress Code and Operational Conduct.

2.14.1 Only applicable when a licensed driver is operating a licensed vehicle; The standards expected of drivers are set out in the code of conduct which should be read in conjunction with the other statutory and policy requirements set out in this document. The code ensures maintaining a standard of behavior that is considered 'fit and proper'.

2.14.2 Drivers must act in a professional manner at all times and must not initiate or engage in unsolicited discussion with passengers relating to political or religious matters where this may reasonably be considered likely to cause offence, discomfort or distress.

2.14.3 Drivers must not express personal views in a manner that is discriminatory, intimidating, or likely to undermine passenger confidence in the safety and neutrality of the service provided.

2.14.4 Drivers must comply with all parking, waiting and stopping restrictions and must not cause obstruction, nuisance, danger or disruption when operating a licensed vehicle.

2.14.5 Hackney Carriage drivers may only ply for hire in accordance with relevant legislation and must not wait or position vehicles in locations where parking or waiting restrictions apply or where doing so may create a public safety risk or nuisance.

2.14.6 Private Hire Vehicles must not ply for hire and may only undertake journeys that have been pre-booked through a licensed operator.

2.15. Assistance to restricted mobility passengers

2.15.1 S.165 of the Equality Act 2010 places duties on drivers of designated wheelchair accessible Hackney Carriages and Private Hire Vehicles.

2.15.2 Those duties are:

- To carry the passenger in the vehicle whilst in the wheelchair;

- Not to make an 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 on the vehicle in safety and reasonable comfort;
- To give the passenger such mobility assistance as is reasonably required.

2.15.3 S.167 of the Equality Act 2010 allows the Authority to maintain a list of "designated vehicles" - i.e. a list of wheelchair accessible Hackney Carriages and Private Hire Vehicles licensed in its area. The consequence of being on this list is that the driver must undertake the duties detailed in Section 165.

2.15.4 S. 167 of the Equality Act 2010 gives designated vehicles statutory effect. Any owner of a designated vehicle has the right to appeal against the Authority's decision to include his or her vehicle on the list. The appeal will be heard by the Magistrates' Court. All Hackney carriage licences numbered 077 onwards are to be designated as wheelchair accessible and therefore considered to be designated vehicles for the purpose of s.167 of the Equality Act 2010.

2.15.5 S.166 of the Equality Act 2010 allows the Authority to exempt drivers from the duties to assist passengers in wheelchairs, but only if they are satisfied that it is appropriate on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

2.15.6 Drivers of designated wheelchair accessible Hackney Carriages or Private Hire Vehicles can apply to the Authority for exemption to assist passengers in wheelchairs on either a temporary or permanent basis. In summary, an application will require a supporting letter from the applicant's own general practitioner and a Temporary Exemption Notice may be issued for up to a maximum period of 3 months. Where a longer period of exemption is requested, the applicant must obtain a detailed report from their GP and make an appointment with the Authority's appointed medical advisor. All costs of the medical report and consultations are to be borne by the applicant. If approved, the Authority will provide the driver with an Exemption Certificate and Exemption Notice. The Notice must be displayed in the vehicle. The form and manner of the Notice must be in accordance with relevant regulations. If an application for exemption is refused, the applicant has the right of appeal to the Magistrates' Court. A similar exemption can be applied for on medical grounds for the driver to refuse the acceptance of guide and assistance dogs to travel in their vehicle.

2.16. Guide dogs and assistance dogs

2.16.1 S.168 to 171 of the Equality Act 2010 address the carriage of guide dogs and other assistance dogs. Under this legislation, Hackney Carriage and Private Hire Vehicle Drivers (and Private Hire Vehicle Operators) have a duty to accept assistance dogs.

2.16.2 This process is designed to ensure a smooth transition from the assistance dog's provisions in the Disability Discrimination Act 1995 to those contained in the Equality Act 2010. Therefore, the legislation will ensure that:

- The Exemption Notice Regulations (i.e. the Disability Discrimination Act 1995 (Hackney carriages) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000 (SI2000/2990) (as amended) and The Disability Discrimination Act 2003 (Private Hire Vehicles) (Carriage of Guide Dogs etc.) (England and Wales) Regulations 2003 (SI 2003/3122) (as amended)) made under Sections 37 and 37A of the Disability Discrimination

Act 1995 will continue to have effect – as though they had been made under the Equality Act 2010;

- Hackney Carriage and Private Hire Vehicle Drivers who were previously exempt from the duty to carry guide/assistance dogs can continue to rely on their certificate of exemption issued by the Authority even though the certificate refers to the Disability Discrimination Act 1995;

- The Authority must issue a driver with a certificate exempting the driver from the offence under s.170(3) (an 'exemption certificate') of the Equality Act 2010;

2.16.3 The Authority will assess applications for exemption certificates in line with Regulations and approved Policy. If granted, the Authority will provide the driver with an Exemption Certificate which must be displayed in the vehicle. If an application for exemption is refused, the applicant has the right of appeal to the Magistrates' Court.

2.16.4 Common Law Police Disclosure will also be sought in order to establish an applicant's status as a 'fit and proper person' through the lawful sharing of information.

2.16.5 In line with relevant legislation, the code of conduct contains requirement that prohibits drivers smoking in their vehicle. This legislation applies equally to passengers using the vehicle. This includes e cigarettes (or similar devices).

2.17. Re-Licensing of an Expired Drivers Licence

2.17.1 It is not the responsibility of the Licensing Authority to remind a licence holder that a licence is due to expire, however Chelmsford City Council will endeavour to issue a 'reminder' to existing licence holders that their licence(s) are due for renewal. Application forms, can be down-loaded from the Council's website at https://www.chelmsford.gov.uk/business/licensing/taxis/driver-licence/ or requested 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.

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

2.17.3 Licences will not be extended beyond the expiry of the previous one where a licence holder fails to make a valid application to renew their licence on or before the respective expiry date. Where they fail to do so the licence will lapse and become invalid. Licence holders that allow their licence to expire will be required to make a new application in full (including knowledge test) and unable to drive as a licensed driver for hire or reward until a new licence can be issued. This may involve a considerable time delay and have cost implications in being unable to work. Licence holders are therefore strongly advised to ensure that they renew their licences prior to the expiry date. The pre-existing licence holder may apply for re-licensing as a continuation of the previous licence to the regulatory committee only in exceptional circumstances and may not operate until that determination has been made. If the licence holder is aware of any good reason why they may not be able to renew their licence before expiry, they must inform the Licensing team as soon as possible *and* *before* the expiry date.

PART 3

Proprietors and Licensed Vehicles

3.1. Vehicle Proprietors who are not licensed drivers

3.1.1 In relation to both Hackney Carriages and Private Hire Vehicles (generically referred to as 'taxis' and 'PHVs'), the Authority has an absolute discretion over granting the licence[12] and this policy is equally applicable on applications to transfer or replace a vehicle as it is in respect of grant applications. The Licensing Authority considers its discretion to be more involved than considering the vehicle itself, and therefore any person who owns and/or operates a Hackney Carriage or Private Hire Vehicle (who is not also a licensed Hackney Carriage, Private Hire Driver or Private Hire Operator) must provide the required information as part of an application for the vehicle itself.

3.1.2 No powers exist for Licensing Authorities to limit the number of PHVs that they licence and there is no limit in Chelmsford on the number of Taxis. However, currently all Hackney Carriage vehicles from plate number 77 onwards must be wheelchair accessible vehicles (WAV).

3.1.3 Proprietors are required to meet the 'suitable person' criteria and will need to be at least 18yrs of age. In many cases they may also be licensed as drivers themselves. Where they are not licensed as drivers, they will need to provide a Basic DBS certificate annually. Relevant convictions will be considered from among the following:

- Any unspent convictions for serious offences, for example theft, burglary etc.;
- Any unspent convictions for violence or threats of violence, for example assault, grievous bodily harm, wounding etc.;
- Any unspent convictions for sexual and/or indecency offences;
- Any unspent convictions for serious aggravated offences, for example manslaughter, murder etc.;
- Any unspent convictions related to the supply of drugs;
- Any unspent convictions for deception and/or fraud;
- Any other unspent conviction that would suggest that the applicant is not a fit and proper person to hold the respective licence.

