Rushcliffe
Borough Council

Rushcliffe Borough Council
Hackney Carriage and Private Hire Licensing Policy
2025 - 2030

Approved: Council - Thursday, 27th November, 2025 7.00 pm

Link Council and Democracy - Rushcliffe Borough Council

Licensing Taxi Policy Change Log Document

This policy is a live document and may be subject to change at times due to change in law/guidance or council procedures. Minor amendments to the policy can be made by officers of the council provided these amendments are authorised by the Director for Neighbourhoods. These changes are recorded here. Any changes will be subject to notification at least annually to the Licensing Committee or other relevant Council meeting.

The policy has been approved by the Council Committee on the.

Any necessary changes following approval will be shown in the Change/Amendment Log below:

Paragraph Numbers Amended	Description of change	Date	Authorised by	Comments
Page 36	CCTV paragraph updated	15/10/2026		
Appendix F	CCTV specification inserted/guidance	15/10/2026		
Section 6.13	Added wording "**right to licence**" and paragraph at the bottom of this section	16/10/2026		By officer WM,
Driver Enforcement and Penalty Points Scheme section Appendix M	Reworded and amended some **point amounts**, removed grammatical errors and redundant offences	16/10/2026		By officer WM
Re-index of page numbers	Page numbers have altered as a result of text addition, so index table has changed	16/10/2026		

Authorised by: David Banks

Signature  Dated 12/11/26

Director - Neighbourhoods and Deputy Chief Executive

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1. Introduction

Rushcliffe Borough Council is responsible for the regulation of the Hackney Carriage and Private Hire trades within the Borough of Rushcliffe.

Rushcliffe Borough Council recognises the important role that Hackney Carriages and Private Hire vehicles play in enabling people to travel around the Borough, whilst playing a visible role in portraying the image of Rushcliffe to all. The drivers themselves are recognised has having a key role in being ambassadors for the Borough.

Customers rightly expect that in using taxis and Hackney Carriages they will be transported safely. In addition, it is in everyone's interest to ensure that customer experiences are positive. This will help to ensure that the industry and the local economy thrive.

This policy and related procedures will guide the work of the Licensing Authority (Council) in the way in which it carries out its functions.

This policy has been developed by Rushcliffe Borough Council after consulting with both the public and the trade in particular. In developing this policy, we have also taken into consideration:

- The Council's licensing objectives
- Current Legislation
- The Office of Fair Trading "The Regulation of Licensed Taxi and Private Hire Vehicle Services in the UK" 2003
- 'Taxi and PHV Licensing Criminal Conviction' Policy, LGA
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Orders - 2013
- Regulators' Code 2014
- The Department for Transport ''Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" March 2010 or subsequent revisions
- The Air Quality (Taxi and Private Hire Vehicles Database) (England and Wales) Regulations 2019, (CAZ)
- NAFN, National Register of Taxi license Revocations & Refusals (NR3S).
- Statutory Taxi & Private Hire Vehicle Standards. November 2022 or subsequent revisions, Policing and Crime Act, sec 171(1)(5)(4)
- Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022
- The Finance Act 2021, Schedule 33(Licensing Authorities (Tax Information) Regulations 2022

This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However, each application or enforcement action will be considered on its own merits.

This policy will be evaluated from time to time after its introduction. The Council will formally review the policy statement 5 years after adoption.

2. Definitions

The Local Government (Miscellaneous Provisions) Act 1976, as amended, ("the 1976 Act") places on Rushcliffe Borough Council (the "Council") as the Licensing Authority (the "Authority") the duty to carry out its licensing functions in respect of Hackney Carriages and Private Hire Vehicles.

This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

This policy applies to:

- Hackney Carriages: being a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks or be hailed in the street by members of the public
- Private Hire Vehicles: licensed as a taxi to carry no more than 8 passenger seats but must be booked in advance by customers through an operator and may not ply for hire in the street
- Private Hire Operators
- Hackney Carriage and Private Hire drivers.

In undertaking its licensing function, the Council will have particular regard to:

- Town Police Clauses Act 1847 and 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- General Data Protection Regulation 2018
- NAFN, National Register of Taxi Licence Revocations & Refusals (NR3S), LGA Guidance.
- Policing & Crime Act 2017
- Immigration Act 2016
- Common Law Police Disclosure
- Institute of Licensing Guidance
- The Taxi and Private Hire Vehicles (safeguarding and road safety) Act 2022
- The Taxi and Private Hire Vehicles (Disabled Persons) Act 2022

The Council will also follow the principles laid out in the statutory Regulator's Code and any recommendations from Regulatory Delivery (part of DBEIS).

3. Licensing Aims and Objectives

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety. The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

- **The protection of the public, safeguarding children and the vulnerable, and the prevention of crime and disorder**
- **The safety and health of the public and drivers**
- **Vehicle safety, comfort and access**
- **Encouraging environmental sustainability.**

In promoting these licensing aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council.

The protection of the public, safeguarding children and the vulnerable, and the prevention of crime and disorder

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults
- Operating rules, conditions and disciplinary processes
- Vetting, qualification, training and monitoring licensees
- Commitment to work with the police and licensing authorities
- An expectation that licence holders will treat all customers, passengers, the general public, Council Officers and Councillors with respect and courtesy at all times.

The safety and health of the public and drivers

- Consideration of history of convictions and cautions
- Driver training, qualification and performance
- Knowledge of the Rushcliffe area
- Health and fitness to fulfil the role of a licensed driver
- Vehicle specifications
- Regular driver medical checks.

Vehicle safety, comfort and access

- Standards of vehicle comfort and appearance
- Space standards for vehicles
- Location of ranks and use of ranks
- Provision of disabled facilities.

Encouraging environmental sustainability

We will work with stakeholders in the trade in finding methods of reducing vehicle emissions and not issuing licences for vehicles that are unable to comply with European Emissions Standards.

These aims and objectives will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of the above objectives. The Council will therefore continue to work in partnership with licence holders, its neighbouring authorities, the Police, local businesses and local people towards the promotion of the aims and objectives.

4. Delegations

Under the Council's Constitution, full Council has responsibility for all policy matters relating to taxi licensing. The Councils operates a scheme of delegation to officers in respect of individual applications, contraventions, suspensions and revocations for drivers, vehicles and operators. In certain circumstances a Licensing Sub-Committee, comprising of up to four elected Councillors, will determine applications, contraventions, suspensions and revocations. In addition, the Director can appoint and authorise officers to investigate and discharge its statutory functions. Such authorised powers include the issuing of warnings, suspension notices, refusals, revocations, STOP notices and the issuing of Penalty Points. The person applying for a licence will have the opportunity to appeal decisions to the Magistrates Court.

5. Whistleblowing (confidential reporting Code) Operators

See Appendix Q Procedure for Licensed drivers to report issues to their operator which may be contrary to the law whilst protecting their identity.
gov.uk/whistleblowing if reported the council policy will be followed.

6. Driver Requirements

Each driver must satisfy the Council that the applicant/driver is a 'fit and proper person' to be granted a driver's licence and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored/assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending civil or criminal proceedings, all traffic offences where there is a penalty (driver's course) and payments for fines. Enquiries will be made by the Disclosure and Barring service and the use of Police Common Law disclosure.

It is the applicant's duty to declare if they have held or hold a Taxi/PHV drivers' licence with any other authority, if they have surrendered the licence before its renewal date, and also if they have been subject to any refusal, suspension or revocation of such said licence.

The Council aims to ensure that Private Hire and Hackney Carriage services delivered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

The sections below, therefore, apply equally to Private Hire and Hackney Carriage drivers unless indicated and the application procedure is set out in Appendix *A*.

6.1 Fit and Proper Person Test

The Council considers that licensed drivers are in a position of trust, and therefore the Council must ensure that applicants / licence holders are, and remain, fit and proper to hold a licence. This requirement is contained within Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The term "Fit and Proper Person" for the purposes of taxi and Private Hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

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

"*Without any prejudice and based on the evidence before you would allow a person for whom you care regardless of their condition to travel alone in a vehicle driven by this person at any time of day or night. If on the balance of probabilities the answer is NO the person should not hold a licence. The safeguarding of public is paramount!*" (Button on Taxis, 2017)

If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable persons. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work (Right to licence)
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and with integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity), including the reasons for any entry on the NR3S database
- Theoretical knowledge of issues and matters related to the work of a licensed driver. (e.g. disability awareness, safeguarding)
- Ability to read/write and speak English

- Harm Test
- HMRC rules and requirements

In addition, the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities, any entries on the NR3S database and statutory agencies.

Harm Test: a person satisfies the “Harm Test” if they may harm a child or vulnerable adult or put them at risk of harm. Or it is something a person may do to cause harm or pose a risk of harm to a child or a vulnerable adult.

Prior to and when issued with a licence, the licence holder **Must** notify the issuing Council within 48 hours of any arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and **any** motoring offence. Failure to do so may result in the non-issue of the licence, penalty points, suspension or revocation.

6.2 Application Process

All prospective drivers will be required to apply online via the council online webpage on the website this is at this webpage https://www.rushcliffe.gov.uk. The applicant may apply for a **one-year or three-year** combined licence. If the applicant is unsure if a licenced driving role is for them they should consider applying for a one-year licence only, as no refunds will be granted if the applicant changes their mind and withdraws or ceases to be a driver for the period of the licence.

The applicant will be required to submit the necessary documents to enable the assessment and determination of the application and make a full payment online at the time of submission.

Prospective drivers will be required to obtain the following information and submit this online at the time of application. **The applicant is encouraged to have this information prior** to paying and submitting the application form.

If all the information or documents necessary to determine the application are not present on the application date then the applicant will have a time limit of 3 months to complete and supply any outstanding documents.

Where information is not provided at the end of the 3 months period the application may be determined and will be refused.

Where an application is made and subsequently withdrawn, abandoned or refused no refund is payable.

