



East Suffolk House, Riduna Park, Station Road,
Melton, Woodbridge, Suffolk, IP12 1RT

Licensing Committee

Members:

Councillor Keith Robinson (Chairman)
Councillor Mark Newton (Vice-Chairman)
Councillor Paul Ashdown
Councillor Edward Back
Councillor Jocelyn Bond
Councillor Linda Coulam
Councillor Janet Craig
Councillor John Fisher
Councillor Tess Gandy
Councillor Tony Goldson
Councillor Colin Hedgley
Councillor Frank Mortimer
Councillor Trish Mortimer
Councillor Rachel Smith-Lyte
Councillor Steve Wiles

Members are invited to a **Meeting of the Licensing Committee**
to be held in the Deben Conference Room, East Suffolk House, Melton
on **Monday 20 January 2020 at 6:30 pm**

An Agenda is set out below.

Part One – Open to the Public

Pages

1	Apologies for Absence and Substitutions
---	---

2 **Declarations of Interest**

Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

3 **Minutes**

To confirm as a correct record the Minutes of the Meeting held on 21 October 2019

Unconfirmed minutes 21 October 2019 Licensing **1 - 2**

4 **Taxi and Private Hire Matters: Minor amendments to conditions and policy - Penalty point scheme and Disclosure and Barring Service update ES/0217** **3 - 55**

Report of the Cabinet Member with responsibility for Community Health

5 **A snapshot of currently issued Licences in East Suffolk and an overview of the work of the Licensing Sub-Committee in 2019 ES/0218** **56 - 63**

Report of the Cabinet Member with responsibility for Community Health

6 **Exempt/Confidential Items (LGA)**

It is recommended that under Section 100(a)(4) of the Local Government Act 1972 (as amended) the public be excluded from the Meeting for Appendix A of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

7 **Taxi and Private Hire Matters: Introduction of a drug-testing policy for new and existing licensed drivers ES/0216** **64 - 73**

Report of the Cabinet Member with responsibility for Community Health

Part Two – Exempt/Confidential

Pages

There are no additional Exempt or Confidential items for this Agenda.

Close



Stephen Baker, Chief Executive

Filming, Videoing, Photography and Audio Recording at Council Meetings

The Council, members of the public and press may record / film / photograph or broadcast this meeting when the public and press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk (in advance), who will instruct that they are not included in any filming.

If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email: democraticservices@eastsuffolk.gov.uk



The national Charter and Charter Plus Awards for Elected Member Development

East Suffolk Council is committed to achieving excellence in elected member development

www.local.gov.uk/Community-Leadership

Unconfirmed



Minutes of a Meeting of the **Licensing Committee** held in the Conference Room, Riverside, on **Monday 21 October 2019 at 6:30 pm.**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Edward Back, Councillor Linda Coulam, Councillor Janet Craig, Councillor John Fisher, Councillor Tony Goldson, Councillor Colin Hedgley, Councillor Trish Mortimer, Councillor Mark Newton, Councillor Keith Robinson

Other Members present:

Councillor Mary Rudd

Officers present:

Katherine Abbott (Democratic Services Officer), Teresa Bailey (Senior Licensing Officer), Chris Bing (Legal and Licensing Services Manager), Leonie Houlton (Licensing Officer), Alison Woodley (Licensing Officer), Kerry Woollett (Litigation Lead).

1 Apologies for Absence and Substitutions

Apologies for Absence were received from Councillor Bond, Councillor F Mortimer and Councillor Wiles. There were no Substitutions.

2 Declarations of Interest

There were no Declarations of Interest.

3 Past and Shadow Minutes

RESOLVED

That the Minutes of the following Meetings of past and Shadow Authorities be confirmed as correct records -

- (a) Suffolk Coastal District Council's Licensing and Health Committee meeting held on 9 October 2018;
- (b) Waveney District Council's Licensing Committee meeting held on 6 February 2019;
- and
- (c) East Suffolk Council's Licensing Committee meeting held on 15 July 2019.

The Chairman asked all members of the Committee to respond promptly to the Democratic Services Officer's requests for availability to sit on Sub-Committees,

including if members were not available on the proposed date. He stressed that this would help to ensure Sub-Committee meetings were convened promptly.

4 Taxi Licensing Training

The Licensing Committee received specific and comprehensive training on all aspects of taxi licensing regulations and requirements from the Legal and Licensing Services Manager, the Litigation Lead, the Senior Licensing Officer and two Licensing Officers.

The Meeting concluded at 7.40 pm.

.....
Chairman



LICENSING COMMITTEE

Monday 20 January 2020

TAXI AND PRIVATE HIRE MATTERS: MINOR AMENDMENTS TO CONDITIONS AND POLICY – PENALTY POINTS SCHEME AND DISCLOSURE AND BARRING SERVICE UPDATE

EXECUTIVE SUMMARY

The Licensing Committee is asked to agree minor amendments to the Council's licensing conditions and policy to prohibit vaping in vehicles and to require new applicants and existing licensed drivers to sign up to the Disclosure and Barring Service (DBS) update service.

Is the report Open or Exempt?	Open

Wards Affected:	All
------------------------	-----

Cabinet Member:	Councillor Mary Rudd – Cabinet Member with responsibility for Community Health
------------------------	--

Supporting Officer:	Christopher Bing Legal and Licensing Services Manager 01394 444408 chris.bing@eastsoffolk.gov.uk
----------------------------	---

1 INTRODUCTION

- 1.1 The existing penalty point procedure is linked with vehicle and drivers' conditions and allows Officers to impose a sanction for non-compliance. The scheme requires updating to allow sanctions for failure to prohibit vaping in a licensed vehicle
- 1.2 The Licensing Committee will need to consider a proposal to introduce a mandatory requirement for new applicants and existing licensed drivers to sign up to the Disclosure and Barring Service update service.

2 PENALTY POINTS SCHEME

- 2.1 The licensing authority's current penalty point scheme for licensed hackney carriage and private hire driver (**pages 38 to page 39 of Appendix A to this report**) is an effective way of regulating drivers, encouraging compliance by penalising non-compliance with licensing conditions and policies. The advantages are: -
 - Licensees have clear guidelines about the consequences of non-compliance;
 - Minor matters can be dealt with by Officers saving unnecessary and time-consuming referrals to the Licensing Sub-Committee;
 - Minimal subjective judgement required by Officers in applying the penalty points.
- 2.2 The existing scheme requires updating to include a section on vaping in licensed vehicles. There is currently a condition which states:

'The use of e-cigarettes to 'vape' is prohibited in any vehicle licensed by East Suffolk Council – this condition relates to both drivers and Passengers' (page 9 of Appendix A to this report).

However, there is currently no penalty for failure to meet this condition.

- 2.3 It is proposed that three penalty points are imposed where there is an instance of vaping in a licensed vehicle.

3. DISCLOSURE AND BARRING SERVICE (DBS) UPDATE

- 3.1 An enhanced DBS check is required as part of the process of determining whether a new applicant is, or an existing licensed driver continues to be, a fit and proper person to hold a hackney carriage/private hire drivers' licence. This is required on initial application and then every three years thereafter.
- 3.2 In 2013 the Disclosure and Barring Service introduced a DBS update service. This allows individuals to reuse an existing DBS certificate if they apply for similar roles in the same workforce. It saves the individual time and money.
- 3.3 The update service is an online subscription which allows someone to keep their standard or enhanced DBS certificate up to date and allows employers to check a certificate online. Employers can get a result straight away with no cost so long as they have the applicant's consent.
- 3.4 The cost to an applicant to join the update service is £13 per year and registration lasts for one year. The £13 would normally be taken automatically each year from the initial card used for payment. The applicant is given a code which will be given to the Licensing Team to allow instant access to the DBS record.
- 3.5 The current cost of a DBS check is £40 (reduced from £44 in October 2019). A DBS check is currently undertaken by completing a form, face to face, at an appointment with an Officer of the Council. The applicant has to provide documents such as passport, birth

certificate, driving licence, proof of address and national insurance number each time they complete a form. Following an application being made, the DBS certificate is issued directly to the applicant. It is then the applicant's responsibility upon receipt of the certificate to present it to the Council as part of their new or renewal application.

- 3.6 If drivers sign up to the update service, it is not necessary to complete the form and produce documents to the Licensing Team. Some licensed drivers are already subscribed to the update service and this works well for them and for the Council in undertaking relevant checks and in processing their licence application.
- 3.7 It is recommended that all licensed drivers be required to subscribe to the DBS update service. The time frame for moving all existing licensed drivers to the DBS update service is a Three-year cycle, due to licence renewals being every three years. All new applicants will be required to sign up to the service once they have received their initial DBS certificate.
- 3.8 All licensed drivers will be required to renew their subscription to the DBS update service on an annual basis, before their current subscription ends, should they wish to continue to hold a driver's licence with East Suffolk Council. Where an individual fails to maintain and/ or renew their subscription before it ends, they will be required to apply for a new DBS Check and register for the update service again.
- 3.9 Every three years, Officers of the Council will undertake an online check of the DBS update service in order to check the applicant's current status. Depending on what is revealed from the online status check, the Council may require an additional DBS check to be undertaken.

4. HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 4.1 Licensing plays an important role in the building of a strong, sustainable, and dynamic local economy and in ensuring East Suffolk remains a safe place for our communities.

5. REASON FOR RECOMMENDATION

- 5.1 The licensing authority needs to keep its hackney carriage and private hire licensing policy and conditions under review and up to date to reflect changes in technology and behaviours, protect the travelling public and, where possible, deliver efficiency savings.

RECOMMENDATIONS

1. That the amendment of the Council's existing penalty point scheme to provide for a sanction of three penalty points on a driver's professional licence for vaping, or failing to prohibit vaping, in a licensed vehicle be approved;
2. That the amendment of the application criteria for drivers to make it a mandatory requirement for new applicants and existing licensed drivers to sign up to the Disclosure and Barring Service (DBS) update service be approved.

APPENDICES

Appendix A

Hackney Carriage & Private Hire Licensing – Guidance and Policy Conditions (April 2019)

BACKGROUND PAPERS		
Date	Type	Available From
	None applicable	



HACKNEY CARRIAGE & PRIVATE HIRE LICENSING

GUIDANCE POLICY & CONDITIONS

PRODUCED BY THE LICENSING TEAM
EAST SUFFOLK COUNCIL

April 2019

<u>INDEX</u>	Page
Introduction	3
Drivers	3
Vehicles	7
Operators	12
 <u>Appendices</u>	
Appendix A – the difference between types of licensed vehicle	18
Appendix B – Statement of Medical Standards	21
Appendix C – Statement on Relevant Convictions	22
Appendix D – Driver Conditions	28
Appendix E – Hackney Carriage Bye-Laws (SCDC)	31
Appendix F – Hackney Carriage Bye-Laws (WDC)	35
Appendix G – Penalty Point Scheme	39
Appendix H – Accident Reporting Procedure	41
Appendix I – CCTV Policy	43
Appendix J – Vehicle Conditions	44
Appendix K - Private Hire Operators’ Conditions	46
Appendix L - Example of a Customer Care Statement	49

Hackney Carriage and Private Hire Licensing

INTRODUCTION

East Suffolk Council (hereinafter called “the Council”) is responsible for the licensing of Hackney Carriage and Private Hire Vehicles and Drivers, and Private Hire Operators within the East Suffolk district. Licences are issued and regulated within the terms of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Public Health Act 1875. Each District or Borough Council will determine the licensing requirements most appropriate for its area and applicants and licensees must therefore not assume what is permitted in one area will be acceptable in another.

Hackney Carriages (Taxis) and Private Hire Vehicles play an important part in local transport. They are a highly flexible form of public transport that can play an increasingly important role in improving accessibility for the residents of the District. Whilst carrying out its licensing functions, the Council will have regard to the safety and comfort of members of the public. It will ensure that licensed drivers are fit and proper persons.

A licence obtained by any form of payment that is subsequently dishonoured will render the licence invalid. The licence document, vehicle identification plate and driver’s badge must be returned to the Council until an alternative form of acceptable payment is made.

Please note that the Council offices are no longer able to handle cash transactions.

Please note that 24 hours notice is required for appointments and collection of new licence plates and documents.

All licence documents, vehicle identification plates and driver’s badges remain the property of the Council.

HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

The main difference between a hackney carriage vehicle and a private hire vehicle is that hackney carriages are permitted to use designated ranks and can also be hailed down in the street. They are usually identified with a TAXI sign on the roof. Private hire vehicles cannot be hailed down in the street but must be pre-booked via the office or base of a licensed private hire operator. Private hire vehicles must not have roof signs but are permitted to have non-luminous signs or advertisements on the vehicle. There is no set fare for a private hire vehicle journey, so the fare price should be confirmed at the time of booking.

Providing a vehicle meets the required standard, the Council will also licence private hire vehicles that have been modified or converted after manufacture, such as stretched limousines. Not all drivers are qualified to drive these vehicles and private hire vehicle operators must comply with additional conditions when hiring them.

A further description of private hire vehicles, hackney carriages and special event private hire vehicles can be found as **Appendix A**.

Application Criteria

The criteria and qualifications for a private hire driver are almost the same as for a hackney carriage driver. The following sections will therefore apply equally to both private hire and hackney carriage drivers.

Since the 1 December 2016, licensing authorities have been required to check the immigration status and right to work of all those applying for taxi, private hire driver and operator licences.

Prior to making an application prospective drivers must undergo a basic reading, writing and arithmetic test. The cost for this must be paid by the applicant. Successful applicants will be able to proceed to making a full application.

The application process is intended to determine whether the applicant is a fit and proper person to hold a licence. Therefore the applicant is required to meet the following criteria:

- a) An enhanced Disclosure & Barring check must be carried out. This will be required on initial application and then every three years thereafter. The cost for this must be paid by the applicant. Disclosure & Barring checks are not transferable between organisations/authorities. If an applicant or driver has already registered for the update service they can nominate this authority to receive updates and will not need to make a new DBS application.

The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction is regarded as “Spent” and which would not normally necessitate disclosure of that conviction. However, in 2002 the Rehabilitation of Offenders Act 1974 was amended so as to exclude hackney carriage drivers and private hire vehicle drivers (Notifiable Occupation Scheme) from the effects of the 1974 Act. Applicants for such licences are, therefore, now required to disclose all convictions, including those that would previously have been regarded as spent under the 1974 Act.