3.2. Vehicle Specification and Conditions

3.2.1 Local Authorities have a wide range of discretion over the types of vehicle that they can licence as taxis and PHVs. Government guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible and encouraged to make use of the "type approval" rules within any specifications they determine. Accordingly, the Authority will require European Whole Vehicle Type Approval for all new licensed vehicles.

3.2.2 A vehicle presented for first licensing as a Hackney Carriage with Chelmsford City Council is not required to be newly registered or to have not been previously licensed by another licensing authority.

3.2.3 Vehicles that have previously been licensed elsewhere will be considered as new applications and must meet all vehicle specifications, safety standards, and pre-licensing requirements set out in this policy at the time of application.

3.2.4 Imported vehicles may be considered for licensing provided that the vehicle meets all relevant legal requirements applicable within the United Kingdom together with all vehicle specifications, safety standards, inspection requirements, and licence conditions prescribed by the Authority.

The proprietor must provide any documentation reasonably required by the Authority to verify the vehicle's age, specification, construction, type approval status, insurance classification, and roadworthiness.

The Authority reserves the right to require additional inspection, certification, or expert evidence where considered necessary to determine the suitability of an imported vehicle for licensing.

3.2.5 Vehicles recorded as Category S insurance loss vehicles, or any equivalent classification relating to structural damage, will not normally be accepted for licensing by the Authority.

The Authority reserves the right to require documentary evidence relating to a vehicle's insurance history, structural condition, repair history, and roadworthiness where considered necessary to determine the suitability of a vehicle for licensing.

3.2.6 Vehicles designed to load wheelchair users from the rear will not normally be accepted for licensing due to concerns relating to passenger safety, accessibility and the practicalities of loading and unloading wheelchair users safely on the public highway.

The Authority may consider applications for rear-loading wheelchair accessible vehicles in exceptional circumstances where the applicant can demonstrate that the vehicle provides significant accessibility benefits or operational advantages, including vehicles specifically designed to accommodate multiple wheelchair users safely and appropriately.

3.2.7 The Authority maintains a public register of designated wheelchair accessible vehicles in accordance with relevant legislation.

3.2.8 For the purpose of assisting disabled passengers to identify and access suitable licensed vehicles, the Authority may publish relevant business contact details, booking information or website details relating to designated wheelchair accessible vehicles and operators.

Proprietors and operators of designated wheelchair accessible vehicles may be required to provide and maintain accurate contact information for this purpose.

3.2.9 The Authority shall impose such conditions, as it considers reasonably necessary in respect of taxis and PHVs. These vehicles provide a service to the public, so it is appropriate to set criteria for the standard of the external and internal conditions of the vehicle, provided that these are not unreasonably onerous. A list of vehicle preconditions Private Hire Vehicle conditions, and Hackney Carriage vehicle conditions can be found on our website or by clicking the relevant link.

3.2.10 All vehicles will in general be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers shall be accepted, provided that there is compliance with the specification applicable to such vehicles.

3.2.11 Where a vehicle is not equipped with a spare wheel by the manufacturer, it must be provided with an appropriate manufacturer approved alternative, such as a tyre inflation or repair system.

3.2.12 Any such equipment must be maintained in good working order and available for use at all times whilst the vehicle is licensed.

3.3. Vehicle Accessibility

3.3.1 The aim of the Council is to enable an accessible public transport system where people with reduced mobility have the same opportunities to travel as other members of the community. The Council expects Proprietors, Drivers and Operators to ensure that they provide a service to all members of society, without discrimination.

3.3.2 The Authority is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that,

"Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible."

3.3.3 For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation and encourages Hackney Carriage proprietors and Private Hire Operators and Drivers to use vehicles that will assist those passengers with mobility difficulties, making it compulsory for all hackney carriages from HC077 onwards as being WAV's.

3.3.4 It is arguable that different accessibility considerations should apply between Hackney Carriage and Private Hire Vehicles in that Hackney Carriages can be hired directly in the street or at a Hackney Carriage stand ("taxi rank"), by the customer dealing directly with a licensed driver. However, Private Hire Vehicles can only be booked through a licensed Private Hire Operator. It is, therefore, considered particularly vital that a person with disabilities should be able to hire a Hackney Carriage on the spot with the minimum delay or inconvenience and requiring a substantial number of these being WAV's achieves that aim.

3.3.5 Vehicle proprietors and Drivers should be aware of a good practice guide produced by the Equality and Human Rights Commission, as drivers have a duty under the Equality Act 2010 to ensure disabled people are not discriminated against or treated less favourably.

3.3.6 All licensed vehicles must convey assistance dogs at no additional charge. It is a breach of the Equality Act to refuse to carry an assistance dog, unless the driver has applied for, and been issued with an exemption certificate.

3.3.7 The Council encourages all Private Hire Operators to include wheelchair accessible vehicles amongst the fleet and to ensure that no additional costs are levied for conveying passengers with reduced mobility and/or their assistance dogs.

3.3.8 Private Hire Vehicles fitted with a tail lift for wheelchairs must provide a valid LOLER (Lifting Operations Lifting Equipment Regulations) certificate of compliance to prove that the tail lift has been tested and checked to the required standards. The Tail lift must be re-tested every six months as per HSE (Health and Safety Executive) requirements.

3.3.9 When a vehicle has been modified post manufacture to provide access or special facilities for reduced mobility passengers, the vehicle must have all modifications and adaptations

(including all seats, seat belts and anchorages), retested or approved to meet either European Whole Type Approval or the UK Low Volume Type Approval (ESVA or IVA) that meets the required standard. Prior to the first licensing of the vehicle, the proprietor and/or driver ***must produce certification*** that the vehicle meets the required standards. The insurers must be made aware of any modifications to the manufactured vehicle.

3.3.10 S.167 of the Equality Act 2010 allows the Authority to maintain a list of "designated vehicles" - i.e. a list of wheelchair accessible Hackney Carriages and Private Hire Vehicles licensed in its area (para. 12.2). The consequence of being on this list is that the driver must undertake the responsibilities detailed in s.165 of the Equality Act 2010. See Paragraphs 12.46-12.55.

3.3.11 S.167 of the Equality Act 2010 gives such a list of designated vehicles statutory effect. Any owner of a designated vehicle has the right to appeal against the Authority's decision to include his or her vehicle on the list. The appeal will be heard by the Magistrates' Court. Those designated vehicles have specific obligations under s.165 of the Equality Act 2010. Whilst not on a specific 'list' all Hackney Carriages numbered 78 onwards are classed as 'designated vehicles' under this legislative requirement.

3.4. Maximum age of vehicles / environmental considerations

3.4.1 PHVs and Taxis are an essential form of transport in the Chelmsford City Council area. Many people depend on both for travel that other forms of transport are incapable of making. It is, however, clearly important that emissions from all licensed vehicles are reduced as far as possible.

3.4.2 The Authority is ambitious to continually improve air quality and has taken account of how emissions impact on this issue and consider how far this Policy can and should support any local environmental initiatives to reduce emissions. This would include the use of low emission vehicles (and the encouragement of their use), setting vehicle emissions standards or promoting cleaner fuels, as well as ensuring a modern standard of its licensed vehicles.

3.4.3 Current emission requirements for all mass-produced new cars sold after September 2015 are contained in the Euro 6 emissions standard. This standard builds on previous versions to reduce harmful pollutants from petrol and diesel vehicle exhausts, with different emissions standards for each fuel, which reflects the different pollutants the two fuels produce.

3.4.4 All vehicles presented for first licensing or as a replacement vehicle must meet the Euro 6 emissions standard, or such higher standard as may be specified by the Authority at the time of application.

