Taxi Licensing Policy

2024 - 2029

ASHFORD
BOROUGH COUNCIL

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1. Policy Statement

1.1 This policy contains information about legal requirements, government guidance, Council policy, procedures and standards relevant to hackney carriage and private hire licensing.

1.2 This document also takes account of the legislative basis of the Council's taxi licensing powers, contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended under the Equalities Act 2010 and Immigration Act 2016.

1.3 The next scheduled review of policy will take place in October 2022. The policy will however be reviewed and amendments put forward as appropriate to any updates to guidance, legislation, and associated legislation

1.4 In accordance with the Department for Transport's statutory standards for taxi and private hire licensing, future revision(s) to this policy document will be subject to consultation. Standard consultees include but are not limited to;

- The general public and customers of the trade
- Ashford Taxi Forum
- Ashford Access
- Ashford and Tenterden Chambers of Commerce
- The Campaign for Better Transport
- Relevant Multi-Agency Safeguarding Groups
- Ashford Partnership Against Crime
- Neighbouring Licensing Authorities

2. Definitions

Throughout this document:

- "The Council" or "The Authority" means Ashford Borough Council
- "Vehicle" or "Licensed Vehicle" means both a hackney carriage and private hire vehicle
- "Hackney carriage" means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council
- "Private hire vehicle" means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward by prior booking

- “Private hire operator” means a person who makes provision for the acceptance of private hire bookings to undertake themselves or pass to others to undertake

- “The DfT” means the Department for Transport, including previous names under which that Department has been known

- “The DfT Guidance” means The Department for Transport - Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010

- “The Committee” will mean the Regulatory Committee of the Council

- The word “Taxi” has no meaning in law and is often used generically to describe both hackney carriages and private hire vehicles

- The term “DVLA driving licence” means a full original GB driving licence issued by the Driver and Vehicle Licensing Agency

3. Background

3.1 Role of Hackney Carriages and Private Hire vehicles

3.1.1 Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

3.2 Aims

3.2.1 The aim of licensing the hackney carriage and private hire vehicle trade is, primarily, to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the Council’s hackney carriage and private hire licensing powers are used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required. The hackney carriage and private hire industry within the Council’s area is fairly comprehensive and provides its population with a reasonable service. This policy builds on the industry’s existing strengths and on the 2012 policy.

3.3 Licensing Profile

3.3.1 The Council currently licenses 107 hackney carriages and 97 private hire vehicles. There are 334 private hire and joint private hire/hackney drivers licensed by the Council.

3.4 Review of Policies & Practices

3.4.1 The Council has responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the borough of Ashford.

3.4.2 This guidance sets out what is considered to be best practice in terms of hackney carriage and private hire licensing. It does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance.

3.5 Best Practice Guidance

3.5.1 The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales.

3.5.2 In 2006 the DfT produced a Best Practice Guidance to assist local authorities with the regulation of the hackney carriage and private hire trades. It was directed at local authorities in England and Wales to "decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes". There was recognition, within the document, that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations.

3.5.3 In 2010 the DfT's Guidance was updated and this policy revision takes the 2010 version in to account.

3.5.4 In 2020 the DfT also published the Statutory Taxi and Private Hire Vehicle Standards which have been taken into account in this policy.

3.5.5 In 2023 the DfT updated their Best Practice Guidance, which has been taken into account in this policy.

3.5.6 Other good practice guidance such as the Local Government Association guidance on the relevant of criminal convictions and the Guide Dogs for the Blind Association guidance on taxi access for the visually impaired has also been taken into account.

3.6 Costs and Benefits of Licensing Policies

3.6.1 The Guidance stresses that licensing requirements that are unduly stringent are likely to unreasonably restrict the supply of hackney carriage and private hire services, by increasing the cost of operation or by otherwise restricting entry to the trade. Licensing authorities are, therefore, cautioned to recognise that too restrictive an approach may well work against the public interest and can have safety implications.

3.6.2 Licensing authorities are encouraged to ensure that each of their various licensing requirements is properly justified by the risk it seeks to address. The financial or other cost of a particular requirement, in terms of its effect on the availability of transport to the public, should at least be matched by the benefit it will provide to the public, for example, through increased safety.

4. Introduction

4.1 Powers and Duties

4.1.1 This revised statement of licensing policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

4.1.2 The aim of the licensing process is to regulate the hackney carriage and private hire trade in order to promote well-run and responsible businesses that display sensitivity to the wishes and needs of the general public.

4.2 Policy Status

4.2.1 In exercising its discretion in carrying out regulatory functions, the Council will have regard to this policy document.

4.2.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, clear and compelling reasons will be given for so doing.

4.2.3 This policy (and associated work procedures) will provide those Council Officers who are required to administer the licensing function with appropriate guidelines within which to act. The Council may need to consider applications outside the policy.

4.2.4 This policy took effect on 13th October 2017 and will remain in existence for a period of five years, during which it shall be kept under review and revised as appropriate.

5. Vehicles - (Hackney Carriage & Private Hire)

5.1 Limitation of Numbers

5.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. The present legal provisions on quantity restrictions for hackney carriage vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages "if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet". In the event of a challenge to a decision to refuse a licence on these grounds, it would, therefore, have to be established that the Council had been reasonably satisfied that there was no significant unmet demand.

5.1.2 Many Councils do not impose any quantity restrictions on hackney vehicles and the DfT regards this as best practice. Where restrictions are imposed, licensing authorities are urged to regularly reconsider the matter, taking into account whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of those who use the services of such vehicles.

5.1.3 Where quantity restrictions are imposed, vehicle licence plates command a premium, often of thousands of pounds. This tends to suggest that there are people who want to enter the market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions.

5.1.4 If the Council were to take the view that a quantity restriction can be justified in principle, the Guidance advises that the level at which the limit should be set is addressed by means of a survey.

5.1.5 The Council does not intend to set a limit on the number of hackney carriages that it licences, since no evidence has been provided of any difficulty arising from this stance. However, all new licences are issued to wheelchair accessible vehicles only.

5.2 Specifications and Conditions

5.2.1 Local authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages and private hire vehicles.

5.2.2 The DfT Guidance suggests that best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice, which can be shown to meet basic criteria. In that way, emerging new designs for vehicles can be readily taken into account.

5.2.3 Licensing authorities are asked to be particularly cautious about specifying only purpose-built hackney carriages, with the strict constraint on supply that that implies. Councils are however encouraged to make use of the “type approval” rules within any specifications they determine this is explained in more detail elsewhere in this policy.

5.2.4 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous. The council has adopted minimum standards as set out in Appendix A, which it will normally apply in respect of all licensed vehicles.

5.2.5 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 will be accepted, provided that there is compliance with the specifications applicable to such vehicles. Purpose built vehicles are amongst those, which the Council will licence only as hackney carriages in view of the possible confusion in the minds of the travelling public between the two types of vehicle.

5.3 Accessibility

5.3.1 The Government is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society.

The Disability Discrimination Act, Equalities Act, and Taxi and Private Hire Vehicles (Disabled Persons) Act places certain duties on licensed drivers to;

- Accept the carriage of **any** disabled person, provide them with reasonable mobility assistance, carry their mobility aids, and carry assistance dogs, all without charging any more than they would for a non-disabled passenger.
- Provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge.

Additionally, private hire vehicle operators will be required to;

- Accept bookings for or on behalf of any disabled persons, if they have a suitable vehicle available.

5.3.2 A list of all wheelchair accessible vehicles will be maintained in accordance with section 167 of the Equalities Act 2010 on the licensing team webpage. This will place a duty on the drivers of the listed vehicles to comply with the requirements under section 165 of said Act. This list will be periodically updated based on the details given at the time of vehicle licensing.

5.3.3 Drivers who have a certifiable medical condition may apply to the council for an exemption from relevant duties on medical grounds. If no exemption has been applied for and subsequently granted, then drivers are bound by these duties.

5.3.4 The Licensing Authority will only issue an exemption certificate when it is authorised by the driver's GP and is accompanied by suitable medical evidence.

5.3.5 Since the introduction of new granting hackney carriage vehicle licences to wheelchair accessible vehicles, the current proportion of such vehicles stands at 18% (not including wheelchair accessible private hire vehicles).

5.3.6 It is the intent of the authority to periodically conduct or commission an Inclusive Service Plan in order to consider the local demand for accessible services, the extent to which that demand is met, to aid in the development of a strategy regarding vehicle provision, develop steps for inclusivity improvements including timescales, and review the courses undertaken by applicants.

5.3.7 It is arguable that different accessibility considerations should apply as between hackney carriage and private hire vehicles in that customers dealing directly with the driver can hire hackney carriages on the spot, whereas private hire vehicles can only be booked through an operator. It is considered particularly important that a disabled person should be able to hire a hackney carriage on the spot with the minimum of delay or inconvenience and having accessible hackney carriage vehicles available helps make that possible.

5.3.8 The policy set out at 5.1.5 above in respect of the limitation on numbers, is specifically designed to encourage new taxis to be accessible in that every new hackney vehicle license plate issued must be wheelchair accessible. Any requirements to provide such access for private hire vehicles are considered less appropriate and in this case private hire operators will simply be encouraged to offer accessible vehicles within their fleet. The Vehicle Specification at Appendix A indicates what is to be required in respect of wheelchair access for those vehicles which have been adapted or constructed for this purpose.

5.4 Passenger Numbers and Children

5.4.1 The law provides specific legal exemptions for children to travel in taxis and private hire vehicles without age-appropriate child seats or seat belts as it is considered unreasonable and impractical for drivers to carry a range of seats to meet the possible needs of all passengers. It is also noted that it is also considered unreasonable and impractical for parents to always travel around with child seats at all times.

As such the law allows the parent/guardian to make a decision on whether to travel without the age-appropriate car seat.

If the correct child car seat has not been provided by the parent or by the driver, then The Motor Vehicles (Wearing of Seat Belts) Regulations 1993 provides specific legal exemptions for children to travel in taxis and private hire vehicles. In those circumstances: -

Children under three - can travel without a seat belt

Children who are three or older – can travel, but each child must wear an adult seat belt.

It is important to note however that children who use an age-appropriate child car seat are significantly less likely to be killed or injured in the event of an accident than children who are unrestrained or only wearing an adult seat belt (where the parent may end up crushing the child, or where the adult seat belt might cut across their neck or allow the child to slide under the lap portion of the strap). As such Ashford Borough Council recommend and ask that wherever possible that parents plan journeys ahead to ensure that their children can be transported as safely as possible using appropriate car seats, which may include suitable collapsable or inflatable travel car seats.

Equally, whilst it is not considered viable to expect a driver to carry a variety of child seats at all times, a vehicle proprietor/operator may wish to consider having some child seats available to enhance their customer safety and experience. This may include suitable collapsable booster

type seats, which may be easily kept in the vehicle without taking up too much space.

It is recommended that, whilst there is no safe alternative to the use of an age appropriate child seat, children travel in the rear seats of the vehicle. Within the rear the safest position for children is considered to be the middle or passenger side in order to minimise the need for children to enter/exit the vehicle on the carriageway.

Additionally, it is highlighted that by law any rear facing child seat placed on a front passenger seat is done so with the passenger airbag disabled due to the risk of death.

5.4.2 With these requirements and recommendations in mind, and in line with best practice Ashford Borough Council consider children to count towards the maximum permitted passenger number as follows: -

Children who are three or older always count towards the maximum permitted number of passengers because if the child is not in an appropriate car seat occupying seat, then they must otherwise be occupying an adult seat and using an adult seat belt.

Children under three count towards the maximum permitted passenger number where they have an appropriate child car seat which should occupy a seat or where they are on a seat without an adult seatbelt. However, where such a seat is not available and under threes are held on a parents lap they do not count towards the maximum permitted passenger numbers.

5.5 Maximum Age and Emissions of Vehicles

5.5.1 The Council has an age restriction and emission on licensed vehicles, (see Appendix A), but all applications for the licensing of vehicles will be treated on its individual merit however the following conditions have been placed on the licensing of vehicles. Applicants wishing to licence vehicles outside of this policy should show sufficient reason for the Council to deviate from agreed policy.

5.6 Daily Vehicle Checks

5.6.1 As with all vehicles, drivers are legally responsible for ensuring that a vehicle is roadworthy and safe before use. As such each driver is required to undertake a daily vehicle checks before first using a vehicle, and retain records of such checks (as detailed in Appendix N) for a minimum 12 month period.

5.7 Vehicle Testing

5.7.1 No vehicle may be used as a hackney carriage or private hire vehicle unless it has been given a certificate of compliance in respect of a

satisfactory test, and the Council has appropriately licensed it. Responsibility for ensuring the vehicle is tested and licensed remains with the licence holder. These inspections are to be carried out by a garage appointed by Ashford Borough Council.

5.8 Signage & Advertising

5.8.1 Members of the public can often confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire or able to be hailed in the street. It is, therefore, important that the public are able to easily distinguish each type of vehicle.

5.8.2 It is possible to prohibit private hire vehicles from displaying any identification at all apart from the Council's licence plate or disc. Some clearer identification is, however, seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver, and secondly because it is quite reasonable (and in the interests of the travelling public) for a private hire vehicle operator to be able to state on the vehicle the contact details for hiring.

5.8.3 What is permitted, or indeed prohibited, to be displayed on either hackney or private hire vehicles in a particular borough tends to be a controversial area of licensing controls with little or no apparent consensus between licensing authorities.

5.8.4 Within the Council's area, both hackney carriages and private hire vehicles are required to display a licence plate on the rear of the vehicle and the plates are different colours to distinguish one type from another. This is a key feature in helping to identify vehicles that are properly licensed.

5.8.5 In view of the above details, all hackney carriages licensed by the Council must carry illuminated roof-mounted sign indicating they are a taxi and these must be lit when plying for trade. In order to differentiate between the two types of licensed vehicle, private hire vehicles must not carry roof-mounted signs of any kind, and they must have no signs (roof-mounted or otherwise) using the words "Taxi", "Hackney", "Cab", or "For Hire".