Applications by foreign nationals:

If the applicant is a European Union or other overseas applicant, the following documentation will be required (the cost for which must be paid by the applicant):

- I. A certificate of good conduct/character/citizenship from the embassy, consulate or High Commission of the country where they resided. This must be obtained at the applicant’s expense.
 - II. If necessary, a written English translation of the above certificate (together with documentary proof that the translation is correct).
- b) The applicant must be medically examined by a qualified UK registered Medical Practitioner who has access to a printed summary of the applicant’s medical notes including current medication, and details of past significant medical conditions, (the cost of which must be paid by the applicant). The medical fitness standard adopted by the Council for licence holders reflects the fitness standard for the Group 2 DVLA drivers (Group 2 licence holders are permitted to drive large goods vehicles, buses and coaches). The reason for this is that, because professional drivers spend substantially longer at the wheel than private motorists, the risk of sudden illness occurring whilst driving is greater. In particular, the requirements relating to epilepsy, eyesight and diabetes are more stringent.

A medical remains valid until the age of 45. At 45 years of age a new medical certificate will be required, regardless of how long it has been since your original application. A new certificate will then be required at the age of 50 years, 55 years, 60 years and 65 years. After 65 years of age, annual medical certificates are required.

Applicants who hold a valid DVLA Group 2 licence do not have to provide any other medical information.

Drivers must notify the Council in writing if they are diagnosed with or experience symptoms of any of the medical conditions listed in the Statement of Medical Standards attached as **Appendix B**.

- c) A driving assessment must be completed to ensure the applicant is competent in vehicular control and is able to carry out manoeuvres smoothly and safely. Part of the assessment includes a knowledge test to demonstrate the applicant has adequate knowledge of the legislation and licensing requirements.

A hackney carriage applicant will also be required to undertake a geographical test which will involve a journey taking the shortest route.

Driving assessments should be booked directly with Mr Bob Gosden, the Council's approved driving examiner, by telephoning 01473 716873. The test will be carried out in the applicant's own vehicle, which must be correctly insured, and the applicant must pay the cost of the test directly to Mr Gosden.

- d) A full DVLA driving licence must have been held for at least 12 months. An applicant will be required to provide a share code in order that the Council can make checks with DVLA regarding the validity of the licence. An applicant can obtain this by going onto the DVLA website. By entering their driver number (on DVLA driving licence), their postcode and their National Insurance number an applicant can obtain a 'share information code' which must be given to the Council. If there are endorsements on the DVLA driving licence, the application may have to be determined by a Licensing hearing. If there are four current endorsements, or if there are convictions for major traffic offences (reckless driving, driving without due care and attention etc.) the application may be refused.

For the purposes of obtaining Private Hire or Hackney Carriage Drivers licence within the East Suffolk district the applicant must hold a UK DVLA licence.

Applicants holding EU country driver licences must obtain a UK counterpart licence (Form D9) from DVLA before they can be considered for a private hire or hackney carriage driver's licence.

Applicants from all other countries are only able to drive for 12 months in the UK, after residency, using the licence issued in the country where they previously resided, and after that period must apply for a UK DVLA licence.

- e) All new applicants will be required to undertake training on safeguarding children and vulnerable adults. The training consists of an online module and will take approximately half an hour. You will need to present your pass certificate to the Licensing Team. The cost of this training must be paid by the applicant. The link to the module can be found here www.eastsuffolk.gov.uk/taxi-and-private-hire-licensing

In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merit. They will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence, with reference to Statement of Policy about Relevant Convictions; attached as **Appendix C**.

Upon receipt of a disclosure from the Disclosure & Barring Service, the Licensing Officer will assess whether any or all of the spent convictions are capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.

Eligibility to Work

If the applicant is a foreign national, documentary evidence of entitlement to work in the United Kingdom will be required.

Applicants from countries within the European Economic Area (EEA) and Switzerland must produce one of the following documents:

1. United Kingdom of Great Britain and Northern Ireland passport (Red)
British passport (Blue)
2. A passport or national identity card showing that the holder is a national of a European Economic Area country or Switzerland.
3. A residence permit, registration certificate, or document certifying or indicating permanent residence issued by the Home Office or the Border & Immigration Agency to a national of a EEA country or Switzerland
4. A passport or other travel document endorsed to show that the holder is exempt from immigration control.

One of these single documents must be produced or a combination of two documents as listed in the booklet "Prevention of Illegal Working" by the Border & Immigration Agency.

Applicants from countries not within the EEA must produce (until they can subsequently produce one of the above documents) other documented evidence to indicate leave to enter or remain within the UK for a limited time.

If in any doubt about an individual, the Council's licensing staff may carry out checks with the Home Office Border & Immigration Agency.

Conditions of Licence

The Council attaches conditions to the private hire and hackney carriage driver's licence. These conditions can be found attached at **Appendix D**.

Hackney carriage drivers must adhere to a set of Byelaws made under section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Council with respect to hackney carriages within the East Suffolk districts. These Byelaws can be found attached at **Appendices E & F**.

Hours of Driving

Whilst there is no law governing the hours that taxi drivers can work, the Council takes a serious view of any action that may result in the safety of the passenger being compromised. When drivers have worked extremely long hours, perhaps a double shift, or have undertaken a long haul journey shortly before the end of a normal shift, there is a real danger that their ability and alertness is affected.

Drivers must advise their operators if they are suffering from fatigue that may endanger passenger safety and cease working at the earliest opportunity.

Renewals

The Council issues hackney carriage and private hire vehicle drivers licences for a period of three years. This coincides with the length of validity of the Disclosure & Barring Service check and will be set up so that both may be renewed at the same time.

The Council will send a reminder, which is by way of courtesy only, to licensed drivers approximately six weeks before their licence is due to expire. It is the driver's responsibility to ensure his/her licences are kept up to date and **not having received a reminder will not be accepted as a reason for non-renewal of licences.**

Offences

If a driver fails to comply with the licensing requirements, appropriate action will be taken in accordance with the Council's Enforcement Policy.

This will depend on the nature of the offence, and may take the form of:

- i) A verbal, informal warning or a formal written warning.
- ii) Appearance before a Licensing Hearing. This could result in suspension, revocation or refusal to renew the licence.
- iii) Formal Caution - this means that the driver has admitted the offence. It will remain on the driver's record and may be taken into account in any future prosecution.
- iv) Prosecution - most offences, but not all, are liable on summary conviction, to a fine not exceeding level 3 on the standard scale, currently £1000.
- v) Penalty Points - details of the Council's scheme is set out in **Appendix G.**

Licensing Hearings

If a driver is required to appear before a Licensing Sub-Committee, information about the procedure will be provided beforehand.

Appeals

Generally, a driver will have a right of appeal to the Magistrate's Court if his/her application is refused, if he/she thinks any condition attached to a licence is unreasonable, or if his/her licence(s) are suspended, revoked or not renewed.

Conduct

Licensees should be aware that disciplinary action will be taken in respect of any use of threatening or abusive behaviour by licensees towards a Council employee, or an agency garage employee/ vehicle inspector.

VEHICLES

Dual Plating

No vehicle will be granted a licence if it is licensed in another district due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, suspensions or revocation).

Vehicle Specification

Any vehicle which is to be licensed must comply with the Council's Manual of Inspections Standards. The Council has appointed agency garages to carry out vehicle checks and ensure that the standards set out in the manual are complied with.

There are two aspects to be considered:

- a) The size of the vehicle. The Council has adopted minimum specifications for vehicles carrying 4 passengers and larger vehicles (the maximum number of passengers is 8). The Council will not licence vehicles to carry less than 4 passengers. It is an offence to carry more than the permitted number of passengers and this may also invalidate the vehicle insurance.
- b) The vehicle will have to comply with the Council's Manual of Inspection Standards in terms of its general condition and the equipment it is carrying.

A fee will be payable by the licensee directly to the agency garage for each test or re-test. Tests are carried out annually on the initial application and then on each renewal. 'Mid-term' tests are also required thus meaning that a vehicle is tested every six months.

A current insurance certificate must be produced to the agency garage during the six monthly 'Mid-term' test.

Proprietors can arrange for any of the following garages to carry out the test on hackney carriage or private hire vehicles:

Crisps of Knodishall	Telephone (01728) 830509
John Grose at Woodbridge	Telephone (01394) 383456
Langer Park Services at Felixstowe	Telephone (01394) 284156
Tollgate Services at Felixstowe	Telephone (01394) 283925
Suffolk Coastal Norse Depot, Ufford	Telephone (01394) 444000
Waveney Norse Depot, Lowestoft	Telephone (01502) 527143

Vehicles offering wheelchair accessibility can only be tested at the Norse depots.

Modified vehicles such as stretched limousines can only be tested at approved testing stations authorised to deal with this type of vehicle.

A vehicle licence will be suspended if a valid mechanical certificate is not provided on the required date. In addition to the mechanical inspection certificate, licensing staff will require the following documents before a vehicle can be licensed:

- a) The Vehicle Registration Document.
- b) An MOT - this is required when hackney carriages are one year old and over, and when private hire vehicles are three years old and over. An MOT certificate relating to a modified vehicle must be issued by a testing station authorised to inspect this category of vehicle.
- c) Evidence of valid insurance cover.
- d) If the vehicle is modified, additional documentation relating to the conversion and importation of the vehicle will be required.

As well as the annual and 'mid term' test, a vehicle may be 'called in' for inspection on one other occasion during the year. This action will be taken if the Council has reasonable cause to be concerned about the condition of the vehicle. A notice will be served setting out the date, time and place of the inspection.

There may be other occasions when it is appropriate for a call-in inspection to take place at the Depot; for instance, if the Council has reasonable cause to be concerned about the condition of the vehicle. If this is necessary, the reason for the inspection will be explained to the licensee at the time the vehicle is called in. Work to the vehicle may be required in these circumstances.

Hackney Carriage Proprietors

Under section 48 of the Town Police Clauses Act 1847, the proprietor of a hackney carriage shall obtain and retain the licence of any driver who he employs or permits to drive that hackney carriage. This means that the proprietor of a hackney carriage must request and keep the hackney carriage drivers licence whilst that driver is working for him (a copy is acceptable).

Hackney Carriage Tariffs

There are two different tariffs for hackney carriages within East Suffolk; one in the north of the district and one in the south (the former Waveney and Suffolk Coastal geographical areas). Applicants for a hackney carriage vehicle licence must decide whether they wish to work in the north or the south of the district. The vehicle plate will identify the chosen area.

Spot Checks

The Council's licensing staff may carry out a spot check on a licensed vehicle, including testing of the meter if appropriate, at any time. A suspension notice may be issued if a vehicle is found to be in an unsatisfactory condition.

Altering the Vehicle

Approval of the Council must be obtained before any alterations are made to the car that will change the specification, design, condition or appearance of a licensed vehicle.

Selling the Vehicle

If the vehicle is sold to someone else who is going to use it for taxi work the Council must be informed, in writing and within 14 days, of the name and address of the new owner. If this is not done the existing owner will remain responsible for the hackney carriage or private hire vehicle licence. A fee will be charged to transfer the licence to the new owner.

If the vehicle is sold as a private car the taxi identification plates must be removed and returned to the Council. If another car is going to be used for taxi work it must be licensed and plated **before** it is used for taxi work.

Smoking in vehicles

Smoking is prohibited in licensed vehicles by law, and the use of e-cigarettes to 'vape' is prohibited by East Suffolk Council; this includes both drivers and passengers.

Accident reporting procedure

Vehicle proprietors **MUST** report **any** accident damage that affects the safety, performance, appearance or passenger comfort/convenience **within 72 hours**.

The relevant report procedure for the Council is attached as **Appendix H**.

Temporary Vehicle Licences

The Council operates a facility whereby a replacement vehicle(s) can be licensed, on production of limited documentation, for a temporary period of **up to one month in total**. This **is only available** when a vehicle is being repaired because of accident damage or breakdown and the period allowed will depend on the time agreed for the repairs to be completed. In order to take advantage of this facility the driver must contact the Council **before** using the replacement car for taxi work.

Suspension or Revocation of a Vehicle Licence

A suspension or revocation notice takes effect **immediately it is served** and the vehicle cannot be used for taxi work until the notice is lifted. Licensing staff or the Police may remove vehicle plates at the time the notice is served. Alternatively, 7 days will be given in which to return them.

If a suspension notice is not lifted within 2 months the licence will be deemed to be revoked.

Trailers

If a licence holder is considering using a trailer, it must be approved by the Council before it is fitted.

Tinted Windows

Road Vehicles (Construction & Use) Regulations 1986 specify the minimum levels of light that must pass through the windscreen and front side windows.

Motor vehicles first used on or before 1st April 1985:

The windscreen and front side windows must allow at least 70% of light to be transmitted through them.

Motor vehicles first used on or after 1st April 1985:

The light transmitted through the windscreen must be at least 75%.

The front windows must allow at least 70% of light to be transmitted through them.

CCTV

The Council's policy on the use of CCTV to record images inside a licensed vehicle can be found at **Appendix K**. The conditions contained in the policy must be adhered to at all times.

Maximum number of Passengers

It must be remembered that a licence is issued for a maximum number of passengers, **(regardless of age or size)**, and it is an offence to carry more than the number licensed for, and may also invalidate the vehicle insurance. However, with regard to the Council's fare tariff infants in arms are excluded from any charge.

Seat Belts

Passengers must wear a seat belt if one is fitted in the seat they are using - there are only a few exceptions, for example, medical reasons.

	Front Seat	Rear Seat	Who is responsible?
Driver	<p>The driver of a hackney carriage vehicle need not wear a seatbelt whilst seeking hire, answering a call for hire, or carrying a passenger for hire.</p> <p>The driver of a private hire vehicle need not wear a seat belt whilst carrying a passenger for hire.</p>	N/A	Driver
Child under 3 years of age	<p>N/A</p> <p>All children under the age of 10 must be carried in the rear of hackney</p>	The correct car seat for their weight, if available. If not, a child under the age of 3	Driver

	carriage and private hire vehicles	may travel on the rear seat .	
Child aged 3 to 12 or under 1.35 metres tall	The correct car seat for their weight. Note: this does not apply to children under the age of 10 because they must be carried in the rear of hackney carriage and private hire vehicles.	The appropriate car seat for their weight, if available. If not, an adult seat belt must be worn.	Driver
Child aged 12 or over 1.35 metres tall	Adult seat belt must be worn.	Adult seat belt must be worn.	Driver
Adult passengers	Seat belt must be worn.	Seat belt must be worn.	Passenger

Child's weight Car seat

0kg – 9kg	Lie-flat or 'lateral' baby carrier, rear-facing baby carrier, or rear-facing baby seat using a harness.
0kg – 13kg	Rear-facing baby carrier, or rear-facing baby seat using a harness.
9kg – 18kg	Rear- or forward-facing baby seat using a harness or safety shield.
15kg – 36kg	Rear- or forward-facing child seat (high-backed booster seat or booster cushion) using a seat belt, harness or safety shield.