Required documentation for applicants to provide is contained in Appendix A
Private Hire and Hackney Carriage Drivers Application Procedure:

It is a legal requirement that apapplicants shall provide proof that they have a statutory right to work in the UK prior to the issue of a licence and any applicant that

has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

The information submitted as part of the application process will be shared, when applicable, with other Council Departments and external statutory bodies e.g. Police and HMRC. See our privacy policy. (https://www.rushcliffe.gov.uk/privacy-notice-and-policy/)

An individual will not be considered fit and proper to hold a licence if there is any evidence of **dishonesty, and/or it can be shown that an applicant or existing licence holder has misled or attempted to mislead** the Council (either officers or members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.

6.3 Disclosure and Barring Service (DBS)

A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety. The DBS application procedures are detailed in Appendix *B* of this policy.

Both Hackney Carriage and Private Hire drivers are included as "exceptions" within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the "Exceptions Order"). Accordingly, all drivers will be asked to disclose on their application form any warning, fixed penalty notices, caution or conviction, even if it is spent for other purposes and those will be revealed on the DBS certificate.

All applicants for the grant or renewal of a licence requiring a DBS check shall be responsible for the costs of obtaining the DBS certificate.

Certificates will be obtained using the Council's approved DBS system, but it will accept DBS certificates issued to other local authorities if they have been printed within the last three months and are to an enhanced level.

All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received or current pending matters. All licence holders shall notify the Council of any arrests, warnings, convictions, cautions and fixed penalty notices received during their licence period. Failure to inform the Council of these matters during the licensing period may result in points on the Enforcement and Penalty Points Scheme operated by the Council or suspension/ revocation/refusal of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

The Council requires all drivers to have an enhanced DBS check 6 monthly, and all licence holders **should** subscribe to the Disclosure and Barring Service Online Update Service to ensure this can be completed without undue delay. Any costs associated with maintaining this subscription or the bi-annual check must be met by

the licence holder. The licence holder must give permission for the council to undertake checks of their DBS status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed. The driver, upon application, will give the Council permission to retain information revealed on the DBS check which it will retain in a secure manner. A licence may be suspended/revoked if a DBS check is not able to be performed and a current up to date certificate is not provided at the appropriate time.

Applicants with Periods of Residency outside the UK

Certificates of good conduct

If an applicant has spent three continuous months or more within last 5 years overseas the Council will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant was overseas. Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived oversees. For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy. You can find out what a certificate of good conduct is here.

6.4 Relevant Convictions Policy

The Council is committed to ensuring that the licensed trade is fit and proper. This will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon. In relation to the consideration of convictions, cautions, warning and reprimands etc., the Council has adopted the policy set out in Appendix C. The terms of this policy will have immediate effect from the date of this policy.

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits. It will take account of warnings, cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence.

Those applications or renewals with information indicating a past criminal record, or any other concern, will be dealt with under the Council's scheme of delegation. The appropriate Officer will make the assessment of whether or not the applicant is a fit and proper person to hold a licence in line with the policy at Appendix C.

The policy at Appendix C will also be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence partway through the licence period.

6.5 Knowledge/English Test and Driving Test

Applicants for a driver's licence are required to have passed the Council's knowledge test (for exemptions see Appendix A Private Hire and Hackney Carriage Drivers Application Procedure) and the English test (unless exempt). These tests will ensure that the applicant has sufficient knowledge in relation to:

- Literacy and numeracy
- Locations
- Use of A-to-Z mapping for routes
- Highway Code signs.

In addition to the knowledge test, applicants will be required to demonstrate that they have abilities to speak and read English in such a manner that they can communicate satisfactorily with customers. The Council will make such arrangements for the testing of an applicant's ability to speak and read English as required on an individual basis and may make a charge for each test.

An English test will not be required where the applicant holds a UK educational qualification which will be required to be submitted on initial application or upon renewal if not provided as a new application.

In exceptional cases the licensing service will review each application on a case-by-case basis and may issue a licence only if the officer is satisfied with regards to the ability of the applicant to speak and write English for which a charge may be applied. Where the Licensing officer is not satisfied of the ability to read/write or speak English the applicant will be considered not fit and proper at the time of the assessment and may be refused.

The council will publicise a list of acceptable qualifications which may be updated as required.

Applicants who fail must re-sit the whole test and pass all sections in that test. The test may be repeated. False declarations or cheating or assistance during tests will be considered serious breaches of integrity and honesty and may result in refusal.

Applicants must pay for each test and book with the Rushcliffe Borough Contact Centre prior to attending (payment will be required before each test). Applicants cancelling the test with less than 24 hours' notice or fail to attend will not be refunded the fee.

As part of application process applicants are required to undergo a driving test with the Council's approved driving instructor before a licence is issued. Should the applicant not cancel the test at least 24 hours prior to the date of the test they will not be refunded the fee. In addition, if the applicant fails to provide a valid certificate of insurance or the vehicle is not up to standard the test will be cancelled and no refund will be made. Failure of more than one driving test may give cause for concern as to the fit and proper status of the driver.

6.6 Medical Assessment

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to non-licenced car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage. Therefore, Group 2 Standards of Medical Fitness, as applied by the DVLA to the licensing of lorry and bus drivers, are considered the appropriate standard for licensed Hackney Carriage and Private Hire drivers.

The Council requires that applicants and current drivers undergo medicals through the Council's preferred third-party provider. The medical will be taken at the applicant's own expense and they are responsible for making their own arrangements for this to take place. The medical certificate will be produced to the Council, in the case of a new applicant either at application or within three months of the receipt of the application and in the case of a renewal before the renewal of the licence is granted but within 2 weeks of a request to supply a medical where required.

Holders of Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) Licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application. Drivers who already hold a medical certificate for a taxi licence from another local authority may use this when submitting their application to Rushcliffe provided the medical provider is one approved by the Council. Licence holders must advise the Licensing Authority of any deterioration or other change in their health that may affect their driving capabilities. Where there remains any doubt about the fitness of any applicant, the Council will review the medical evidence and make any final decision in light of the medical evidence available.

No licence shall be issued until medical clearance (if required) has been established. A licence application will not be accepted / processed unless all elements of the application process have been completed within 3 months of receiving the application.

To provide equity with drivers of other forms of public transport, the Council will conduct drug/alcohol/eyesight tests on drivers on an intelligence-led and random basis. Selected drivers and applicants will be expected to either submit to any test deemed appropriate by the Licensing Service or to attend a medical practitioner chosen by the Council and submit to any test deemed appropriate. Positive test results or failing to comply with the test request may result in a refusal, suspension or revocation of the licence. All costs incurred by such tests will be met by the driver.

Licensed drivers are under a legal duty to carry guide-, hearing- and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from these duties on medical grounds. If an application is successful, they will be issued with an exemption certificate. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Hackney Drivers who for other medical reasons cannot physically load a wheelchair-bound person or load luggage may also apply for an exemption as above.

6.7 HMRC at first application & requirements upon renewal

Upon first application applicants are made aware of the requirements to be tax registered. The applicant must confirm that they understand their tax responsibilities and are directed to the HMRC's guidance pages, which are at:

Confirm your tax responsibilities when applying for a taxi, private hire or scrap metal licence - GOV.UK (www.gov.uk)

You will need to confirm that you are aware of this guidance.

If you're applying as a partner in a partnership, you can give confirmation on behalf of all the partners.

HMRC rules require that the renewal of a taxi driver, private hire driver or operator upon application will not be granted unless the HMRC tax check is completed, the code provided to the licensing authority for checking and this passing the validation check on the HMRC website. See Appendix A.

Individuals, companies and any type of partnership must complete a HMRC tax check and provide the 9-digit tax check code on the application form when:

- renewing a licence
- applying for the same type of licence they previously held, that ceased to be valid less than a year ago
- applying for the same type of licence they already hold with another licensing authority

The code will be checked with the HMRC before a licence is issued on renewal and will be refused as an invalid application if this fails or is not provided on any application form where required.

Tax check codes expire after 120 days, so if you make a licence application for another licence after that time, you'll need to carry out a new tax check for it.

Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK (www.gov.uk)

6.8 Duration of the Licence

The Council will issue licences for a three-year period, which is preferred and recommended. However, the Council also allows a one-year licence through the online form which may be appropriate for new entrants to the PHV/Hackney trade.

6.9 Safeguarding & Disability Training

Every new or renewal application will require the applicant to undergo Safeguarding Vulnerable Passengers & Disability training before a licence is issued. (1-year renewals – every 3 years). The training may be provided through an approved online training provider or attending a training session at a location approved by the Council

and the applicant will also complete and must pass a test at the end of the session. A licence will not be issued unless the safeguarding test is passed, and a certificate produced as part of the application process.

6.10 Conditions

The Council may attach such conditions to a Private Hire / Hackney Carriage driver's licence as are considered necessary. These are set out in Appendix D and will be reviewed from time to time.

6.11 Dress Code

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, play an important role in portraying a positive image of Rushcliffe and are seen as key ambassadors for the Borough.

Anything that serves to enhance the professional image of the Hackney Carriage and Private Hire trade and promotes the concept that drivers of licensed vehicles are professional vocational drivers is to be welcomed. To ensure that not only are the above objectives met but, also that driving is carried out safely, a Dress Code for licensed drivers has been set. All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

The following are deemed to be unacceptable:

- Clothing that is not kept in a clean condition, free from holes and rips
- Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend
- Sportswear (for example, football / rugby kits, track suits, beach wear etc.)
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel
- Drivers not having either the top or bottom half of their bodies suitably clothed
- The wearing of hoods or other clothing that obscures the driver's vision or their identity.

6.12 Code of Conduct when Working with Vulnerable Passengers

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly, a specific Code of Conduct must be complied with when working with vulnerable passengers. This is provided at Appendix N.

Drivers working under an arrangement to transport children may be working in 'Regulated Activity' as defined by the Safeguarding Vulnerable Groups Act 2006. It is an offence to knowingly allow a barred individual to work in regulated activity. The guidance on home to school travel and transport issued by the Department of Education should be considered alongside this document.