No vehicle will be licensed where it does not meet this requirement.

3.4.5 The Authority supports the use of ultra low emission and fully electric vehicles within the licensed fleet.

Where an electric or ultra low emission vehicle is presented for licensing, it must meet all relevant safety, accessibility, and vehicle specification requirements set out in this Policy.

The Authority will keep the suitability and availability of electric vehicles, including wheelchair accessible vehicles, under review and may amend its requirements where appropriate.

3.4.6 A Hackney Carriage vehicle shall not be older than three years from the date of first registration at the point of first licensing by the Authority.

A replacement Hackney Carriage vehicle shall not be older than eight years from the date of first registration at the time the replacement application is made and must comply with the Authority's emissions standards and all other vehicle licensing requirements in force at the time of application.

3.4.7 A PHV shall not be older than six years from the date of first registration when first licensed by the Authority and must comply with the minimum emissions standards prescribed by this Policy at the time of application.

A replacement PHV shall not be older than eight years from the date of first registration at the time of application and must comply with the Authority's emissions standards and all other vehicle licensing requirements in force at the time of application.

Plate exempt vehicles shall not be older than four years from the date of first registration at the time of application.

3.4.8 A Hackney Carriage or Private Hire Vehicle will not normally be licensed beyond 12 years from the date of first registration.

3.4.9 Applications to licence or renew the licence of a vehicle beyond 12 years from the date of first registration may be determined by officers under delegated authority.

3.4.10 Such applications will only be granted where the Authority is satisfied that exceptional circumstances apply and that the vehicle remains suitable for continued licensing.

3.4.11 In determining whether exceptional circumstances exist, the Authority may have regard to:

- the vehicle's overall condition and appearance;
- maintenance and service history;
- mileage;
- compliance and inspection history;
- vehicle test results;
- whether the vehicle is of a specialist type, including wheelchair accessible vehicles where suitable replacement vehicles may be limited;
- any other factor relating to the vehicle's continued suitability for licensing.

3.4.12 Personal, financial, business or hardship circumstances relating to the proprietor will not normally constitute exceptional circumstances.

3.4.13 Where a taxi or PHV is considered by the Authority to be a vehicle of exceptional quality, specialist design or historic significance, the application may be referred to the Regulatory Committee for consideration of any extension beyond the maximum vehicle age prescribed by this Policy.

3.4.14 The Council may provide incentives, financial or otherwise, to encourage electric vehicles within the fleet. Such vehicles may be exempt from the requirement to be wheelchair accessible taking into account the Equality Act 2010 duties.

3.4.15 Legacy Non-Wheelchair Accessible Hackney Carriage Vehicle Licences

3.4.16 A limited number of Hackney Carriage Vehicle Licences exist that are not subject to the

Authority's current requirement for newly licensed Hackney Carriage vehicles to be wheelchair accessible.

3.4.17 Where a Hackney Carriage Vehicle Licence within this category is surrendered, lapses, expires, is revoked, or otherwise ceases to have effect, the Authority may determine that the licence shall not automatically be replaced by another non-wheelchair accessible vehicle.

3.4.18 Where the Authority determines that such a licence is to be reissued, priority may be given to applicants proposing to licence a fully electric Hackney Carriage vehicle, subject to any waiting list, allocation scheme or eligibility criteria in operation at the time.

3.4.19 Any Hackney Carriage Vehicle Licence issued under this provision shall remain restricted to a fully electric vehicle. Where a licensed vehicle is replaced, the replacement vehicle must also be fully electric and comply with all vehicle licensing requirements in force at the time of application.

3.4.20 Applications to replace a vehicle licensed under this provision with a petrol, diesel, hybrid or any other non-fully electric vehicle will not normally be granted.

3.4.21 The Authority may maintain and operate a waiting list for applicants wishing to licence fully electric Hackney Carriage vehicles under this provision. Inclusion on any waiting list does not guarantee the grant of a licence.

3.4.22 The purpose of this provision is to support the Authority's environmental objectives, promote the uptake of fully electric Hackney Carriage vehicles, reduce vehicle emissions and make effective use of existing Hackney Carriage Vehicle Licences whilst maintaining an appropriate balance of wheelchair accessible vehicles within the licensed fleet.

3.4.23 Nothing in this policy shall require the Authority to reissue any surrendered, expired, revoked or lapsed Hackney Carriage Vehicle Licence.

3.5. MOT’s & Mechanical Vehicle Inspections

3.5.1 Taxis and PHVs are used for hire and reward purposes and as such are subject to much higher annual mileages, and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user’s safety, a more stringent maintenance and inspection regime is required. This Policy considers the MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA as the basic inspection standard for both types of vehicle. However, the standards contained in the Hackney Carriage and Private Hire Vehicle Inspection Standards are in addition to those in the MOT Inspection Manual.

Therefore, when assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, might fail the Hackney Carriage and Private Hire Vehicle inspection standards. In addition to any statutory MOT inspection requirement, Hackney Carriages must hold a valid MOT certificate from one year after first registration. Private Hire Vehicles must hold a valid MOT certificate from three years after first registration. Thereafter, both vehicle types must maintain continuous MOT compliance.

3.5.2 In addition to the MOT test inspection, both Taxis and PHVs will be subject to a separate and distinct mechanical and compliance inspection at the Council Vehicle Testing Station, Freighter House, Chelmsford at the time of first being licensed and every six months thereafter except where licensed as a brand new vehicle where only a compliance check will initially be required.

3.5.3 All Taxis and PHVs must be maintained to no less than the standards set out in the DVSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicles' (as amended) and the Chelmsford City Council Hackney Carriage and Private Hire Vehicle Inspection Standards.

3.5.4 All tyres fitted to a licensed vehicle must comply with the relevant legal requirements relating to tyre condition and safety.

At all times whilst licensed, tyres must maintain a minimum tread depth of 2mm across the continuous central three-quarters of the breadth of the tyre and around the entire outer circumference.

Any tyre displaying cuts, bulges, exposed cords, or other defects likely to affect safety is not permitted.

3.5.5 The purpose of the Taxi and PHV inspection is to confirm vehicles meet the more stringent standards set out in this Policy. Vehicles must be submitted fully prepared for the inspection. It is not intended that the test be used in lieu of a regular preventative maintenance program. It is an offence under the Road Traffic Regulations to use a vehicle that is not roadworthy on the public highway. Hackney Carriage and Private Hire Vehicle licence holders who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended or revoked by the Authority.

3.5.6 The inspection regime for vehicles has not been designed to create obstacles for the Taxi and PHV trades but primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators. The Authority therefore considers the inspection requirements to be justified by the risks it aims to address.

3.5.7 If mechanical inspections are undertaken within one month of the expiry of the previous certificate the six-month period will be deemed to commence from the date of expiry of the previous one, much like an MOT.

3.5.8 Where considered justified, necessary and proportionate to do so, licensing officers may require a third mechanical inspection of any Taxi or PHV within any calendar year at the expense of the licence holder.

3.5.9 Where a vehicle fails the mechanical inspection, vehicle examiners at Freighter House have the authority to issue a vehicle defect rectification notice in respect of defects of a minor nature that are not detrimental to its safety, requiring the vehicle defect to be rectified within 10 days. Where the vehicle is not retested before the due date the vehicle licence will be suspended by officers. The process for rectifying a mechanical fault and/or subsequent suspension can be found here.

3.5.10 The Authority may require a licensed vehicle to undergo a compliance check at any time to ensure that it continues to meet the requirements of this Policy and licence conditions. A compliance check may include an inspection of the vehicle's condition, safety, cleanliness, and documentation. Where a compliance check is required, the proprietor must make the vehicle available at a time and place specified by the Authority.
Failure to present a vehicle for a compliance check without reasonable excuse may result in the suspension of the vehicle licence. A fee may be payable for such checks in accordance with the Council's approved fees and charges.