Exemptions

There are limited occasions/circumstances when identification plates may be removed from a licensed vehicle with the prior consent of the Council. If such consent is given, it will be subject to other conditions that enable enforcement officers to identify the vehicle and enable the driver of the vehicle to prove that the vehicle is licensed.

Advertising on Vehicles

Hackney Carriage Only

must have an illuminated sign fixed to the roof bearing the word "taxi" and no other word.

must display and maintain the scale of fares fixed by the Council so as to be clearly visible to passengers.

may display

- an illuminated "for hire" sign
- windscreen sticker with name and number of taxi firm
- any other non-luminous sign or advertisement

must be fitted with a meter which is clearly visible to all passengers

Private Hire Vehicles Only

must not have a sign or advertisement which includes the word “taxi” or “cab” in any form

must not have an illuminated sign of any description

may be fitted with a meter which must be clearly visible to all passengers

Conditions Attached to Licences

All licences are subject to standard conditions which can be found at **Appendix J**. The Council’s licensing staff monitor licensees and report any instances of non-compliance.

Wheelchair accessibility.

Sections 165 and 167 of the Equality Act 2010 are now in force and we now publish a list of the wheelchair accessible vehicles in our district (s.167) on the East Suffolk web-site.

Section 165 requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers, and prohibits them from charging extra.

Section 166 of the 2010 Act allows an exemption certificate to be issued by the authority if there are grounds making it impossible or unreasonably difficult for them to comply with those duties, but there can be no exemption from the prohibition on charging extra for wheelchair passengers.

The specific duties placed on the drivers of designated wheelchair accessible hackney carriage and private hire vehicles are:

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

Renewals

The Council issues hackney carriage and private hire vehicle licences for a period of one year.

The Council will send a reminder, which is by way of courtesy only, to licensed vehicle driver’s/owner’s approximately six weeks before their licence is due to expire. It is the drivers/owners responsibility to ensure his/her licences are kept up to date and **not having received a reminder will not be accepted as a reason for non-renewal of licences.**

OPERATORS

A private hire vehicle can only be despatched to a customer by a private hire operator. This is a person who holds an operator’s licence under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

There are a number of conditions to which an operator must adhere in order to retain his/her licence and these are provided to every operator at the time of licensing. These conditions can be found in **Appendix K**.

It is a criminal offence to operate a Private Hire Vehicle within the East Suffolk district without having a Private Hire Vehicle Operator's Licence. To "operate" is defined as meaning in the course of business to make provision for the invitation or acceptance of bookings for a Private Hire Vehicle.

Hackney Carriage, Private Hire Vehicle and Drivers' Licences

It is vital that private hire operators should have a thorough understanding of the requirements which apply to vehicle proprietors and drivers.

A private hire operator may employ licensed hackney carriages, private hire vehicles or special event private hire vehicles (such as stretched limousines) to carry out journeys and must ensure that the driver of the vehicle is licensed to drive the type of vehicle used.

The difference between each class of vehicle is set out in **Appendix A** of the attached notes. Operators wishing to use special event private hire vehicles must ensure that:

- a) Only licensed hackney carriage and private hire vehicles drivers authorised by their DVLA licence to drive class 'C1' vehicles (vehicles between 3500kg and 7500kg) are employed to drive the vehicle.
- b) Bookings are made at least 24 hours in advance of the commencement of the journey.
- c) Written confirmation is given to the hirer stating the name and address of the hirer, details of the journey, date of booking, charge and a statement as to the maximum number of passengers that may be carried in the vehicle.
- d) A copy of the written confirmation must also be provided to the driver and be carried in the vehicle throughout the hire period.

The Responsibilities of a Private Hire Operator

Under the legislation, every contract for the hire of a licensed vehicle is deemed to be made with the operator who accepted the booking for that vehicle, irrespective of whether or not the vehicle was provided by that person.

In addition, it is possible for a licensee to be convicted of an offence, even when it was due to the act or default of another. This places an onerous responsibility on private hire vehicle operators who may have to trust others to carry out bookings on their behalf.

Operators *must* have arrangements in place to satisfy themselves that:

- a) Only licensed vehicles which are properly insured, taxed and tested are employed to carry out bookings on their behalf.
- b) Only licensed drivers with the appropriate DVLA Licence are employed to drive those vehicles and they, together with radio operators, have a thorough understanding as to what is expected of them in all situations.

The conditions attached to private hire operator licences require records to be kept in respect of the vehicles and drivers.

A private hire vehicle operator is responsible for ensuring that the vehicle and driver, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place and for ensuring that the

driver completes the journey agreed by the operator with the hirer. Often, the accuracy of the booking records which must be kept by a private hire operator is vital in determining whether or not the operator was at fault and liable to be prosecuted for an offence. It is therefore essential that a high standard of record keeping is maintained.

The Council must be satisfied that the form in which records are to be kept, whether written or computerised, provides adequate safeguards that prevent entries being erased or inserted at a later date than the actual date and time that which the booking was made.

Where special event private hire vehicles are operated, a hire agreement must be made not less than 24 hours prior to the commencement of the journey. Copies of the agreement must be provided to the passenger and the driver and a further copy kept on record.

You must tell the Council, within 7 days, of any complaint made about a booking (whether made orally or in writing) which you were responsible for. You must also tell the Council what action you propose to take to deal with the complaint. In addition to any action the Council may take, the complainant may decide to take civil court action against you.

Communications

If a private hire operator is someone who accepts bookings and then carries them out using only a limited number of vehicles and drivers, it may be possible to operate without any form of communication between the booking office and the driver(s). However, if more vehicles and drivers are used it is likely that in-car communication will be required.

The Council permits closed circuit radio or 'hands free' mobile telephones to be used for this purpose **only if the vehicle is stationary and the engine is turned off.**

The use of mobile telephones for the acceptance of private hire bookings may be used in conjunction with a computer based booking system with an online booking facility to ensure that bookings are recorded immediately. The use of mobile telephones, when not linked to online facilities, is only permitted between **Midnight and 7am** and is subject to the operator's booking records being updated immediately at the end of each period. At all other times, an operator must maintain a separate booking facility to record bookings, passing details of each journey to the individual driver who will carry it out.

An operator is required to provide a means by which the driver of a private hire vehicle can report any delays or difficulties which may occur throughout the journey and to provide assistance to passengers as appropriate. Citizens' Band radio is **not permitted** for any purpose in connection with the taking of bookings or relaying them to a driver. The use of scanning equipment is also prohibited.

The Application Procedure

The application procedure is intended to determine whether an applicant for a private hire operator's licence is a fit and proper person to hold the licence. Applicants will be required to undergo a basic disclosure and barring service check with the Disclosure & Barring Service (unless they have had an enhanced check as a licensed driver). Applicants will also be required to undertake training on safeguarding children and vulnerable adults. The training consists of an online module and will take approximately half an hour. Applicants will need to present their pass certificate to the Licensing Team. The cost of this training must be paid by the applicant. The link to the module can be found here www.eastsuffolk.gov.uk/taxi-and-private-hire-licensing

The applicant will be asked to make an appointment to sit a knowledge test at the Council Offices. This will demonstrate whether the applicant has adequate knowledge of the legislation and licensing requirements.

Applicants must complete an application form stating essential information about the business and the people who will be running it. In addition to the payment of the appropriate fee, they will be required to produce information, in writing, as to how the business will be run. This must include a customer care statement (an example is attached hereto **Appendix L**), indicating the targets they aim to meet in terms of dealing with customers, paying particular attention to **ensuring that drivers arrive on time**.

Lateness is sometimes unavoidable, when traffic is heavy, when road conditions are poor because of inclement weather or because of vehicle breakdown (although vehicles should be maintained to a high standard to ensure that this rarely happens).

Lateness can also be caused because earlier passengers keep drivers waiting, causing knock-on delays for subsequent passengers. Operators should consider what action they are going to take to minimise this problem.

Finally, drivers can only arrive promptly if sufficient travelling time is allowed between one journey and the next – operators must ensure that they can cope with the number of bookings they accept.

Complaints

The conditions attached to an operator's licences will require the operator to notify the Council of complaints made about any booking and of the action (if any) which you propose to take.

It follows that the operator will have to investigate the complaint in order to decide whether or not it is justified. It is advisable for the operator to obtain the full facts from the customer and to interview the driver and, if appropriate, the radio controller. A complainant may be entitled to compensation. If this is not offered, the customer could decide to sue the operator for failure to execute the contract. Alternatively, they may contact the Council asking for appropriate action to be taken.

An operator may decide to discipline the driver and/or radio controller, but the Council will consider what action to take in respect of any licensees when it has reviewed the facts of the case.

Occasionally, complaints may be made of which the Police should be made aware. Operators should be able to advise the complainant accordingly and should consider whether or not to report the matter to the Police direct.

Bearing the above in mind, operators should ensure that they have a procedure for dealing with complaints. If targets are set, operators should explain how these will be monitored and what action they envisage taking if they are not met.

- a) A code of conduct for radio operators and drivers.
- b) The times during which service will be provided each day.
- c) The format they will use to maintain records of each booking and the vehicles and drivers which will be employed.
- d) The arrangements which have been made to pass bookings to other operator(s) when it is found that they cannot be undertaken for any reason.

- e) The names and addresses of controllers who will be responsible for the acceptance of bookings on their behalf and relaying them to the drivers who will be carrying out the journeys.
- f) The procedures which radio operators and drivers must follow in the event of:
 - Any difficulty in undertaking a booked journey
 - Any complaint made about a booked journey

Licences and Renewals

When all the relevant stages have been completed, the licence will be issued. Normally, licences will be for five years, but in some circumstances they may be valid for a shorter period.

Approximately 6 weeks prior to the expiry of the licence the operator will receive a reminder to renew it. It is the operator's responsibility to ensure his/her licences are kept up to date and **not having received a reminder will not be accepted as a reason for non-renewal of licences**. Renewal will involve completion of an application form and payment of a fee.

Fees

The fees which are payable to the Council for licences are reviewed annually and any increases normally take effect from 1st April each year. The application form and correspondence you receive will set out the current fee payable.

Enforcement

The legislation enables the Council to adopt a number of measures to ensure that, once operators are licensed, the Council's requirements are met throughout the licensing period.

Records and Documentation

The Council's licensing staff carry out spot checks to ensure that documentation and records relating to journeys and the vehicles and drivers being employed to carry them out are being properly kept. Such records must be retained by the operator for not less than six months from the last date of entry and may be removed by licensing staff at any reasonable time.

Convictions

An operator is required to inform the Council, in writing and within 7 days, if convicted of an offence of any nature. This also applies to any other partner or director of the company.

Change of Address

An operator is required to inform the Council, in writing and within 7 days, of any change of home or business address.

Offences

If you fail to comply with the licensing requirements, appropriate action will be taken against you. This will depend on the nature of the offence and may take the form of:

- i) A verbal, informal or formal warning
- ii) Appearance before the Licensing Sub-Committee. This could result in suspension, revocation or refusal to renew the licence.
- iii) Formal Caution - this means that you have admitted the offence. It will remain on your record and may be taken into account if you are prosecuted in future.

- iv) Prosecution - most offences, but not all, are liable on summary conviction, to a fine not exceeding level 3 on the standard scale, currently £1000.

A private hire operator's licence must be obtained from the local authority in whose area provision is made to accept pre-booked journeys. Furthermore, the vehicles and drivers employed by the operator to carry out those bookings must be licensed by the same local authority. Provided the vehicle and driver are licensed by the correct authority, they may be used to carry passengers to any location in this country or abroad.

Changes that came into force on 01 October 2015 allow for sub-contracting by Private Hire Operators either within the same district, or to a Private Hire Operator in another district.

Exemptions

There are very limited circumstances where a vehicle can be used as a private hire vehicle without having the appropriate licences in force and you are advised to contact the Council's licensing staff before you decide to proceed.

Appeals

Generally, you will have a right of appeal to the Magistrates' Court if your application is refused, if you do not think any condition attached to a licence is reasonable, or if your licence is suspended, revoked or not renewed.

Enquiries

If you have any questions or concerns about the application procedure or any of the information contained in these guidance notes, please contact:

East Suffolk Council
East Suffolk House, Riduna Park
Station Road, Melton
Woodbridge
IP12 1RT

or East Suffolk Council
Riverside
4 Canning Road
Lowestoft
NR33 0EQ

Email: licensing@eastsuffolk.gov.uk

Telephone: 01394 444802

Please note that 24 hours notice is required for appointments and collection of new licence plates and documents.

**THE DIFFERENCE BETWEEN HACKNEY CARRIAGES, PRIVATE HIRE VEHICLES
AND SPECIAL EVENT PRIVATE HIRE VEHICLES**
1 Hackney Carriages:

- 1.1 In order to protect a passenger hailing a hackney carriage in the street from overcharging, the Council sets a maximum scale of fares which may be charged and this, together with the meter, must be clearly visible to the passenger. (In the event that a proprietor chooses to use the taxi meter to discount the approved fare a notice **must** be displayed to inform passengers).
- 1.2 A hackney carriage must be equipped with a meter calibrated in accordance with the maximum scale of fares. The meter must be tested and sealed by the Council.
- 1.3 The scale of fares set by the Council may be discounted but must not be exceeded, even if a journey ends outside the district (unless a charge was agreed before the journey commenced). If a hackney carriage carries out a private hire or pre-booked journey the fare must be calculated from the point where the passenger commences the journey.
- 1.4 Once a vehicle has been licensed as a hackney carriage, it is always available for hire, unless it is already carrying a fare paying passenger. This means that a licensed hackney carriage can only be driven by a licensed hackney carriage driver. Hackney carriage proprietors and drivers must comply with Byelaws in addition to the other rules laid down by the Council. Hackney carriage licensees should read them carefully.

They cover the following matters:

- a) The display of identification plates on the inside and outside of the vehicle.
- b) Various requirements relating to the vehicle.
- c) The operation of the taxi meter - the meter may only be switched on immediately before the journey commences.
- d) The procedure when plying for hire - once a journey has been completed drivers are required to proceed immediately to the next available taxi rank - drivers cannot 'cruise round the block' or wait nearby until a space on the best rank becomes free - they must go to another rank and park there instead. A hackney carriage can also park on the Council's car parks (providing the pay and display fee is paid) but cannot stand or ply for hire in a car park. A hackney carriage should be parked off the highway when not in use. All these parking and use requirements cannot be overcome by removing or covering the identification plates and 'TAXI' sign.
- e) The behaviour of the driver - matters which are also covered in the conditions attached to hackney carriage and private hire vehicle driver's licences.
- f) The procedure to be followed if a passenger leaves property in the vehicle.