6.13 Right of the Driver to Work in the UK (Right to licence)

The Council will require all applicants to provide documentary evidence to confirm if they may legally work in the UK and have a right to licence Examples of documents that maybe provided include:

- A UK/ROI passport confirming that the holder is British or Irish Citizen
- 9-digit Immigration Share Code.
- Full UK Birth / Adoption Certificate

This list is not exhaustive, and other documents may be accepted as outlined in Guidance for licensing authorities to prevent illegal working in the taxi and private hire sector in the UK – further information will be provided by the Licensing Service on request. See the link here.

Biometric Residence Permits Cards and Vignette Stamps in Passports are no longer accepted. Since 6 April 2022, biometric card holders are required to evidence their right to work using the Home Office online service only. Licensing authorities cannot accept physical cards for the purposes of a right to work check even if it shows a later expiry date. Biometric cards have been removed from the lists of acceptable documents used to conduct a manual right to a licence check.

An individual is disqualified from holding a taxi or private hire driver or operator licence by reason of their immigration status if is a subject to a condition preventing the individual from doing work of the kind for which a licence is required (for example, an immigration restriction that does not permit them to work or undertake work as a taxi or private hire driver or as an operator).

6.14 Asylum Seekers and refugees

Asylum seekers do not usually have permission to work and when they do, this is generally only in a shortage occupation or job on the Immigration Salary List depending upon the date they were granted permission to work. These roles will not involve the PHV and taxi sector and therefore they must not be granted a licence.

An Application Registration Card (ARC) is provided to a person who has claimed asylum in the UK, pending consideration of their case. An ARC may exceptionally state that the holder has a right to work, but generally this will only be in a shortage occupation or a job on the Immigration Salary List. Current guidance is that the council must not grant a PHV or taxi operator or driver licence on the basis of the ARC which states that the holder may only work in a shortage occupation or a job on the Immigration Salary List. However, the council will check whether the asylum seeker has alternative evidence of a right to hold a licence.

A person who has been recognised by the UK as a refugee has no restrictions on their right to work in the UK. They may be granted a licence whilst they hold this permission. If the right to work is removed the licence will also cease to apply and will be revoked.

Where a licence application is allowed and where an applicant has been granted asylum status and the right to work the applicant may not be required to provide a certificate of good conduct, but an enhanced DBS certificate will still be required.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

No applicant, driver or person connected to a driver subject to immigration controls may make an application or representation to the relevant agency (e.g. the immigration service) in the authority's name or to any person so employed by them.

6.15 Driver Responsibility

The Licensing Authority requires all of its drivers to ensure that passengers are safeguarded when being transported in a licensed vehicle. The following are applicable:

- Ensure their vehicle is fit to be driven at all times
- Not to use a vehicle which could put the public at risk
- To remain professional at all times
- To carry photographic ID at all times, and wear it in accordance with any conditions of the licence
- Not to use offensive or inappropriate language
- Not to swear
- Not to behave in a manner that would make passengers feel uncomfortable, intimated, vulnerable and/or threatened
- Ensure a log is maintained which records all incidents, refusals and accidents involving passengers and is reported to the Operator immediately and in any event before taking the next fare (see 6.10 Accidents). Hackney drivers must keep a log of fares taken if operating outside the Rushcliffe Borough area acting as a PHV, and a copy must be held for 6 months
- They must inform the Licensing Authority and if applicable the Private Hire Operator of any offences/convictions or arrests.
- Drivers must comply with the conditions of any licence granted at all times

6.16 Driver Hours

There are no direct controls over the hours that Hackney Carriage/Private Hire drivers can work. There are, however, limits applicable to drivers and crews of heavy goods vehicles and public service vehicles.

The Council deems that the number of hours worked by drivers can impact on public safety and as a result seeks to promote the same limits that are applicable to drivers and crews of heavy goods vehicles and public service vehicles, namely:

- An average of 48 hours per week calculated over a 17-week period but up to 60 hours in a single week providing the 48-hour limit is maintained

- Night work limited to ten hours unless there is an agreement to work longer hours
- Working between six and nine hours per day requires breaks totalling 30 minutes. If more than 9 hours is worked then breaks must total 45 minutes, and breaks should be at least 15 minutes in duration
- Drivers should refer to the guidance notes, 'Do I need a break' Appendix O.

6.17 NR3S, NAFN, National Register of Taxi Licence Revocations, Refusals & Suspensions

Rushcliffe Borough Council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3S), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) Driver's licence revoked, suspended, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a Hackney Carriage (HC) or Private Hire Vehicle (PHV) Driver's licence.

Therefore:

- Where a HC/ PHV Driver licence is revoked, or an application for one is refused, or suspended the authority will automatically record this decision on NR3S;
- All applications for a new licence or licence renewal will automatically be checked on NR3S. If a search of NR3S indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3S search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information recorded on NR3S itself will be limited to:

- Name
- Date of birth
- address and contact details
- national insurance number
- Driving licence number
- Decision taken
- Date of decision
- Date decision effective.

Information will be retained on NR3S according to the retention policy of the NR3S after which time it will be deleted.

The authority will follow the policy set out in Appendix P Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3S.

6.18 Duty to report concerns about drivers licensed in other areas

In compliance with Sections 5 and 6 of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

Where this Authority becomes aware of relevant information relating to a person who has driven within this Authority's area in reliance on a driver's licence or a relevant licence granted by another Licensing Authority or a Relevant Authority, where:

- the information relates to the person's conduct in this Authority's area, and
- this Authority is satisfied that, had it granted the licence, it would have considered suspending or revoking it in reliance on the information.

This Authority will provide to the other Authority:

- the relevant information, and
- any other information of which it is aware which is relevant to identifying the person,

before the end of the period of ten (10) working days beginning with the day on which this Authority became aware of the relevant information relating to the person's conduct.

6.19 Duty as regards reported concerns about drivers licensed by this Authority where information is reported by another Authority

Where this Authority receives information from another Licensing Authority relating to a person who has driven in another Licensing Authority's area in reliance on a driver's licence granted by this Authority, or receives information of a similar nature from a Relevant Authority relating to a person who has driven in that Authority's area in reliance on a driver's licence granted by this Authority, will before the end of the period of Twenty (20) working days beginning with the date on which this Authority became aware of the information, will:

consider whether to suspend or revoke the person's driver's licence in reliance on—

(i) the information, and
(ii) (ii) any other information available to this Authority, and

inform in writing the other Authority

(i) whether or not it has suspended or revoked, or intends to suspend or revoke, the person's driver's licence, and
(ii) the reasons for that action or intended action.

7. Hackney Carriage and Private Hire Vehicles

7.1 Application Process

The Council will consider all applications for vehicle licences on their own merits. The procedure for dealing with applications for Private Hire and Hackney Carriage vehicles is set out in Appendix E and each vehicle must meet those requirements or exemptions in this policy. An application must be made via the councils online application process at Information About Taxi Vehicles - Rushcliffe Borough Council.

The applicant must meet the application requirements and the applicant must submit/complete the following to the Council in order for the application to be considered valid:

- The vehicle application form (online)
- The appropriate fee (paid online)
- A digital copy/scan or photograph of the original Vehicle Registration Document (Logbook/V5) certificate of registration for the vehicle
- A digital copy/scan or photograph of the valid insurance certificate or insurance cover note for the vehicle. (No weekly cover notes accepted)
- A current MOT certificate from an **Approved Rushcliffe garage** in the Council Area issued **within 14 calendar days** of the application submission. **Note: Unless the vehicle is brand new with delivery miles only, where no MOT is required.**
- For Hackney Carriage only - a copy of the meter calibration/installation certificate will be required.

In addition:

- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office. The application must be made on the correct application form and all supporting documents completed in full.
- Stretch limousines can be licensed by the authority but will not be licensed for any more than 8 passengers, if the seating is of such a kind that a determination of seating is not clear, a licensing officer will inspect the vehicle to discover the precise number of seats available. If no clear determination can be obtained, the application will be viewed on its own merits and may be refused.
- A vehicle must not be ‘double plated’ e.g. also licenced with another local authority.
- **Vehicles subject of a write-off of any sort will not be considered for a licence**. The Council will undertake a HPI check of any vehicle which is intended to be licensed to ensure such vehicles are not granted a licence.

Hackney Carriage and Private Hire Vehicles will be issued with a 12-month or 6-month licence depending on their age from the date of first registration. And may be refused to be licenced if over a specified age for a new application or at renewal. The vehicle must meet the specification in this policy to be licenced. This is set out below.

Renewal of any Taxi or Private Hire Vehicle MOT must be undertaken at one of the councils nominated testing stations and arrangements and payments for any MOT will be undertaken by the applicant.

7.2 Grant and Renewal of Licences

A Private Hire Vehicle & Hackney Carriage licences will be issued for a one (1) year period, commencing on the date that the licence is issued. Subject to the Age of Vehicles below, vehicles older than eight (8) years old on the day that the licence is granted will be issued with a 6-month licence.

7.3 Emissions and Age of Vehicles

In the interests of passenger safety and comfort and in support of ongoing reductions in emissions there is a need to have in place controls on taxi age and emission limits.

Modern vehicles are now greatly improved with regards to emission standards and the move to all electric will ensure that Taxi and Private Hire vehicles do not cause local air quality issues.

In Rushcliffe the local air quality management areas have been revoked and as such local and national policies have worked to improve air quality.

None the less other areas of the country still have AQMAs and vehicles can be driven through these and this authority is required to report to Defra weekly on the taxi fleet. It is therefore still appropriate to have certain controls on the age and emission standards of any vehicle to be used as a private hire or hackney vehicle but to balance the impact that this has on operators, owners and drivers.

Rushcliffe believe that this can be achieved by ensuring appropriate age limits of the vehicles being granted a licence.