3.5.11 Where a vehicle fails the mechanical inspection test and in the opinion of the examiner

presents a significant risk to road users and passengers, they may suspend the vehicle forthwith and require it to be presented for a retest. If the

vehicle is not presented for retest of the mechanical inspection within 2 months the licence will be 'deemed' as revoked[13].

3.5.12 Licensed vehicles are not permitted Driver Protection screens or CCTV equipment installed unless these were examined as part of an inspection. In order to be considered approved they must be fitted at the time of undergoing the mechanical inspection

3.5.13 Vehicles that fail the test, deemed unsafe and suspended shall not be re-presented for test with unaccountable mileage of more than 150 miles on the odometer.

3.5.14 If the vehicle is damaged by any means during the period of licence, the Driver in charge of the vehicle at the time the damage occurred, or the Proprietor must report this to the Licensing Service within 72hrs[14].

3.6. Vehicle Appearance and Presentation

3.6.1 Overall Appearance

3.6.1.1 Vehicles must be safe and comfortable, the passenger compartments must be clean and dry – including upholstery – without rips, tears or sharp protrusions. Proprietors, Drivers and Operators must ensure that the vehicles that they use meet the expectations of the council and their passengers.

3.6.1.2 The exterior of the vehicle must be kept clean to a standard that allows passengers to enter and exit the vehicle without coming into contact with dirt or causing damage to clothing. Drivers must also ensure that the licence plate and registration plate remain clean, visible and undamaged.

3.6.2 Licence Plates

3.6.2.1 All licensed vehicles must display the licence plate externally at the front and rear of the vehicle, unless it is a private hire vehicle and has applied for and is authorised not to display these through a Plate Exemption Certificate.

3.6.2.2 A licence plate must be securely fixed to the bracket which should be bolted or screwed to the outside rear of the vehicle in such a manner that the plate is not obscured from view by fixtures or fittings and the plate does not obscure the vehicle registration plate. The plate must also be able to be easily removed by an authorised council officer or police officer: magnetic fittings are not permitted.

3.6.3 Signage, Livery and Advertising

3.6.3.1 It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire Vehicle. Private Hire Vehicles shall not display roof-mounted signs of any description.

3.6.3.2 No licensed vehicle shall display any signage, symbol, written material or other visual representation of a political or religious nature that may reasonably be considered offensive, discriminatory, or inappropriate for a public service vehicle

3.6.3.3 Advertising, vehicle wraps or other promotional material may only be displayed on a licensed vehicle with the prior written approval of the Authority and in accordance with any

applicable licence conditions, standards, policies, or guidance approved by the Authority from time to time.

The Authority may prohibit or require the removal of any advertising, signage or livery considered inappropriate, unsafe, offensive, misleading or otherwise unsuitable for display on a licensed vehicle.

3.6.3.4 Taxi's and PHVs shall display door signs as provided by the Authority. These will not be fitted using magnetic backings.

3.6.3.5 Licensed vehicles must display registration plates that comply with all relevant legal requirements and are clearly visible and legible at all times.
Vehicles fitted with tinted, obscured, stylised, three-dimensional (3D), four-dimensional (4D) or other non-standard registration plates that, in the opinion of the Authority, may impair identification or readability will not normally be accepted for licensing.

Proprietors must not fit, use, or permit the use of any registration plate that may hinder the identification of a licensed vehicle by passengers, enforcement officers, police, or automatic recognition systems.

3.6.3.6 It is not permissible to display any written or other material on any window of a vehicle with the exception of those permitted by the conditions of licence.

3.6.3.7 Hackney Carriages shall be black in colour.

3.6.3.8 PHVs will have affixed on the rear passenger doors in a prominent location signage stating, 'Private Hire Vehicle – Pre-booked Hirings Only'.

3.6.3.9 The term 'Taxi' must not be used/displayed anywhere on a PHV.

3.6.3.10 Private Hire Vehicles shall display in a prominent position details identifying the licensed Private Hire Operator through whom bookings are accepted, including the operator's trading name and contact telephone number or other contact method approved by the Authority.

3.6.3.11 Licensed vehicles must not be fitted with or display decorative, illuminated, or coloured lighting that, in the opinion of the Authority, is likely to cause distraction, confusion, nuisance or detract from the professional appearance of the vehicle.

This includes, but is not limited to, neon lighting, underbody lighting, and coloured lighting visible externally from the vehicle, other than lighting fitted by the manufacturer or otherwise required by law.

3.7. Security/CCTV

3.7.1 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 as part of the mechanical inspection. The presence of audio and visual data may help both identify and prosecute offences but its installation as a compulsory requirement is considered disproportionate and unjustifiable in accordance with Data Protection guidance on this matter. It is important that the Authority keep this matter under review, and it consult on the mandating of audio and visual recording during the life of the Policy.

3.7.2 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. Further information can be obtained at https://ico.org.uk/for-organisations/data- protection-self-assessment/CCTV-checklist/

3.7.3 Where fitted, proprietors and/or operators will become 'data controllers' and must notify the Council prior to installation and register with 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/

3.7.4 Where audio/ audio visual recording equipment is fitted within a licensed vehicle, it may be subject to specific conditions on a case by case basis.

3.7.5 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.

3.7.6 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.

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

3.8. Driver protection screens

3.8.1 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.

3.8.2 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 our vehicle testers/examiners at Freighter House, Chelmsford before having one fitted. Evidence that the above criteria will be met will be via the mechanical inspection and otherwise as must be provided to the Authority. The licence may be amended and re-issued to reflect additional conditions if added during the life of the licence.

3.8.3 The Licensed Private Hire Car Association secured government guidance on the matter of protection screens. That guidance can be found at following website address: https://www.gov.uk/government/publications/coronavirus-covid-19-safety- screens-for-taxis-and-phvs/coronavirus-covid-19-safety-screens-for-taxis-and-phvs

3.9. Hackney Carriage and Private Hire Vehicle Application Procedure

3.9.1 Application procedures for a Taxi or PHV is not prescribed but shall be made using the specified application forms available on the Council Website are as provided by our Licensing service at licensing@chelmsford.gov.uk

3.10. Consideration of applications

3.10.1 The Authority shall consider all applications on their own merits once it is satisfied that all appropriate mandatory criteria have been met and the application form and supporting documents are validated. In the case of re-licensing (renewals), where officers are unable to grant due to limitations in respect of delegated authorities and in respect of Policy or pre-conditions e.g. age of vehicle, the licence may be *'granted without prejudice'* and referred to the Committee for determination. The applicant may need to show a compelling or special reason why the Committee should depart from policy in doing so. In the case of a new application the matter will be referred to the Committee to consider where officers are unable to grant.

3.10.2 The Authority will endeavour to issue a 'reminder' to licence holders that their licence(s) are due for relicensing. Application forms, appropriate fees, and supporting documentation shall be submitted to the Authority in good time before the expiry of the preceding licence. It will remain the licence holder's responsibility to ensure that licences are re-licensed prior to their expiry. ***Incomplete*** applications will be considered invalid and not be processed. In which case a new application will need to be completed before the vehicle may continue to be used and fail policy requirements in respect of vehicle age.

3.10.3 It is advised that vehicles should be examined and tested at the Authority's approved testing station within one month prior to the application in case the vehicle examination identifies the need for repair work and re-testing which can then be undertaken prior to the expiry of the licence.

3.10.4 Where a mechanical inspection is undertaken within one month of the expiry of the previous certificate the six-month period will be deemed to commence from the date of expiry of the previous one, much like an MOT.

3.10.5 Licences will not be renewed after expiry unless an application is made to re- licence the vehicle with effect from the date of expiry of the previous licence. If a licence holder fails to renew their licence before the respective expiry date (e.g. they are out of the UK), the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full and ***the vehicle licence number***

cannot be protected. This may obviously incur a potentially significant time delay, and dependent upon the age of the existing vehicle, it ***may require a change in vehicle to meet the age requirements*** set out in this Section. The cost implications of failing to renew a licence could therefore be significant, and licence holders are therefore strongly advised to ensure that they renew their licences prior to the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before expiry, they must inform the Licensing Service immediately and explore options available.