There are special procedures which the Council must follow when reviewing the scale of fares and the designation of ranks. The latter takes many months to complete.

- 1.5 If you are licensed by East Suffolk Council to drive hackney carriages, you do not need a private hire driver's licence in order to work a private hire vehicle that is also licensed by the Council. However, if you wish to drive a special event private hire vehicle, your DVLA licence must permit you to drive class 'C1'.

2. Private Hire Vehicles

- 2.1 A private hire vehicle can only be used to carry fare paying passengers if the **passenger** has booked the journey in advance **directly** with a licensed private hire vehicle operator. The operator is then responsible for ensuring that the passenger is carried by a licensed hackney carriage or private hire vehicle and driver in accordance with the agreement made with the passenger when the booking was made.
- 2.2 A private hire vehicle cannot legally radio a booking for a journey through to the operator. This applies whether the passenger approaches the driver before the journey commences or asks for a return trip, either whilst the outward journey is in progress or at the end of it. In order to avoid difficulties in this respect, private hire operators are advised to consider whether their radio controllers should routinely enquire whether or not a return journey is required at the time the outward trip is booked.
- 2.3 If a private hire vehicle driver does handle a booking from a passenger, one or more of the following offences may occur:
- a) Using a vehicle as a hackney carriage without a licence
 - b) Improperly plying for hire
 - c) Acting as an unlicensed private hire vehicle operator

Each of these offences is liable on summary conviction to a fine not exceeding level 3 on the standard scale, currently £1000.

- 2.4 In order to avoid allegations of plying for hire, private hire vehicle drivers should ensure that:
- a) they receive details of all the journeys which they carry out from their private hire operator, either directly or via the radio controller and **not** from the passenger.
 - b) they do not radio bookings through to their operator on behalf of passengers, either before the journey commences or for a return trip during the journey or at the end of it.
- 2.5 Private hire vehicle drivers should be aware that, in the event of an accident, problems could arise over insurance cover if a journey is not properly booked through a private hire operator. This is because a private hire vehicle is only insured for private hire work whereas a hackney carriage is insured for public hire.
- 2.6 It is an offence for a private hire vehicle to be driven by a person who is not licensed as a private hire vehicle driver, even when the vehicle is not being used for private hire.

3. Communications

- 3.1 Hackney carriage and private hire vehicles may be equipped with closed circuit radio communication equipment and/or a mobile telephone which is capable of hands free operation. Citizens Band (CB) radio equipment and scanning equipment are **not permitted** in hackney carriage or private hire vehicles.
- 3.2 The Council permits private hire operators to communicate instructions about bookings to hackney carriage and private hire vehicle drivers using either closed circuit radio or mobile telephone. The use of CB radio equipment for the acceptance of bookings and for communicating information about bookings to drivers is **not** permitted.

- 3.3 The use of mobile telephones by private hire operators for the acceptance of bookings in licensed hackney carriages and private hire vehicles may be used in conjunction with a computer based booking system, with an online booking facility, to ensure that bookings are recorded immediately. The use of mobile telephones, when not linked to online facilities, is restricted to between midnight and 7am and is subject to the operator's booking records being updated immediately at the end of each period. At all other times the operator must man a separate booking facility.
- 3.4 A private hire vehicle operator is responsible for ensuring that the passenger is carried in accordance with the agreement made with the passenger at the time of the booking. It is important that the driver of the vehicle is fully aware of the details - time, place of pick-up, destination, charge etc.

4. Special Event Private Hire Vehicles

- 4.1 Special event private hire vehicles are vehicles that have been modified or converted after manufacture, the most common form of modified vehicle is a stretched limousine.
- 4.2 A modified vehicle may have seats for more than 8 passengers. If this is the case, the driver of the vehicle will commit an offence if he/she permits more than 8 people to be carried in the vehicle.
- 4.3 The Council will not normally require the display of an external vehicle identification plate on a modified private hire vehicle. The internal vehicle identification plate must be displayed in a position where it is visible to passengers (not necessarily on the dashboard of the vehicle).
- 4.4 Only licensed private hire vehicle drivers that hold a DVLA licence permitting them to drive class 'C1' vehicles (vehicles between 3500kg and 7500kg) may drive modified private hire vehicles.

All drivers passing their driving test prior to 1997 received 'grandfather rights' to drive this class of vehicle, but those licensed subsequently will have to pass a test in a vehicle typical of the class, such as a minibus.

- 4.5 A private hire operator may only accept a booking for the hire of modified vehicle if it is made at least 24 hours in advance of the commencement of the journey. The operator must provide the hirer with written confirmation of the booking. This must state the name and address of the hirer, details of the journey, the hire charge and a statement as to the maximum number of passengers that may be carried in vehicle.
- 4.6 A copy of the written confirmation must be provided to the driver of the vehicle and be carried in the vehicle throughout the hire period.

<p style="text-align: center;">STATEMENT OF MEDICAL STANDARDS FOR HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS.</p>

Licensees must be medically examined by a qualified UK registered Medical Practitioner who has access to the applicant's full medical records (the cost of which must be borne by the applicant).

The medical fitness standard adopted by the Council for licence holders reflects the fitness standard for the Group 2 DVLA drivers (Group 2 licence holders are permitted to drive large goods vehicles, buses and coaches). The reason for this is that, because professional drivers spend substantially longer at the wheel than private motorists, the risk of sudden illness occurring whilst driving is greater. In particular, the requirements relating to epilepsy, eyesight and diabetes are more stringent.

A medical remains valid until the age of 45. At 45 years of age a new medical certificate will be required, regardless of how long it has been since your original application. A new certificate will then be required at the age of 50 years, 55 years, 60 years and 65 years. After 65 years of age, annual medical certificates are required.

Drivers must notify the Council in writing if they are diagnosed with or experience symptoms of any of the following:

- Epilepsy
- Fits or blackouts
- Repeated attacks of sudden disabling giddiness
- Diabetes controlled by insulin
- Diabetes controlled by tablets
- An implanted cardiac pacemaker
- An implanted cardiac defibrillator (ICD)
- Angina (heart pain) which is easily brought on by driving.
- Persistent alcohol misuse or dependency
- Persistent drug misuse or dependency
- Parkinson's disease
- Narcolepsy or sleep apnoea syndrome
- Stroke, with any symptoms lasting longer than one month, recurrent 'mini-strokes' or TIAs (Transient Ischemic Attacks).
- Any type of brain surgery, severe head injury involving inpatient treatment, or brain tumour.
- Any other chronic neurological condition
- A serious problem with memory or episodes of confusion
- Severe learning disability
- Serious psychiatric illness or mental ill-health
- Total loss of sight in one eye.
- Any condition affecting either eyes; or the remaining eye if one eye only (not including short or long sight or colour blindness).
- Any condition affecting your visual field (the surrounding area you can see when looking directly ahead).
- Any persistent limb problem for which driving has to be restricted to certain types of vehicle or those with adapted controls.

If you are not sure whether any of these apply to you speak with your GP.

Failure to notify the Council of any change in your medical health could attract penalty points and/or result in an appearance before the Licensing Sub- Committee.

STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

When submitting an application for a licence to drive a hackney carriage or private hire vehicle; or throughout the duration of an existing licence, applicants/existing licensees are required to declare all previous convictions they may have, this includes spent convictions.

The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction is regarded as “Spent” and which would not normally necessitate disclosure of that conviction. However, in 2002 the Rehabilitation of Offenders Act 1974 was amended so as to exclude hackney carriage drivers and private hire vehicle drivers (Notifiable Occupation Scheme) from the effects of the 1974 Act. Applicants for such licences or existing licensees are, therefore, now required to disclose all convictions, including those that would previously have been regarded as spent under the 1974. Applicants/existing licensees are also required to declare all formal cautions and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.

The information given will be treated in confidence and will only be taken into account in relation to the relevant application, or the status of an existing licence, to assist the Council in determining whether the applicant is a fit and proper person to hold/continue to hold a driver’s licence for the purposes of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.

Applicants and existing licensees should be aware that the Council is empowered by law to check with the police for the existence and content of any criminal record held in their name. Information received from the police will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary.

The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an individual from obtaining/retaining a driver’s licence and each case will be determined on its own merits. Whether or not an applicant will be granted a licence, or the existing licensee retain a licence, will depend upon whether or not the Council can be satisfied that the individual is a fit and proper person to hold such a licence.

The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver’s licence for any good reason. If adequate evidence of good character and record is not adduced or if there is good reason to question or doubt the evidence provided then that could amount to good reason to refuse a licence.

The conviction of an existing licensee may lead to the revocation of his license if he is no longer considered to be a fit and proper person to hold such a licence. Where this policy states that new applicants should be free of recent convictions of a certain kind, this indicates that the licence of an existing driver would generally be revoked if he were convicted of an offence of the same kind. However, in assessing the risk that an existing driver poses to the travelling public, the Council will consider all relevant factors, including the length of time that he has held his licence and his conduct as a licensed driver.

In considering evidence of an individual’s good character and fitness to hold a driver’s licence, where previous convictions or other information relating to criminal matters is disclosed the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant’s age when the offence was committed and any other factors which might be relevant. Where an individual

has been convicted of a criminal offence the Council cannot review the merits of the conviction (*Nottingham City Council v. Mohammed Farooq (1998)*).

The following guidelines, relating to the relevance of convictions, have been drawn up in accordance with government advice contained in Department of Transport Circular 2/92 and Home Office Circular 13/92. The Council has adopted these guidelines for use in determining applications for hackney carriage and private hire vehicle drivers' licences, when dealing with applications for the renewal of existing driver's licences and when considering whether to suspend or revoke an existing driver's licence.

The guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

Any individual refused a driver's licence on the grounds that the Council is not satisfied he is a fit and proper person to hold such a licence has a right of appeal to the magistrates' court within 21 days of the notice of refusal.

GENERAL POLICY

1. Each case will be decided on its own merits.
2. Applicants must have held a full UK driving licence for at least 1 year and this will be calculated from the date of issue of a full licence.
3. Applicants will be required to apply to the Disclosure & Barring Service authorising it to disclose any record of conviction to the District Council. You will have to pay the relevant fee and produce various documents to the Council as evidence of identity. The Council will have to countersign the form before it is sent to the Disclosure & Barring. Licensing staff will provide assistance in completing the form.
4. The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
5. A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained.
6. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account. The overriding consideration should always be the protection of the public.
7. The following examples afford a general guide on the action which might be taken where convictions are disclosed:-

MINOR TRAFFIC OFFENCES.

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months.

In particular, an application will normally be refused where the applicant has 12 or more penalty points on his D.V.L.A. licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last 6 months.

Examples of offences covered under this section include:

AC10	Failing to stop after an accident.
AC20	Failing to give particulars or report an accident within 24 hours.
AC30	Undefined accident offence.
CU10	Using a vehicle with defective brakes.
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering, tyres) in a dangerous condition.
CU30	Using a vehicle with defective tyres.
CU40	Using a vehicle with defective steering.
CU50	Causing or likely to cause danger by reason of load of passengers.
CU 80	Breach of requirements as to control of the vehicle, mobile telephones etc.
SP10	Exceeding goods vehicle speed limit.
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicle).
SP30	Exceeding statutory speed limit on a public road.
SP40	Exceeding passenger vehicle speed limit.
SP50	Exceeding speed limit on a motorway.
TS10	Failing to comply with traffic light signals.
TS20	Failing to comply with double white lines.
TS30	Failing to comply with a 'stop' signal.
TS40	Failing to comply with direction of a constable or traffic warden.
TS50	Failing to comply with traffic sign (excluding 'stop' sign, traffic lights or double white lines).
TS60	Failing to comply with school crossing patrol sign.
TS70	Undefined failure to comply with a traffic direction or sign.

MAJOR TRAFFIC OFFENCES.

An isolated conviction, without disqualification, for a major traffic offence will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. However, where the conviction is within 6 months prior to the date of application, or where there is more than one conviction of this type of offence within the last 2 years, the application will normally be refused and no further application should be considered until a period of 3 years, free from convictions, has elapsed.

Examples of offences covered under this section include:

CD10	Driving without due care and attention.
CD20	Driving without reasonable consideration for other road users.

CD30	Driving without due care and attention or without reasonable consideration for the other road users.
IN10	Using a vehicle uninsured against third party risks.
BA10	Driving whilst disqualified by order of Court.
BA30	Attempting to drive whilst disqualified by order of Court.

An application received which details one of the following offences on the D.V.L.A. driving licence (DD40, DD60, DD80) will automatically be refused, or a current licence suspended or revoked. No further application will be approved until such time as that conviction is removed under the Rehabilitation of Offenders period.

DD40	Dangerous driving.
DD60	Manslaughter or culpable homicide.
DD80	Causing death by reckless driving.

DISQUALIFICATION.

Where a period of disqualification has been imposed, an application will not be considered until the D.V.L.A. driving licence has been restored for a period of 12 months and no further motoring conviction has been endorsed on it in that period. Should the D.V.L.A. licence demonstrate a further conviction since the disqualification period, then a 12 month period must elapse from the date of the last conviction on the D.V.L.A. licence before an application is approved.

TOTTING-UP.

In 'totting-up' cases where disqualification is considered by the court, even if the court does not disqualify a driver (eg because of exceptional circumstances) the Council is likely to refuse a hackney carriage or private hire driver's licence application and the applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

Drink and Drugs

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour.

More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence.

DRUNKENNESS - with a motor vehicle:

Examples of offences covered under this section include:

DR10	Driving or attempting to drive with alcohol level above limit.
DR20	Driving or attempting to drive while unfit through drink or drugs.
DR30	Driving or attempting to drive then refusing to supply a specimen for analysis.
DR40	In charge of a vehicle while alcohol level above limit.
DR50	In charge of a vehicle while unfit through drink.
DR60	In charge of a vehicle then refusing to supply a specimen for analysis.
DR70	Failing to provide a specimen for breath test.

DRUNKENNESS - not with a motor vehicle:

An isolated conviction for drunkenness will not necessarily debar an applicant from gaining a licence. However a number of convictions for drunkenness could indicate a medical problem necessitating critical examination. Each case will be considered on its own facts.

DRUGS – with a motor vehicle:

Examples of offences covered under this section include:

DG10	Driving or attempting to drive with a drug level above specified limit.
DG60	Causing death by careless driving with drug level above the limit.
DG80	Driving or attempting to drive when unfit through drugs.
DG90	In charge of a vehicle when unfit through drugs.

DRUGS.

An application will not be considered until a minimum of 3 years free of conviction is shown.

Examples of offences within this category will include:

1.	Possessing Controlled Drug.
2.	Possessing Controlled Drug with Intent to Supply.
3.	Producing Controlled Drug.
4.	Import Drugs.