In order to progress this improvement in standards and support air quality improvements the Council will further reduce the age limit of vehicles being registered for use as a taxi or PHV for the first time accordingly:

AGE LIMITS ARE:

Any NEW LICENSED application (as opposed to a renewal) vehicle will only be able to be licensed with the Council if its date of first registration as stated on the DVLA V5 document, is **not older** than eight (8) years of age at the date of application.

For existing vehicles already licensed by Rushcliffe Borough Council (e.g. renewals) that are over eight (8) years at the point of application, the Council will continue to

license up to the age limit in place described in the next paragraph and table. Where a licence renewal is not applied for before the expiry of the current licence, by a short period due to administration error, an officer *may* permit the vehicle application as a renewal. All other vehicle ages will not be licensed unless an exemption applies.

Any vehicle application refused on age limits may be refunded any fee paid. An admin fee may apply if an applicant regularly submits older vehicles than permitted.

The Council will apply an age limit and will not license vehicles older than fifteen (15) years old from the date of first registration at the time of application (Exceptions apply). The age limit will be kept under review during this policy and any subsequent policy. The exception to the above will be specially adapted or specialised purpose built vehicles which are used for the carriage of disabled persons which will not have an age limit restriction.

Fully electric and other environmentally friendly fueled vehicles (e.g. ZEV or hydrogen, but not hybrid petrol/diesel) will be judged on their specification and condition and will also **not** have any age limit restriction applied. Some types of vehicles may be at the discretion of this authority, as this area develops and may be amended as necessary.

TAXI/PHV application	**Age**	**Licence issued**
Newly licensed (All Vehicles)	**Must be less than 8 years**	**1 year licence**
Renewal	**If they have a current licence they can be renewed until 15 years old**	**1 year licence, but 6 months if older than 8 years**
Renewal (Specially adapted, ZEV, Hydrogen or discretion)	**No age restriction, subject to suitability to standards**	**1 year but 6 months older than 8 years**

The Council's policy in relation to vehicle standards are set out in Appendix F.

The CAZ legislation, the **Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019** requires that all councils report weekly the vehicles that are licenced under them for inclusion in the CAZ database. Rushcliffe Borough Council have made it clear on all applications for a vehicle PHV or Taxi that we are required by Law to share the data with Defra so that Defra can create and maintain a database to support the operation of charging clean air zones by local authorities or other air quality plans. The data will be limited to vehicle VRM, start date, end date, Taxi or PHV, Rushcliffe BC licence plate no, and wheelchair accessible status, and is subject to a memorandum of understanding and the GDPR and data protection regulations. However, the information provided is currently available freely on the Council's public register page and no implications on data protection are expected to comply with this obligation.

7.4 Insurance

It is required that all insurance documents must be shown before a licence is issued.

- This requires a valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle
- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward
- A Private Hire vehicle requires insurance to cover hire and reward
- A cover note will be accepted, and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity
- Weekly cover notes will not be accepted the minimum period will be 28 days in all cases.

The Council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

7.5 Vehicle Specification

The Council has set down a series of specifications. A vehicle will need to comply with these specifications prior to it being accepted as a licensed vehicle. Where an application is received where the vehicle does not meet the specifications the council may refund some or all of the application fee as it sees fit. The specification for Private Hire vehicles and for Hackney Carriages can be found at Appendix F.

7.6 Conditions

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of Hackney Carriage or Private Hire Vehicle licences. These are set out in Appendix G for Private Hire Vehicles and Appendix H for Hackney Carriages.

However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will consider the aims and objectives of this policy.

7.7 Identification of Vehicles as Private Hire Vehicles or Hackney Carriages

The Council requires Hackney Carriages and Private Hire vehicles to clearly indicate to the public that they are licensed vehicles. Therefore, they must be clearly distinguishable from other vehicles and each other. The Council believes that clear signage, types of vehicle, together with the colour/finish of the vehicle, can achieve this.

Hackney Carriages

- The exterior colour of all Hackney Carriages must be of a gloss finish.
- Single colour

- ‘For Hire’ signage on roof of the vehicle

Private Hire Vehicles

- The TX4 or similar vehicle (commonly referred to as a ‘London cab’) will not be licensed as a Private Hire vehicle
- The minibus variants of approved Hackney Carriage vehicles (such as the Mercedes Vito) can be licensed as Private Hire vehicles.
- Specialised vehicles. Used for school proms etc. must be constructed or adapted for no more than 8 passengers.

The Council has set standards on the acceptable type of signage for Private Hire Vehicles and Hackney Carriages. These can be found in the Private Hire Vehicle /Hackney Carriages conditions set out in Additional Guidance **on the operation of CCTV in Licensed Vehicles**

Introduction

This guidance supports the Council’s Hackney Carriage and Private Hire Licensing Policy 2025-2030. It applies where CCTV is voluntarily installed in a vehicle licensed by the Council.

A properly operated CCTV system may help to safeguard passengers and drivers, prevent and detect crime and disorder, deter inappropriate behaviour and provide evidence where an incident has occurred.

The Council does not approve or certify individual CCTV systems, suppliers or installers. Nothing in this guidance removes the responsibility of a licence holder, proprietor, operator or other person to comply with the law.

Installation of CCTV

Before installing CCTV, the proprietor should consider the purpose of the system, whether recording is necessary and proportionate, the intended camera coverage, storage and security arrangements, access controls, retention and procedures for responding to requests.

The system should be securely installed and maintained in accordance with the manufacturer’s instructions. Cameras should not unnecessarily record areas outside the vehicle.

Data protection responsibilities

The person or organisation that determines the purposes and means of operating the CCTV system will normally be the data controller.

The data controller is responsible for ensuring that the collection, use, storage, retention, disclosure and deletion of recordings complies with applicable data protection legislation.

Before use, the data controller should document the purpose and lawful basis, consider whether a Data Protection Impact Assessment is required, establish a retention period, provide privacy information, establish request and disclosure procedures and implement appropriate security measures.

Data Protection Impact Assessment

The operator should consider whether a Data Protection Impact Assessment is required before installing or operating CCTV.

The assessment should address the purpose and extent of recording, the effect on passengers and drivers, less intrusive alternatives, security, access, retention, deletion and any audio recording. It should be reviewed where the system, purpose or method of use changes materially.

Signage and privacy information

Clear and prominent signage must be displayed whenever CCTV is operating. It should be visible on or before entry, state that CCTV is in use, identify the data controller or provide contact details, and explain how further privacy information may be obtained.

Where external areas are recorded, the data controller should consider whether external signage is appropriate. Signage must be kept clean, legible and secure.

Operation and maintenance

The proprietor should ensure the equipment is suitable for vehicle use, securely installed, accurately date and time stamped, capable of producing recordings fit for the stated purpose, access controlled and properly maintained.

The installation must not obstruct the driver's view, interfere with controls, mirrors, airbags or other safety equipment, or create an injury risk.

A temporarily unavailable voluntary system will not by itself prevent use of the vehicle. Passengers must not be told CCTV is operating when the system is known not to be recording.

Security of recordings

Recordings must be protected against accidental or unlawful loss, alteration, destruction, access or disclosure. Safeguards should include encryption, password protection, physical protection, restricted access, secure export procedures and an access and disclosure record.

Recordings must not be viewed, copied, shared or published for personal, entertainment or other incompatible purposes, including publication on social media.

Retention and deletion

Recordings must not be retained longer than necessary. The data controller should establish and document a retention period that is reasonable, proportionate and capable of justification.

Recordings relating to an incident may be preserved where necessary for an investigation, legal claim or other lawful purpose. Data must be securely deleted when no longer required.

Access and disclosure

Only authorised persons should access recordings. Disclosure may take place where lawful and necessary, including to the Police, another statutory enforcement body, the Council in connection with its licensing functions, under a court order, for legal claims or to an individual exercising data protection rights.

Each disclosure should be assessed and recorded, including the requester, purpose, lawful basis, material disclosed and authorising person.

Individual rights

The data controller is responsible for responses to individuals exercising rights under data protection legislation. Procedures should permit footage to be identified, the requester's identity to be verified, third-party personal data to be protected and requests to be answered within applicable timescales.

The Council will not normally hold recordings from voluntary systems and cannot respond on behalf of the data controller.

Audio recording

The Council does not support routine recording of conversations in licensed vehicles. Audio recording must not be enabled by default.

Audio should only be used where a clearly defined purpose, lawful basis, necessity and proportionality can be demonstrated; visual recording alone is insufficient; risks have been assessed; occupants are clearly informed; and controls prevent continuous or unnecessary recording.

Where audio cannot be separately disabled or controlled, the operator should consider whether the system is suitable.

Requests from the Council

The Council may request information reasonably required to determine whether operation of the system complies with the Licensing Policy or raises a relevant public safety, safeguarding or licensing concern.

Information may include equipment details, camera locations, purpose, data controller details, lawful basis, DPIA where applicable, privacy information, signage, retention, access and disclosure procedures and audio controls. A request does not transfer responsibility for the system to the Council.

Licensing and enforcement

Each case will be considered on its own merits. A technical fault or isolated administrative error will not automatically result in licensing action.

The Council will take account of seriousness, risk or harm, the licence holder's response and relevance to public safety, safeguarding, fitness and propriety or suitability. Serious, deliberate or repeated non-compliance may be taken into account and may be referred to the Information Commissioner's Office or another relevant body.

Further information

Licence holders and operators remain responsible for obtaining any legal or specialist advice needed. Further information may be obtained from the Information Commissioner's Office, Department for Transport and the Council's Licensing Service.

The Council may amend this guidance to reflect changes in legislation, statutory guidance, case law or recognised good practice.

Appendix G for Private Hire Vehicles and Appendix H for Hackney Carriages. They include:

- the permitted position of licence plates
- positioning of permanent door signs for vehicles
- required wording for door signs on vehicles
- requirements for the display of notices in vehicles
- other notices / markings that the Council will require licensed vehicles to display.