5.8.6 Limited advertising giving details concerning the proprietor's or operator's private hire business will be permitted, but this will be strictly controlled so that confusion between private hire and hackney carriage vehicle is kept to the minimum.

5.8.7 Private hire vehicles in the borough are permitted to display signs that indicate that they are for private hire only and are not insured for other uses.

5.8.8 Private hire vehicles are permitted restricted first party advertising subject to the following restrictions:

- the advertising material shall be restricted to the metal surface of the drivers and front passengers' doors. If advertising material is to be displayed, it must include the words “ADVANCE BOOKING ONLY” OR “PRIVATE HIRE ADVANCE BOOKING ONLY”. It can include the proprietor’s company name, logo, website, email address or telephone number

- the advertising material shall not contain the words “TAXI”, “HACKNEY”, “CAB” or “FOR HIRE”. This restriction includes the use of these words within the proprietor’s company name, log, website or email address

- the advertising material shall be non-reflective

- nothing shall be advertised which might reasonably cause offence to members of the public

- requests to allow third party advertising will be considered on a case-by-case basis, as will any signage related to accredited awards for best practice and membership of professional organisations

5.8.9 Private hire vehicles are not permitted to display on the outside or inside of the vehicle in such a manner to be conspicuous from the outside any other signs, telephone numbers or other advertising material.

5.8.10 The Council reserves the right to require that any advertisement it deems unsuitable be removed forthwith.

5.8.11 Full livery third party advertising if desired is permitted on hackney carriage vehicles in the Borough. This is subject to the following conditions:

- Nothing shall be advertised which might cause reasonable offence to members of the public

- The Council reserves the right to require that any advertisement it deems unsuitable be removed forthwith

5.7 Exemption from displaying plates

5.7.1 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles and drivers display the relevant licence plate and badge issued by the Council at all times. The same legislation also permits a Council to exempt the display of licence plates and, where that exemption applies, the requirement to wear a private hire driver's badges does not apply.

5.7.2 The open display of these identifying plates and badges is important in terms of protecting both the public and the taxi trade. However, there are limited occasions when the display of such identification may have the opposite effect both in terms of customer safety and commercial implications for the operating business. The operation of chauffeured, executive and limousine vehicles is a case in point. Identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk. The display of the Council's licence plates externally may also deter some customers from using the service.

5.7.3 The exemption allowing for a vehicle not to display external vehicle plates will only apply to those vehicles solely operated for genuine executive/chauffeur work where the authority is satisfied that the display of external plates may have an adverse effect on public safety. The exemption will not be applied to vehicles (whether higher specification or luxury vehicles) undertaking routine private hire work where the display of an external vehicle plate promotes public safety through clear identification of the licensed vehicle, its permitted passenger numbers, the licensing authority, the licence expiry etc.

5.7.3 It is not intended that all private hire vehicles should have access to this exemption. Only a small minority operating the type of service described above. To that end it is only considered appropriate to consider issue of exemption notices where the following requirements are met:

- The vehicle to be exempted is of a high quality both in terms of brand and condition
- Vehicles will normally be the accepted luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus. The highest specification executive type cars from other manufacturers may also be considered
- Vehicles will display a disc, issued by the Council, in the front windscreen
- The vehicle must have no visible defects, dents or blemishes to the external bodywork or internal trim

- The submission of booking records and contracts demonstrating the need for the exemption to be applied. Such records and contracts may be reviewed by the Licensing Authority from time to time.

5.8 Security & Closed Circuit Television (CCTV)

5.8.1 In line with the DfT Statutory Standards it is proposed to conduct a consultation on the mandatory use of in-car CCTV during the 2021/22 financial year.

5.8.2 Until that time the Council will not require enhanced security or CCTV measures in vehicles as it is considered that they are best left to the judgment of the owners and drivers themselves. The hackney carriage and private hire vehicle trades are, however, encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

5.8.3 If CCTV facilities are installed in a licensed vehicle, the proprietor will be responsible for ensuring the system conforms to the Data Protection Act and other relevant legislation, and displays the necessary informative notice for passengers. We would also recommend attention be paid to guidance issued by the Information Commissioners Office with reference to CCTV installations and data retention.

5.9 Application Procedures

5.9.1 The Council requires that applications must be made on a specified application form in accordance with the application procedure set out in Appendix B.

5.10 Consideration of Applications

5.10.1 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

5.11 Grant and Renewal of Licences

5.11.1 Hackney carriage and private hire vehicle licences will be granted for 12 months. However, a licence may be granted for a shorter period, should this be appropriate in the circumstances.

5.11.2 Council Officers will send a reminder letter to the current taxi proprietor or operator two months before the existing licence expires in order to assist applicants in their prompt submission of re-licensing applications, but the responsibility to ensure a vehicle is licensed remains with the proprietor or operator.

5.11.3 Officers may only accept complete applications comprising of all the necessary paperwork. If an application is received late, the applicant's vehicle may be unlicensed for a period of time during which they will be unable to use it as a licensed vehicle.

5.11.4 The applicant for a vehicle licence (new, renewal, or transfer to new owner) will be required to submit a basic criminal records disclosure, except where the applicant is also a licensed driver. In the case of company owned vehicles, a basic disclosure will be required for all company directors.

5.11.5 The licence fees payable are subject to annual review and will be published together with other Council licensing fees.

5.12 Environmental Considerations

5.12.1 The DfT Guidance suggests that licensing authorities, in discussion with those responsible for environmental health issues, may wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the Council may have adapted.

5.12.2 The impact of any standards should be carefully and thoroughly assessed, for example the effect on the supply of taxis and private hire vehicles in the area, to ensure the benefits of any policies outweigh the costs.

5.12.3 As part of the consultation those responsible for environmental health issues will be asked for their views.

5.12.4 At present there are no local emission controls applicable in the Council's area. If however, the Council declares an Air Quality Management Area in any part of the Borough and especially where national air quality standards have been breached as a result of vehicle emissions, local vehicle emission controls might be brought in as part of that plan.

5.12.5 In the event that local emission controls were to be required by an Air Quality Action Plan the Council would review its policy on emission standards for licensed vehicles accordingly.

5.13 Stretched Limousines & Speciality Vehicles

5.13.1 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. Their use generally includes all private hire work plus special occasions such as stag and hen parties and children's birthday parties. Speciality vehicles may include vintage and themed vehicles.

5.13.2 The licensing of limousines and speciality vehicles will be approached on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected (for example just because the vehicles may be left-hand drive) and each application will be considered on its merits.

5.13.3 The Vehicle and Operator Services Agency (VOSA) have recently introduced the Individual Vehicle Approval (IVA) inspection regime, which verifies that a converted vehicle is built to certain safety and environmental standards. It is proposed that this standard is required from all limousine and specialty vehicles that do not meet the standard vehicles standards.

5.13.4 As these vehicles may not meet the usual vehicle specification, additional documentation and inspection will be needed in order that the Council's responsibility to ensure safety and suitability, prior to a licence being issued, can be met (see Appendix C).

5.13.5 The Council strongly recommends that anyone wishing to licence a limousine contacts the licensing section before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle will meet the required standards, as each vehicle will be considered on its merits.

5.14 Contract Vehicles

5.14.1 Effective from January 2008, the Road Safety Act 2006 has repealed section 76 of the Local Government (Miscellaneous Provisions) Act 1976, removing the exemption to be licensed as a private hire if working under a contract. The implication is that additional vehicles will require licensing. While the Courts will provide the definitive interpretation of the law, Ashford Borough Council is following guidance issued by the Department of Transport in relation to definitions of private hire vehicles that will require licensing. Organisations that may be affected by the changes described above should also consider seeking their own independent legal advice.

5.15 Funeral Vehicles

5.15.1 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

5.16 Wedding Vehicles

5.16.1 A vehicle does not need to be licensed while it is being used in connection with a wedding.

5.16.2 Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.

5.17 Courtesy Cars

5.17.1 All vehicles with 8 or less seats that carry passengers for hire and reward must be licensed with the Council. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as “courtesy cars”, i.e. for transporting customers to and from hotels, night-clubs, etc. are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed with the local Council, as should their “operator”.

5.17.2 Those operating “courtesy cars”, i.e. for transporting customers to and from hotels, nightclubs, etc. should have an operator’s licence, and the vehicle and the driver must be appropriately licensed.

5.18 Livery

5.18.1 Some Councils require taxis to conform to particular requirements in terms of livery and markings, in order that they may be easily identified. Such an imposition is not considered appropriate in this Council’s area. It is felt that that the visual distinction between hackney carriages and private hire vehicles can be achieved by the appropriate signage (see Appendix A). The Council does not require that licensed vehicles be finished in a special livery or appearance, notwithstanding requirements set out in section 5.6.

6. Drivers - (Hackney Carriage & Private Hire)

6.1 Parallel Procedures

6.1.1 The statutory and practical criteria and qualifications for a private hire driver are broadly similar to those for a hackney carriage driver. The sections below, therefore, apply equally to private hire and hackney carriage drivers.

6.2 Licensed Drivers' Licences

6.2.1 This Council issues private hire drivers licences which permits that person to drive only private hire vehicles, and also a joint hackney carriage/private hire drivers licence that permits that person to drive both private hire vehicles and hackney carriages.

6.3 Age and Experience

6.3.1 The Guidance recommends against setting a maximum age limit for drivers provided that regular medical checks are made on them. It also considers that minimum age limits, beyond the statutory age for holding a full driver's licence are inappropriate, advising that applicants should be assessed on their merits. The Council will not impose either a maximum or minimum age limit for drivers. However, a minimum period of post-qualification experience of one year is required.

6.4 Testing

6.4.1 Drivers will be required to undertake testing as part of the application procedure. Details of the tests are available in Appendix D and in the applications packs.

6.5 Driving Proficiency and Qualifications

6.5.1 New applicants will be expected to have passed a suitable driving assessment specifically designed for hackney carriage and private hire drivers and carried out in accordance with the DVSA DT1 guidance on driving tests.

6.6 Medical Examination

6.6.1 The DfT recognises that it is clearly good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and subsequent renewals. The Council has adopted the relevant DVLA medical standard i.e. 'Group 2'. This is the standard applied to the licensing of lorry and bus drivers and is considered to be best practice.

6.6.2 A medical examination by a GP, to assess an applicant's fitness to drive a licensed vehicle, is required before a licence may be granted. A DVLA Group 2 standard of medical fitness for professional drivers will be required.

6.6.3 A request form for a medical examination, which may be presented to the applicant's GP, is obtainable from the Council. The applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, the report must be submitted to the Council.

6.6.4 Existing licence holders, having presented a medical certificate upon first being granted a licence, will be required to be re-examined every six years until 45 years of age, then every three years between 45 and 65 years of age. Annual medical checks will be required for those over 65 years of age. More frequent checks will also be necessary if, in the opinion of the medical practitioner, it is necessary.

6.6.5 Holders of current passenger carrying vehicle and/or large goods vehicle licences will not be exempt from the Council's medical requirements in 6.6.4.

6.6.6 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities.

6.6.7 Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a Doctor.

6.6.8 Where there remains any doubt about the fitness of any applicant, the Council will review the medical evidence and make any final decision in light of the medical evidence available.

6.7 Disclosure Barring Service (DBS) Disclosures

6.7.1 A criminal record check on a driver is an important safety measure and the Council requires new drivers to apply for an enhanced criminal records disclosure, and provide evidence of sign up to the DBS update service, as part of the application process. Renewing drivers are also expected to sign up to the DBS update service and provide evidence of such upon renewal.

6.7.2 It is the Council's view, supported by the taxi trade, that the public expects all reasonable precautions to be taken when determining whether to grant a licence to drive a hackney carriage or private hire and, as drivers are exempt from Rehabilitation of Offenders Act 1974; an Enhanced Disclosure will be the requirement for new drivers and for those renewing their licences.

6.7.3 Private Hire Drivers are obliged within 48 hours to report all new arrest and release incidents, charges convictions, official cautions/warnings, grant of bail, any pending court case, and fixed penalty notices to the Council. A similar declaration is required as part of the annual licensing process in respect to both private hire and hackney carriage drivers.

6.7.4 Before an application for a driver's licence will be considered, the applicant must submit an application for an Enhanced Disclosure of criminal convictions.

6.7.5 If a person applying for an Enhanced Disclosure has previously resided outside of the UK after the age of 18, then an equivalent DBS check (certificate of good conduct duly authenticated) will need to be completed by the Embassy(ies) for the country(ies) in which the applicant has been living.

6.7.6 The Council is an approved Disclosure Barring Service body. Therefore applicants can deal with the Disclosure Barring Service through the Council.

6.7.7 The Council is bound by rules of confidentiality, and will not divulge information obtained to any third parties, except in accordance with the Data Protection Act. The applicant for an Enhanced DBS disclosure will be sent a separate disclosure report to their home address. Information arising from disclosures will be kept only for as long as is necessary and then destroyed.

6.8 Relevance of Convictions and Cautions

6.8.1 The Guidance recommends that in considering an individual's criminal record, authorities be encouraged to consider each case on its merits, but to take a particularly cautious view of any offences involving violence, dishonesty and sexual offences. Authorities are recommended to have a clear policy for the consideration of criminal records. For example, the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

6.8.2 Guidance in relation to offences is given in Appendix E. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application will be granted.

6.8.3 If an applicant is subject to the DBS barred lists for working with vulnerable adults or children, then they will not be granted a licence.

6.8.4 A DVLA driver endorsement check will be required upon applications for new or renewal of driver licence applications, to ensure that the information held by the DVLA is in accordance with the information submitted by the applicant. During the period in which any drivers licence is held, additional periodic checks will be made on a six-monthly basis, or sooner where relevant to any investigation. The fee for the endorsement check(s) are incorporated into the application fee

6.9 Application Procedure

6.9.1 An application for a hackney carriage or private hire driver’s licence must be made on the specified application form. The application procedure adopted by the Council is set out in Appendix D.

6.9.2 Council officers will send a reminder letter to drivers eight weeks before their existing licence expires in order to assist applicants in their prompt submission of re-licensing applications. Drivers should ensure renewal applications are received by the Council a month in advance to ensure that licences can be processed and issued. Applications received after this date will be rejected and a new application will be required. Responsibility for ensuring renewal applications are made in time remains with the licence holder.