INDECENCY OFFENCES.

An application will not be considered until a period of 3 years free of conviction is shown and any application with a conviction within this category will be put before the Licensing Sub-Committee for determination.

Offences within this category will include:

1.	Indecent Exposure.
2.	Indecent Exposure to the Annoyance of Residents.
3.	Indecent Exposure with intent to insult a female.
4.	Unlawful sexual intercourse.
5.	Importuning.
6.	Gross indecency with Female.
7.	Gross indecency with Male.
8.	Indecent assault on Female.
9.	Living Off Immoral Earnings.
10.	Prostitution.
11.	Possessing or Distributing Obscene Material.
12.	Buggery.
13.	Rape.
14.	Indecent or Nuisance telephone Calls.

VIOLENCE.

An application will not be considered until a minimum period of 3 years free of conviction is shown with the exception of 9,10, and 11 when 2 years for a single offence will be the appropriate period.

Examples of offences within this category will include:

1. Common Assault.	12. Common Assault – Aggravated.
2. Assault – Section 47.	13. Obstruction.
3. Grievous Bodily Harm – Section 20.	14. Robbery.
4. Grievous Bodily Harm – Section 18.	15. Possess Offensive Weapon.
5. Assault - Police.	16. Possess Firearm.
6. Affray.	17. Possess Firearm with Intent.
7. Riot.	18. Criminal Damage.
8. Manslaughter or Culpable Homicide with Driving.	19. Violent Disorder.
9. Using Threatening, Abusive Words or behaviour.	20. Resist Arrest.
10. Breach of the Peace.	21. Arson.
11. Drunk and Disorderly.	22. Murder.

An applicant with a conviction for murder will not be considered.

DISHONESTY.

Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver.

A serious view will therefore be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

Examples of offences in this category will include:

1. Theft.	12. Conspiracy to Defraud.
2. Theft – Shoplifting.	13. Obtain Money by Deception.
3. Theft – Employee.	14. Obtain Money by Forged Instrument.
4. Theft – From Vehicle.	15. Deception.
5. Burglary & theft – Dwelling.	16. False Accounting.
6. Burglary & Theft – Non Dwelling.	17. False Statement to Obtain Benefit.
7. Burglary – Aggravated.	18. Going Equipped.
8. Fraudulent Use.	19. Taking/Driving/ Attempt to Steal Vehicle.
9. Handling.	20. Allow to be Carried in Stolen Vehicle.
10. Receiving.	21. Perverting the Course of Justice.
11. Forgery.	

NOTE: In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

Handling, Use, Retention and Disposal of Disclosure & Barring Service Information

As an organisation using the Disclosure & Barring (D&B) service to assess the suitability of applicants for taxi licenses, East Suffolk Council complies with the D&B Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies with the obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

**CONDITIONS TO BE ATTACHED TO
HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE DRIVERS' LICENCES**
1. CONDUCT OF DRIVERS.

- a) Drivers shall adopt a presentable, clean and tidy appearance at all times by wearing:
 - i. a collared shirt. If a tie is not worn the top button of the garment may be unfastened. A polo shirt which is plain in colour and carries a small logo may be worn. T-shirts are not acceptable;
 - ii. tailored trousers (tailored shorts may be worn during the period May-September inclusive). Smart jeans may be worn;
 - iii. a jumper and/or jacket if appropriate;
 - iv. appropriate driving shoes (sandals with no heel strap, flip flops and carpet slippers are not acceptable)

Note: Drivers may wear an appropriate dress/skirt and top in lieu of items i) and ii). High heeled shoes (over 1½"/3.5 cm) are not acceptable.

- b) Drivers shall behave in a civil and orderly manner at all times, to passengers, to other road users and to members of the public. In particular, without the consent of the hirer, a driver will not:
 - i. eat or drink in the vehicle;
 - ii. play any radio or other sound producing equipment, other than for the purpose of sending and receiving messages in connection with the operation of the vehicle. Any such equipment will be operated at a volume which does not cause nuisance or annoyance to any person, whether inside or outside the vehicle.
- c) Drivers shall carry out a daily inspection of the vehicle to check:-
 - i. Seat belts
 - ii. Fluid levels
 - iii. Tyres
 - iv. Windscreen washers and wipers
 - v. Lights
 - vi. Fire Extinguisher
 reporting any defects to the vehicle proprietor and arranging for them to be rectified before commencing work.
- d) Drivers shall notify the Council in writing and **within seven days** of:
 - i. any change of address
 - ii. any conviction or caution imposed during the period of the licence
 - iii. any endorsement/speeding offence on DVLA licence. This includes receiving a Fixed Penalty Summons in the post following being caught on a fixed camera or camera van, and receiving a Fixed Penalty Summons on the spot after being caught by a police officer with a camera.

Note: *it is a requirement to report a speeding offence even if a driving awareness course is offered to prevent points being awarded on a DVLA licence. Notifying the Council for our records within the required time will not result in penalty points being accrued on your local authority drivers licence; not notifying the Council will attract 5 penalty points.*

- e) Drivers shall wear the identification badge issued by the Council at all times and carry the licence document when operating a licensed vehicle. On expiry of the licence the badge will be returned immediately to the Council.

2. CARRYING PASSENGERS.

- a) The driver will arrive punctually at the appointed time and place to pick up a passenger, unless delayed or prevented by a sufficient cause;
- b) Except when picking up from commercial premises where such action is inappropriate, a driver will call personally at the appointed place to announce arrival. He/she will not sound the car horn for this purpose.
- c) A driver will provide reasonable assistance with loading and unloading of luggage and shopping and ensure that the passenger enters and leaves the vehicle safely.
- d) A driver will take all reasonable steps to ensure that passenger(s) are conveyed safely to their destination(s). Where a journey is being carried out by a private hire driver, the destination(s) shall be that/those agreed by the private hire operator when the journey was booked.
- e) A driver will only carry additional passengers with the consent of the hirer and the number of passengers must not exceed the number for which the vehicle is licensed. Passengers under 10 years old must be conveyed in the rear of the vehicle.
- f) The driver will take the shortest route by distance unless the passenger specifically requests an alternative route.

3. E-CIGARETTES

Drivers shall not use e-cigarettes to 'vape' in a vehicle licensed by either East Suffolk Council at any time.

4. CARRYING ANIMALS.

A driver must not refuse to carry a guide dog when requested to do so, but has discretion to carry any other animal in the custody of or with the agreement of the hirer provided it is kept under control at all times. Animals must not be carried on the seats of the vehicle.

Note: The Disability Discrimination Act 1995 requires drivers to carry guide, hearing and other assistance dogs accompanying disabled people unless the driver has obtained exemption on medical grounds.

5. CHARGING.

- a) If the vehicle is fitted with a meter it must be used as follows, unless a mutually agreed price has been pre-arranged:
 - i. the meter must be switched on immediately prior to the commencement of the journey;
 - ii. the meter reading must be illuminated and must not be cancelled until the journey has been paid for, unless credit is to be given. The driver will not demand a fare greater than that displayed on the meter.
- b) If the vehicle is not fitted with a meter the driver will check the fare agreed between the hirer and the operator before the journey begins and will not demand a greater fare.
- c) A receipt will be provided on request.

6. ON COMPLETION OF THE JOURNEY.

As soon as practicable after each journey the driver will search the vehicle for any property accidentally left there. If such property is found or handed to the driver by a subsequent passenger, the driver will:

- a) as soon as possible, and in any event within 48 hours if not sooner claimed by or on behalf of the owner, take the property to the Council offices and obtain a receipt.
- b) be entitled to receive an amount equal to 5p in the pound of its estimated value (or the fare for delivering it to the Council Offices, whichever is the greater) from the person reclaiming the property.
- c) if the property is not reclaimed it will be returned to the driver after a period of six months.

7. MEDICAL STANDARDS

Licensees shall renew medical certificates as laid down in the Council's Statement of Medical Standards. In addition, licensees shall notify the Council within seven days of any change in their medical circumstances as described in the Council's Statement of Medical Standards.

8. ACCIDENTS

In the event of an accident occurring, licensees shall comply with the requirements laid down in the Council's accident reporting procedure.

9. GENERAL CONDITION

- a) A licence obtained by any form of payment that is subsequently dishonoured will render the licence invalid. The licence document and driver's badge must be returned to the Council until an alternative form of acceptable payment is made.
- b) The licence document and driver's badge remain the property of the Council and it must be informed forthwith if lost or stolen.

10. AMENDMENT TO CONDITIONS

The Council may at its discretion, at any time add to, delete or amend any of these conditions. Amendments to the conditions will come into effect as soon as notification has been received by the licensed driver.

On 1st April 2019 the Suffolk Coastal and Waveney districts are abolished as local government areas and the District Councils are wound up and dissolved. Byelaws in the name of Suffolk Coastal District Council or Waveney District Council are enforceable by East Suffolk Council.

HACKNEY CARRIAGE BYELAWS – SUFFOLK COASTAL DISTRICT COUNCIL
--

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Suffolk Coastal District Council with respect to hackney carriages in the Suffolk Coastal District.

Interpretation

1. Throughout these byelaws "the Council" means the Suffolk Coastal District Council and "the district" means the Suffolk Coastal District.

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

- 2 a) The proprietor of a hackney carriage shall cause the number of the licence granted to 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:-
 - I. 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;
 - II. 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.

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

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

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

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

5. The driver of a hackney carriage provided with a taximeter shall:

- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by 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; and
- c) 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.

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

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

- a) proceed with reasonable speed to one of the stands appointed by the Council;
- b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- c) on arriving at a stand 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; and
- d) 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.

8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at 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.
11. 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.
12. 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.
13. 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:-
 - a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading; and
 - c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

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

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

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

15.
 - a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.
 - b) The proprietor or driver of a hackney carriage bearing a statement of 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.

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

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

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

- a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- b) 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 the Council, whichever be the greater) but not more than five pounds.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 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 therefore.

*The words in brackets may be substituted with "equal to" subject to amendment of the byelaws

On 1st April 2019 the Suffolk Coastal and Waveney districts are abolished as local government areas and the District Councils are wound up and dissolved. Byelaws in the name of Suffolk Coastal District Council or Waveney District Council are enforceable by East Suffolk Council.

HACKNEY CARRIAGE BYELAWS – WAVENEY DISTRICT COUNCIL
--

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, as amended by the Local Government Act 1972 by the Waveney District Council with respect of hackney carriages in Waveney.

Interpretation

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

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

2. a) The proprietor of a hackney carriage shall cause the number of the licence granted to 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:-
 - III. 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;
 - IV. 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.

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

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

following requirements, that is to say:-

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

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

5. The driver of a hackney carriage provided with a taximeter shall:

- a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by 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; and
- c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1974 and also at any other time at the request of the hirer.

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

7. A proprietor or driver of a Hackney Carriage shall not stand or ply for hire or cause or permit any Hackney Carriage to stand or ply for hire if the taxi meter with which the carriage is provided or the fittings thereof or the seals affixed thereto (all in accordance with the requirements of these byelaws) have been broken, damaged or otherwise tampered with.

8. The driver of a hackney carriage shall, when plying for hire in any street:-

- a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;

- b) if a stand, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - c) 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; and
 - d) 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.
9. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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:-
- a) convey a reasonable quantity of luggage;
 - b) afford reasonable assistance in loading and unloading; and
 - c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

Provisions fixing the Stands of hackney carriages

15. Each of the several places specified in a Regulation made in pursuance of Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, shall be a stand for such number of hackney carriages as is specified in the said Regulations.

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

16. 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 time and distance unless the hirer expresses at the commencement of the hiring his desire to engage by time for a journey terminating outside the licensing area.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by time and distance 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, together with any extra charges prescribed by the Council so recorded.

17. a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- b) The proprietor or driver of a hackney carriage bearing a statement of 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.

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.

18. 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.
19. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
- a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- b) 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 the Council, whichever be the greater) but not more than five pounds.

Penalties

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

PENALTY POINT SCHEME

1. General Purpose

The purpose of this licensing scheme is to give licensees clear guidance about the consequence of non-compliance with the Council's licensing requirements.

Where appropriate, the Council's Licensing staff has discretion to give a verbal warning for a first offence in any category, but subsequent offences will be subject to penalty points in accordance with this scheme. In circumstances where the imposition of penalty points may not be appropriate, a licensee may be required to appear at a Licensing Hearing.

2. Procedure for Imposing Penalty Points

Prior to the imposition of penalty points, a licensee will be notified of the breach of condition(s), and be advised that penalty points will be imposed.

Licensees will be given 14 days in which to appeal. If no appeal is lodged within that period, penalty points in accordance with the notice will be recorded against the licensee and endorsed in his/her licence book.

3. Appeals

Where an appeal is lodged within the 14 day period, penalty points will not be recorded until such time as the appeal has been heard. Appeals against the addition of points to a licence will be heard by the Licensing Sub-Committee.

4. Rehabilitation from Penalty Points

Penalty points will be removed from a licence 3 years after the date on which they were recorded.

5. Appearance before the Licensing Committee.

Where a licensee incurs 12 or more penalty points in any three year period, the licensee will appear before a Licensing Sub-Committee for members to determine the appropriate action to be taken as a consequence of the incidents non-compliance.

A licensee may appeal to the Magistrates' Court against the decision of the Licensing Sub-Committee.

GROUP 1: 5 PENALTY POINTS

- 1.1 Failure to maintain vehicle in accordance with the requirements of the law. (V)
- 1.2 Any action which invalidates the insurance cover for the vehicle. (V&D)
- 1.3 Carrying more passengers than the vehicle is licensed for. (D)
- 1.4 Failure to report an accident/damage to the vehicle. (V)
- 1.5 Failure to report a change in medical circumstances as described in the Council's 'Statement of Medical Standards'. (D)
- 1.6 Failure to report any conviction or caution imposed during the period of the licence. (D)
(This includes any driving licence endorsements).