3.11. Stretched Limousines and specialty vehicles

3.11.1 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported - particularly from the USA - has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag and hen parties and children's birthday parties. This section also includes specialty vehicles that may be vintage or of a special nature.

3.11.2 Licensing Authorities have generally considered there to be some problems preventing stretched limousines from being licensed including:

- Some of the vehicles being capable of carrying more than eight passengers;
- Many of them are left hand drive;
- Many are fitted with all round darkened glass;
- Many have been converted or modified after manufacture;
- Seating space per passenger is 460mm and could give a greater capacity than eight persons; and
- Due to their origin many parts may not be available making adequate maintenance difficult.

3.11.3 Most limousines are imported for commercial purposes and are therefore required to take an Individual Vehicle Approval (IVA) test. The IVA test verifies that the converted vehicle is built to a certain safety and environmental standards. When presented for IVA the vehicle is produced with a declaration that it will never carry more than eight passengers. The importer must inform any person who may use it of this restriction. Any subsequent purchasers must also be informed of the restriction.

3.11.4 The 1976 Act defines a Private Hire Vehicle as a motor vehicle constructed or adapted to carry fewer than nine passengers, other than the Hackney Carriage or

public service vehicle, which is provided for Hire with the services of the driver for the purposes of carrying customers. Section 48 of the 1976 Act requires that before a licence is granted the Authority must be satisfied that the vehicle is compliant with its requirements.

3.11.5 Any stretched limousines, which are offered for Private Hire require a licence. Some operators of these vehicles have a wedding car licence insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week. Before licensing for Private Hire a full policy for Private Hire purposes will, therefore, be required. Applications to licence stretched limousines as Private Hire Vehicles will be treated on their merits. It is, however, proposed that imported stretched limousine type vehicles:

- Be granted an exemption from the requirement under the conditions of licence for Private

Hire Vehicles to be right hand drive;

- Be authorised as plate exempt Private Hire Vehicles;
- Be approved for licensing as Private Hire Vehicles subject to additional conditions

3.11.6 Limousine and specialty vehicles used for the purpose of hire and reward are required to be licensed as private hire vehicles, with a seating capacity for **not more** than 8 ***passengers*** or less, and all bookings must be made via a licensed operator.

3.11.7 These are specialist types of vehicles with their own set of pre-conditions, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these specialist conditions, then these specialist conditions shall prevail. The pre-conditions can be found here

3.11.8 The Council strongly recommends that anyone wishing to purchase and license a specialty vehicle or limousine, contacts the licensing team ***prior to purchase***, to ensure that the vehicle will meet the conditions applied. Each application will be determined on its own merits.

3.12. Funeral and Wedding vehicles[15]

3.12.1 Funeral Vehicles

3.12.1.1 A vehicle does not need to be licensed 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.

3.12.2 Wedding vehicles

3.12.2.1 A vehicle does not need to be licensed whilst being used in connection with a wedding. The exemption only applies to journeys directly relating to the wedding

3.13. Plate Exempt Vehicles

3.13.1 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.

3.13.2 Proprietors of executive type vehicles licensed as Private Hire Vehicles may seek the permission of the Authority to waive certain conditions of licence. The details of these requirements are provided here. Those wishing to licence an executive vehicle should contact the Licensing Department, 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.

3.13.3 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).

3.13.4 Some vehicle Proprietors request that the Council exercises its authority to exempt individual vehicles from the need to display licence plates if the vehicle is intended to be used for executive work, airport transfers or other contract work.

3.13.5 Ultimately, vehicles licensed by this authority should be readily identifiable should a passenger or other member of the public have a complaint about standards or driver conduct. It is therefore not the intention of Chelmsford City Council that vehicles be plate exempt as a matter of course. However, in certain circumstances it may be beneficial for requests to be granted both for commercial reasons, and to maintain a more balanced fleet in Chelmsford which can offer a wider variety of vehicles to suit public need. Plate exempt vehicles should evidence a specific customer base and will not be permitted to be involved in other general Private Hire work if they are not easily identified by the travelling public as vehicles licensed by this Authority

3.13.6 Chelmsford City Council will consider requests for plate exemptions made in accordance with this policy in relation to individual vehicles only and each application will be considered on its own merit.

3.13.7 Vehicles issued with an exemption certificate are expected to be used predominantly for executive, chauffeur or other specialist pre-booked services consistent with the basis upon which the exemption was granted.

3.13.8 Exempted vehicles must not display any advertisements, signage, logos, or insignias advertising the operating company inside or outside the vehicle.

3.13.9 Operators and proprietors who wish to apply for an exemption certificate must complete an application form, pay the required fee **and** provide sufficient supporting documentation e.g. intended contracts, business cards, advertising materials, web address etc. to establish that the vehicle will be solely used for executive bookings or work as described and the Council may request further supporting information before a determination is made. Plate exempt vehicles will not normally be permitted to undertake a mixture of executive hire and standard private hire work

3.13.10 Vehicles seeking plate exempt status should be of a high-quality executive standard and will not normally be granted exemption where the vehicle exceeds four years from the date of first registration at the time of application.

The Authority may depart from this requirement where satisfied that exceptional circumstances apply and the vehicle remains suitable for executive use having regard to its condition, appearance, specification and intended use.

3.13.11 The decision whether to grant ‘Plate Exempt’ status is determined by the Licensing Lead Officer on behalf of the licensing authority and the decision may be reviewed by the Public Health & Protection Services Manager should the application be refused. There is a presumption that the exemption will not be granted ***unless*** the applicant can demonstrate a business case that the benefit is mainly one of privacy, safety and security of the customer. This status is unlikely to be granted where the benefit is considered to be solely that of the operator.

3.13.12 In granting vehicle plate exemption there is a significant risk – should the vehicle be used other than as intended – that the public will be unable to identify the vehicle and driver in the event of complaint or allegation and that the main safety feature of licensed vehicles is that they are readily recognisable.

3.13.13 Examples of the type of services that might benefit from 'plate exempt' status are:

- Contracts with national or local government personnel conveyed on official business
- Contracts associated with VIP and close protection
- Weddings
- Contracted services with large companies to convey personnel and clients

3.13.14 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.

3.13.15 Limitations may be placed on the exemption licence allowing only ***certain*** types of work to be undertaken without displaying the otherwise required vehicle and driver licences

3.13.16 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. The plate exemption conditions can be found here.

3.13.17 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. If the vehicle is still licensed, it will be supplied with and required to display plates and door stickers as required by the conditions for all private hire vehicles. There will be a fee for the replacement plate and door stickers.

3.13.18 A Plate Exemption Certificate, once granted, shall remain in force for the duration of the licensed vehicle and does not require reapplication upon renewal of the vehicle licence. The exemption applies only to the vehicle for which it was granted and a new application must be made where the vehicle is replaced.

3.14. Transfer of and Replacement of a Licensed Vehicle

3.14.1 Transfer

3.14.2 ***Existing owner***: If a Proprietor of either a Hackney Carriage or Private Hire Vehicle transfers their interest in a licensed vehicle to another person, they must complete the required application, providing full details of the new owner of the vehicle as soon as practicably possible, and in any case within 14 days[16]. A proprietor who fails to give such notice, without reasonable excuse, is guilty of an offence. The licence holder must return the paper part of the licence to the Authority.

3.14.3 ***New owner***: Where an application is made by a new owner to transfer the licence ownership into their name the new owner will need to provide proof of ownership (bill of sale) and the consent of the existing licence holder to transfer the licence (confirming the transfer). The new owner will need to provide a Basic DBS check. The vehicle is not to be used for hire or reward until the new licence is issued. The licensing authority retains discretion not to issue or transfer the licence if the proprietor is not deemed a suitable person[17]. There is an administration charge for this process to cover the cost of issuing an amended licence, the cost of which is borne by the new owner.