6.10 Grant and Renewal of Licences

6.10.1 The DfT Guidance recognises that it is important, for safety reasons, that drivers should be licensed but advises that it is not necessarily good practice to require licences to be renewed annually. It sees this requirement as imposing an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period allowed for a licence and advocated as best practice.

6.10.2 Drivers' licences are issued for up to three years up until the age of 65, then on an annual basis.

6.10.3 The Guidance states some drivers may prefer an annual licence. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. It is considered good practice to offer drivers the choice of an annual licence or a three-year licence.

6.10.4 The Council will issue licences for up to three years, but will take special circumstances on board if licences for one year are requested.

6.11 Conditions of Licence

6.11.1 The Council is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire driver's licence as are considered necessary.

6.11.2 Hackney carriage drivers are subject to the Council's byelaws (see Appendix F) and joint licence holders are subject to the private hire driver's conditions.

6.11.3 It is considered that the conditions set out in Appendix G are reasonably necessary and appropriate for private hire drivers.

6.12 Code of Conduct & Dress Code

6.12.1 The Council adopted a Code of Good Conduct for hackney carriage and private hire drivers in 2008 to ensure drivers were aware of the

law, minimum standards of behaviour and dress. The Code is in Appendix H. The Council has also introduced an enforceable Dress Code to promote the professionalism of the drivers and to present an acceptable state of attire to visitors and residents of the Borough. The Dress Code is in Appendix L.

6.12.2 Failure to comply with any aspect of the Code of Good Conduct or Dress Code may be addressed as part of enforcement action and as a result the penalty point system has been amended. Repeated breaches following such advice or warnings may lead to more serious consequences including, if necessary, non-renewal, suspension or revocation of licences.

6.12.3 The Council believed that steps that serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles as vocational drivers is to be welcomed.

6.13 Safeguarding and County Lines Awareness

6.13.1 In line with statutory standards all new and renewing drivers will be required to provide evidence of having completed safeguarding and county lines awareness training by an approved provider.

6.13.2 As an evolving area this will be kept under review and appropriate actions will be taken as and when applicable, for example inclusion of taxi specific CSE leaflets into new and renewal application packs etc.

6.14 Disability Awareness

6.14.1 In line with good practice all new and renewing drivers will be required to provide evidence of having completed disability awareness training by an approved provider.

7. Private Hire Operators

7.1 Requirements & Obligations

7.1.1 Any person who operates a private hire service (who is not also a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Council for a private hire operator’s licence. The objective in licensing private hire operators is the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them. But again, best practice, in respect of the controls required over private hire operators, is to ensure that the costs of any licensing requirements are commensurate with benefits that they seek to achieve.

7.1.2 A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a vehicle. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

7.1.3 Applications for operator's licences must be made on the prescribed form, together with the appropriate fee and required documents such as a written policy on the employment of ex-offenders to booking and dispatch roles. The Council will then decide whether the applicant is a fit and proper person to hold such a licence.

7.2 Criminal Record Checks

7.2.1 As private hire operators (as opposed to private hire vehicle drivers) are not exempt in respect of the Rehabilitation of Offenders Act 1974, a current (less than 1 month old) certificate from the Disclosure Barring Service or a Certificate of Good Conduct from the relevant embassy for overseas applicants will be required. A reference, covering for example the applicant's financial record, may also be required.

7.2.2 Once licensed, an operator will be required to submit to the Licensing Authority a basic disclosure on each annual anniversary of the grant of the licence.

7.2.3 Where a license relates to a company the requirement for a basic DBS disclosure will apply to each of the company directors.

7.2.3 Private Hire Operators who are also private hire drivers will be exempt from the requirement for a basic DBS check.

7.3 Conditions

7.3.1 The Council has power to impose such conditions on an operator's licence, as it considers reasonably necessary. The standard conditions set out in Appendix I are those considered to be reasonably necessary.

7.4 Record Keeping

7.4.1 Operators are required to keep records of each booking to, for example, enable police checks to be made if any mishap should befall a passenger and assist with the recovery of lost property to the rightful owner.

7.4.2 Operators must keep records in respect of all bookings, vehicles and drivers, for a period of one year. See Appendix I for more details.

7.5 Insurance

7.5.1 The Council will check that appropriate public liability insurance has been taken out for premises that are open to the public (e.g. taxi waiting rooms).

7.6 Licence Duration

7.6.1 Private hire operators' licences are granted for a five-year period from the date of grant, subject to the power to grant a licence for a shorter period should this be appropriate in the circumstances.

7.6.2 An operator can apply for a licence for the number of vehicles that they have at the time of application. An operator's licence authorises vehicles up to the number stated on the licence. If an operator wishes to add to their fleet above that number then an amendment would need to be applied for.

7.6.3 Holders of existing licences will normally be reminded, in the month preceding their expiry, when their licences are due to be renewed. However it remains the responsibility of the licence holder to renew their licence.

7.7 Address from which an Operator may operate

7.7.1 Upon the grant of an operator's licence, the Council will specify the address from which the operator may operate. This will be the premises where the records referred to in Paragraph 7.4 above are kept and where bookings are made. The Council will not grant a licence to an operator whose premises are located outside the borough. This is to ensure that proper regulation and enforcement measures may be taken by the Council and is in no way intended to be a restraint of trade.

7.7.2 The operator must notify the Council in writing of any change of their address, (whether this is a home address or the address from where they operate) during the period of the licence, within 7 days of such a change taking place or, preferably, before this takes place.

7.7.3 It will be the responsibility of the operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose. The grant of a private hire operators licence will not imply that such is consent is necessary or likely to be granted, as such determination will be subject to any appropriate planning application and consultation process.

7.7.4 In addition private hire operators will be required, at application, to declare that they intend to operate predominately within the Ashford

borough. The intent of this declaration is to avoid issues with licence shopping, whereby some applicants seek to bypass requirements in their local area by being licensed by another, sometimes very distant authority. Licence shopping undermines the Act, and also places undue burden on the Licensing Authority in dealing with incidents and matters which may occur elsewhere in the country.

In the event of operators being found to operate predominantly elsewhere they will, in general, be advised of the concern and given a timeframe in which to move their operations to the borough in which they predominantly operate. Each case will however be considered in its merits, especially for those operators who may operate on the boundary of Ashford and its neighbouring boroughs. Where matters are not informally addressed, revocation or refusal may be an appropriate course of action.

8. Disciplinary and Enforcement Measures

8.1 Enforcement

8.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the hackney carriage and private hire trades. The DfT accepts that the resources devoted by licensing authorities to enforcement will vary according to local circumstances. They remind authorities, however, that it is desirable to ensure that hackney carriage and private hire enforcement effort is at least partly directed to the late night period, when problems such as touting tend most often to arise.

8.1.2 With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Council will only intervene where it is necessary and proportionate to do so.

8.1.3 The Taxi Licensing and Enforcement Policy & Practice set out at Appendix J will be used to ensure that its enforcement effort is reasonable, transparent and well directed.

8.2 Disciplinary Hearings

8.2.1 Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred to the Regulatory Sub-Committee or dealt with by Officers. One of the functions of the Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage or private hire licence, and to take the action appropriate to the circumstances.

8.3 Penalty Points Scheme

8.3.1 Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service.

8.3.2 The Council clearly has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards and to do this in a consistent and transparent manner. These standards are defined by legislation, licence conditions, codes or byelaws adopted by the Council. Together they identify what is required of the trade and help to ensure that a consistent approach is taken, by Council Officers, in their application.

8.3.3 The Council has found that an effective means of applying the conditions at a local level is through a penalty points scheme. This acts as a first step in ensuring compliance with the conditions, and serves as an “early warning” system to drivers and owners or operators who see fit to ignore their responsibilities or fail to meet the requirements of the conditions. Points are accumulated on a sliding scale dependent upon the type of offence or breach of licence conditions. These penalty points then remain "live" for a period of 3 years for drivers and 5 years for proprietors/operators from the date they are imposed so that only points accumulated in a rolling period of 3 or 5 years are taken into account. If a driver, proprietor or operator accumulates, twelve or twenty-four (as appropriate) more points within the relevant period, they would then be brought before the Sub-Committee, who have a range of options open to them, depending on the circumstances.

8.3.4 In addition to the issue of penalty points where concerns arise with respects to driving standards, and those not meeting the standards of a professional driver, the driver may be expected (at their own cost) to attend suitable training and assessment. This may take the form of driver remedial, awareness, or practical assessment. Such requests may be administered by Officers as may be appropriate to the circumstances of the case, or required by Sub-Committee should a formal review of the drivers licence be necessary.

8.3.5 It is believed that the introduction of a penalty points scheme has assisted the trade in maintaining its high standards. The Penalty Points System does not however compromise the Council’s ability to enforce breaches of statute or local conditions in the Courts should an offence

warrant such action. A copy of the revised penalty points system can be found in Appendix K.

8.4 Range of Powers

8.4.1 The Council may take steps, upon receipt of evidence that an offence has been committed in relation to a hackney carriage, private hire or operator's licence. A breach of a condition Hackney Carriage and Private Hire Licensing Policy Statement amounts to an offence in this context. Details of the Council's taxi enforcement policy are in Appendix J.

9. Delegated Powers

9.1 Regulatory Committee

9.1.1 The Regulatory Committee of Ashford Borough Council is responsible for the management of the hackney carriage and private hire licensing regime in the borough.

9.1.2 In line with the DfT statutory standards guidance, with the exception of; the grant of licences where no adverse history or issues arises, cases where the grant of application is significantly against council policy, and where urgent decisions are required on public safety grounds, decisions on taxi licensing shall normally be referred to a Sub-Committee Hearing

9.1.3 Members of the Regulatory Committee (and Sub-Committee) will be required to undertake relevant training pertinent to the taxi and private hire licensing regime, and attend refresher sessions as may be required.

9.2 Delegated Functions

9.2.1 The Committee has delegated responsibility for exercising the Council's functions in respect of the following:

- Sections 47, 57, 58 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; and as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976

- Power to licence drivers of hackney carriages and private hire vehicles under sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976

- Power to licence operators of hackney carriages and private hire vehicles under Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976

Accordingly it will deal with applications and disciplinary matters referred to it by Licensing Officers.

9.2.2 The Council's Safety and Wellbeing Manager has delegated responsibility, in so far as it relates to hackney carriage or private hire, in respect of the licensing and registration functions of the Council listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) for: -

- Deciding applications for authorisations, registration, consents, licences or certificates of approval
- Serving notices and take consequential action, including carrying out work in default
- Issuing simple cautions
- Recommending the institution of legal proceedings
- Authorising officers to exercise statutory functions

9.2.3 The Safety and Wellbeing Manager may further delegate the power to grant or suspend refuse or revoke licenses. Licensing Officers are permitted to issue oral and written warnings, and cautions and may instigate prosecutions wherever appropriate.

9.2.4 In general terms where an applicant is aggrieved by the Council's decision or by any conditions imposed on a licence the applicant has a right of appeal to the Magistrates' Court within 21 days of the applicant being notified of the Council's decision.

10. Fares & Fees

10.1 Fares - General

10.1.1 Councils have the power to set taxi fares for journeys within their area (there is no power to set fares for private hire vehicles). The DfT sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. It suggests that in doing so authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service at the times when it is needed. It recognises that there may well be a case for higher fares at times of higher demand.

10.1.2 Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. Such negotiations are, however to be discouraged at ranks or for on street hailings as they could lead to confusion and arguments.

10.2 Fares - Prescribed rates

10.2.1 The driver of a hackney carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council. The driver/operator of a private hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.

10.2.2 There are however, no provisions in the relevant legislation or this policy, which prevent the driver of a hackney carriage or private hire vehicle from charging less than the fare shown on the meter.

10.2.3 It is not proposed to introduce provisions that would prevent the driver of a hackney carriage or private hire vehicle from charging less than the fare shown on the meter.

10.4 Fares - Review

10.4.1 Fares rates are reviewed no more than once per year between December and February with any change agreed being implemented in April or May.

10.5 Receipts

10.5.1 A driver must, if requested by the passenger, provide them with a written receipt for the fare paid.

10.6 Licence Fee Structure

10.6.1 The guidance does not deal with the issue of licensing fees at all. It is, however, generally recognised that the fees set for all hackney carriage and private hire licences should be such as to ensure that the costs of the service, including the cost of issue and administration will, so far as possible be met from fee income. It is, on the other hand, not lawful for the Council to seek to make a profit from licence fees that are within its discretion. In particular, with regard to the fees charged for hackney carriage and private hire vehicle and operator licences, the legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administering the control and supervision of hackney carriages and private hire vehicles.

10.6.2 The fees payable for the grant and renewal of hackney carriage and private hire licences will be reviewed annually as part of the budgetary

process and a public notice will be placed in the local newspaper. Licence holders will be notified of any changes and the current scale of fees will be supplied to new applicants at the time of application.

11. Taxi Ranks

11.1 Appointed Ranks

11.1.1 A number of ranks for hackney carriages have been designated within the Ashford Borough Council area and these are listed below:

Park Street (Upper)	Rank for 9 cars
Park Street (Lower)	Rank for 8 cars
International Station	Rank for 7 cars
Domestic Station	Rank for 2 cars plus feeder rank
Tufton Street	Rank for 2 cars
Bank Street	Rank for 4/5 cars
High Street (Lower)	Rank for 5/6 cars – only in operation when area in evenings & Sundays
High Street (Upper)	Rank for 3 cars – subject to Traffic Regulation Order
Drum Lane	Rank for 2/3 cars – subject to Traffic Regulation Order

11.2 Waiting on Stands

11.2.1 It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.

Appendix A - Hackney Carriage & Private Hire Vehicles Specification and Schedule of Conditions

1.1 Introduction

1.1 The following details specify the minimum standard requirements for vehicles licensed for hire or reward by Ashford Borough Council. They have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, by Licensing Officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by the Council. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the policy.