7.8 Fire Extinguishers and First Aid Kits

All vehicles will carry a first aid kit; fire extinguishers are not mandatory as the guidance now is to get safe as a priority. If fitted however, they must be in working condition as specified in the Council's conditions.

7.9 Tyres

Tyres are the vehicle's only point of contact with the road, so it is essential that they are in good condition. The Council requires that all licensed vehicles adhere to the following provisions about tyres:

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 1.6 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre
- Tyres fitted to a motor vehicle must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
- Be compatible with the types of tyres fitted to the other wheels
- Not have any lump, bulge or tear caused by separation or partial failure of the structure
- Not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord
- Not have any part of the ply or cord exposed
- Tyres must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement
- The fitting of part worn tyres to licensed vehicles is not permitted.
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences

- Inflation kits are now fitted to a lot of vehicles but are not suitable for large damage areas, the owner or operator of the vehicle must provide a provision for a journey to continue at no extra cost to the passenger/s. If the inflation kit is used it should be treated as a space saver wheel and must be replaced before the next journey, in accordance with the manufacturer's instructions. These kits are for a short-term measure to get you to the nearest tyre repair premises. No further hire is permitted till the tyre is replaced and replacement inflation kit is purchased
- Run Flat tyres must be used if punctured as per the manufacturer's instructions and must be repaired or replaced before the vehicle is acceptable for hire.

7.10 Accidents

If at any time the vehicle is involved in an accident or collision, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 72 hours in writing or by email (telephone calls are not a permitted method of reporting accidents). Photographs taken in daylight of all 4 sides of the vehicle and the damaged area must accompany any report, for officers to decide on whether an inspection is required. If the photograph is inconclusive the vehicle must be inspected, and the vehicle must be presented for inspection to the Council as soon as possible after the accident has taken place. The appointment will be arranged by the Council who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council of this fact – the Council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination. The vehicle plate's front and rear must be removed and returned to the licensing department to be held if the vehicle is repaired to a satisfactory standard. Failure to do so may result in Licensing Enforcement Penalty Points being issued.

All damaged vehicles which were deemed to be roadworthy at the time of the accident will be subject to an examination at the authorities approved test station before being plated this test must be paid for at the current inspection charge.

7.11 Vehicle Examination and Testing Requirements

Hackney Carriage and Private Hire vehicles examination and testing requirements are set out in Appendix I Vehicle Testing requirements.

7.12 Meters

All Hackney Carriages must be fitted with a meter.

Meters used to calculate fares must be accurate, display the correct time and be capable of displaying:

- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force
- In the case of Private Hire Vehicles, any scale of charges which will be provided by the Private Hire operator.

Meters will be checked for accuracy by a measured mile distance or by waiting time. Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.

Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been resealed and calibrated by an approved meter company and presented to the Council for inspection. A calibration certificate must be available in the vehicle for inspection by any authorised officer who makes a request of the driver.

Private Hire Operators and / or Hackney drivers may agree a cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted is the price that must be charged – there is to be no deviation from this price without the agreement of the customer. On occasions where a price has been not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter.

7.13 Advertisements on Vehicles

No advertisements shall be placed on any vehicle licensed by the Council without the applicant receiving prior approval of the advert. See Appendix J Advertisements

The main aim of Council's licensing of the Hackney Carriage and Private Hire trade is the protection of the public. The Council is aware that the public should have reasonable access to Hackney Carriage and Private Hire services, because of the part they play in local transport provision. Disabled groups are particularly reliant on Hackney Carriages as a means of transport. Licensing authorities have no power to restrict the number of Private Hire vehicles that they licence. Licensing authorities can restrict the number of Hackney Carriage licence plates they issue if they are satisfied that there is no significant unmet demand for taxi services; in Rushcliffe numbers are not restricted at this time.

7.14 Taxi Ranks

A full list of Hackney Carriage ranks, their exact positioning on each street and the times they are in use is set out in Appendix K.

- Taxi ranks are to be used by Hackney Carriages whilst waiting for their next hire
- They are not to be regarded as parking places
- Private Hire Vehicles are not permitted to park on taxi ranks, nor must they allow customers to alight from their vehicle on a taxi rank.

7.15 Designated wheelchair accessible vehicles Section 167 list

Rushcliffe Borough Council is committed to promoting accessible transport services to all users, and to uphold the objectives of the Equality Act 2010.

See guidance on accessible transport

We maintain a list of all vehicles designated for the purposes of section 165 of the Equality Act 2010 have (Known as the Equality Act Section 167 List) on our website; all Taxis will be designated upon application as such vehicles unless an exemption is applied for.

Rushcliffe will seek to expand the designated list to PHV capable of meeting the minimum standards for designation.

The following responsibilities are placed on drivers of Hackney Carriages and Private Hire vehicles that have been licensed as designated wheelchair accessible vehicles:

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

What Does Mobility Assistance Mean?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle. If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle. The driver must also offer to load the passenger’s luggage into and out of the vehicle.

Guide Dogs / Assistance Dogs

Duties are also placed on Hackney Carriage and Private Hire drivers when driving licensed vehicles to carry guide dogs and other assistance dogs under the requirements of the Equality Act 2010, regardless of the designation on the 167 list.

Refusal to Comply with the Above Duties

Section 166 of the Equality Act 2010 allows the licensing authority to exempt drivers from duties to assist passengers in wheelchairs if their medical grounds allow this, or the driver’s physical condition makes it impossible or unreasonably difficult to comply with the duties

Unless a driver has been granted an “**Exemption Notice**” by the Rushcliffe Borough Licensing Authority on the grounds that he / she is medically unable to provide the

above assistance, then an offence is committed if the duties imposed are not carried out as required. In such instances the Council will investigate any complaints received about the lack of assisting wheelchair users and / or those accompanied by guide / assistance dogs and will take the appropriate enforcement measures in accordance with our Hackney Carriage & Private Hire Licensing Policy.

8. Fares

The Hackney Carriage Table of Fares ("the tariff") is set by the Council and sets the maximum fare that can be charged by Hackney Carriage drivers for journeys within the Borough which can be negotiated downwards by the hirer for journeys. The hirer may agree to the fare for a journey which ends outside the Borough being charged other than at the metered rate.

It is an offence for any person to charge more than the metered fare and penalty points can be issued to the Proprietor of the Hackney Carriage in such circumstances in line with the Council's penalty point's scheme.

The Council will review Hackney Carriage fare scales from time to time in liaison with the Hackney Carriage Proprietors. A notice of any variation to the maximum fare shall be advertised by the Council.

A table of authorised maximum fares will be provided to each Hackney Carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

Drivers must, if requested by the passenger, provide written receipts for fares paid.

For Private Hire Vehicles the Council is not able to set fares for Private Hire vehicles. Drivers must, if requested by the passenger, provide written receipts for fares paid.

The receipt must provide the passenger with

- The journey cost
- The operating company name and contact number
- The driver's name and signature
- The date of the journey.

9. Operators

9.1 Requirement for a Licence

A licensed private hire vehicle must only be despatched to a customer by a Private Hire Operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle.

A Rushcliffe Private Hire operator must ensure that every licensed hire vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence.

Any person who operates a Private Hire service must apply to the Council for a Private Hire Operator's Licence. The objective in licensing Private Hire operators is the safety of the public, who will be using operators' premises, and vehicles and drivers, arranged through them.

Applications for Operator licences shall be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an Operator licence. Planning permission is required for each Operator's base and is required as part of the application process.

The Council will grant Private Hire operator licences for a period of up to 5 years. The council would encourage 5 years licences to avoid undue administration and certainty to the applicant.

The applicant's premise must be in the Rushcliffe Borough area.

9.2 Fitness and Propriety

The Council will only issue licences to applicants that are deemed to be fit and proper. Applicants must declare all persons who are directors of the company and a valid DBS certificate must be supplied along with demonstration of their entitlement of their right to work in the UK such as a UK/ROI passport, or as set out in this policy in other areas. In assessing this, the Council will have regard to the following:

- Criminal record (including convictions, cautions, warnings and reprimands)
- Factors such as demeanour, general character, non-criminal behaviour, honesty and integrity
- Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Rushcliffe Borough Council)
- Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)
- National Register of Taxi Licence Revocations, Refusals & Suspensions (NR3S).

In addition, the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

If an application is received from a person that is not a current driver licensed by Rushcliffe Borough Council, then the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service and undertake the Council's Child and Adult Safeguarding Awareness Training or other training as deemed necessary (as required by licensed drivers).

An operator is under an obligation to remain fit and proper at all times and may have their licence revoked or suspended and be prohibited from reapplying for a renewal or a new licence for a period of time depending on the circumstances of any suspension/revocation. Any periods must be considered proportionate and appropriate in the circumstances of any offence or reasons for the suspension/revocation. Any action taken may still lead to criminal action being taken for serious offences.

9.3 Booking & Dispatch Staff

Private Hire vehicle drivers are not the only direct contact that private hire users have with private hire vehicle operator's staff, for example a person taking bookings (be it be by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

The Council will need to be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. The Council will**, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**

Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.

The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded. The register

must be available for inspection by a warranted police officer and an authorised Council officer.

Operators may outsource booking and dispatch functions, but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

9.4 Record keeping

Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. The Council **shall as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

9.5 Policy for the employment of ex-offenders

The Council also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

9.6 Insurance

Before an application for a Private Hire operator's licence is issued, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed. Where necessary, operators must also hold employer's liability insurance.

9.7 Conditions

The Council has the power to impose such conditions on an operator's licence, as it considers reasonably necessary and these are set out at Appendix L. However, where it is considered necessary, additional conditions may be imposed. In considering what is reasonably necessary the Council will consider the aims and objectives of this policy.

Failure of the operator to adhere to the conditions of licence will lead to enforcement action (suspension, revocation or prosecution) and / or the issue of enforcement penalty points.

6.1 Use of Operator Name Following Revocation of Licence

Where an operator licence is revoked by the Council, the name (or a similar name) of the Private Hire company associated with that licence cannot be used by another operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

9.8 Operator Responsibility in Relation to Vehicles / Drivers that are operated

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers, vehicles and controllers are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be considered detrimental to the continued fitness and propriety of the operator.