GROUP 2 : 4 PENALTY POINTS

- 2.1 Failure to notify of change of address (V&D)
- 2.2 Failure to produce documents to the Council as required. (V&D)
- 2.3 Failure to return identification plates and licences on renewal. (V)
- 2.4 Failure to produce mid-term mechanical inspection. (V)
- 2.5 Failure to inform the Council of transfer of interest in whole or in part in the vehicle. (V)
- 2.6 Failure to seek approval of the Council prior to making any alterations to the vehicle. (V)
- 2.7 Failure to comply with the Council's CCTV Policy. (V)

GROUP 3 : 3 PENALTY POINTS

- 3.1 Failure to maintain a clean and tidy vehicle. (V&D)
- 3.2 Failure to maintain presentable, clean and tidy appearance and wear appropriate clothing and footwear. (D)
- 3.3 Failure to carry out daily vehicle check. (D)
- 3.4 Failure to wear driver's badge. (D)
- 3.5 Refusal to carry guide dog when requested to do so. (D)
- 3.6 Failure to provide receipt when requested. (D)
- 3.7 Failure to display identification plates correctly. (V)
- 3.8 Failure to display fare tariff correctly (Hackney Carriage Proprietors Only.) (V&D)

Key:- (V) = Points will be endorsed on Vehicle Licence (i.e. vehicle proprietor's responsibility)
(D) = Points will be endorsed on the Driver's Licence

GROUP 4 :

- 4.1 **Complaints found to be justified relating to:**
 - a) Uncivil and disorderly behaviour.
 - b) Promptness of arrival (failure to comply with drivers' licence condition 2(a)
 - c) Announcement of arrival (failure to comply with drivers' licence condition 2(b).
 - d) Failure to assist passenger.
 - e) Incorrect charging procedures.
 - f) Compromising safety of passenger.
 - g) Complaint found justified relating to failure to complete journey in accordance with the contract made by the passenger with the private hire operator.

will be reported straight to a sub-committee for determination.

ACCIDENT REPORTING

Vehicle proprietors **MUST** report **any** accident damage that affects the safety, performance, appearance or passenger comfort/convenience **within 72 hours** by contacting one of the Council's vehicle inspectors at either of the Norse depots or one of the agency garages, who will decide whether the accident damage is either **major or minor**. The vehicle inspector will complete an accident report form which will be sent to the Licensing Team to inform them about the accident.

Major damage is damage that impairs:

- a) Chassis and under parts of the vehicle
- b) Correct operation of doors, boot and bonnet of the vehicle
- c) Correct operation of lights, indicators etc.
- d) Structural integrity of pillars A, B or C (refer to Manual of Inspection Standards)

Minor damage is damage that is not major.

If the vehicle inspector considers the damage to be **major**, he will issue an unfit vehicle notice and you will be required to surrender your plates. Repairs to the vehicle must be completed within 2 months from the date of the unfit vehicle notice otherwise the vehicle licence will be revoked.

Once the vehicle has been repaired, you should contact the vehicle inspector to make an appointment for the vehicle to be re-inspected. Providing the vehicle inspector is satisfied that the repairs have been carried out satisfactorily, the unfit vehicle notice will be lifted and the plates re-issued. The Licensing Team will receive confirmation from the vehicle inspector that the vehicle plates have been reinstated.

If the vehicle inspector considers the damage to be **minor**, you will be allowed to continue using the vehicle pending repair. You will be given a notice advising you of the time-scale in which the vehicle must be presented for re-inspection after repair. In the event that you fail to get the repair carried out within the time-scale or to a satisfactory standard, the vehicle will be suspended and you will be required to return the plates to the vehicle inspector within 7 days from the date that the vehicle repair should have been undertaken. The Licensing Team will receive confirmation from the vehicle inspector as to whether the vehicle has been satisfactorily repaired or whether the vehicle licence has been suspended.

CCTV

Minimum System Specification

Any system, installed in vehicles licensed by East Suffolk Council, shall, as a minimum:

1. Meet the current Information Commissioner data protection requirements.
2. Be capable of date & time system identification stamping.
3. Be capable of recording and storing images for a minimum period of seven days.
4. Be capable of capturing images that, in low light conditions, must be of sufficient quality to enable identification of any person travelling in the vehicle and be of such quality that they can be used for prosecution purposes.
5. Be capable of storing images in a manner, which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.
6. Provide that images are only capable of being downloaded by a system administrator.
7. Provide that images are digitally encrypted. De-encryption software required to view the recorded images must be supplied to the Council free of charge before the system is installed in the vehicle.
8. Provide that the hard disk or any other secure digital device (for example SD card), is not able to be accessed by the driver or any other person travelling in the vehicle.
9. Provide that the data unit is stored separately from the camera(s) and out of view of person travelling in the vehicle.
10. Provide that cameras are capable of being fitted in locations that do not affect the safety of any person travelling in the vehicle, and located as securely and discreetly as possible to avoid passengers travelling in the vehicle from tampering with them.
11. Any system must be marked with the EMC [Electro Magnetic Compatibly] Certification which signifies that it meets the European Industry Standard.

Application process for a CCTV system to be installed in licensed vehicles:

1. Any individual who wishes to apply to the Council for the approval of a CCTV system must apply in writing to the Council giving details of the system they propose to use specifying the number / location of cameras.
2. The applicant must provide evidence that the product complies with the Council's minimum recommended specification.
3. The applicant must provide the name and contact details for the system administrator for their proposed equipment.

4. The Council will issue the applicant with written confirmation that their system is either approved or not approved for use in vehicles licensed by East Suffolk Council.
5. The same approval will be required for each new product, or any modification to an existing approved product.

Conditions:

1. No CCTV system shall be installed in a vehicle unless it has previously been approved.
2. No CCTV system shall be installed in a vehicle without the prior written consent of the Council.
3. The number and location of cameras shall not be varied without the prior written consent of the Council.
4. An advisory notice shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
5. The proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person.
6. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by an authorised officer of the Council or a Police officer.
7. Upon request for image retrieval by an officer of the Council or a police officer the proprietor shall ensure that the CCTV system is made available to the system administrator, as soon as reasonably practicable, and in any event within 7 days of the request.
8. Should the retrieval of images be required for insurance claim purposes the Council should be informed that a request is being made to the administrator and the details of the application
9. The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.
10. The proprietor shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.

**CONDITIONS TO BE ATTACHED TO
HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES**

1. The vehicle shall comply at all times with the law and the licensee shall produce such evidence of insurance, MOT, registration and excise licence as the Council may require.
2. The vehicle must pass the Council's annual and 'mid-term' mechanical inspections.
3. The vehicle must comply with:
 - a) The Council's vehicle specification;
 - b) The Council's manual of inspection standards.

Whilst the vehicle licence is in force:-

4. The vehicle must be maintained so that:-
 - a) It is free of unpleasant odours;
 - b) It has a clean interior which includes:
 - seats which are not stained, clear of food debris and animal hairs;
 - carpets which are not stained, clear of food, debris, mud and dirt.
 - c) It has a clean exterior, which includes door arches and sills which are clear of dirt, oil and grease;
 - d) A clean and tidy boot so that luggage is not soiled.
5. Identification plates will be issued to proprietors of licensed private hire and hackney carriage vehicles but will remain the Council's property. If the plates or brackets are lost or damaged, a charge will be made for a replacement.

The plates **must** be fixed to licensed vehicles as follows:-

Large External Plate

Must be fixed to the vehicle adjacent, above or below the registration plate, so that it is clearly visible. It must **not** be placed in the rear window or in such a way that it is obscured by the registration plate or rear bumper.

Small Internal Plate

Must be fixed inside the vehicle in the front windscreen with the luminous side visible from the outside.

6. **Additional Signage**
 - a) All Licensed Vehicles

"No Smoking" signs **must** be displayed in accordance with the Smoke-free (Signs) Regulations 2012
 - b) Hackney Carriage Only
 - i) **must** have an illuminated sign fixed to the roof bearing the word "taxi" and no other word.
 - ii) **must** display and maintain the scale of fares fixed by the Council so as to be clearly visible to passengers.
 - iii) **must** be fitted with a meter which is clearly visible to all passengers.

(In the event that a proprietor chooses to use the taxi meter to discount the approved fare a notice **must** be displayed to inform passengers.)

iv) **may** display:-

- an illuminated “for hire” sign;
- windscreen sticker with the name and number of the taxi firm fitted in a manner that does not obscure the driver’s view and swept area;
- any other non-luminous sign or advertisement which must comply with the **British Code of Advertising, Sales Promotion and Direct Marketing**.

c) Private Hire Only

- i) must **not** have a sign or advertisement which includes the word “taxi” or “cab” in any form.
- ii) must **not** have an illuminated sign of any description
- iii) **may** be fitted with a meter which **must** be clearly visible to all passengers.
- iv) **may** display any non-luminous sign or advertisement which must comply with the British Code of Advertising, Sales Promotion and Direct Marketing

7. The proprietor of a licensed vehicle shall:

- a) Comply with the Council’s accident reporting procedure;
- b) Notify the Council within 14-days of any transfer of interest in whole or in part in the vehicle to any other person not specified in the vehicle licence;
- c) Seek approval of the Council prior to making any alterations that will change the specification, design, condition or appearance of a licensed vehicle.
- d) Notify the Council of change of address within 7 days

8. **E-CIGARETTES**

The use of e-cigarettes to ‘vape’ is prohibited in any vehicle licensed by East Suffolk Council – this condition relates to both drivers and passengers.

AMENDMENT TO CONDITIONS

The Council may in its discretion and, at any time add to, delete or alter any of these conditions. Any amendments so made will come into effect as soon as the holder of the hackney carriage vehicle licence has been notified. For the avoidance of any doubt this means that immediately upon such notification the licence will be subject to such amended conditions with immediate effect.

Notification will be taken to have been effected by the Council writing to the Licensee at the address shown on the face of the licence.

CONDITIONS ATTACHED TO PRIVATE HIRE OPERATORS LICENCE

1. The Licensee shall keep records (in written or computer format) of all journeys undertaken by vehicles operated by him in a manner approved by the Council. *Records shall include:-*
 - (1) Records of all journeys booked with a private hire operator (regardless of whether a hackney carriage, private hire vehicle or *modified private hire vehicle* will be used to carry out the journey) *shall be kept*.
 - (2) Each booking shall be entered into the register at the time it is made.
 - (3) The date of the journey shall be clear, either against each entry or at the beginning of each day. The register will be kept in date order.
 - (4) Each entry shall contain the following information:-
 - (a) the name of the hirer
 - (b) the time the vehicle is required
 - (c) the pick-up point
 - (d) the destination specified by the hirer when the booking is made
 - (e) the driver employed to carry out the booking, or, if the booking was transferred to another private hire vehicle operator, the name of that operator. If the call sign is used to identify the driver each call sign will be unique to a driver.
 - (5) In addition to the above, where a modified private hire vehicle is employed, a copy of the written confirmation provided to the hirer and driver of the vehicle shall be kept available for inspection.
 - (6) The records of all vehicles employed by a private hire vehicle operator shall include the:-
 - (a) vehicle owner
 - (b) registration number
 - (c) details of vehicle insurance and its expiry date
 - (d) details of Certificate of Compliance / MOT and its expiry date
 - (e) details of hackney carriage, private hire vehicle or modified private hire vehicle licence and its expiry date.
 - (f) the name of the driver of such vehicles and the unique call sign allocated to such drivers.
 - (g) if modified private hire vehicles are employed, details of DVLA driving licence including Class of vehicle driver is entitled to drive.
 - (h) details of hackney carriage or private hire vehicle driver's licence and expiry date
 - (i) the dates and times during which each vehicle is employed.

All the above records (or the relevant pages if the records are kept in loose-leaf form, or print-out if computerised) shall be retained for a minimum of 6 months and be available for inspection at any reasonable time without notice by an authorised officer of the Council. Such officer shall be empowered to take the books from the premises if necessary.

2. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-
 - (a) Ensure, when a private hire vehicle has been hired, that:-
 - (i) the vehicle and driver, unless delayed or prevented by sufficient cause, punctually attend the appointed time and place;
 - (ii) the vehicle and driver complete the journey as agreed with the hirer;
 - (iii) a means by which the driver of the vehicle can report any delays or difficulties which may occur throughout the journey is provided;
 - (iv) appropriate assistance is provided in the event of difficulty;
 - (v) a means be provided by which the driver of a private hire vehicle can report any delays or difficulties which may occur throughout the journey.
 - (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
 - (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
 - (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
3. The operator shall notify the Council in writing
 - (a) Immediately upon the receipt of any complaints concerning a contract for hire, or purported contract, relating to or arising from his business and of the action (if any) which he proposes to take.
 - (b) Within seven days of any change of his address (including any address from which he operated or otherwise conducts his business as an operator) during the period of the licence.
 - (c) Within seven days of any other change in the business arrangements. This includes communication equipment, record formats and the vehicles and drivers used to carry out booked journeys.
 - (d) Within seven days of any conviction imposed on him (or if the business is a company or partnership, on any directors or partners) during the period of the licence.
4. In addition to the above, if modified private hire vehicles are employed to carry out journeys the following conditions also apply:
 - (a) Only bookings made at least 24 hours in advance of the journey commencement time may be accepted.
 - (b) Written confirmation of the of the booking must be provided to the hirer and to the driver of the vehicle stating:
 - i) the name and address of the hirer
 - ii) details of the journey (time, pick-up point and destination and return, if any)and the date on which the booking is made
 - iii) charge
 - iv) a statement as to the maximum number of passengers that may be carried in the vehicle.
 - (c) Only licensed private hire vehicle drivers that hold a valid DVLA Group 2 licence permitting them to drive large goods vehicles, buses and coaches may carry passengers in such vehicles.

5. A licence obtained by any form of payment that is subsequently dishonoured will render the licence invalid. The licence document must be returned to the Council until an alternative form of acceptable payment is made.

The licence document remains the property of the Council and it must be informed forthwith if lost or stolen.

6. Use of Mobile Telephones:

- (a) The use of mobile phones, when not linked to online facilities, is only permitted between Midnight and 7am and is subject to the Operator's booking records being updated immediately at the end of each period;
- (b) The use of mobile phones, linked to online facilities to enable automated diaries to be accessed can be used at anytime when used in conjunction with an online booking facility which ensures that bookings are recorded immediately;
- (c) A means by which a driver of a private hire vehicle can report any delays or difficulties which may occur throughout a journey is provided and to ensure that assistance is made available to passengers as appropriate;
- (d) The use of Citizens' Band radio is not permitted for any purpose in connection with the taking of bookings or relaying them to a driver;
- (e) The use of scanning equipment is prohibited.

7. The Council, may use its discretion, at any time add to, delete or amend any of these conditions. Amendments to the conditions will come into effect as soon as notification has been received by the licensed operator.

CUSTOMER CARE STATEMENT EXAMPLE
--

You are entitled to expect us:

To provide an efficient service

by dealing with your enquiry promptly

by providing staff who are trained to handle your booking enquiry and your journey expertly and competently

by keeping our costs down

To help you

by being courteous at all times

by identifying ourselves. All staff will wear a badge

to understand your rights and obligations

To be accountable for what we do

by settling standards

by treating you fairly if we fail to live up to those standards



LICENSING COMMITTEE

Monday 20 January 2020

A SNAPSHOT OF CURRENTLY ISSUED LICENCES IN EAST SUFFOLK AND AN OVERVIEW OF THE WORK OF THE LICENSING SUB-COMMITTEE IN 2019

EXECUTIVE SUMMARY

1. This report provides a snapshot of the current number and type of licences issued by East Suffolk Council. The Licensing Team propose to report against the various types of licence issued quarterly to track the rise and fall in demand for various licences for the purpose of trend analysis. The collating, reporting and analysis of this data should assist the Licensing Team, and the wider Council, in making data driven decisions.
2. The report also summarises the applications received and the work of the Licensing Sub-Committee in 2019.