1.2 Vehicle Safety Certification

1.2.1 To ensure that all vehicles licensed by Ashford Borough Council are of a recognised safety standard all licensed vehicles must be certified by the Vehicle Certification Agency (VCA) to one of the standards listed below. The vehicle must be M1 classified i.e. it was built to be a passenger carrying vehicle.

1.3 EC Whole Vehicle Type Approval

1.3.1 EC Approval of most road vehicles is based around “whole vehicle” framework directive and this specifies the range of approximately 50 aspects of the vehicle that must be approved including testing of brakes, seats, emissions etc. This is regarded as the highest standard of safety, and 98% of all passenger cars entering service in Great Britain are type approved to meet harmonised European standards.

1.4 UK Low Volume Type Approval

1.4.1 Low volume type approval is a special scheme to enable vehicles made in small numbers to be registered in the UK. The operation of the scheme has been tailored to suit the needs of the smaller manufacturer. Under this Type Approval system, a prototype is tested. If it meets the requirements and the production arrangements also pass conformity inspection, then vehicles of the same type can be sold and registered without each one having to be tested and inspected. This approval currently represents “best practice” for taxi converters. Many taxi conversions are available, some wheelchair accessible, manufactured under Low Volume Type Approval. These vehicles meet the highest safety standards available.

1.5 Individual Vehicle Authorisation

1.5.1 This approval is also for individual vehicles that do not have European Type Approval. However, as well as the visual examination carried out on the vehicle, additional documentary evidence that the vehicle complies with the Type Approval standards has to be produced. The Vehicle Inspectorate can accept an equivalent standard certificate by or on behalf of a foreign authority, or can do a comparison between two vehicles to satisfy themselves that the vehicle meets this standard. Some destructive tests are done on one vehicle and then every other vehicle of this make is given a visual inspection to check that it is of the same vehicle construction as the one that was destructively tested. From October 2003 evidence of crashworthiness has also been required.

1.6 Other Vehicle Requirements

1.6.1 When licensing hackney carriage and private hire vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity has also been considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should normally be of manufacturers' original specification and shall be constructed and designed: -

- For the Carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger
- With the seat provided for each passenger having a minimum width of 405 millimetres (16 inches) measured across its narrowest part
- Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road
- With a minimum power output equivalent to 90 BHP
- To have windows to the side and rear providing natural light to passenger compartment
- If the vehicle is LPG converted, the vehicle must be registered on the UK LPG register or equivalent to demonstrate that the work was been conducted by a competent and safe installer.

1.7 Compliance Testing

1.7.1 As well as holding a suitable approval certificates (see Vehicle Certification above), all vehicles must be submitted for inspection and certified fit for public use, before the issue of a licence. Within the Borough of Ashford, this is known as Compliance Testing and is required every 6 months for every licensed vehicle after initial testing. It is the proprietor's responsibility to present the vehicle for inspection and testing by or on behalf of the Council at such time and at such place within the Borough as the Council may by notice reasonably require.

1.8 Licence Plate

1.8.1 The proprietor must ensure that the licence plate provided and allocated to them by Ashford Borough Council is maintained in a clear and legible condition and is affixed to the outside of the Carriage, on or adjacent to the rear bumper or in such other position as may be approved by the Council. Also;

- The Council must be informed should the licence plate be lost broken or defaced
- The Proprietor shall not cause or permit the vehicle to be used or operated with the said plate so defaced that any figure or material particular is illegible
- The Proprietor must notify the Council of any change of address forthwith
- The Proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements

1.9 Licence

1.9.1 The licence must be kept in the possession of the Proprietor and be produced on request to an authorised officer of the Council, or any Police Officer. Also;

- In the event of loss of or damage to this licence the Council must be informed immediately so that a replacement can be issued
- On revocation, expiry, transfer or suspension of the licence, the licence and the plate issued in respect of the vehicle must be returned to the Council forthwith upon service of a notice on the Proprietor

- The licence must not be altered or defaced in any way
- The proprietor must notify the Council of any change of address forthwith
- The proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements

1.10 Ownership and Insurance

1.10.1 The proprietor shall ensure that the vehicle is not be used in the district unless there is in force in relation to the vehicle a policy of insurance complying with the requirements of the Road Traffic Acts and which covers the vehicle for the Carriage of passengers for hire or reward. The Certificate of Insurance must be produced upon request by an authorised officer of the Council, or by a Police Officer. On renewal of the policy, a copy should be lodged with the Council at the earliest opportunity.

1.11 Age

1.11.1 Vehicles will not normally be accepted for licensing, or continue to licensed, after seven years from the date of their first registration. Certain purpose built taxis (those vehicles whose DVLA registration document the states the model as “taxi”) will be accepted for licensing up to ten years from first registration, providing their mechanical condition and appearance is satisfactory.

The use of an age limit aims to ensure that there is an indirect turnover of older vehicles on the taxi fleet to newer typically ‘greener’ vehicles, that also tend to be safer as vehicle safety technology improves, and, promote the image of the trade so as to give passengers confidence in the taxi and private hire trade.

1.11.2 Where the age of a vehicle is not identifiable, the age will be calculated as three years old at the date of registration in line with the policy of the DVLA.

1.11.3 Extensions may be given to vehicles older than 7 or 10 years (as appropriate) upon renewal, but this will be assessed on a case-by-case basis. Extensions will be given for up to one year and consideration will only be given to vehicles with no visible defects, dents or blemishes to the external bodywork or internal trim.

1.12 Emissions

1.12.1 *In order to reduce emissions from the most polluting vehicles, Euro 5 diesel vehicles (being those typically pre-2016) shall not be licenced (or renewed) after 1 July 2026.*

Exemptions may be granted for speciality vehicles such as limousines or classic cars, which are not used as part of the day-to-day taxi and private hire fleet.

1.13 Doors

1.13.1 In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.

1.14 Seating

1.14.1 Seating in saloon and estate cars does not normally create concern. Multi-purpose vehicles (MPV's) or people carriers offer a bewildering number of seat configurations often to match the owner's needs. In the interests of the safety of the passengers it is necessary to examine these seating arrangements to ensure that in the event of a collision or fire there is unobstructed egress from the vehicle. If MPV's or people carriers have individual seats, it is may be necessary to remove a second row middle seat to permit improved access to the rearmost seats. This however would reduce the maximum permissible passengers by one. Alternatively, in the event of an emergency, passengers should be able to exit the vehicle through the rear and emergency brake glass hammers must be fitted.

1.14.2 Therefore:

- The passenger carrying capacity will be at the discretion of the Council
- The rear seat of the vehicle must be a minimum of 1.22 meters long (405 millimetres, 16 inches per person)
- All seats must be fitted with fully operational seat belts
- The number of passenger seats must remain as stated on the vehicle licence
- There must be no alteration to the seating configuration without notifying the Council
- All seats must be forward or rear facing
- All vehicles must be able to seat a minimum of 4 passengers in comfort with sufficient legroom for all passengers

- The seat covering must be clean and in a good state of repair

1.15 Maintenance, Appearance and Condition of the Vehicle

The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:

- Be safe
- Be tidy
- Be clean
- Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply
- The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council

1.16 Tyre Safety

1.16.1 In view of the high mileage covered by Hackney Carriage and Private Hire vehicles and the interval between examinations, the depth of tyre tread on all vehicles must be a minimum of 2mm.

1.17 Exterior Appearance

1.17.1 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.

1.18 Interior Appearance

1.18.1 The interior of the vehicle should always be in a clean and tidy state and fit for purpose.

- Carpets, upholstery and cloth trim are to be clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition
- All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage
- All doors, locks and windows are to be in full working order and in good condition

- All interior lights and fascia illumination are to be in full working order and in good condition

- All windows are to be kept free of dirt, grime and marks

- Boot space/luggage areas to be kept clean and vehicle equipment properly stowed

1.18.2 If in the opinion of the Council, a vehicle is in such a condition internally or externally as to render its use by the public as undesirable, the Council shall notify the proprietor thereof whereupon the proprietor shall not use or cause or permit the use of the vehicle until the Council has re-inspected the vehicle and confirms that it has been brought to a standard suitable for public use.

1.19 Tinted Glass

1.19.1 Vehicles are manufactured and produced with window glass in various tints or film coatings from clear to jet-black, the latter making it impossible to view into the passenger compartment. The removal of film coating from windows is far less expensive than the changing of glass.

These heavily tinted windows may be of concern to women passengers travelling alone, and parents of children travelling unaccompanied. Many of the vehicles supplied with tinted glass are acceptable with reference to the Road Vehicles (Construction and Use) Regulations 1986, however in the interests of the reassurance of passengers, tinted glass should have a minimum 30% light transmission and should not restrict all view into the passenger compartment will not be accepted on licensed vehicles.

Exemptions may apply to executive hire vehicles (those permitted not to display external plate) where appropriate.

1.20 Fire Extinguisher & First Aid Kit

1.20.1 All vehicles must carry a standard motorist's first aid kit and an easily accessible and compliant fire extinguisher, both of which must be in a serviceable condition.

1.21 Accidents

1.21.1 In the event of a vehicle being involved in an accident, the Proprietor must inform the Council as soon as reasonably practicable and, in any case within 72 hours of any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. If the damage to the vehicle is such that the Council reasonably considers the damage to be

extensive enough to seriously affect the general appearance and/or use of the vehicle and so notifies the Proprietor, the vehicle shall immediately be withdrawn from service and shall not be used until such time as the permanent repairs are completed and a compliance test conducted.

1.22 Accessible vehicles

1.22.1 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit
- A suitable restraint must be available for the occupant of a wheelchair
- Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper
- Ramps and lifts must be securely stored in the vehicle before it may move off

1.22.2 In the case of rear access wheelchair loading, the design of the vehicle should ensure that there is an emergency escape provided by side doors and a gangway or foldable/removable seats.

1.22.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

1.22.4 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor/operator shall ensure that the driver has received sufficient training to load, secure and convey wheelchair users.

1.22.5 Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. To ensure that the Equality Act 2010 is upheld, the licensing authority will have a zero tolerance policy to access refusals investigating all reported violations of the Act with a view to pursuing a conviction.

When carrying such passengers, drivers have a duty to:

a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
b) Not to make any additional charge for doing so.

It is best practice for drivers to ask the passenger where they want themselves and their dog to sit in the vehicle.

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council for exemption from the duty on medical grounds. If no exemption has been applied for and subsequently granted, then drivers are still required to carry assistance dogs.

The Licensing Authority will only issue an exemption certificate when it is authorised by the driver's GP and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.

1.23 Luggage in Estate Cars

1.23.1 Estate cars cause a safety concern when stacking luggage in the vehicle causing a potential danger to passengers in the event of harsh braking or an accident. It is recommended that luggage should not be stacked above the height of the rear seats unless the vehicle is designed, or fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

1.24 Roof racks and roof mounted luggage boxes

1.24.1 These offer convenience that has to be balanced with safety. Most roof-mounted devices have weight limits. These are set to ensure the weight carried on the roof or the luggage boxes does not significantly alter the vehicle's driving characteristics by changing the vehicle's centre of gravity. If weight is added to the roof of a vehicle beyond a manufacturer's recommendation, the centre of gravity is moved upwards and vehicle may become unstable. Therefore as the permissible weight for roof racks and luggage boxes varies from vehicle to vehicle, it is recommended that any Proprietor who wishes to use either must apply to the Council for permission. The Licensing Officer will then make the necessary enquiries, and the licence shall be amended to show the maximum permitted weight.

1.25 Trailers

1.25.1 Trailers may also be used as a means of carrying luggage. There are no British Standards that define the specification requirements of trailers or a specific British Standard that defines how they may be tested for roadworthiness but they are subject to The Road Vehicles

(Construction and Use) Regulations 1986. Common sense dictates that if the towing vehicle is regulated by the Council it would follow the any towed trailer should be the same. Therefore any authorised trailer should be presented for compliance check at same time as the licensed vehicle to ensure that it is roadworthy. All vehicles have a maximum permissible towing weight, and this differs as to whether the trailer has its own braking system or not. It is recommended that any Proprietor who wishes to use a trailer must apply to the Council. The Licensing Officer will make the necessary enquiries, which may require the vehicle and trailer being examined to establish its towing weight, and the vehicle licence amended to show this.

1.26 Taximeters

1.26.1 The proprietor of a hackney carriage shall ensure the vehicle is fitted with a taximeter approved by the Council, and that meter shall be maintained in a sound working condition at all times. The taximeter shall be set for up to the current maximum tariff agreed by the Council and no unauthorised adjustment of the meter shall be made. The proprietor shall ensure the "For Hire" sign or other illuminated sign is extinguished when the fare commences, and the taximeter brought into operation.

1.26.2 The taximeter shall:

- Be of the clock calendar type or an approved taximeter and charge no more than the wording of the Councils current maximum fare tariff
- Not be altered or tampered with except with the approval of the Council and must be retested by the Council if it is altered
- Show the fare recorded on the taximeter in plainly legible figures, and the word “FARE” shall be clearly displayed so as to apply to such figures
- Be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary

1.26.3 A private hire vehicle may also be fitted with a taximeter, approved by the Council, at the discretion of the Proprietor.

1.26.4 The taximeter shall: -

- Be of the clock calendar type or an approved taximeter and charge no more than the wording of the proprietor’s current maximum fare tariff
- Not be altered or tampered with except with the approval of the Council and must be retested by the Council if it is altered
- Show the fare recorded on the taximeter in plainly legible figures
- Be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary

1.27 Fare Tables

1.27.1 A hackney carriage proprietor shall ensure that a copy of the current fare table supplied by the Council is on display inside the hackney

carriage at all times and that table is not concealed from view or rendered illegible when the vehicle is for hire.

1.27.2 If a taximeter is fitted within a private hire vehicle, details of the tariff of fares to which it is calibrated shall be clearly on display within the vehicle.

1.28 Two Way Radios

1.28.1 The proprietor shall ensure that any radio equipment fitted to the licensed vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

1.29 Mobile Telephones

1.29.1 Mobile telephones may only be used with a hands-free kit.

1.30 Smoking

1.30.1 Under the Health Act 2006 and the Smoke-free (Signs) Regulations 2007, all hackney carriage and private hire vehicles are required by law to be smoke free and are also required to display the prescribed no-smoking signs and the signage must be displayed in a prominent position.