The following are examples of circumstances that may affect the fitness and propriety of a Private Hire operator:

- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator
- Vehicles being operated that are in an unsuitable condition
- Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding)
- Failure to monitor drivers working hours to ensure they are safe to transport the public
- If the vehicle is tracked through software the operator has a responsibility to ensure if the vehicle appears to still be working after the driver has logged off to report that matter to the authority.

Operators may be issued with enforcement penalty points as a result of the actions of the drivers / vehicle proprietors that are working for them or under their control.

The use of computer or mobile phone applications by operators licensed within the authority: There would be an expectation that an authority licensed vehicle would, if available, service that call if within the authority's district.

The council expects licensed operators to behave responsibly/professionally and to support the council in its overall aims and to raise awareness of integrity, honesty and to tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues.

9.9 Right to Work in the UK

Operators may only employ drivers who have a right to work in the UK. Refer to section 6.13 Right of the Driver to Work in the UK.

9.10 Complaint/Records

Each Operator shall keep a record of complaints made to them, their agents or employees in relation to any aspects of the business. The records shall be maintained for the duration of the licence and should be available at all times for inspection by Police or authorised Officer of the Council.

9.11 Operator's Responsibility

The Operator shall at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall ensure that:

- When a vehicle has been hired to attend at an appointed time and place the vehicle shall, unless delayed or prevented by sufficient cause, attend punctually
- Premises provided by the Operator will be within the District or approved by the Licensing Authority and any waiting areas shall be kept clean, heated, ventilated, well-lit and with adequate seating
- Any telephone facilities and dispatch equipment are maintained in an effective working order.
- Any complaints received by the Operator that could undermine public safety shall be referred in writing to the Licensing Authority, together with any action taken
- All vehicles operated shall be maintained in a satisfactory and roadworthy condition; and they shall ensure that any defects to vehicles are recorded and corrected as soon as possible
- The Operator shall ensure, without prejudice to any other liabilities imposed under the Act, that all vehicles and drivers owned, controlled or operated in association with the Operator shall observe and perform the conditions of their licence
- The Operator will monitor driver's working hours to ensure they are safe to transport the public. Although there is no legal framework for taxi driver's hours, it is incumbent upon the Operator to ensure drivers do not work excessive hours and that they are fit to drive and thus will not put the public at risk. Guidance relating to driver hours can be found in section 5.14 of this Policy

- The Operator will inform the Licensing Authority of any offences/convictions/arrests committed by any driver or employee attached to his company with direct access to the public's details or any breach of data protection protocols.

9.12 Communication and Information Security

Personal Information

In the course of their business, operators and/or drivers will be required to process and store various pieces of data, some of which will be personal data. The processing and storage of this data will fall under the provisions of the Data Protection Act 1998 and the GDPR. Operators should ensure they are aware of their responsibilities under the Acts. Licensees are required to establish whether they need to register with the Information Commissioner's office as a data controller. Further information can be obtained from the Information Commissioner's Office at the Information Commissioner's Office

Radios

Where a licensee maintains a radio network for use, the range and /or frequency used may require a business radio licence from Ofcom. Further details can be obtained at Radio Communication Licences

CCTV

The council does not mandate CCTV installation and encourages the voluntary installation and operation of Closed-Circuit Television (CCTV) systems within licensed Hackney Carriage and Private Hire Vehicles as a measure to promote the safety and security of drivers and passengers, prevent crime and disorder, and assist in the investigation of incidents.

Where CCTV is installed, the licence holder shall ensure that the system is installed, maintained and operated in accordance with all applicable legislative requirements, including data protection legislation and shall meet the technical specifications in the appendices to this policy.

Any CCTV system operated within a licensed vehicle shall be used in a manner that is lawful, necessary and proportionate to the legitimate purposes for which it is installed.

Appropriate signage shall be prominently displayed within the vehicle informing passengers that CCTV recording is in operation and providing information on how further details regarding the processing of personal data may be obtained.

Recorded data shall be processed, stored, retained, disclosed and disposed of in accordance with applicable legislation and shall not be retained for longer than is necessary for the purpose for which it was obtained.

In most cases, the proprietor or person responsible for the operation of the CCTV system will be the data controller for the purposes of data protection legislation and shall be responsible for compliance with the associated legal obligations.

The routine recording of conversations within licensed vehicles is not supported by the Council. Audio recording shall not be enabled by default and shall only be used where the operator is satisfied that there is a lawful basis and demonstrable necessity for such processing.

The Council may publish and amend guidance and recommended specifications relating to CCTV systems from time to time.

The Council may request evidence that any CCTV system installed within a licensed vehicle is being operated in accordance with this policy and applicable legislative requirements.

Failure to comply with applicable legal requirements relating to the installation or operation of CCTV systems may be taken into account by the Council where such non-compliance calls into question a person's fitness and propriety to hold a driver's licence or suitability to hold a vehicle licence.

Private Hire Operator application forms

You will be required to attach your supporting documents and make a payment for the application to submit your application online.

9.13 To apply for a new PHO licence use the following link.

- Apply for a New Private Hire Operator's Licence with Rushcliffe BC - Form

Use the link below when your current licence is still valid and you wish to renew your licence.

To use the renewal link below you will need the **renewal code** from your reminder letter. If you do not have your reminder letter you should contact the licensing service who can resend this to you. Tel 0115 914 8322 or email **Licensing@rushcliffe.gov.uk** .

- Apply to RENEW your existing Private Hire Operators Licence with Rushcliffe

  NOTE You will need your renewal code from the council before starting the online form application.

PLEASE NOTE: the application form is not submitted or received by Rushcliffe Borough Council if the payment is not made at the time of completing the application form.

10. Fees

The legislation provides that fees charged to applicants can cover most of the costs to the Council in providing the Licensing Service. This includes the administration of

applications and ensuring compliance by licensees within the Hackney Carriage and Private Hire trade.

The fees are reviewed at the start of each calendar year and confirmed by the Council ahead of the start of each financial year i.e. 1st April. The Council, however, can review the fees at any time. A list of the current fees can be found on the Council's website. See Fees and charges - Rushcliffe Borough Council

11. Compliance and Enforcement

11.1 Enforcement

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety.
In doing this, the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated. The Corporate Enforcement Policy for the Council embeds its principles of enforcement.
In April 2014 a new Statutory Regulators' Code was brought into force and, accordingly the Council should:

- carry out their activities in a way that supports those they regulate to comply and grow
- provide simple and straightforward ways to engage with those they regulate and hear their views
- base their regulatory activities on risk
- share information about compliance and risk
- ensure clear information, guidance and advice is available to help those they regulate to meet their responsibilities to comply
- ensure that their approach to their regulatory activities is transparent.

A range of tools and powers, including mystery shopping, to ensure compliance will be used. Compliance assessment is ultimately to ensure that the driver or operator is a 'fit and proper' person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount. Where appropriate, referrals will be made to other agencies such as the Police, HM Customs & Excise Immigration, other Licensing Authorities and both Adult and / or Child Safeguarding teams.

The Council will respond to complaints made by the public and referrals from other agencies and bodies. In addition, officers will undertake proactive inspections and testing as either day to day activity or as part of programmed operations. Any breach of the required standards, policies and conditions may lead to suspension and/or revocations or the issuing of penalty points, suspension, and revocation of the licence or prosecution.

If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation of a licence to have effect immediately. Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the Magistrates Court in order to challenge the Council's decision. There is no

other recourse available to the licence holder (or former licence holder) should they wish to have the decision to suspend or revoke their licence reversed.

11.2 Joint Enforcement Protocol

The Council will work with other local Councils under a Joint Enforcement Protocol developed by the City Council or other councils, which will allow authorised officers to require the inspection of licence/badges under Section 53 (3) LGMP Act 1972, inspect and test vehicles and suspend if not satisfied as to fitness under Section 68 and provide for the offence of obstruction of an authorised officer under Section 73. Authorised officers may discharge the delegated powers in respect of private hire and hackney carriage vehicles and drivers licensed by any other partner council whilst such a vehicle and/or driver are in the controlled district of the authorised officer.

The protocol is available for viewing on Taxi Drivers Licenses webpage

Rushcliffe Council has adopted and maintains these arrangements.

11.3 Enforcement Penalty Points

The Council will operate a penalty point system of enforcement of specified minor breaches of conditions of licence or other unacceptable behaviour specified as part of this policy. The penalty point system will apply to drivers, operators and vehicles. The scheme is used as a formalised method of issuing warnings. It is also completely transparent in that every licence holder will know what penalty points to expect for a breach.

Points will be issued per incident and will accumulate on a licence until they reach the “trigger level”. At this trigger level, the licence holder will be referred to the Licensing Committee for the Panel to consider whether it is appropriate for the licence holder to remain licensed by the Council. The Licensing Panel may determine that the licence should be suspended or revoked, or the Panel may choose to administer some other sanction at its disposal.

The scheme is designed to deal with minor breaches and not major concerns as to a driver’s suitability. It is designed to alert the authority that a driver’s conduct over a period of time is giving rise for concern. The trigger level will be 12 points in a rolling three-year period. Licensing Officers will be authorised to operate the scheme and issue points accordingly. The penalty point scheme is outlined in Appendix M.

11.4 Suspension of Licence

Where an individual failure in meeting the vehicle, conditions is detected an authorised officer may take immediate action to suspend the vehicle licence and require remedial action. This requires the service of a vehicle defect notice and further use of the vehicle may be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test, at the proprietor’s expense, and / or been passed as fit for use by the Council. Such defect notices will also be appropriately accompanied with a penalty point resolution.

In situations where there exists a serious risk to the safety of the public the Director for Neighbourhoods, under delegated powers, is permitted to suspend the licence of a driver, vehicle or operator.