Is the report Open or Exempt?	Open
Wards Affected:	All
Cabinet Member:	Councillor Mary Rudd, Cabinet Member with responsibility for Community Health
Supporting Officer:	Chris Bing Legal and Licensing Services Manager 01394 444408 chris.bing@eastssuffolk.gov.uk

1 INTRODUCTION

- 1.1 The Licensing Team intends to start reporting quarterly on the number and type of licences issued by East Suffolk Council, the outcome of the applications received and the decisions of the Licensing Sub-Committee.
- 1.2 It is hoped that the collating, reporting and analysis of this licensing information will help to identify trends which could shape the work of the Licensing Team and the wider Council and assist in the taking of data driven decisions.
- 1.3 Reporting on the decisions taken by individual meetings of the Licensing Sub-Committee will provide all Councillors with an overview of the work of the Sub-Committee, which undertakes the bulk of the work in licensing.

2 SUMMARY OF LICENSING ACT 2003 APPLICATIONS RECEIVED

- 2.1 The following is a summary of the outcome of Licensing Act 2003 Sub-Committee hearings and applications mediated or determined under the delegated authority, since East Suffolk Council was established on 1 April 2019:

2.2 Applications determined

Premises And Type of Application	Address	Hearing / Mediated	Date of Hearing	Outcome And Date of Issue
Aldi's WPREM2518 NEW	Unit 1, Gateway Retail Park, Tower Road, Lowestoft, NR33 7NG	N/A	N/A	Granted 1.4.19
Henstead Pavilion WPREM2519 NEW	Henstead Old Rectory, Henstead, Beccles, NR34 7LA	N/A	N/A	Granted 2.4.19
Ammu's Convenience Store WPREM2520 NEW	168 London Road South, Lowestoft, NR33 0BB	N/A	N/A	Granted 2.4.19
HMS Vale CLUB0005 NEW	Melton Boatyard, Dock Lane, Melton, Woodbridge, IP12 1PE	Hearing 5 Objectors - OP	3.4.19	Granted - no changes 4.4.19
Suffolk Yurt Holidays PREM2171 NEW	Oak Cottage, Ufford Road, Bredfield, Woodbridge, IP13 6AR	N/A	N/A	Granted - conditions added during consultation period (Police) 18.4.19
Blue Boar WPREM2521 NEW	28 Oulton Street, Oulton, Lowestoft, NR32 3BB	N/A	N/A	Granted 3.5.19
Fancy Cakes WPREM2522 NEW	142 Bridge Road, Oulton Broad,	N/A	N/A	Granted 10.5.19

	Lowestoft, NR33 9JT			
2 Convenient WPREM2523 NEW	148 Bridge Road, Oulton Broad, Lowestoft, NR33 9JT	N/A	N/A	Granted 10.5.19
Sands Bar & Grill PREM2172 NEW	Sea Road, Felixstowe, IP11 2DN	N/A	N/A	Granted - conditions added during consultation period (Police) 10.5.19
New Street Market PREM2123 NEW	The Bullride, New Street, Woodbridge, IP12 1DX			Granted 24.5.19
The Boathouse PREM2175 NEW	Unit B, The Chandlery, Tide Mill Way, Woodbridge, IP12 1FP	Hearing 1 Objector - OP	5.6.19	Granted - no changes 5.6.19
The Duck PREM2174 NEW	Station Road, Campsea Ashe, Woodbridge, IP13 0PT	N/A	N/A	Granted 5.6.19
Nicholas Everitt's Park (Nearly Festival) WPREM2524 NEW	Bridge Road, Oulton Broad, Lowestoft, NR33 9JR	Hearing 1 Objector - EP	4.6.19	Granted - Conditions imposed 7.6.19
Lowestoft Seafront (First Light Festival) WPREM2525 NEW – one off event	Kensington Gardens, Lowestoft	Mediated 1 Objector - OP	Not required	Granted - Objection withdrawn 12.6.19
Tiptree at Southwold WPREM2526 NEW	70 High Street, Southwold, IP18 6DN	N/A	N/A	Granted 14.6.19
St Annes Road Express WPREM2527 NEW	15 St Annes Road, Beccles, NR34 9JA	N/A	N/A	Granted 21.6.19
Martlesham Heath Services PREM0607 VARIATION	119 Anson Road, Martlesham Heath, Ipswich, IP5 3RA	N/A	N/A	Granted 25.6.19
Aldeburgh Beach (between North & South lookouts) PREM2176 NEW – one off event	Beach opposite Oakley House, Aldeburgh, IP15 5BX	N/A	N/A	Granted 4.7.19
Coffeelink PREM2177 NEW	Unit 2a Tide Mill Way, Whisstocks,	Hearing 5 Objectors OP	4.7.19	Granted - Conditions imposed 5.7.19

	Woodbridge, IP12 1BY			
Lidl's Great Britain WPREM2528 NEW	Common Lane North, Beccles, NR34 9BN	N/A	N/A	Granted 8.7.19
Morrisons WPREM2253 VARIATION	George Westwood Way, Beccles, NR34 9EJ	N/A	N/A	Granted 8.7.19
Trinity Park PREM0500 VARIATION	Felixstowe Road, Purdis Farm, Ipswich, IP3 8UH	N/A	N/A	Granted 8.7.19
Parravani's Ice Cream Ltd WPREM2529 NEW	Unit 8, George Westwood Way, Beccles, NR34 9BN	N/A	N/A	Granted 10.7.19
The Globe Inn Freehouse WPREM2530 NEW	131 High Street, Lowestoft, NR32 1HP	N/A	N/A	Granted - conditions added during consultation period (EP & Police) 10.7.19
Two Sisters Arts Centre PREM2178 NEW	St Mary's Church, High Road, Trimley St Mary, Felixstowe, IP11 0SP	Mediated	N/A	Granted - Objections withdrawn 16.7.19
Iceland PREM0346 VARIATION	59-60 Hamilton Road, Felixstowe, IP11 7AJ	N/A	N/A	Granted 1.8.19
Beccles Carnival WPREM2531 NEW	Beccles Quay Green, Beccles, NR34 9BB	N/A	N/A	Granted 6.8.19
Sotterley Estate WPREM2532 VARIATION	Sotterley, Beccles, NR34 7TY	N/A	N/A	Granted 7.8.19
Debach Airfield PREM2160 VARIATION	Grove Farm, Sandy Lane Clopton, Woodbridge, IP13 6QS	N/A	N/A	Granted 12.8.19
Felixstowe Beach Holiday Park PREM0089 VARIATION	Walton Avenue, Felixstowe, IP11 2HA	N/A	N/A	Granted 13.8.19
B & M Store PREM2180 NEW	Felixstowe Road, Purdis Farm, Ipswich, IP3 8TQ	N/A	N/A	Granted 13.8.19

Honey & Harvey (Melton) PREM2179 NEW	Unit 1 Riduna Park, Station Road, Melton, Woodbridge, IP12 1QT	Hearing 14 Objectors - OP	14.8.19	Granted - Amended timings 14.8.19
Carlton Meres Country Park PREM2167 VARIATION	Kelsale-cum- Carlton, Saxmundham, IP17 2QP	N/A	N/A	Granted 27.8.19
Two Magpies Bakery PREM2061 VARIATION	London Road, Darsham, Saxmundham, IP17 3QR	N/A	N/A	Granted 3.9.19
The Kraken WPREM2533 NEW	19a The Esplanade, Lowestoft, NR33 0QG	N/A	N/A	Granted - conditions added during consultation period (EP) 17.9.19
Darsham (New) Village Hall PREM2181 NEW	The Street, Darsham, Saxmundham, IP17 3QA	N/A	N/A	Granted 17.9.19
Heveningham Hall PREM0493 VARIATION	Heveningham, Halesworth, IP19 0PN	N/A	N/A	Granted 8.10.19
Village Rise Supermarket WPREM2397 REVIEW	Weston Road, Lowestoft, NR32 4PT	Review	17.10.19	Revoked – 17.10.19 31.10 – Appeal received
Central WPREM2534 NEW	Unit 8, 18-32 Station Road, Lowestoft, NR32 1BA	N/A	N/A	Granted - conditions added during consultation period (Police and Public Health) 18.10.19
Tuck Shop PREM0362 VARIATION	Main Street, Walberswick, IP18 6UH	N/A	N/A	Granted 22.10.19
Fox PREM0457 VARIATION	The Street, Newbourne, Woodbridge, IP12 4NY	N/A	N/A	Granted 31.10.19
The Village Shop PREM2182 NEW	Ashe Row, Campsea Ashe, Woodbridge, IP13 0PS	N/A	N/A	Granted 14.11.19
White Horse Inn PREM0673 VARIATION	Low Road, Sweffling, Saxmundham, IP17 2BB	N/A	N/A	Granted 14.11.19
Beach lodge WITHDRAWN	Brudenell Street,	N/A	N/A	Withdrawn on 28.10.19

	Aldeburgh, IP15 5BT			- incorrect Planning Permission
Rouge Fourmi WPREM2536 NEW	9 Pinkneys Lane, Southwold, IP18 6EW	Hearing 2 Objectors (1 OP & EP)	6.12.19	Granted - Amended timings 6.12.19
Racehorse Inn WPREM2535 NEW	Mill Common, Westhall, Halesworth, IP19 8RQ	N/A	N/A	Granted 10.12.19
Blue Salt PREM2183 NEW	1 Cumberland Street, Woodbridge, IP12 4YY	N/A	N/A	Granted 13.12.19
Anatolia WPREM2536 NEW	First Floor, 58 Bridge Road, Oulton Broad, Lowestoft, NR32 3LR	N/A	N/A	Granted - conditions added during consultation period (Police) 17.12.19

2.3 Current applications

Appeals to Magistrates' Court:

The decision of the Licensing Sub-Committee on the Village Rise review application has been appealed to Ipswich Magistrate's Court. The first hearing of the appeal, where case management directions will be agreed, has been listed for 3 February 2020.

28 day consultation period has passed and application is still to be determined:

There are currently no applications waiting to go to a hearing.

In consultation:

New Premises Licence - Smashing Wines, Unit B14, Base Business park, Rendlesham, Woodbridge, IP12 2TZ. Consultation period ended 6 January 2020.

3. NUMBER OF PREMISES LICENCES WITHIN EAST SUFFOLK

- 3.1 On 1 April 2019 there were 991 Premises Licences and 823 of these included alcohol on the licence.
- 3.2 Two Premises Licences were issued after 1 April for one-off events that happened in 2019 and are therefore no longer licenced.
- 3.3 19 Premises Licences were surrendered or lapsed between 1 April 2019 and the 31 December 2019.
- 3.4 On 1 January 2020 there were 1002 Premises Licences and 851 of these included alcohol on the licence.
- 3.5 There were 68 Club Premises licences with Alcohol on 1 April 2019 and on 1 January 2020 there were 69 as a new Club Premises Licence was granted on 4 April.
- 3.6 In summary, on 1 April 2019 there were 1059 and on 1 January 2020 there were 1071 Premises & Club Premises Licences.

4. GAMBLING PREMISES LICENCES FOR EAST SUFFOLK

- 4.1 No new applications have been received since 1 April 2019 for any type of Gambling Premises licence.
- 4.2 On 1 April 2019 there were 42 Gambling Premises Licences in total, as of 1 January 2020 there were 40.
- 4.3 There were nine Bingo Premises Licences
- 4.4 There were 11 Adult Gaming Centre Premises Licences, on 1 April 2019 there were 12 however, one licence was cancelled in September.
- 4.5 There was one Family Entertainment Centre Premises Licence.
- 4.6 There was one Betting Premises Licence (in respect of a track)
- 4.7 There were 18 Betting Premises licences (in respect of a premises other than a track), on 1 April 2019 there were 19, however, one cancelled in December.

5. TAXI LICENCES

- 5.1 On 1 January 2020, East Suffolk Council licensed:
 - 5.1.1 136 hackney carriage vehicles and 237 hackney carriage/private drivers
 - 5.1.2 349 private hire vehicles and 352 private hire drivers
 - 5.1.5 72 private hire operators
- 5.2 In 2019, there were eight meetings of the Licensing Sub-Committee on taxi licences in the North of the district and one Sub-Committee meeting on taxi licences in the South of the district.

6 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 6.1 Licensing plays an important role in the building of a strong, sustainable, and dynamic local economy and in ensuring East Suffolk remains a safe place for our communities.

7 REASON FOR RECOMMENDATION

- 7.1 To consider a snapshot of the currently issued licences in East Suffolk as a starting point for analysing trends in demand for different types of licence over time and to review the work of the Licensing Sub-Committee in 2019.