3.14.4 The transfer must be supported with either a Bill of sale or a V5 registration document in the name of the new owner. A licence holder must notify a transfer within the statutory 14 days and will consider the question of prosecution where offences are revealed.

3.14.5 There is no ability to transfer only the licence itself (including the number). The licence always remains the property of the Council and therefore the number is issued at the discretion of the Authority[18]. The Licence and vehicle are one.

3.14.6 The licence of a 'transferred' vehicle expires 12 months from the date that the licence was initially issued and not from the date of transfer. The transfer of a vehicle does not extend the licence period.

3.14.7 The transfer of a licence and the vehicle is generally a private business transaction between two parties. The Authority will seek to maintain the same licence number with the transfer but cannot be held liable where this might not be possible, or the new owner deemed unsuitable as a proprietor. For this reason, it is recommended that the parties seek approval in principle from the Council that the licence number will be transferred before concluding any agreement.

3.15. Replacement Vehicles

3.15.1 Although the substitution of a vehicle is not mentioned in legislation the process is regarded as similar to a transfer of the licence. Where an existing licensed vehicle is replaced (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.

3.15.2 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. This process will assign the original plate number to the replacement vehicle.

3.15.3 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 further application 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; however, fees may be levied where new licences, plates or door stickers have been damaged and require replacement.

3.15.4 This process is not be used to specifically circumvent the vehicle age policy and applications may be refused if this is considered to be the case.

3.16. **Fares – Hackney Carriages & Private Hire**

3.16.1 A Table of Fares ("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.

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

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

3.16.4 Requests for the review or amendment of Hackney Carriage fares should be submitted in writing and should include sufficient supporting information to enable the Authority to properly consider the request.

Any request should normally demonstrate a reasonable level of support from the Hackney Carriage trade and include details of the proposed tariff changes together with the reasons for the request, including where appropriate evidence relating to operational costs or market conditions.

The submission of a request does not oblige the Authority to undertake an immediate tariff review. The Authority will determine whether a review is appropriate having regard to relevant considerations including administrative resources, the frequency of previous reviews and the wider public interest.

3.17. **Receipts**

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

3.18. **Electronic payments**

3.18.1 Vehicles must be fitted with means to accept electronic payments in addition to cash.

3.18.2 Where payment is accepted by electronic or cashless means, the payment record or receipt must contain sufficient information to identify the licensed driver and vehicle involved in the journey.
Such information must include either the driver's badge number or the vehicle licence number.

Part 4

Private Hire Operators

4.1.1 Any person who operates a Private Hire service (who is also not a Hackney Carriage proprietor who permits Hackney Carriages to be used for Private Hire) must apply to the Authority for a Private Hire Operator's Licence. An Operator's Licence shall be issued for a maximum of 5 years. Applications can be obtained via the Council website or from our licensing services at licensing@chelmsford.gov.uk

4.1.2 The Authority will normally only grant a Private Hire Operator's Licence where the applicant's principal operating base is situated within the administrative area of Chelmsford City Council. Applications where the principal operating base is situated outside the district will not normally be granted unless the applicant can demonstrate exceptional circumstances and satisfy the Authority that effective regulation, inspection and enforcement can be maintained.

4.1.3 The principal operating base is the address from which bookings are accepted, records maintained and the private hire business is principally operated.

4.1.4 Applicants must provide evidence of their operating base as part of the application process.

4.1.5 Applicants for a Private Hire Operator's Licence must provide a Basic Disclosure and Barring Service (DBS) certificate issued no more than one month prior to the application being submitted, unless the applicant is subscribed to the DBS Update Service and the Authority is able to verify their current status.

4.1.6 Where the applicant is a company, partnership or other organisation, the Authority may require Basic DBS certificates from directors, partners, company secretaries, or any other person involved in the management, control or day-to-day operation of the business.

4.1.7 Private Hire Operators must ensure that any person involved in the taking of bookings, dispatch of vehicles, handling customer information or otherwise exercising responsibility for the operation of the business is subject to an appropriate Basic DBS check. Operators must maintain records confirming that the DBS certificate has been obtained and verified and make such records available to the Authority upon request

4.1.8 The Authority may undertake periodic DBS status checks or require updated Basic DBS certificates at intervals determined by the Authority. Where an applicant's or licence holder's DBS status cannot be verified, or where concerns arise regarding suitability, the Authority may require the production of a new Basic DBS certificate.

4.1.9 Private Hire Operators must notify the Authority in writing within 7 days of any conviction, caution, reprimand, warning, police investigation, charge or other matter that may affect their fitness and propriety to hold an Operator's Licence.

4.1.10 Where a Private Hire Operator licensed by this Authority accepts a booking and undertakes that booking directly, the booking must be allocated to a Private Hire Vehicle and Private Hire Driver licensed by Chelmsford City Council.
Nothing in this Policy shall prevent the lawful subcontracting of bookings in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and any subsequent legislative amendments.

Where a booking is subcontracted to another licensed Private Hire Operator, the original operator should take reasonable steps to inform the person making the booking that the booking has been subcontracted and provide sufficient information to assist the passenger in identifying the vehicle and driver attending the booking.

4.1.11 Applications for Operator’s licences shall be made on the prescribed form, together with the appropriate fee. The Authority will decide whether the applicant is a ‘fit and proper person’ to hold an Operator’s Licence based on the information provided in support of the application.

4.1.12 Where the Operator is a limited company, all Directors and partners must be considered individually as being fit and proper to hold an operator’s licence. Once a licence has been issued, the Operator must notify the Council in writing of any change in partnership, directorship, ownership, management or control of the business within 5 working days of that change taking place.

4.1.13 A licence cannot be transferred to another individual/company at any time. A new Private Hire Operator application will be required.

4.1.14 Before an application for a Private Hire Operator's licence is granted, the applicant shall produce evidence that they have appropriate public liability insurance. The minimum value of the cover provided by the insurance must be £5 million.

4.1.15 Directors and partners must register with HM Revenue and Customs and provide the licensing authority with a tax check code as proof. The Authority cannot grant an Operator's Licence where a tax check code is required by law and has not been provided. Requirement criteria can be found on our website application pages.

4.2. Fit and Proper Person (Operator)

4.2.1 Immigration Status

4.2.1.1 Where relevant, licences will not be issued to applicants or will be removed from existing licence holders, by reason of their immigration status if:

- The person requires leave to enter or remain in the UK and has not been granted it; or
- The person's leave to enter or remain in the UK;
- Is or becomes invalid;
- Has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise); or
- Is subject to a condition preventing the person from doing work of that kind.

4.2.1.2 Licences will also not be issued to applicants or will be removed from existing licence holders if they are subject to a condition on their permission to be in the UK preventing them from holding such a licence, for example, they are subject to an immigration restriction that does not permit them to work.

4.2.1.3 Specific documentation is required to demonstrate immigration status on application and upon each further application for a licence. Please contact Licensing officers for further information.

4.2.1.4 Further information is also available from the Home Office.

4.2.2 Disclosure and barring service (DBS) disclosures

4.2.2.1 Similar to licensed drivers, a criminal record check on an Operator is seen as an important safety measure. Whilst Operators do not normally have the same frequency and nature of contact with the travelling public as a licensed driver, the risks and related safeguards for the public are equally as important and their employees have access to large amounts of sensitive information held in respect of their customers. To this end, the Authority will adopt the 'fit and proper' test to Operators. However, unlike Hackney Carriage and Private Hire Drivers, Private Hire Operators are not exempt in respect of the Rehabilitation of Offenders Act 1974 and therefore a Basic (rather than an Enhanced) Disclosure is required as part of the application process. Applicants can obtain their own Basic DBS disclosure certificate via the DBS and the Authority will not process an application without one.

4.2.2.2 If an operator is also a licensed driver, they will not be required to produce a Basic disclosure in addition to the enhanced checks to obtain the driving licence. Where the operator is a driver their DBS status will be checked six-monthly. Where not a licensed driver a basic DBS will be required annually. Financially an operator might therefore benefit from subscribing to the update service.