1.30.2 Hackney carriage and private hire vehicles are required to be smoke free at all times, whether they are being used for work or for private use.

1.30.3 The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 set out the persons who will have legal duties to cause any person who is smoking on a smoke free vehicle to stop smoking, namely:

- The driver
- Any person with management responsibilities for the vehicle
- Any person in a vehicle who is responsible for order or safety in it

1.31 Insurance

1.31.1 A copy of a vehicle's current valid insurance document must be kept with the vehicle and available for inspection by a Licensing Officer.

2 Conditions Relevant to Hackney Carriage Vehicles Only

2.1 A hackney carriage vehicle can only be driven by a person licensed to drive that particular type of vehicle, and that driver's licence having

been issued by the Council. A Joint Licence permits the driver to drive both types of vehicle.

2.2 No hackney carriage shall be used in the district under a contract or purported contract for private hire except at a rate of fares or charges not greater than that fixed by the Council in relation to hackney carriages, and when any hackney carriage is so used the fare or charges shall be calculated from the point in the borough at which the hirer (or user) commences their journey.

2.3 The proprietor of a hackney carriage vehicle must ensure that the driver lodges their hackney carriage driver's licence with the proprietor until the driver ceases to drive for that proprietor.

2.4 Full livery advertising is allowed on the exterior of hackney carriages subject to the following restrictions:

- Nothing shall be advertised which might cause reasonable offence to members of the public
- The Council reserves the right to require that any advertisement it deems unsuitable be removed forthwith

2.5 Hackney carriage vehicles will be issued with a device required to activate the lowering and rising of the barriers situated in restricted roads. Each device may only be used in conjunction with the hackney carriage plate that it was issued to. Furthermore;

- The device must only be used whilst the licensed vehicle is being used in conjunction with journeys associated with hire and reward, not for personal journeys
- It is the proprietor's responsibility to ensure the device is fitted to the licensed vehicle
- The device must not be transferred to any alternative vehicle without the prior approval of the Council
- On revocation, non-renewal or suspension of the licence, the device must be returned to the Council for deactivation
- Damage to (or theft of) any device must be reported to the Council without delay
- The licence holder will allow a Licensing Officer to inspect and if necessary remove the device at any reasonable time upon written or verbal notice
- The issuing of a replacement device may incur a fee

2.6 Hackney carriages shall be fitted with an approved roof sign which: -

- Indicates that they are a taxi
- Is capable of being illuminated when the vehicle is plying for hire, such illumination to be extinguished when the taximeter operates
- Unless integral to the bodywork of the vehicle, is positioned in the centre of the roof

2.7 Hackney carriages that are not provided with a means to make debit/credit card payment must, from the 1 January 2025, display a 'Cash Payment Only' sticker placed in the top corner of the windscreen on the passenger side, and also within the rear-window of the vehicle (left or right bottom corner). The sticker shall be of the design and type as supplied by the Licensing team upon request from the driver/proprietor.

2.8.1 Any taximeter within a hackney carriage set, or updated (at or below the maximum fare) after 1 January 2025, must be 'calendar-locked' so as to prevent the manual overriding of time or bank holiday rates.

3 Conditions Relevant to Private Hire Vehicles Only

3.1 No vehicle will be accepted for licensing as a private hire vehicle if its appearance is likely to create confusion in the minds of the travelling public that it may be a hackney carriage. For this reason, any operator intending to provide private hire services should avoid vehicles, which are recognisable as purpose built "London style" cabs, or similar vehicles.

3.2 A private hire vehicle can only be driven by a person licensed to drive that particular type of vehicle, and that driver's licence having been issued by Ashford Borough Council. A Joint Licence permits the driver to drive both types of vehicle.

3.3 The operator of a private hire vehicle must ensure that the driver lodges their private hire driver's licence with the proprietor until the driver ceases to drive for that proprietor.

3.4 Private hire vehicles will not be permitted to display any type of roof sign.

3.5 Private hire vehicles are only permitted to display on the outside or inside of the vehicle the following:

- Vehicle licence plate

- Approved Kent County Council (KCC) School Transport Sign when operating in conjunction with school contracts

- Any other thing required to be displayed by law

3.6 Private hire vehicles are permitted restricted first party advertising subject to the following restrictions:

- The advertising material shall be restricted to the metal surface of the drivers and front passengers' doors. If advertising material is to be displayed, it must include the words “ADVANCE BOOKING ONLY” OR “PRIVATE HIRE ADVANCE BOOKING ONLY”. It can include the Proprietor’s company name, logo, website, email address or telephone number

- The advertising material shall not contain the words “TAXI”, “HACKNEY”, “CAB” or “FOR HIRE”. This restriction includes the use of the words when used within the proprietor’s company name, log, website or email address

- The advertising material shall be non-reflective

- Nothing shall be advertised which might reasonably cause offence to members of the public

3.7 Private hire vehicles are not permitted to display on the outside or inside of the vehicle in such a manner to be conspicuous from the outside any other signs, telephone numbers or other advertising material. (i.e. business cards on the dashboard).

3.8 Private hire vehicles must, at all times, display to the passenger the tariff card as issued annually by the Licensing Authority. Private hire vehicles not fitted with a meter may alternatively display a window sticker providing details of how to make a complaint to the Licensing Authority, which is available upon request from the Licensing Authority. That sticker must be displayed on the windscreen in a position (such as where a tax disc would have been located) so as to be readable to passengers.

3.9 It is not permitted for a licensed private hire operator to use a driver who holds a PCV licence a public service vehicle (PSV), such as a minibus, to undertake a private hire vehicle booking, unless with the informed consent of the person placing the booking.

Appendix B - Hackney Carriage & Private Hire Vehicle Licensing Procedures

1 Applications for new or renewed vehicle licence

1.1 The applicant will complete, in full, the necessary application form as follows:

- New application for hackney carriage vehicle licence
- Renewal application for hackney carriage vehicle licence
- New application for private hire vehicle licence
- Renewal application for private hire vehicle licence

And submitted and accompanied by the following:

- The Vehicle Registration Document issued by DVLA or proof of ownership. This must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s)
- Evidence that the vehicle is insured for third party risks to cover "hire and reward". This will be by way of original cover note or certificate of insurance
- The fee, which will be determined annually and publicised separately
- The compliance certificate for the vehicle
- A basic criminal records disclosure (DBS certificate), except where the applicant is also a licensed driver. In the case of company owned vehicles, a basic disclosure will be required for all company directors, except where the directors are also a licensed drivers.

1.2 If the documentation is complete, photocopies will be taken of all original documents. The copies will be retained and the originals returned to the applicant.

1.3 The successful completion of this procedure will be indicated by the issue of an appropriate hackney carriage/private hire vehicle licence together with the necessary signs for the vehicle, which must not be used for Hire or reward until these are attached to the vehicle.

1.4 Applications for renewals should be received by the Council at least 14 days before the expiry of the vehicle licence in order that the licence can be processed and issued before the expiry of the current licence.

1.5 In order to maintain public safety the Council will not issue licences to vehicles that are licensed as private hire or hackney vehicles by other licensing authorities (also known as 'dual-plating'). In addition, it may be necessary to revoke a vehicle licence should 'dual-plating' be occurring.

2 Application to transfer a Hackney Carriage/Private Hire Vehicle Licence

2.1 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the proprietor of a licensed vehicle has the right to transfer ownership of that vehicle to another person. Appropriate notice of the transfer must be given to the Council within 14 days. In practice, such vehicles are generally in use for hire or reward immediately transfer of ownership has been arranged. Also it will be necessary for proprietors to change vehicles on occasions for a variety of reasons.

In these instances it will be necessary to obtain a new licence with updated details of the new owner/vehicle. The applicant will complete, in full, the necessary application form as follows:

- Transfer application for hackney carriage vehicle licence
- Transfer application for private hire vehicle licence

And submitted and accompanied by the following:

- The Vehicle Registration Document issued by DVLA or proof of ownership (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s)
- Evidence that the vehicle is insured for third party risks to cover "hire and reward". This will be by way of a cover note or certificate of insurance
- The fee. Fees will be determined annually and publicised separately
- The compliance certificate for the vehicle
- A basic criminal records disclosure (DBS certificate), except where the applicant is also a licensed driver. In the case of company owned vehicles, a basic disclosure will be required for all company directors, except where the directors are also licensed drivers.

2.2 If the documentation is complete, photocopies will be taken of all original documents. The copies will be retained and the originals returned to the applicant.

2.3 The successful completion of this procedure will be indicated by the issue of an appropriate hackney carriage/private hire vehicle licence together with the necessary signs for the vehicle, which must not be used for hire or reward until these are attached to the vehicle.

Appendix C - Additional Conditions for Private Hire Limousines & Speciality Vehicles

These conditions are in addition to the private hire vehicle conditions, except where the conditions below supersede the standard conditions.

1 **Types of Vehicles**

1.1 The vehicle must have one of the following:

(i) An Individual Vehicle Authorisation;

(ii) A European Whole Vehicle Approval Certificate;

(iii) UK Low Volume Type Approval Certificate.

1.2 If the vehicle has a an Individual Vehicle Authorisation, the Council will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof. The licensee must produce a copy of the IVA certificate at time of licensing.

2 **Vehicle and Safety Equipment**

2.1 Stretched limousines and speciality vehicles shall comply with the existing conditions of licence applicable to all licensed private hire vehicles in so far as they are not superseded by these additional conditions and the local private hire licence fee shall be the same.

2.2 The proprietor of a vehicle shall:

- Ensure that the fire extinguisher required to comply with the standard vehicle conditions of licence applicable to all licensed private hire vehicles should be mounted on brackets, in a convenient position in the driver's compartment

- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction & Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance is rectified

- Ensure that loose luggage is not carried within the passenger compartment of the vehicle

- Ensure that any CCTV cameras installed in the vehicle have received prior written approval of the Council

- Display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation

- Ensure the vehicle is fitted with tyres that meet both the size and weight specification

2.3 Vehicles may be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive.

2.4 Vehicles with sideways facing seating may be considered for private hire licensing.

2.5 The passenger compartment of the vehicle may be fitted with darkened or blackened glass if approved by the Council.

2.6 The driver's compartment, including the front passenger seat must not be fitted with darkened or blackened glass.

2.7 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.

3 **Use of Vehicle**

3.1 The proprietor of the vehicle shall: -

- Ensure that the vehicle is at all times only driven by a person who holds a current private hire vehicle driver's licence issued by Ashford Borough Council

- Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers

- Ensure that in any advertisement publicising their business, the vehicle is only licensed to carry a maximum of eight passengers

- Not convey any passengers in the front compartment of the limousine

- Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate authorisation under the Licensing Act 2003 permitting the sale or supply of the same

- If the occupants are below the age of 18, there should be no alcohol in the vehicle for consumption or otherwise

- Any glassware in the vehicle must be made of either shatterproof glass or plastic

- The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle

- If the vehicle parks to provide some sort of entertainment to its passengers, the relevant authorisation must be in place in accordance with the Licensing Act 2003

- When directed by the Council, display and maintain any notices in conspicuous position

4 Vehicle Identification

4.1 The vehicle will not be required to display the rear, external private hire vehicle licence plates which must normally be displayed by licensed private hire vehicles. The proprietor of the vehicle will be issued, by the Council, a paper licence and the exemption certificate which identifies the vehicle as a private hire vehicle on which will be displayed the registration number of the vehicle and the number of passengers permitted to be carried. The proprietor shall ensure that:

- This licence and the exemption certificate will be carried at all times within the vehicle

- No private hire vehicle licence or exemption certificate shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle identification shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle identification and licence to the Council within seven days

5 Signs, Notices, Etc.

5.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council.

6 Insurance and Compliance Test Certificates

6.1 The vehicle must not be used to carry passengers for hire and reward unless the following is in place;

- A current certificate of compliance test certificate

- A policy of insurance covering the use of the vehicle for hire and reward and any nominated driver, named thereon, is the holder of

6.3 These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

The proprietor shall deposit a valid and current copy of the certificate of compliance test certificate and certificate of insurance or cover note with the operator before the vehicle is used to accept bookings provided by the operator.

6.4 If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being put, the Licence Officer shall be informed immediately and the vehicle shall not be used until appropriate cover is obtained.

7 Deposit of Licences

7.1 If the proprietor permits or employs any other person to drive their private hire vehicle, they shall, before that person commences to drive the vehicle, cause the driver to deliver to them a copy of their private hire driver's licence (paper part) for retention until such time as the driver ceases to be permitted or employed to drive that vehicle.

7.2 The proprietor of the vehicle will deposit within five working days, a copy of the private hire vehicle licence with the operator before any bookings are accepted.

7.3 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

8 Declaration

8.1 All limousine operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.

Appendix D - Driver & Operator Licence Procedures

1 Application for New Licence to drive a Licensed Vehicle

1.1 New applications are usually for private hire licenses. For those wishing to be considered for a hackney carriage licence, it is recommended that they have held a private hire drivers licence for at least 6 months before undertaking the hackney carriage test.

1.2 The applicant will complete, in full, the application for a licence to drive hackney carriage/private hire vehicle, which will be submitted and accompanied by a full UK Drivers Licence that has been held for at least 12 months. This application form must be completed in full and signed as a Statutory Declaration. Any omissions, whether knowingly or recklessly is an offence under the Local Government (Miscellaneous Provisions) Act 1976 and as such it is highly likely that the application would not be successful.

1.3 Where applicants have recently arrived from other countries, they will be required to convert their existing driving licence to a UK issue, either by straight transfer or by undertaking an appropriate driving test. The Council requires that the twelve-month qualifying period for holding such a licence will start from the time of the conversion.

1.4 An applicant who has held a licence from another country for 12 months or more and has converted it to a UK licence may obtain an exemption from the 12 months qualifying period by passing an approved practical driving test and providing proof that they have been driving for 12 months in that other country.