Where the Director for Neighbourhoods is satisfied that a person is no longer a 'fit and proper' person or is in breach of a condition of licence, they may suspend a driver's licence for any specified period.

When considering the revocation of any licence, the Director for Neighbourhoods will take into account all relevant facts and circumstances including the aims and objectives of this policy and the nature of the breach.

11.5 Refusal to Renew a Licence

The Director for Neighbourhoods may decide that the appropriate action is not to renew the licence. See also section 4 Delegations. In circumstances where an applicant has not provided all relevant information or documents or has failed to comply with any of the requirements to renew a licence, an authorised officer will be permitted to refuse to renew the licence.
The person applying for a licence will have the opportunity to appeal this decision to the Magistrates Court.

11.6 Prosecution of Licence Holders

The Council will prosecute licence holders for relevant offences in accordance with the Statutory Regulator's Code and the Corporate Enforcement Policy.

11.7 Appeals

Any notifications of enforcement actions will include information on how to appeal and to whom the appeal is made, if a right of appeal exists.

11.8 Complaints

The Council has a procedure whereby the general public can submit complaints / concerns about licensed drivers and operators. This is accessible via the submission of a report form available on the Council's website (click here). In considering the most appropriate action to take in relation to a complaint, the credibility of both the complainant and the licence holder will be taken into account. In addition, if anyone wishes to complain about the service provided by the Council there is a complaints procedure available on the Council's website.

Appendix A Private Hire and Hackney Carriage Drivers Application Procedure

Driver Licence Process

Rushcliffe Borough Council will only issue licences to those applicants that it considers to be 'fit and proper' to hold a licence and have paid the full fee applicable at the time of application. There is no statutory definition of what constitutes a 'fit and proper' person, however Rushcliffe Borough Council will take a number of factors into account, and set specific criteria for applicants, when considering a licence application. These factors and criteria are detailed below:

1. Applications will only be accepted from applicants that have held a full UK driving licence for at **least one year**. Applicants that hold full EU licences or one of the other countries in the European Economic Area (EEA) will have the length of time that they have held such licences taken into consideration, however holders of EU/EEA licences will only be issued with a licence for **12 months** – the licence will not be renewed unless the EU/EEA licence is exchanged for a full UK licence (as required by national legislation). The Council may directly access the DVLA records of applicant's or alternatively will employ the services of a third party.

2. Applicants will be required to obtain an Enhanced Disclosure Certificate from the Disclosure and Barring Service. The contents of this certificate will be assessed in accordance with the Council's policy on convictions in determining the fit and proper nature of the applicant. The applicant must also subscribe to Disclosure and Barring Update Service.

Licences will not be granted unless the applicant is able to provide at least five years' UK address history except in the following cases:

- The applicant is able to provide a document from an EU member state, which is the equivalent of a UK issued Enhanced DBS Certificate;
- If this cannot be provided then an official document provided by the embassy of a non-EU member state will be acceptable, provided that the document can be verified and is comparable to a UK issued Enhanced DBS Certificate.

In either of the cases above, the onus is on the applicant to obtain such a document, and the applicant remains liable for all associated costs. DBS checks are required on application and then every six months.

For those applicants where they are considered asylum seekers see section 6.14 for any possible exemption.

3. Applicants are **usually required** to pass the Council's knowledge test. This test will assess the applicant's knowledge and ability in relation to:

- Literacy and numeracy (also support the English readability/speaking requirements)
- Road Safety
- Customer care/customer awareness

- Local knowledge/routes

It is strongly recommended that the applicant completes this test prior to making a full application to avoid being refused a licence. As once a full application is applied for the application will be refused after 3 months if all criteria are not met.

A fee is payable by the applicant prior to them undertaking the test. If the applicant fails the test then they may retake it and no limit applies, but drivers should think carefully before rebooking and ensure they are familiar with the area as each test will incur a further fee.

Where a driver has a previous licence (within the last 12 months) they will not be required to undertake a KT with RBC if they have held the licence with Nottingham City or Gedling Borough or Broxtowe Borough councils. Officers may make enquires with the council who issued the licence to establish the licence holders' details. Where drivers for SEN vehicles are applying and have passed the enhanced Green Penny test (or another test from an RBC approved provider) then no KT will be required to be undertaken. A restrictive licence may be issued in these circumstances.

4. Applicants will be required to demonstrate that they have abilities to speak English in such a manner that they can communicate with customers. The Council will make such arrangements for the testing of an applicant's ability to speak English as required on an individual basis and may make a charge for such a test.

An English test will not be required where the applicant holds a UK educational qualification which will be required to be submitted on initial registration/ application or on the first subsequent renewal after 1 April 2023.

In exceptional cases the licensing service will review each application on a case-by-case basis and may issue a licence only if the officer is satisfied with regards to the ability of the applicant to speak and write English for which a charge may be applied. Where the Licensing officer is not satisfied of the ability to read/write or speak English the applicant will be considered not fit and proper at the time of the assessment and may be refused.

The council will publicise a list of acceptable qualifications which may be updated as required.

5. Applicants are required to satisfactorily complete a driving test with the Council's tester or hold a current DVSA driving certificate. Details of the test will be provided to the applicant by the Council.

6. All applicants must agree to the Council verifying their DVLA driving licence and will require the applicant to give their consent to such a check being carried out. These checks will be carried out on an annual basis. Any refusal at any time a licence is held without good cause, may result in the revocation/suspension of the licence.

7. Applicants whose DVLA driving licence is endorsed with **more than 12 penalty points** will usually be refused/revoked, with reference to Appendix C

Guidelines Relating to the Relevance of Previous Convictions,) and those with **seven or above** will merit further consideration.

8. Applicants are required to undergo a medical which meets “Group 2” standards with the current medical provider as designated by the Council. The Council must be satisfied that the applicant meets the “Group 2” standards. A medical to Group 2 standards will be required on first application and then every five years from the age of 45. On reaching the age of 65 a medical will be required annually and therefore a licence will only be issued on a yearly basis.

Note: The Council may also request a medical at any other time it feels may be necessary to ascertain a persons’ fitness to drive a licensed vehicle or request the applicant to obtain any other medical history to ensure they are fit to drive be granted a licence

9. Applicants will be required to undergo Safeguarding Vulnerability & Disability awareness training before a licence is granted. The Council may also require a driver to undergo any revised training when required.

10. Drivers wishing to work for more than one operator, should apply online to this service subsequent to receiving their initial driver’s licence. This service will normally issue an additional driver’s authorisation/licence for deposit at the additional operator’s office. There will be a charge for this request on the online form payable at the time of application. You may only request an operator that is currently licenced with Rushcliffe Borough Council.

Documents required for an application to be assessed and determined.

You **must** produce the following in any order during the three-month period:

1. Rushcliffe Borough Council Knowledge Test. (**It is recommended this is done before applying and paying for a licence application**) this is a computerised test undertaken at the Rushcliffe Customer Contact Centre, The Library, Bridgford Road, West Bridgford (link to KT payment and to book a day for the test) (Note: **exemptions apply** if previously a driver with Nottm City, Gedling, or Broxtowe or have completed the enhanced Greenpenny course (paid course), you will not need a KT) contact Licencing service if unsure .
2. UK/ROI passport or right to work nine (9) digit code
3. Full UK driver’s licence held for at least a year
4. National Insurance Number
5. An enhanced DBS Check (Disclosure and Barring Service). Use the guide to online disclosure found in the Related Documents section
6. Medical examination with an approved practitioner (require eyesight test before attending) - 0115 920 9901 - you will need to take the medical form with you to your appointment, found in the Related Documents section of this page. (updated at the Drivers page Rushcliffe Borough Council). **This can be done prior to applying**.
7. Driving test with Nottingham City Council. To book a test, please telephone - 07483 170 287 - the fee is payable to Nottingham City. Alternatively via Blue Lamp Trust through their website: Taxi Assessments | THE BLUE LAMP TRUST . **This can be undertaken prior to applying**

8. Safeguarding & Disability awareness course passes. Course information is found in the see here for blue lamp - online course offered by The Blue Lamp Trust or the enhanced Greenpenny. **This can be undertaken prior to applying.**
9. Two utility bills/bank statement to confirm address (within 3 months)
10. Confirmation of Employment from a Private Hire Operator holding a Rushcliffe PHO licence
11. A current passport sized photograph (digital)

You may also be required to supply the following information:

12. HMRC Tax Check Share Code for renewal applications and for new applications where the applicant holds or has previously held within the last 12 months or held a HC/PH Driver or Operator Licence.

It is recommended that this information is attained before applying for a licence, if not all the above must be in provided before three-month period expires from the date of application. After this time period the application will be determined and is likely to be refused

There are no refunds of any monies paid if refused and applications cannot be withdrawn.

The length of a driver's licence will be one or three years if approved. The applicant will be required to complete the renewal application prior to the expiry of the current licence. If you fail to renew in time a new application will be required.

HMRC requirements to be complied with upon renewal

HMRC rules require that the renewal of a taxi driver, private hire driver or operator upon application will not be granted unless the HMRC tax check is completed, the code provided to the licensing authority for checking and this passing the validation check on the HMRC website.
Individuals, companies and any type of partnership must complete a HMRC tax check and provide the 9-digit tax check code on the application form when:

- renewing a licence
- applying for the same type of licence they previously held, that ceased to be valid less than a year ago
- applying for the same type of licence they already hold with another licensing authority

the code will be checked with the HMRC before a licence is issued on renewal and will be refused as an invalid application if this fails or is not provided on any application form where required.

Tax check codes expire after 120 days, so if you make a licence application for another licence after that time, you'll need to carry out a new tax check for it.
Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK (www.gov.uk)

Renew a Combined Driver's Licence online link

Use these links when your current licence is still valid and you wish to renew your licence. If you licence has expired and the renewal code fails you must contact us as you may need to apply for a new Initial application.

To use the renewal links below you will need the **renewal code** from your reminder letter. If you do not have your reminder letter you should contact the licencing service who can resend this to you. email **Licensing@rushcliffe.gov.uk** .