4.2.2.3 Should a licensed driver who is also a licensed Operator have their driver licence suspended or revoked this does not have automatic effect on their eligibility to continue holding an Operator's licence. That decision will be an independent one for the Regulatory Committee to consider and based on all relevant information i.e. it should not consider information that might only have been available via an enhanced DBS check and that that information may only be used for the specific purpose for which it was requested and for which the applicants full consent was given. Operators will otherwise be required to produce an annual Basic DBS disclosure, and this will be a requirement of each company director and/or business partners. The licensing authority shall be informed where there are any business changes that might affect this requirement.

4.2.2.4 Only the applicant for a DBS Basic Disclosure will be sent a disclosure report to their home address from the DBS. The Authority is informed of any relevant information contained on the disclosure report. Where necessary, it is the responsibility of the applicant to provide the DBS Basic Disclosure report to the Authority or provide access to it electronically.

4.2.2.5 No application shall be processed where the DBS Basic Disclosure is older than 28 days. Furthermore, DBS Disclosures are not transferable from one organisation to another. For example, a Disclosure undertaken as part of an application with another Local Authority will not be accepted by this Authority.

4.2.2.6 Operators will be required to undertake their own Basic disclosure checks in respect of all staff engaged in the booking or dispatch of vehicles and evidence those checks to licensing officers as and when required to do so.

4.2.2.7 Operators must submit a copy of their policy where it allows for the employment of ex-offenders alongside their application.

4.2.3 Relevance of convictions, cautions etc. for applicants

4.2.3.1 In assessing whether the applicant is a 'fit and proper person' to hold an Operator's licence, the Authority shall consider each case on its own merit. It will take account of the details of the DBS Basic Disclosure report, but only in so far as they are relevant to an application for a licence. When deciding what action is appropriate, the Committee will have regard to the convictions policy previously referred to and found on our website. The Committee need only consider an evidential argument that the applicant is not a 'fit and proper person' on the 'balance of probabilities', rather than 'beyond reasonable doubt'.

4.2.3.2 Accordingly, upon receipt of a DBS Basic Disclosure report from the applicant, Licensing Officers will assess whether any or all of the conviction(s) are capable of having real relevance to the issue of whether or not the applicant is a 'fit and proper person' to hold an Operator's licence. Licensing Officers will only bring a case before the Committee where the number and/or nature of the convictions relating to the applicant raise doubts as to whether that individual is a 'fit and proper person' to hold that respective licence.

4.2.3.3 Whilst each case is determined on its own merit, the following matters would be likely to result in an application being presented to the Committee for determination:

- Any unspent convictions for serious offences, for example theft, burglary etc;
- Any unspent convictions for violence or threats of violence, for example assault, grievous bodily harm, wounding etc;

- Any unspent convictions for sexual and/or indecency offences;
- Any unspent convictions for serious aggravated offences, for example manslaughter, murder etc;
- Any unspent convictions related to the supply of drugs;
- Any unspent convictions for deception and/or fraud;
- Any other unspent conviction that would suggest that the applicant is not a fit and proper person to hold the respective licence.

4.2.3.4 When deciding what action is appropriate, the Committee will have regard to the Authority's convictions policy. When deciding what action is appropriate, the Committee need only consider an evidential argument that the applicant is not a 'fit and proper person' on the 'balance of probabilities', rather than 'beyond reasonable doubt'. Accordingly, the Committee is not restricted in taking action only where an applicant has been convicted of an offence. The Committee may also take account of formal cautions, criminal charges, police intelligence or any other material provided during the application process. Furthermore, it is ***not*** the responsibility of the Committee to determine the innocence or guilt of an applicant in relation to any offence and/or issue of concern, but instead on a balance of probabilities whether the Applicant is a fit and proper person to be licensed as a Private Hire Operator and satisfy the Authority's duty in respect of public safety. When determining such matters, the Committee will use the following test as the basis for its decision.

"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?"[19]

4.2.3.5 All committee reports are reviewed by the PHPS Manager and a representative of the Councils legal services to ensure compliance with this policy and ensure a consistent approach is being taken.

4.2.4 Convictions during the period of a licence

4.2.4.1 Where offences leading to conviction are committed by licensed Operators, it is important, in the interests of consistency and transparency that a procedure is in place to consider what effect this should have on their licence.

4.2.4.2 Accordingly, Operators who are convicted for any criminal offence during the period of their licence, must disclose the conviction as well as any penalty imposed, in writing to the Authority without delay, and in any event within 72hrs.

4.2.4.3 Where any Operator fails to notify the Authority of any convictions this may result in prosecution or referral to the Committee, or both.

4.2.4.4 The authority may review whether an Operator remains a fit and proper person at any time during the period of the licence. In making that assessment, the Authority may have regard to compliance with licence conditions, cooperation with lawful enquiries, safeguarding arrangements, complaints, management systems, record keeping and any other information relevant to the protection of the public. It is not the responsibility of the Committee to determine the innocence or guilt of an existing licensed Operator in relation to any offence or issue of concern, but instead to determine, on the balance of probabilities, whether the Operator remains a fit and proper person to hold an Operator's Licence and whether the Authority's duty

to protect the public continues to be satisfied.

"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?"[20]

4.2.4.5 Failure to cooperate with lawful enquiries, investigations or requests for information made by the Licensing Authority, or any other relevant enforcement or regulatory body acting within its statutory functions, may be taken into account when determining whether an Operator remains a fit and proper person to hold an Operator's Licence.

4.2.4.6 An Operator's licence is issued for up to 5 years, therefore, in order to avoid undue delay in applying this policy ('the DBS policy') to existing licence holders, it will be applied from the anniversary of the issue of the licence following adoption of this policy and annually thereafter. The DBS policy will apply to all new applicants following the formal adoption of the policy.

4.3. Management of a business operated by a licensed Private Hire Vehicle Operator

4.3.1 A licensed Operator must notify the Council in writing within 7 calendar days of any material change affecting the licence during its validity, including a change in financial circumstance which may impact on the future viability of the business.

4.3.2 The operator must not at any time operate more private hire vehicles than are specified on his/her licence without the prior consent of the council and by applying to increase the number of vehicles allowed to be operated on his/her licence. Each licensed vehicle must be formally attached to the PHO licence before it commences work for that business.

4.3.3 A licensed operator must inform the council in writing if they are going to be absent from the day to day running of the operator's business for a period of 1 month or more. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf. The individual named must have relevant experience and understanding of private hire law and the Council's private hire licensing policy to ensure effective running of the business.

4.3.4 Operators must ensure that suitable management arrangements are maintained at all times to enable compliance with licence conditions and effective cooperation with the Licensing Authority. Where an Operator's principal place of business is situated outside the Chelmsford district, they must nevertheless ensure that appropriate management systems and communication arrangements are in place to enable effective regulatory oversight.

4.4. Employees

4.4.1 Given the amount of sensitive information Operators hold about their customers it is appropriate that any person employed or otherwise used by the Operator (based within the UK) in the conduct of their business is also subject to scrutiny. To this end, all Operators shall maintain an up to date list of the names of persons where employed or otherwise under their direct control and used in connection with

bookings or vehicle deployment, and maintain that list for a minimum period of one year. This list must be accompanied by a signed declaration from the Operator that he/she is satisfied that they have taken the appropriate steps (carried out Basic DBS checks etc.) to ensure those persons employed are safe and suitable to undertake work for the Operator, taking account of the potential risks to the travelling public outlined above. That list must be made available to

licensing officers upon reasonable request.

4.4.2 In providing this information, the Operator takes responsibility to ensure his/her employees are safe and suitable to undertake duties on behalf of the Operator in ensuring the safety of the travelling public. The Operator will remain ultimately accountable in this regard. It is not the responsibility of the Authority to undertake any checks and/or attest to the safety and suitability of any persons employed or otherwise used by an Operator.