1.5 At application and renewal drivers will be required to declare that they intent to operate predominately within the Ashford borough. This measure is designed to limit licence shopping, where applicants seek licences from distant boroughs in order to avoid local costs or requirements in the area in which they operate. Such action undermines the local controls provided by the Local Government (Miscellaneous Provisions) Act and also places an undue burden on the licensing authority in conducting enforcement at distant locations. Drivers may have their licence revoked or not renewed if they cannot demonstrate that they are working predominately within the area in which they are licensed, however each case will be considered on its own individual merits.

1.5 The applicant shall submit the following in person to one of the Council Offices for checking:

- A completed application form
- A licence application fee. Fees will be determined annually and

publicised separately

- Four colour standard passport photographs
- A full UK Drivers licence
- A certificate issued to demonstrate that they have taken and passed a recognised Taxi/Private Hire Driving Assessment Test. (Details can be found at www.ashford.gov.uk)
- Evidence of having completed disability awareness training by an approved provider
- Evidence of having completed safeguarding and county lines awareness training provided by an approved provider
- A medical certificate indicating they are physically fit and able to fulfil the role to DVLA Vocational Group 2 Standards
- Suitable identify documents as required by the Immigration Act to demonstrate the right to work.
- A DVLA Data Subject Check form that permits the Council to confirm the individual's driving history
- A completed application form for an Enhanced Disclosure Barring Service check accompanied with the requisite fee and documentation to confirm identity and address, or alternatively a DBS certificate dated within the last month. Additionally evidence of sign up with the DBS update service is required prior to the grant of licence.
- In the event that the applicant has resided outside of the UK after the age of 18, then a Certificate of Good Conduct from their relevant embassy or equivalent document issued and authenticated by the appropriate embassy will also be required
- If the documentation is complete, photocopies will be taken of all original documents and returned to the applicant

1.6 Before the application proceeds further, the applicant will be required to undergo a private hire test, including the Highway Code and the law/conditions relating to private hire. This test incorporates oral and written English and basic mathematics elements.

1.7 Where the applicant fails 3 consecutive tests within a 4-month period, it will be unlikely that the applicant has the appropriate skills and attributes to become a licensed driver with this Council. Further testing would not normally take place for at least 12 months to enable the

applicant to develop the necessary skills unless there are exceptional circumstances.

1.8 If a driver is not able to satisfactorily complete the tests due to difficulties with spoken/written English they may be required to take language instruction as a pre-requisite to re-sitting these tests.

2 Application for a Joint Licence (Hackney Carriage & Private Hire)

2.1 Applicants for a joint licence will need to undergo a hackney knowledge test, conducted by the Council, for which a fee is charged. This test will require a more in depth knowledge of the borough's roads, streets, and places of interest, hotels, pubs and clubs. It will also include questions on the Highway Code and the law/conditions relating to hackney carriages and private hire.

2.2 Hackney drivers returning to the trade within two years of licence expiry will not need to resit the knowledge test. Those returning after this time will need to undertake the test to demonstrate sufficient knowledge.

3 Application for Renewal of a Licence to Drive Hackney Carriage/Private Hire Vehicle

3.1 The applicant will complete in full, the application for licence to drive hackney carriage/private hire vehicle form, duly signed as a **Statutory Declaration**. This will then be submitted and accompanied by the following:

- A licence application fee. Fees will be determined annually and publicised separately
- Two colour standard passport photographs
- A DVLA Data Subject Check form that permits the Council to confirm the individual's driving history
- A medical certificate indicating they are physically fit and able to fulfil the role to DVLA Vocational Group 2 Standards
- Suitable identify documents as required by the Immigration Act to demonstrate the right to work.
- Evidence of having completed safeguarding and county lines awareness training provided by an approved provider
- A completed application form for an Enhanced Disclosure Barring Service check, together with the requisite documentation. Additionally the applicant will be required to evidence and provide details of sign up with the DBS Update Service.

3.2 An Enhanced Disclosure Barring Service check will need to be submitted in person to the Council offices for checking.

4 Application for Private Hire Vehicle Operator's Licence

4.1 The applicant will complete, in full, the application for private hire vehicle operator's licence form, which will be submitted and accompanied by the following.-

- Proof of public liability insurance (if applicable)
- The licence application fee.
- If the applicant has not previously been through the driver's application process, a Basic Disclosure Barring Service check (less than 3 months old) for each person named on the application form (or all company directors)

4.2 If a Disclosure Barring Service check is required this application will need to be submitted in person through www.disclosure.scotland.gov.uk and the original to be submitted as part of the application.

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

5.1 The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence

5.2 Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

5.3 The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

5.4 This is a mandatory part of [applying for] [being granted], a hackney carriage / PHV driver licence.

5.6 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: https://ico.org.uk/make-a-complaint/

6 Applications – General

6.1 If the application form contains any details to suggest that any relevant convictions or cautions have been imposed on the applicant since the licence was last issued or renewed, Licensing Officers will discuss the matter with the applicant. At that time it will be decided whether the application is likely to be successful in the light of the Council's Policy of the Relevance of Convictions detailed in Appendix E, The DBS check will be applied for before any further consideration of the application.

6.2 An Enhanced DBS Disclosure of criminal convictions, and sign up to the DBS Update Service, in respect of each licensed driver of a

hackney carriage or private hire vehicle is required on initial licence application and upon renewal.

6.3 The Council may request another disclosure at any time if a further check is considered necessary.

6.4 When the DBS check has been returned, the application will be considered in the light of the information provided. The information received from the DBS will be used to ascertain whether the information given on the original application form was correctly and truthfully provided. It is therefore necessary to ensure that details of ALL convictions and cautions are provided at the initial stage. A serious view will be taken of any application that seeks to conceal any caution or conviction in order to obtain a licence. This is a criminal offence and, as such, is likely to lead, not only to consideration of the applicant as not being a “fit and proper person”, but criminal proceedings. Any information relating to criminal background will be kept only for as long as it is necessary for assessment purposes.

6.5 In the event that there are no relevant convictions or cautions held or other matters identified, then the applicant will be considered to be a “fit and proper person” and the matter will be determined by the issue of the driver’s/operator’s licence.

6.6 Applications considered by the Council will result in either the determination of the applicant as a “fit and proper person”, indicated by the issue of a licence, or the application being refused. In these circumstances, the applicant has the right of appeal to the Magistrates’ Court, such appeal to be lodged within 21 days of the decision being notified.

6.7 In view of the special considerations when dealing with those passengers of differing physical abilities, it may be necessary to test the awareness of the applicant of these issues. In particular, and without prejudice to the generality of this paragraph, consideration may be given to the differing types of vehicle likely to be used by the individual concerned and the difficulties arising in each case.

Appendix E - Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades

1.1 The Council has adopted the following document for the purposes of determining the suitability of applicants and licensees;

'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades'

The guidance is produced by the Institute of Licensing, in partnership with; Lawyers in Local Government, National Association of Licensing Enforcement officers, and, the Local Government Association.

1.2 The document provides the public, applicants, licensees, officers, and members with details of matters that will be considered on determining an application, including the relevance of any prior conviction(s).

1.3 It is recommended that applicants have reference to this document prior to application.

The full document can be downloaded from the Institute of Licensing, or can be made available on request by contacting the Licensing Team

https://iol.instituteoflicensing.org/articles/671a08de99c8520008d4c899

1.4 Where drug testing is relevant to the conviction type (i.e. possession of drugs, supply of drugs, and drug driving), this shall take the form of hair follicle testing. The testing shall include a range of common drug types, and must include the drug type associated with any prior conviction/concern.

The testing shall be required to demonstrate that the applicant is drug-free for a minimum 6-month period.

The period for which such testing shall be required will cover a period of two years beyond the period in which adopted guidance states a licence would not be granted (i.e. 5, 7 and 10 years). A longer period may however be relevant where an applicant has multiple drug-related convictions.

Such testing shall be conducted by a suitably accredited laboratory who arrange collection of the sample directly from the applicant's body (and not via post etc.) and shall be at the applicants cost.

Appendix F - Hackney Carriage Byelaws

1 Introduction

1.1 Byelaws are made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875.

1.2 The following byelaws were confirmed for Ashford Borough Council effective 2nd November 1998.

2 Interpretation

2.1 Throughout these byelaws “the Council” means the Ashford Borough Council and “the district” means Ashford.

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

3.1 a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto

b) A proprietor or driver of a hackney carriage shall:

- Not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire
- Not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible

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

4.1 The proprietor of a hackney carriage shall:

- Provide sufficient means by which any person in the carriage may communicate with the driver
- Cause the roof or covering to be kept water-tight
- Provide any necessary windows and a means of opening and closing not less than one window on each side
- Cause the seats to be properly cushioned or covered

- Cause the floor to be provided with a proper carpet, mat, or other suitable covering

- Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service

- Provide means for securing luggage if the carriage is so constructed as to carry luggage

- Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use

- Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver

4.2 The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:

- The taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter

- Such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter

- When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance and time in pursuance of the tariff fixed by the Council

- The word “FARE” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon

- The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage; and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring

- The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances

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

5.1 The driver of a hackney carriage provided with a taximeter shall:

- When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter
- Before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag, or other device, so that the word “HIRED” is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring
- Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise and also at any other time at the request of the hirer

5.2 A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

5.3 The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:

- Proceed with reasonable speed to one of the stands appointed by the Council
- If a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand
- On arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction
- From time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward

5.4 The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

5.5 The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

5.6 A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

5.7 If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

5.8 The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:

- Convey a reasonable quantity of luggage
- Afford reasonable assistance in loading and unloading
- Afford reasonable assistance in removing it to, or from, the entrance of any building, station, or place at which he may take up or set down such person

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

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

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

6.3 The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council Resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

6.4 The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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

7.1 The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

7.2 The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:

- Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Environmental Services Manager of the Council and leave it in the custody of the Officer in charge of the office on his giving a receipt for it

- Be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of Environmental Services Manager of the Council, whichever be the greater) but not more than five pounds

8 Penalties

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

9. Repeal of Byelaws

9.1 The byelaws relating to hackney carriages which were made by the Ashford Borough Council on the 18th day of March 1975 and which were confirmed by one of Her Majesty's Principal Secretaries of State on the 9th day of May 1975 are hereby repealed.

Appendix G - Private Hire Drivers Licence Conditions

1 Conduct of Drivers

1.1 The driver shall not accept any person as a passenger in a private hire vehicle unless the passenger or someone on their behalf previously requested the hiring by telephone, letter or personal call to the office or business premises of the proprietor/operator.

1.2 The driver shall not permit an order or request for a hiring to be transmitted by means of a radio set installed in a licensed private hire vehicle.

1.3 When picking up or setting down passengers, the driver shall not cause their vehicle to remain stationary for a longer period of time than is reasonably necessary to enable them to carry out those operations.

1.4 The driver shall not by calling out or otherwise, importune any person to hire such a vehicle and shall not make use of the services of any other person for that purpose.

1.5 The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

1.6 The driver must take all reasonable steps to ensure that there is no radio scanning equipment in the vehicle at any time.

1.7 The driver of a private hire vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

1.8 The driver of a private hire vehicle, so constructed as to carry luggage, shall, when required by any person hiring or seeking to hire the vehicle:

- Convey a reasonable quantity or weight of luggage
- Afford reasonable assistance in loading and unloading
- Afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he may take up or set down such person

1.9 The driver shall, when hired to drive to any particular destination, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

1.10 Whilst acting as a private hire driver in a private hire vehicle the driver shall:

- At all times be clean and respectable in their dress and person and comply with the dress code (see Appendix L) and code of conduct (see Appendix H)

- Not without the express consent of the hirer drink or eat in the vehicle whilst a hiring is under way

2 Custody of property accidentally left in a Private Hire Vehicle

2.1 The driver shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.

2.2 The driver of a private hire vehicle shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle has been found by or handed to them, attempt to return it to the rightful owner or carry it within 24 hours, if not sooner, to the nearest Police Station and leave it in the custody of the person in charge and obtain a receipt for it.

3 Miscellaneous

3.1 This licence must not be handed to any unauthorised person but must be produced on request by any authorised officer of the Council, or any Police Officer.

3.2 In the event of loss or damage to this licence the Council must be informed immediately so that a replacement licence can be issued.

3.3 The licence must not be defaced or altered in any way.

3.4 The driver shall notify the Council in writing of any change of address within 14 days.

3.5 The driver, if they drive licensed vehicles belonging to another person, must ensure that they lodge their private hire driver's licence with the proprietor of the licensed vehicle until they ceases to drive for that proprietor.

3.6 The driver will be issued with a driver's identity badge which must be worn at all times in such a position and manner as to be plainly and distinctly visible whilst in charge of a private hire vehicle. The driver's identity badge must be produced on request by any authorised officer of the Council or any Police officer.

3.7 The driver must produce their DVLA driving licence to the Council within seven days of a written request for production being made.

3.8 The driver shall not carry more than the maximum number of passengers for which the vehicle is licensed.

3.9 The driver shall not drive a licensed vehicle unless a first aid kit and an easily accessible and compliant fire extinguisher are carried in the vehicle.

3.10 The driver must sign this licence on receipt.

3.11 The licensee shall ensure continuous registration with the Disclosure and Barring Service 'Update Service' throughout the licensed period, and provide the required registration details to the Licensing Authority as may be required.

3.12 The driver must notify the council within 48 hours of any of the following:

a) Arrest and release.
b) Charge or conviction for any criminal offence, including but not limited to sexual, dishonesty, violence, or motoring, offences (including fixed penalty offences).
c) Any grant of bail to the driver (conditional or unconditional) by any court or police force.
d) Any court cases pending against the driver.
e) Whether the driver has been cautioned or received any official warning from the Police.

3.13 The driver shall disclose to the Council in writing, within five days, details of any serious illness or injury (for example, head injury, heart attack, stroke, broken limbs, diabetes, etc.) sustained and may be required to undergo an additional medical examination or produce written confirmation from their own medical practitioner or hospital consultant as to their continued fitness.

3.14 Each driver must carry, in a licensed private hire vehicle, a guide, hearing or other assistance dog belonging to a passenger, free of charge unless the driver has a proven medical condition that would preclude such action. Licensed drivers have a responsibility to ensure that the proprietor they drive for is aware of such condition when they are first employed. The dog must be allowed to remain with the passenger.