RECOMMENDATION

1. That the Licensing Committee receive the report and provide any comment on its content

BACKGROUND PAPERS

Please note that copies of background papers have not been published on the Council's website www.eastsuffolk.gov.uk but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

Date	Type	Available From
	None applicable	



LICENSING COMMITTEE

Monday 20 January 2020

INTRODUCTION OF A DRUG TESTING POLICY FOR NEW AND EXISTING LICENSED DRIVERS

EXECUTIVE SUMMARY

To seek the Licensing Committee's approval to consult upon a proposal to introduce a new Drug Testing Policy in connection with, firstly, the granting of licences to drive private hire and hackney carriages to persons who may have drug-related offences and, secondly, the detection of currently licensed drivers who may be using illegal drugs

Is the report Open or Exempt?	Open with the exception of Appendix A which is Exempt
Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	<p>*Appendix A is to be considered during the CLOSED part of the Agenda because it contains exempt information as defined in Paragraph 3 of Schedule 12A to the Local Government Act 1972.</p> <p>It is considered that the public interest in not disclosing the exempt information outweighs the public interest in disclosing the information because the information is relevant to the company's financial or business affairs and is potentially commercially confidential. Furthermore, public knowledge as to exactly how the tests are conducted and the results analysed by the drug testing company could undermine the integrity of the drug testing process. Appendix A is not accessible through the drug company's website.</p>

Wards Affected:	All
------------------------	-----

Cabinet Member:	Councillor Mary Rudd – Cabinet Member for Community Health
------------------------	--

Supporting Officer:	<p>Chris Bing Legal and Licensing Services Manager 01394 444408 chris.bing@east.suffolk.gov.uk</p>
----------------------------	---

1 INTRODUCTION

- 1.1 In the past 18 months, the Licensing Authority has suspended/revoked the licences of two hackney carriage and private hire drivers. This was as a result of the arrest of the drivers, in separate incidents, on the roadside by Suffolk Constabulary. A Licensing Sub-Committee has also recently imposed a condition on a driver to undergo a drug test before a licence is granted and, in another case, required random drug testing of a driver for a specified period after the granting of their licence.
- 1.2 Whilst the numbers of licensed taxi/private hire drivers who have been arrested for drug driving is very small when compared with the overall number of licensed drivers (589), it has to be recognised that occasionally it is brought to the attention of the Licensing Authority that a driver is allegedly prepared to take illegal drugs and drive their vehicles. A Policy which permits the Licensing Authority to test applicants and licensed drivers in specified circumstances for the misuse of drugs hopefully also acts as a deterrent to those considering taking illegal drugs and/or encourages those who are currently taking illegal drugs to cease doing so because of the potential risk to their licence and livelihood, in addition to any possible criminal sanctions.
- 1.3 The Council as Licensing Authority is under a duty to satisfy itself, before granting an application for a hackney carriage / private hire driver's licence, that an applicant is a fit and proper person to be granted a licence. Moreover, once granted a licence can be revoked (or not renewed) if "reasonable cause" exists to do so. It would be completely unacceptable, because of the risks to public safety, for a drug user to be granted a hackney carriage / private hire driver's licence as they cannot reasonably be considered to be a fit and proper person to be granted a licence. Likewise, a licensed driver who takes illegal drugs presents a clear risk to public safety and ought therefore to have their fitness to hold a licence reviewed upon discovery of their drug use.
- 1.4 Therefore it is now necessary to put in place an appropriate and proportionate procedure which, so far as reasonably practicable, firstly prevents drug users from being granted licences in the first place or having them renewed and, secondly detects those drivers who are currently licensed but who use drugs.
- 1.5 The Licensing Team has engaged the services of a toxicology company, Alere Toxicology (a UKAS accredited testing laboratory) to conduct drug testing of applicants and existing drivers. The company provides 'collectors' to carry out tests so that Council staff do not have to be directly involved with the testing procedure at any stage. A copy of their brochure is appended to this report at **Appendix A (EXEMPT*)** for information. The provision of Certificates by a UKAS accredited testing laboratory is considered essential to ensure the integrity of any proposed policy as the drug testing industry is not a regulated industry with its own regulator. UKAS is the sole national accreditation body recognised by the UK Government to assess, against internationally agreed standards, organisations that provide drug testing services.
- 1.6 The most appropriate and feasible testing process is by way of urine analysis. This will take place at the Council offices and will be carried out by the company's 'collector'.
- 1.7 A proposed draft policy is set out in **Appendix B**.
- 1.8 The cost of the drugs test is currently around £300. To date, the Licensing Authority has covered the cost of drivers being drugs tested in all circumstances. However, with the new policy, it is proposed that new applicants with drug related convictions and applicants with recent drug related convictions seeking to renew their licences will be required to pay for their drug tests to satisfy the Licensing Authority that they are clean.

In circumstances where drug testing is intelligence-led or as a result of a condition on a licence imposed by the Sub-Committee requiring random drug testing of a driver, it is proposed that the Licensing Authority will continue to cover the cost of the drug testing.

- 1.9 If the recommendation in this report is approved, the Legal and Licensing Services Manager will undertake a consultation exercise with the trade and report the responses back to a future meeting of the Licensing Committee.

2 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 2.1 Licensing plays an important role in the building of a strong, sustainable, and dynamic local economy and in ensuring East Suffolk remains a safe place for our communities.

3 CONSULTATION

- 3.1 If the recommendation in this report is approved, all hackney carriage drivers, private hire drivers and private hire operators licensed by East Suffolk Council will be consulted on the proposed new policy and will be given six weeks in which to submit comments on the proposal. Any comments received during the consultation period will be collated, reviewed and reported back to the Licensing Committee together with recommendations as to whether the draft policy should be amended in any respect in response to the feedback received.

4 REASON FOR RECOMMENDATION

- 4.1 The Licensing Authority is responsible for ensuring that only fit and proper persons who are suitable to be licensed drivers are granted licences and remain licensed. An applicant, or licensed driver, who uses illegal drugs would risk compromising the safety of those they transport, other drivers and themselves and so would not be a fit and proper person. The Licensing Authority needs a policy which provides for the mandatory drug testing of applicants with a known history of illegal drug use and existing drivers who the Licensing Authority has reason to believe may be using drugs or where the Licensing Authority understands a driver is under investigation by the police, and/or has been arrested and/or cautioned and/or charged and/or prosecuted and/or convicted for misuse of drugs.

RECOMMENDATIONS

1. That the proposed draft Policy for Detecting Use of Illegal Drugs set out at Appendix B to this report be approved for the purposes of consultation with hackney carriage drivers, private hire drivers and private hire operators licensed by East Suffolk Council; and
2. That a further report be submitted to a future Licensing Committee setting out the responses to the consultation prior to any final decision to adopt the policy as drafted, or as amended in response to consultation responses, being made.

APPENDICES

Appendix A	Alere Toxicology information brochure EXEMPT
Appendix B	Draft Policy for Detecting Use of Illegal Drugs

BACKGROUND PAPERS

Please note that copies of background papers have not been published on the Council's website www.eastsuffolk.gov.uk but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

Date	Type	Available From
	None applicable	



Taxi & Private Hire Licensing
Draft Policy for Detecting use of Illegal Drugs

AIM OF THE POLICY

The Council currently licences 589 Taxi and Private Hire drivers and it has come to light recently that a very small minority of these drivers use illegal drugs on a recreational basis or possibly as habitual users. The Council views such drug use as completely incompatible with being fit and proper persons to be entrusted with the safe carriage of the general public as well as the dangers presented to other road users by such licensed drivers.

This Policy therefore aims to establish procedures to allow for intelligence-led drugs testing of licensed drivers, and the testing of licensed drivers where a licence has been granted subject to random drug testing, with the intention of both detecting drivers who use illegal drugs and also deterring such persons from continuing to use drugs.

The Policy also provides a discretionary power for certain applicants for the grant of licences to drive taxis or private hire vehicles, and who have a criminal record involving drug-related offences, to be required to pass a drugs test at their own expense as one part of the application process.

Finally, the Policy also provides a discretionary power for applicants seeking to renew their licences to drive taxis or private hire vehicles, and who have been convicted during the currency of their licence of drug-related offences, to be required to pass a drugs test at their own expense as one part of the renewal application process.

The Council strongly encourages any person who uses illegal drugs to seek assistance from their GP or Drug Counselling agencies such as FRANK (<https://www.talktofrank.com/>) before reaching a point where their livelihood, their safety and the safety of others is put at risk from their drug use.

APPLICABILITY OF PROPOSED POLICY

1. New Applicants with Drug-related conviction(s)

In the case of any applicant for a new taxi / private hire driver's licence who has any drug-related conviction or caution (whether for drug-driving, drug possession, supply / intent / conspiracy to supply or production of drugs) obtained within the period of 3 years prior to the date of application, the Legal and Licensing Service Manager be given discretion to require them as part of the application process to undergo at their own expense a drug test by the Council's appointed toxicology company. This urine analysis test must produce a negative (pass) result. If a positive (fail) result is given, then further testing of the urine must be carried out at the company laboratories. For the avoidance of doubt, the provision of such a negative test result will be merely one aspect of the consideration process as to whether the applicant satisfies the "fit and proper person" test and shall not of itself prove determinative. The applicant will be required to pay the cost of the test.

This discretionary procedure is intended to be used in a very limited number of cases as ordinarily the mere fact of drug convictions will be sufficient to justify refusing the application. It may still be necessary for the applicant to go before the Licensing Sub-committee before a final decision is made, even where a test is negative, if the applicant has had a drugs conviction within 3 years of applying for a licence or where officers have concerns as to an applicant's specific circumstances, such as a repeat pattern of offending in relation to the misuse of drugs.

2. Applicant for Renewal with recent Drug-related conviction(s)

In the case of any licensed driver seeking to renew their taxi / private hire driver's licence who has any drug-related conviction or caution (whether for drug-driving, drug possession, supply / intent / conspiracy to supply or production of drugs) obtained within the period of 3 years prior to the date of application, the Legal and Licensing Service Manager be given discretion to require them as part of the application process to undergo at their own expense a drug test by the Council's appointed toxicology company. This urine analysis test must produce a negative (pass) result. If a positive (fail) result is given then further testing of the urine must be carried out at the company laboratories. For the avoidance of doubt, the provision of such a negative test result will be merely one aspect of the consideration process as to whether the licence should be renewed and shall not of itself prove determinative. The applicant will be required to pay the cost of the test.

Again, this discretionary procedure is intended to be used in a very limited number of cases as ordinarily the mere fact of drug convictions will be sufficient to justify refusing the application. It may still be necessary for the applicant to go before the Licensing Sub-committee before a final decision is made, even where a test is negative, if the applicant has had a drugs conviction within 3 years of applying for a licence or where officers have concerns as to an applicant's specific circumstances, such as a repeat pattern of offending in relation to the misuse of drugs.

If the initial screening test is positive (fail), then that sample will be required to be sent to the Councils' appointed company's testing laboratory for a confirmatory test which will determine exactly what substance was taken and in what quantities. During this time the person who was tested may have any licence to drive taxi and private hire vehicles revoked with immediate effect by the Head of Legal and Democratic Services acting under delegated powers on the grounds of public safety. In the event that the confirmatory analytical laboratory result is below the level of quantification or consistent with declared medication then the person who has had their licence revoked may have their revocation rescinded by the Head of Legal and Democratic Service if he / she is satisfied that it is appropriate to do so.

3. Intelligence led Drug Testing

This would be based upon the Legal and Licensing Services Manager being satisfied that credible reasons exist to suspect that a licensed private hire / taxi driver may be using illegal

drugs. Where he/she is so satisfied the driver will be required in writing to undergo, at the Council's expense, a urine analysis carried out by the Council's appointed toxicology company as specified by the Council on a certain date. Failure to comply with such a requirement may result in the driver committing an offence of obstruction pursuant to Section 73(1) of the Local Government (Miscellaneous Provisions) Act 1976 and / or may result in the driver's licence being reviewed to ascertain whether the non-compliance gives rise to "reasonable cause" for the driver's licence to be revoked or suspended. The Legal and Licensing Services Manager will have a discretion at all times to consider whether the driver had a reasonable excuse for not complying with the requirement and may, as he sees fit, require the driver to attend for testing on an alternative date. The licensing authority will cover the cost of the drug testing where the drug testing is intelligence led.

4. Licence granted subject to a condition requiring random drug testing

There may be occasions where a licence is granted to a driver subject to a condition that a driver is subject to random drug testing for the duration of their licence or for a specified period of time less than the duration of their licence. For example, where the Sub-Committee is satisfied that despite a misuse of drugs incident in the past, an applicant/driver is sufficiently reformed so as to be fit and proper but the Sub-Committee wish the driver to be subject to random drug tests to ensure the driver's suitability to be licensed does not change over time, through a return to misusing drugs, to protect the travelling public. The licensing authority will cover the cost of the drug testing where a licence is granted subject to a condition requiring random drug testing.

DRUGS TESTING PROCEDURE

Introduction

There are different methods of testing for drugs in the body. Testing for drug misuse depends on the collection of samples for analysis, which can be achieved by the use of a portable testing kit for preliminary screening or the sample can be sent to a toxicology laboratory for analysis.

The Council's nominated UKAS accredited toxicology company will be used for the initial test, any detailed analysis and confirmation of samples.

Drug testing procedures involve up to five stages depending on whether a positive result is obtained; all are strictly controlled by a process referred to as "Chain of Custody". The stages involved are summarised here:

1. Sample Collection 2. Preliminary Screening 3. Confirmatory Analysis 4. Medical Review (MRO) 5. Reporting of Results

Sample Collection

Chain of Custody is the name given to the procedures that are employed to ensure that the integrity of a sample is maintained from the sample first being provided up to and including the reporting of the laboratory results and possible medical review.

The person being tested will be asked to donate a sample for screening using the procedures for sample collection provided by the nominated company.

The person being tested will witness the sample collection and also the record keeping and identification procedure for the sample.

Adulteration Testing for Urinalysis Only

The whole procedure will be carefully witnessed to prevent adulteration or substitution of other substances by the person being tested. The sample is taken and inspection of colour and temperature conducted. The sample will be tested using an on-site device.

Note: If a urine sample cannot be provided by the person being tested within three hours then this will be treated as a failure to provide a valid sample.

Confirmatory Analysis

If the sample proves to be positive, then the two samples (in the sealed containers) obtained at collection will be sent to the analytical laboratory for confirmatory analysis.

Toxicology and Reporting of Results

All stages of the analysis are carefully monitored by the analytical laboratory toxicologists and/or the Medical Review Officer. Once the results are known then they may be reported to a laboratory toxicologist who will interpret the results of the analysis which will be subsequently confidentially reported to the Council.

Drug Testing Collection Procedure

The person being tested will be informed of the requirement to be tested for drugs and the testing procedure will be explained to them.

The person being tested attends the Council offices where the samples are to be collected.

The person being tested is then required to sign a consent form regarding this impending test.

The sample is taken by the 'collector' from the nominated company.

If it is ascertained that adulteration has occurred, then this will constitute an invalid sample which shall be reported to the Council.

If any person being tested refuses to provide a urine sample, they will be informed that such a refusal is a failure to comply with this Policy and, as such, will be reported to the Council which may result in their licence being suspended or revoked.

For point of care testing devices which provide an instant result, the person being tested may be required to provide information of any drug(s) and prescription or non-prescription medication taken (including dosage and frequency) if the sample is positive.

If the screening test is positive, then that sample will be required to be sent to the analytical laboratory for a confirmatory test which will determine exactly what substance was taken and in what quantities. During this time the person who was tested may have their licence to drive taxi and private hire vehicles revoked with immediate effect by the Council's Head of Legal and Democratic Services acting under delegated powers on the grounds of public safety. In the case of a new applicant, no licence will be issued. Once further test results are known a decision will be made as to whether to issue a licence. In the event that the analytical laboratory result is below the level of quantification or consistent with declared medication then the person who has had their licence revoked may have their revocation rescinded by the Legal and Licensing Services Manager if he / she is satisfied that it is appropriate to do so.

If the analytical laboratory result is positive, the revocation of licence will not be rescinded. A licence will not be issued to a new applicant.