4.4.3 The list must be constantly updated as any changes to personnel occur.

4.4.4 If any person named on the list is found not be safe or suitable to carry out the work of the Operator, the matter will be referred to the Committee for determination. The Operator will be held accountable and required to demonstrate that they undertook all reasonable steps to ensure the person was safe and suitable to carry out work on behalf of the Operator. Whether a person is deemed safe and/or suitable will be determined on its merits taking account of the principles contained in Paragraphs 4.2.3.1 to 4.2.3.3. In addition, the Authority considers appropriate training for such persons as an important factor in demonstrating their safety and suitability. Such training should include safeguarding issues and customer care.

4.5. Recording of Bookings

4.5.1 Being a licensed PHV Operator is a legal provision for the invitation or acceptance of bookings, provided by a driver, for hire or reward. The acceptance of bookings may be provided through a variety of methods, such as, in person, by telephone, text, email, internet, smart phone app, in writing, or by any other communication means (it should be noted that 40% of bookings are currently made via an App). Where bookings are accepted or managed electronically, including by means of a website, smartphone application or automated dispatch system, the Operator remains responsible for ensuring that all records required by this policy are accurately created, retained and capable of being produced to the Licensing Authority upon request.

4.5.2 As an operator a record will need to be maintained of all bookings that before the commencement of a journey must show, as a minimum:

1. The time of the request and booking
2. The name of the passenger
3. The pickup point
4. The destination
5. Details of the driver (full name and driver licence number)
6. The vehicle registration number
7. The method of booking and where so employed the name of any individual that responded to the booking request.
8. The method of dispatch and where so employed The name of any individual that dispatched the vehicle.
9. Booking reference
10. The date and time at which the booking was allocated or dispatched to the driver.

11. Where a booking has been subcontracted to another licensed Private Hire Operator pursuant to section 55A of the Local Government (Miscellaneous Provisions) Act 1976, the identity of the receiving operator and the date and time the booking was subcontracted.

12. Sufficient records to demonstrate that any subcontracting arrangement was undertaken lawfully.

4.5.3 All such records must be retained for a minimum of **12 months** and must be capable of being produced to an authorised officer of the Licensing Authority within a reasonable period upon request. Records may be maintained electronically or in hard copy, provided they are readily accessible and capable of being reproduced in a legible format.

4.6. Re-Licensing of an Operator's Licence (renewal)

4.6.1 It is not the responsibility of the Licensing Authority to remind a licence holder when their licence is due to expire, however, Chelmsford City Council will endeavour to issue a 'reminder' to existing licence holders when a licence is due for renewal. However, in all cases, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.

4.6.2 If a licence holder fails to reapply for the Operator's Licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay and therefore the cost implications of failing to renew a licence could be significant as the business would be unable to operate until the licence is granted. Licence holders are therefore strongly advised to ensure that they seek to relicense their operation prior to the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before expiry, they must inform Licensing officers immediately.

Appendix A

Glossary

Applicant	Person or business who has submitted an application for either a grant or renewal of a licence
Assistance Dog	A dog which is trained to assist people with disabilities to help them

	with their day to day life
Authorised Officer	A council officer who is authorised by the Council to exercise powers and duties conferred by legislation on their behalf
Badge	Issued to all licensed drivers and must be worn when working as a licensed driver
Byelaws	Locally adopted 'conditions' applicable to Hackney Carriage drivers
Conditions	Mean the conditions of licence applied by the council to a driver's licence, an Operator's licence or a vehicle licence.
Controlled District	Boundary area of a local authority which has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847
Date of First Registration	Date shown as the date of first registration on the vehicles V5 registration document issued by DVLA
DBS & eDBS Service	Disclosure & Barring Service & Electronic Disclosure Barring
DfT	Department for Transport
Driving licence	Full GB driving licence issued by DVLA or, EEA driving licence or, acceptable equivalent as defined by DVLA or appointed agency
DVLA	Driver and Vehicle Licensing Agency
DVSA	Driver and Vehicle Standards Agency (which replaced VOSA in 2014)
Ex-parte	Without one party being present
Tariff Card	A card that must be displayed in vehicles that are fitted with a taximeter that indicates the maximum authorised fare to be charged for distance travelled, waiting time and soiling charge and the licence plate number
Hackney Carriage Vehicle	A vehicle licensed under the 1847 Act commonly referred to as a taxi
ICO	Information Commissioners Office
IOL	Institute of Licensing
Issues log	A log to record matters arising that highlight need for policy or that seek clarification
LGA	Local Government Association
Licensing Authority Licensing	Means the licensing function within Chelmsford City Council
Regulatory Committee	The committee which determine licensing matters as set out in the council's constitution
Licensed Driver	A driver licensed by the Council under the 1847 Act to drive a

	Hackney Carriage vehicle or under the 1976 Act to drive a Private Hire vehicle
Licence Plate	The plate a licensed vehicle must display which shows the licence number, the maximum number of persons permitted to be carried, expiry date, vehicle registration number, and make and colour of vehicle
Licensed Vehicle	A vehicle which is licensed by the council under 1847 Act as a Hackney Carriage or licensed under the 1976 Act as a private hire vehicle
Operator	A person or business licensed to accept and dispatch bookings for private hire journeys for private hire work
PHPS	Public Health & Protection Services
PIDA	Public Interest Disclosure Act 1998 (whistleblowing)
Private Hire Door Stickers	Door stickers that must be affixed to the rear doors of private hire vehicles that displays 'Private Hire vehicle – Must be pre- booked'
Private Hire Vehicle	A vehicle licensed under the 1976 Act
Proprietor	Registered owner or part owner of a vehicle
PSV	Public Service Vehicle
Quasi-Judicial	A decision-making body exercising functions similar to those of a court or tribunal. For example the Regulatory Committee.
Road Traffic Acts	Including all associated legislation
Taxi	Usually refers to Hackney Carriage but can be generic term to include Private Hire vehicles
Taximeter	Device used for calculating the fare to be charged for the journey, by measuring distance travelled plus any time waiting. Fitted in all hackney carriage vehicles and some private hire vehicles
The 1847 Act	The Town and Police Clauses Act 1847 and the provisions within
The 1976 Act	The Local Government (Miscellaneous Provisions) Act 1976 and the provisions within
The Council	Chelmsford City Council
The Equality Act	Equality Act 2010, particularly in relation to disabled persons and accessibility duties.
Unitary Authority	A self-governing local authority that is not a part of the County Council
Update Service	A service a licence holder signs up to giving authorisation for multiple DBS status checks by the licensing Authority upon payment of an annual subscription fee
WAV	Wheelchair Accessible Vehicle

APPENDIX B – Supporting Documents and Related Policies

The following documents support this Policy and may be amended from time to time without requiring amendment to this Policy unless otherwise determined by the Licensing Authority. Where available, documents are published on the Council's website and are referenced throughout this Policy.

Legislation and Statutory Guidance

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Deregulation Act 2015
- Department for Transport – Statutory Taxi and Private Hire Vehicle Standards
- Relevant statutory guidance issued by the Secretary of State
- Chelmsford Hackney Carriage By-laws

Council Policies and Guidance

- Convictions Policy
- Enforcement Policy
- Hackney Carriage and Private Hire Vehicle Inspection Standards
- Vehicle Inspection Process
- Taxi Licensing Fees
- Table of Fares (Hackney Carriages)

Licence Conditions and Vehicle Standards

- Hackney Carriage Vehicle Licence Conditions
- Private Hire Vehicle Licence Conditions
- Private Hire Operator Licence Conditions
- Dual Driver Licence Conditions
- Vehicle Pre-Licensing Standards
- Driver Pre-Licensing Requirements
- Plate Exemption Policy and Conditions
- Limousine and Specialist Vehicle Conditions

Application Forms and Information

- Driver Licence Applications
- Vehicle Licence Applications
- Operator Licence Applications
- Medical Guidance
- DBS Guidance
- HMRC Tax Check Guidance

General Information

- Taxi Rank Locations
- Complaint and Feedback Procedure