3.15 Where reference is made to produce documents or report matters to the Council these should be sent/reported to the Licensing Officer, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL.

3.16 Each driver shall undertake, and record, a daily ‘walkaround’ inspection of the vehicle to be used, to ensure that it is roadworthy and safe before use.

The checks and records shall include, at minimum, all of those listed in Appendix N – Daily Vehicle Inspection Checklist of the Ashford Borough Council Taxi Licensing Policy, and such records shall be retained for a minimum of 12 months.

Appendix H - Code of Conduct for Licensed Drivers/Operators

1 The aim of licensing the hackney carriage and private hire vehicle trade is, primarily, to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. Licence holders shall promote the professionalism of the hackney carriage and private hire trade by:

a) Complying with this Code of Conduct

b) Complying with all the conditions of their licence, byelaws and the Council's Taxi Licensing Policy

c) Behaving in a civil, orderly and responsible manner at all times, including being polite, helpful and fair to passengers and whilst waiting for hire on a rank

d) Paying attention to personal hygiene and dress so as to present a professional image to the public. (See Dress Code)

e) Not eating or drinking in the vehicle in the presence of customers

f) Keep their vehicles clean and suitable for Hire to the public at all times

g) Respecting authorised Officers during their normal course of their duties

h) Maintain their vehicles in a safe and satisfactory condition at all times

i) Not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle

j) Not drive while having misused legal or taken illegal drugs

k) Comply with legislation regarding the length of working hours

l) Drive with care and due consideration for other road users and pedestrians

m) Obey all Traffic Regulation Orders and directions at all times

n) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle

o) Not smoke in the vehicle at any time

p) Attend punctually when undertaking pre-booked hires

q) Assist, where necessary, passengers into and out of vehicles. (Unless granted exemption by the Council under the Equality Act 2010)

r) Provide passengers reasonable assistance with luggage

s) Not sound the horn or other audible warning instrument on the vehicle, other than in accordance with the Highway Code, to attract the attention of passengers

t) Keep the volume of music media players, VHF radios and/or other audio/visual devices to a minimum

u) Switch off the engine if required to wait

v) Take whatever additional action is necessary to avoid disturbance to residents in the locality

w) Rank in an orderly manner and proceed along the rank in order and promptly close up spaces so that other carriages can join the rank

x) Not allow their music media players, VHF radios and/or other audio/visual devices to cause disturbance to residents of the neighbourhood at lay up points and at taxi offices

y) Take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business

2 Disciplinary Hearings

2.1 Drivers should be aware of the powers the Council has to take action, by way of suspension, revocation or refusal to renew a driver's licences:

a) Where the driver has been convicted, since the grant of the licence, of a relevant offence.

b) Where the driver has been convicted of an offence under the legislation or the Taxi Licensing Policy relating to taxi regulation

c) If there is any others reasons to do so, including a breach of condition or this code

Please note: any amount of alcohol or drugs can affect a driver's judgement. The council will take a very serious view of any driver

being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.

Appendix I - Private Hire Operator's Licence Conditions

1 Provision and Furnishings of Private Hire Vehicles

1.1 The operator shall ensure that at all times the vehicle including its seating, vehicle including its seating, flooring and fittings are kept in a clean and tidy condition and if in the reasonable opinion of the Council's Licensing Officer a lack of cleanliness and/or tidiness is such as to render its use by the public undesirable he shall notify the proprietor thereof whereupon the proprietor shall not use or cause or permit the use of the vehicle as a private hire vehicle until such time as the Licensing Officer has re-inspected the vehicle and confirmed it is clean and tidy.

2 Display of Licence Plates, Signs and Advertising

2.1 The operator shall ensure that the licence plate issued and allocated by the Council is affixed to the outside of the carriage, on or adjacent to the rear bumper, or in such other position as may be approved by the Licensing Officer.

2.2 The operator shall ensure maintenance of such licence plate in a clean and legible condition and shall inform the Council immediately should it be lost or broken or become defaced.

- The operator may display on the outside or inside of the vehicle the following: Private hire car sign (which may be issued by the Council) on the windscreen
- Vehicle Licence plate
- Approved Kent County Council (KCC) School Transport Sign when operating in conjunction with school contracts and
- Any other thing required to be displayed by law

2.3 The operator may display restricted first party advertising subject to the following restrictions:

- The advertising material shall be restricted to the metal surface of the drivers and front passengers' doors. If advertising material is to be displayed, it must include the words “Advance Booking Only” or “Private Hire Advance Booking Only”. It can include the proprietor’s company name, logo, website, email address or telephone number
- The advertising material shall not contain the words “Taxi”, “Hackney”, “Cab” or “For Hire”. This restriction includes the use of the words when used within the proprietor’s company name, log,

website or email address

- The advertising material shall be non-reflective
- Nothing shall be advertised which might reasonably cause offence to members of the public

2.4 The operator shall not display on the outside or inside of the vehicle in such a manner to be conspicuous from the outside any other signs, telephone numbers or other advertising material.

3 Records

3.1 The operator shall keep a permanent record of every booking of a private hire vehicle invited and accepted by them, whether direct from the hirer or by undertaking the bookings at the request of another operator. The records shall be made available for inspection by the Council's Licensing Officer upon request. The record entries must be made before the commencement of each journey and shall include:

- The name and telephone number of the passenger
- The date and time of the booking request
- The date and time of the pickup
- The pick-up point
- The destination
- The name of the driver
- The drivers licence number
- The vehicle registration number of the vehicle used
- The name of any individual that responded to the booking request
- The name of any individual that dispatched the vehicle.

3.2 All records kept by the operator pursuant to Condition 3.1 above shall be preserved for a period of not less than twelve months following the date of the relevant entry

3.3 The operator shall keep written records of the particulars of all private hire vehicles operated by them and shall include a copy of the licensed drivers private hire licence, details of the proprietors, registration number and drivers of such vehicles together with any radio sign used.

3.4 The Operator will securely retain the licenses of all drivers engaged to work for them and make them available for inspection as required.'

3.5 The Private Hire Operator shall ensure that any digital booking platform utilised by them to take bookings comply with the WCAG 2.1 accessibility standard to Level AA and with the principles of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 as a minimum.

4 Conduct of Proprietors

4.1 The operator shall not accept any person as a passenger in a private hire vehicle unless the passenger or someone on their behalf previously requested the hiring by telephone, letter, email, text or personal call to the office or business premises of the proprietor.

3.2 The operator shall not permit an order or request for a hiring to be transmitted by means of a radio set installed in a licensed private hire vehicle, from a private hire vehicle to an operator.

3.3 The operator shall not by calling out or otherwise, importune any person to hire such a vehicle and shall not make use of the services of any other person for that purpose.

4.4 Comply with the Code of Conduct.

5 Miscellaneous

5.1 The operator shall notify the Council forthwith should he/they change address.

5.2 The operator shall notify the Council forthwith of any intended change in use of a licensed vehicle, or of any relevant change of particulars supplied at the time of application for this licence.

5.3 This licence must be kept in the possession of the operator and must not be passed to any unauthorised person. It must be produced when requested by any authorised officer of the Council or any police officer.

5.4 In the event of loss or damage to this licence the Licensing Section must be informed immediately so that a replacement licence can be issued.

5.5 This licence must not be altered or defaced in any way.

5.6 The operator must take all reasonable steps to ensure that there is no radio scanning equipment in the vehicle at any time.

5.7 Since 2001 private hire vehicles must carry guide, hearing or other assistance dogs belonging to passengers, free of charge, unless a driver has a proven medical condition that would preclude such action. Licensed drivers have a responsibility to ensure that the proprietor they drive for is aware of such condition when they are first employed. The dog must be allowed to remain with the passenger.

5.8 If you wish to operate a greater number if vehicles than permitted under your licence, you will need to apply for a new operator's licence with payment of the appropriate fee, and submit your original licence to be surrendered upon grant of the new licence. You would not be entitled to any refund in respect of the surrendered licence.

5.9 No person or corporate or incorporated body may hold more than one operator's licence.

5.10 The licensee shall ensure that they notify the Licensing Authority within seven days of;

- Any Information Commissioners Officer reportable data breaches
- Changes of dispatch and record keeping systems, and,
- Management/system faults, such as where a vehicle has been driven without insurance cover, or where a vehicle has been driven without a valid drivers licence being held.

5.11 The licensee shall ensure that they maintain an up to date written risk assessment in relation to the potential for driver exhaustion, taking into account factors such as hours driving, hours on standby, rest periods, rates of pay/income, and other work/employment whether or not related to driving. Such risk assessment shall be supplied to the Licensing Authority upon request.

5.12 The Private Hire Operator shall maintain a live register of all staff that take bookings or dispatch private hire vehicles. The register shall include name, address, and telephone number of the staff member along with evidence that they have viewed the staff member's certificate of basic disclosure from the Disclosure and Barring Service (dated within a month of viewing). This would include the date of viewing, the date of the certificate along with any reference number(s), and a comment as to whether there were any entries on the certificate.

5.13 The Private Hire Operator shall ensure that any staff employed for the purposes of taking or dispatching private hire vehicles shall, as part of their employment contract, be required to notify the operator of any convictions whilst they are employed in that role.

5.14 The Private Hire Operator shall, where booking or dispatch functions are outsourced, be required to retain evidence that comparable protections are applied to the company to which the work is outsourced in terms of the register of booking and dispatch staff and contacts of employment (as described in the preceding two conditions). This evidence shall be submitted on request to the Licensing Authority.

5.15 The Private Hire Operator shall keep an up to date written policy on the employment of ex-offenders in booking and dispatch roles, and apply

appropriately. The written policy shall be submitted to the Licensing Authority on request and at licence renewal.

5.16 The licensee(s, or each company director (in the event that a company holds the licence) shall submit to the Licensing Authority an annual basis disclosure from the Disclosure and Barring Service within 30 days of the annual anniversary of grant of the licence. The basic disclosure certificate must be dated within one month of submission.
Note: Licensees and directors who hold a private hire licence with Ashford Borough Council are exempt from this requirement

5.17 Where a licence is held by a company, and there are any changes of directorship, then the licensing authority must be notified within 14 days of such change, along with the submission of a basic disclosure from the Disclosure Barring Service for any new director(s). The basic disclosure certificate must be dated within a month of the change of submission.
Note: Directors who hold a private hire licence with Ashford Borough Council are exempt from this requirement

5.18 Private Hire Operators shall ensure that all booking and dispatch staff (that are not Ashford Borough Council licensed drivers) shall undergo disability awareness training. This shall apply to existing staff, and to new staff as part of any staff induction and may be delivered via an in-house training package or via a third party supplier. Evidence of such training shall be retained for a minimum of 24 months post-employment.

Appendix J - Taxi Licensing Enforcement Policy and Procedure

1 Enforcement Policy Statement

1.1 It is the policy of Ashford Borough Council to ensure that taxi drivers and operators are licensed correctly and carry out their trade in accordance with both the relevant law and the conditions attached to the licences.

1.2 All enforcement action, be it verbal warnings, the issue of written warnings, statutory notices, appearance before the sub-committee or prosecution, will primarily be based upon the seriousness of the breach and the possible consequences arising out of it. Enforcement action will not, therefore, constitute a punitive response to minor technical contraventions of legislation.

1.3 Authorised officers, when making enforcement decisions, will abide by this policy. Any departure from the policy must be exceptional, capable of justification, be fully considered and be endorsed by the Licensing Team Leader or above before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).

1.4 Authorised officers must be fully acquainted with the requirements of the policy and appropriate training will be provided where required.

1.5 Officers will be authorised by the Assistant Director of Safety and Wellbeing or the Safety and Wellbeing Managers (as appropriate) to take enforcement actions relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.

2 Enforcement Options

2.1 Achieving and maintaining a consistency of approach to making all decisions that concern taxi licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, it is vital that the policy guidelines are always considered and followed where appropriate.

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

- Seriousness of any offences

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

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

Licence Applications:

- Grant licences subject to the Council's Standard Conditions
- Refuse to grant a licence

Enforcement Action:

- Take no action
- Take informal action (including matters such as penalty points, or a requirement to undertake a driving proficiency course at the drivers own cost)
- Use statutory notices, (stop notices etc.)
- Suspend a licence
- Revoke a licence
- Use simple cautions
- Prosecute

2.4 This policy document provides detailed guidance applicable to the various options for enforcement action.

3 Informal Action

3.1 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action and the use of letters.

3.2 Such informal enforcement action may be appropriate in any of the following circumstances:

- The act or omission is not serious enough to warrant more formal action

- From the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance
- Confidence in the operator's management is high
- The consequences of non-compliance will not pose a significant risk to the safety of the public

Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

4 Appearance before the Regulatory Committee

4.1 An offending individual or company may be summoned before the Regulatory Sub-Committee to answer allegations of breaches of relevant legislation, Byelaws or conditions attached to licences.

4.2 Current licence holders who report convictions or breach relevant legislation during the period of their licence may be brought before the Committee.

4.3 The Committee may decide to take one or more of the following actions:

- No action
- A written warning
- Require the production of driving licences or other specified documentation at the Council's Office
- Suspend a licence
- Revoke a licence
- Recommend prosecution action

5 Section 68 Notices

5.1 An authorised officer may serve notice in writing for a hackney carriage or private hire vehicle or the taximeter affixed to such vehicle to be examined at the Council's appointed garage at a time specified in the notice. This notice must only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter. An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he is satisfied with the condition of the hackney carriage or private hire vehicle. This action will only be taken when he has

reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passenger and/or other road users.

6 Appeals

6.1 Appeals against decisions of the Council may be made to the Magistrates' Court.

6.2 Any notifications of enforcement actions will include written information on how to appeal. This will explain how, where and within what period an appeal may be brought and on what grounds and will confirm whether the enforcement action is suspended pending the outcome of the appeal.

7 Prosecution

7.1 The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. It is important that the criteria on which a decision to prosecute is made provide common standards that ensure a consistent approach.

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

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

7.3 When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.

7.4 Before referring a matter for possible prosecution, the Licensing Team Leader as well as the Council's Legal Services must be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable person or company. There must be a realistic prospect of conviction; a bare prima facie

case is not enough. With insufficient evidence to prosecute, the issue of a simple caution is not an alternative.

7.5 When a decision is being taken on whether to prosecute, the factors to be considered may include:

- The seriousness of the alleged offence
- The risk or harm to the public
- Identifiable victims
- Failure to comply with a statutory notice served for a significant breach of legislation
- Disregard of safety for financial reward
- The previous history of the party concerned
- Offences following a history of similar offences
- Failure to respond positively to past warnings
- The ability of any important witnesses and their willingness to cooperate
- The willingness of the party to prevent a recurrence of the problem
- The probable public benefit of a prosecution and the importance of the case e.g. whether it might establish a legal precedent. (As indicated above, advice on the public interest is contained in the Code for Crown Prosecutors. The general thrust of the advice contained therein is that, the graver the offence, the less likelihood there will be that the public interest will allow anything other than a prosecution)
- Whether other action, such as issuing a simple caution in accordance with the Home Office Circular 18/1994 would be more appropriate or effective

8 Simple Cautions

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

8.2 Home Office Circular 18/1994 states that the purposes of the simple caution are:

- To deal quickly and simply with less serious offences

- To divert less serious offences away from the Courts
- To reduce the chances of repeat offences

8.3 To safeguard the suspected offender's interests, the following conditions should be fulfilled before a caution is administered

- There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction
- The suspected offender must admit the offence
- The suspected offender must understand the significance of a simple caution and give informed consent to being cautioned

8.4 If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria is not satisfied for the use of a simple caution. A simple caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a caution).

8.5 Simple cautions must be used in accordance with the Home Office Circular and may only be issued by the Assistant Director of Safety and Wellbeing and Safety and Wellbeing Managers (as appropriate).

8.6 Where a person declines the offer of a simple caution, it will be necessary to consider taking alternative enforcement action. Whilst this will probably mean prosecution, this is not necessarily inevitable. For example, it may be considered that a written warning would be appropriate.

9 Transparency

9.1 Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.

9.2 Any written documentation issued or sent will:

- Contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated
- Indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen

- Clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement

9.3 The clear distinction between legal requirements and matters that are recommended as good practice in all enforcement action, even if only giving verbal advice, is vitally important.

10 Test Purchase/Secret Shopper

10.1 The Council will from time to time conduct Test Purchase/Secret Shopper operations as a quality control measure with regard to licensing.

10.2 The purpose of these operations is to provide the best possible service to the public, investigate complaints from the public and drivers alike and to highlight best practice.

Appendix K - Penalty Points System

Penalty Points System

1 The penalty points system outlined below identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven. The implementation of points would take place following investigation of offences or receipt of formal proceedings elsewhere by another agency e.g. the police.

1.1 Penalty points will only be imposed where the licensee agrees the breach or offence has taken place. Where the licensee does not agree that the breach or offence has taken place the only option available to the Council will be to prosecute, or review their fitness to hold the relevant licence.

2 The details of how the scheme will be operated are as follows:

2.1 Penalty points will be applied by authorised officers of the Council upon completion of investigation of relevant breaches of the Council's hackney carriage and private hire conditions or other relevant statutory provisions where breaches are identified.

2.2 Penalty points when issued will be confirmed in writing to the licence holder.

2.3 The number of penalty points issued will be in accordance with the tariff, reproduced below.

2.4 The Council retains the discretion to issue penalty points to drivers, driver/proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licences and it is considered joint responsibility is held.

2.5 The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to their employer or operator.

2.6 Penalty points issued under this scheme will have a "life" of 3 years for drivers, or 5 years for proprietors/operators, and then will be deemed spent. The system is based upon a rolling period.

2.7 There is no financial penalty associated with the system, and the licensee may continue to work. However, the licensee will be asked to attend a Sub-Committee hearing if more than a certain number of points are imposed on an individual licence in any one 24 month period. The thresholds are as follows:

Penalty Points Tariff

Hackney Carriage Driver	12 Points
Hackney Carriage Proprietor	12 Points
Private Hire Driver	12 Points
Private Hire Proprietor	12 Points
Private Hire Operator	24 Points

3 On appearing before Sub-Committee the following recommendations will generally be made by Officers.

3.1 On the accumulation of 12 or more penalty points in a 24 month period a driver, vehicle proprietor, or operator will be subject to a recommendation to suspend or revoke the licence.

3.3 Drivers, proprietors, or operators who accumulate the necessary total of points in a rolling period on a second or subsequent occasion, will be asked to reappear before the Sub-Committee. The Sub-Committee will take into account previous cautions, suspensions or prosecutions when considering Officer's recommendation for a longer period of suspension, or revocation of the relevant licence.

3.4 The above recommendations would not fetter the discretion of the Sub-Committee who may always decide to take no further action, to suspend the licence for any period, or to revoke a licence.

3.5 Once prosecuted or suspended all penalty points will be removed from the total accrued for that year by drivers, vehicle proprietors, and operators.

3.6 Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates' Court against the suspension or revocation. All suspensions will therefore be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process.

4 Penalty Point Tariff

PH - Private Hire, HC -Hackney Carriage

4.1 Matters identified with an asterisk (*) are direct contraventions of the Local Government (Miscellaneous Provisions) Act 1976 or other statutory requirements.

4.2 Matters identified with “C” are breaches of conditions imposed on the licence. Matters identified with “B” are breaches of the Byelaws.

4.3 Some offences marked (HC) apply only to hackney carriages.

4.4 General Breaches

		Contravention	Driver	Proprietor	Operator
1.	False declaration on application/renewal of licence	*	6	4	4
2.	Obstruction of authorised officer	*	3	3	3
3.	Failure to behave in a civil and orderly manner to customers.	C/B	3		
4.	PH/HC Driver failing to notify any; arrest and release, charge, conviction, caution, or penalty notice within 48 hours	C	3		
5.	PH/HC driver failing to maintain continuous registration with the DBS update service.		3		
6.	Failure to display badge in such position as to be plainly visible	B/*	4		
7.	Failure by HC Proprietor, PH driver or Operator to notify the Council of change of address within 7 days	*/C	2	2	2

8.	Smoking and/or failing to prevent smoking in licensed vehicle	Health Act	3		
9.	Failure to comply with the Code Of Conduct and/or the Dress Code	C	3	3	3

4.5 Vehicle Breaches

PH - Private Hire, HC -Hackney Carriage

		Contravention	Driver	Proprietor	Operator
10.	No fire extinguisher in vehicle.	B/C		3	3
11.	No First Aid kit in vehicle.	C		3	3
12.	Failure to return vehicle licence plate at request of authorised officer following expiry, revocation or suspension of licence.	*		2	2
13.	Interfering with a taximeter	*	4	4	4
14.	Failure to display vehicle licence plate in authorised manner	C		3	3
15.	Proprietor of HC or PH Operator failing to report accident damage to vehicle within 72 hours.	*		2	2
16.	Failure to produce insurance documents at request of authorised officer.	*		4	4
17.	Using unlicensed vehicle, or using without insurance.	*C		12	12

		Contravention	Driver	Proprietor	Operator
18.	Carrying more passengers than permitted by vehicle licence.	*B	4		
19.	Refusal to carry passengers without reasonable excuse. **(HC)**	*	4		
20.	Unauthorised advertising on vehicle.	C		3	3
21.	Failure to notify transfer of vehicle licence interest within 14 days.	*		3	3
22.	Failure to convey or assist with carrying luggage.	B/C	2		
23.	Failure to deliver lost property to police	B/C	2		
24.	Failure to display tariff card in the vehicle, or licensing authority complaint information for an unmetered PH where relevant**.**	B/C		3	3
25.	Defective taxi meter **(HC)**	B		3	
26.	Vehicle not clean, well maintained or comfortable	C		3	2
27.	Failure of HC Proprietor to hold a HC drivers' licence	*		2	
28.	Unattended HC Vehicle on a rank. **(HC)**	*	2		

		Contravention	Driver	Proprietor	Operator
29.	Failure to present vehicle for mechanical inspection.	*		3	3
30.	HC or PHV unfit for use as a Hackney Carriage or Private Hire vehicle	*		4	4
31.	Use of vehicle without a current compliance certificate	*		9	9
32.	Plying for hire without a licence	*	9	9	
33.	Overcharging **(HC)**	*	4		
34.	HC Proprietor employing an unlicensed driver **(HC)**	*		12	
35.	Using a vehicle subject to a suspension order issued by an authorised Officer, or by the police.	*		12	12
36.	Driver not holding a HC and/or PH drivers licence.	*	6		
37.	Unnecessarily prolonging a journey	*	4		
38.	PH Driver failing to notify the Council of serious injury or illness	C	4		
39.	Failure to undertake/record daily vehicle checks	C	3		

		Contravention	Driver	Proprietor	Operator
40.	Failure to display approved 'cash payment only' stickers where card payments are not provided (hackney carriage only)	C	3	3	

4.3 Operator Breaches

PH - Private Hire

		Contravention	Driver	Proprietor	Operator
41	Failure to keep proper records of bookings	*			6
42.	Operating a PH Vehicle when the driver is not licensed	*			12
43.	Operating a vehicle as a PH Vehicle when the vehicle is not licensed as a PH Vehicle	*			12
44.	Failure to submit annual basic disclosure(s) for licensee				3
45.	Failure to declare change of directorship and/or basic disclosure within 14 days.				6
46.	Failure to submit written policies or risk assessments required by condition				8

47.	Failure to keep a 'live' register of all staff that take bookings or dispatch vehicles.				12
48.	Failure to incorporate conviction reporting in booking/dispatch staff contracts				8
49.	Failure to provide evidence of comparable booking/dispatch protections applied by company to whom work is outsourced.				12
50.	Failure to maintain a written policy on the employment of ex-offenders to booking/ dispatch functions.				8
51.	Failure to report on ICO reportable data breaches, changes to booking systems, and management system faults				6
52.	Failure to undertake/record booking and dispatch staff disability training	C			3

Appendix L - Dress Code

1.1 Ashford Borough Council is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress, as set out below, in order to:

- Raise and maintain the profile of the licensed trade
- Promote confidence amongst members of public to ensure passengers feel comfortable when using licensed vehicles
- Promote public safety by ensuring the safe operation of licensed vehicles at all times and that licensing drivers are readily identifiable

1.2 Acceptable Standards of Dress:

- Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be of sufficient length to enable them to be tucked into trousers or shorts
- Shirts or blouses can be worn with a tie or open-necked
- Trousers may be either full length or shorts if tailored
- Smart jeans type trousers are permitted
- Footwear should fit around the heel of feet

1.3 Unacceptable standards of dress within this Code:

- Bare chests
- Unclean or damaged clothing or footwear
- Clothing with offensive words, logos or graphics
- Clothing with studs or sharp edges
- Any footwear that may compromise control of a vehicle
- Hooded garments (‘hoodies’) worn with hood up whilst driving

Appendix M – Notice for Drivers and Passengers

Notice for taxi passengers

What you can expect from the taxi trade and what the taxi trade can expect from you

The driver will:

- Drive with due care and courtesy towards the passenger and other road users.
- Use the meter within the licensed area, unless the passenger has agreed to hire by time, and as long as this is less than the metered fare.
- If using the meter, not start the meter until the passenger is seated in the vehicle.
- If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area, then the driver must adhere to the meter.
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.

The passenger will:

- Treat the vehicle and driver with respect and obey any official notices (for example, in relation to eating or drinking in the vehicle).
- Ensure they have the means to pay the fare before travelling. If wishing to pay by credit or debit card or to stop en route to use a cash machine, check with the driver before setting off.
- Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources.
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where they can stop the vehicle.

Notice for private hire vehicle passengers

What you can expect from the private hire vehicle driver and what the private hire vehicle driver can expect from you

The driver will:

- Ensure that the passenger has pre-booked and is aware of the estimated fare before setting off.
- Drive with due care and courtesy towards the passenger and other road users.
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain if requested any diversion from the most direct route.

The passenger will:

- Treat the vehicle and driver with respect and obey any notices (for example, in relation to eating or drinking in the vehicle).
- Ensure they have the means to pay the fare before travelling. If wishing to pay by credit card or debit card or to stop en route to use a cash machine, check with the driver before setting off.
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where they can stop the vehicle.

Appendix N – Daily Vehicle Inspection Checklist

Completed by driver:
Date:
Vehicle Registration:
Vehicle Mileage:

Area	Requirement	Faulty	Correct
Brakes	Foot brake works correctly & no excess travel		
	Hand/parking brake works correctly & no excessive travel		
Horn	Horn works (test only at legally permissible times, and where it will not cause a nuisance/danger)		
Steering	Steering has no excessive play		
Lights	All lights & indicators work correctly, and lenses are clean/undamaged		
	All dashboard warning lamps work correctly, including (if fitted) automatic braking system (ABS) airbags - (SRS) main beam headlamp, parking brake, etc.		
Glass	All required mirrors undamaged & properly aligned All windows operational		
Seat belts	Seats are secure, belts operate correctly & free from any damage		
Wipers	Wipers work, washers point at the windscreen, and both clear the windscreen effectively		
Fluids	Brake fluid, engine coolant, engine oil, power steering fluid, windscreen washer fluid & water levels maintained & without visible leaks		
Bodywork	Doors must open/shut properly & stay open when required Doors and bodywork has no sharp edges, corrosion, and free of damage		
Exhaust	Exhaust is secure, free from leaks, & not emit excessive smoke.		
Tyres & wheels	Minimum tyre tread depth of 2.0mm across the centre 75% of the tread, no cuts tyre sidewalls, no cord visible anywhere, no missing or insecure wheel nuts Tyres must be correctly inflated		
Plates etc.	Licence plates, reg plate, tariff cards, & other mandatory signs installed correctly, and not obscured/dirty. Fire extinguisher and first aid kit installed and in date. *For Hackneys only* - taxi roof light securely installed & operational.		

WARNING: Drivers are found using a defective vehicle which is not fit, could be at risk of sanction including: penalty points, fines, and suspension/revocation of licences.