- Renewal Application - Combine Hackney/Private Hire Licence

PLEASE NOTE: The application form is not submitted or received by Rushcliffe Borough Council if the payment is not made at the time of completing the application form.

PLEASE NOTE: Please ensure your renewal date is within one month of the expiry date of your current existing licence. If you apply too early the application will not proceed and an error will occur. You may however apply at a later date.

Appendix B Disclosure and Barring Service Procedure

Rushcliffe Borough Council uses a third party to obtain Disclosure and Barring Service checks. Checks for drivers will be of Enhanced level. For Private Hire Operators who are NOT drivers, these will be the basic check.

Initially, drivers will be provided with the details of the DBS check process. The applicant will be required to register on the internet with the provider. This fee is payable to the third party and not the Council.

Once the verification process is complete the third party will carry out the checks with the DBS, which includes checks with the Police. Once these are complete, the third party notifies the Council and the applicant will be sent a printed DBS disclosure certificate. If the certificate has content, i.e. previous convictions or other information the applicant must ensure it is handed to the Licensing Service. No licence will be issued without the Council having sight of the certificate. In the case of a DBS Certificate being clear of content the Licensing Service will be advised of this by the third party.

Once a DBS certificate is received the applicant is advised and should, within 14 days, subscribe to the DBS update service. This costs considerably less that a new DBS check and allows the Council to carry out the check immediately provided the applicant has authorised the Council to do so as part of the application process. The Council requires all drivers to undergo a DBS check at least six monthly or on the grant of the licence or upon renewal and should subscribe to the DBS update service. If the DBS is not provided, this may lead to suspension of the driver until a DBS is provided and cleared.

Appendix C Guidelines Relating to the Relevance of Previous Convictions

Rushcliffe Borough Council Hackney Carriage and Private Hire Convictions and Fitness Policy

1. Introduction

1.1 This policy provides guidance to the Licensing Sub-Committee and Officers with delegated powers on the criteria to take into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire driver or Operator Licence. Any decision made by the Licensing Committee (and its sub-committee) and Officers with delegated powers will be made on the balance of probabilities and not beyond all reasonable doubt.

1.2 This Policy has been adopted from the Institute of Licensing (IoL) and a copy is available on the website Suitability Guidance Nov 2024 and regard shall be had to IoL policy in making any decision.

1.3 In seeking to safeguard the public, the licensing authority shall seek to ensure:

- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults.

1.4 The term “Fit and Proper Person” for the purposes of licensing is not legally defined and in assessing whether someone may be “Fit & Proper” the Licensing Authority will consider the following, and take any other relevant information into account:

- Criminality
- Human Rights
- Period of holding a driver’s licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Driving ability test
- The fitness and propriety of Private Hire Operators, ensuring the business is run in a safe and professional manner, having regard to management controls, compliance with the law and that drivers are properly monitored to ensure that they behave in an appropriate manner and comply with their duties and responsibilities, including the monitoring of driver’s hours
- The conduct of the applicant in making the application (e.g. whether they have acted with openness and integrity during the application process)
- The previous licensing history of existing / former licence holders and any complaints made against them and investigated by any local authority licensing service.

In addition, the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards and other statutory agencies.

1.5 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for a driver's licence
- Existing licensed drivers whose licences are being reviewed
- The holders of Private Hire Operators licences
- Licensing officers
- Members of the licensing committee/sub-committee
- Magistrates hearing appeals against local authority decisions.

1.6 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)].

1.7 In this policy the word "Conviction" is to be defined as including convictions, cautions, warnings, reprimands fixed penalty notices and other relevant information. In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time served by the applicant. If the sentence is amended by a court at a later date, then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.

1.8 In this policy the word applicant refers to either new applicants or those existing licence holders who are seeking renewal, or when offences have come to light of existing licence holders.

2. General Policy

2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be expected that the applicant would be required to:

a. Remain free of conviction for an appropriate period as detailed below

b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.2 The Council may depart from this policy if good reasons exist. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

2.3 Outstanding Charges or Summonses:

If an outstanding charge or summons involves a serious offence and/or the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application should be put on hold until proceedings are concluded, or the licence may be refused.

2.4 Non-conviction information:

If an applicant has on one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.

2.5 In assessing the action to take, the safety of the public must be the paramount concern.

2.6 Where an applicant has had a Hackney Carriage/Private Hire driver's licence revoked by another local authority, the Council will not grant a licence until at least three years has elapsed since the revocation.

3. Powers

3.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if:

- the application/licence holder has been convicted of an offence involving dishonesty, indecency or violence
- there is failure to comply with the provisions of the Town Police Clauses Act 1847
- there is failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976
- there is any other reasonable cause.

3.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore, the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the Applicant.

3.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to be satisfied that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence and/or Private Hire Vehicle Operator's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will consider:

1. How relevant the offence(s) are to the licence being applied for
2. How serious the offence(s) were
3. When the offence(s) were committed
4. The date of conviction
5. Circumstances of the individual concerned
6. Sentence imposed by the court

7. The applicant's age at the time of conviction
8. Whether they form part of a pattern of offending
9. Any other character check considered reasonable (e.g. personal references)
10. Any other factors that might be relevant, for example:
    (A) The previous conduct of an existing or former licence holder,
    (B) Whether the applicant has intentionally misled the council or lied as part of
    (C) the application process, Information provided by other agencies / council departments.

It may also be appropriate to consider the sentencing powers engaged by the court in disposing of criminal proceedings and Judges' reasons (obiter dicta) for coming to that decision.

3.4 Existing holders of driver's licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.

3.5 Applicants can informally discuss further what effect a caution/conviction may have on any application or existing licence by contacting the Licensing Service on 0115 981 9911 in confidence for advice. The Council will not be bound by any advice given and reserve its full powers.

3.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense or subscribe to the update service and at other times as determined by the Council.

3.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police.

3.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Section 57(3) Local Government (Miscellaneous Provisions) Act 1976. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will be refused.

3.9 For renewal applications and current licence holders the guidance will not be applied retrospectively. The policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.

3.10 Any offences not covered by this Policy will not prevent the Council from taking into account the offences.

4. Policy on Immediate Revocation / Suspension of a Driver's Licence

4.1 If the Council decides to revoke or suspend a driver's licence, it will then have to consider whether that revocation/suspension should take immediate effect

under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

4.2 The Council only has the power to resolve that the revocation/suspension will take immediate effect if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect. The interest of public safety is not defined and is for the Council to determine. However, regard will be had to any risks to public safety arising from concerns about the licence-holder's driving standards, his character including but not limited to dishonesty, violent behaviour, involvement in drink or drugs, inappropriate sexual conduct, any relevant previous convictions and any other matters the Council may deem relevant.

4.3 Before reaching a decision, in most cases and where practical, the Council shall give the licence holder the opportunity to make representations as to whether or not the revocation/suspension will take immediate effect.

4.4 The overriding consideration shall always be the safety and protection of passengers and the general public.

4.5 Matters such as unemployment and home circumstances should not be taken into account when determining whether the revocation or suspension will take place immediately and therefore shall not outweigh the public safety factor.

4.6 Where the Council has decided that a licence-holder is no longer "fit and proper" to hold a licence, for reasons of public safety, the presumption will be that requiring the revocation of the licence shall have immediate effect.

4.7 If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver, which includes a statement to that effect and an explanation why. The suspension or revocation takes effect when the notice is given to the driver.

4.8 In all cases of revocation, refusal or suspension of a driver's licence the Authority will record it on a national database operated by NAFN (National Anti-Fraud network, NR3S) which is available to all subscribing authorities.

4.9 Appeals

Any applicant refused a driver's licence, or who has their licence suspended or revoked on the grounds that the licensing authority is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s77 (1)].

5. Consideration of offences

This section deals with the types of offences and applies to **new and renewal applications**, and upon **review** of a current licence.

5.1 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a taxi or private hire proprietor's licence.

5.2 "Fit and proper" means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership) is "safe and suitable" to hold the licence.

5.3 In determining safety and suitability, the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the taxi or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament. The categories of behaviours described below are introduced as "offences" which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

5.4 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

5.5 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute, police decide on no further action, bailed, released under investigation or where an investigation is continuing) can and will be taken into account by the licensing authority. In addition, complaints and or investigations where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

5.6 In the case of any new applicant who is under investigation or has been charged with any offence and is awaiting trial, the determination may be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

5.7 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

5.8 Any offences committed, or unacceptable behaviour reported whilst driving a taxi or private hire vehicle, concerning the use of a taxi or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as

aggravating features, and the fact that any other offences were not connected with the taxi and private hire trades will not be seen as mitigating factors.

5.9 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

5.10 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

5.11 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

5.12 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (drivers, vehicles and operators) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

5.13 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

5.14 Although the direct impact on the public varies depending upon the type of licence applied for or held, to maintain public confidence in the integrity of the taxi and private hire licensing regimes, it is suggested that the same standards are applied to all licences, except motoring convictions in relation to a private hire operator.

5.15 This Guidance suggests minimum periods of time that should elapse between the date of conviction or completion of the sentence (whichever is later) and the grant of a licence. Those periods are for single convictions. Where a person has more than one conviction, and can be seen as a persistent offender, this will raise serious questions about their safety and suitability. Convictions do become less important over time (hence the time periods) but multiple convictions or continued offending over any period of time will always be of significant concern to a licensing authority. The licensing authority is

looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

5.16 Where an applicant/licensee is convicted of an offence, or has evidence of unsuitable behaviour, which is not detailed in this guidance, the licensing authority will take that conviction and/or behaviour into account and use these guidelines as an indication of the approach that should be taken.

5.17 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual. It must be remembered that these are guidelines. It is for each authority to determine and adopt its own previous convictions policy and then determine applications in the light of that policy.

5.18 It must always be borne in mind that these are Guidelines, not fixed periods, and if there are "truly exceptional circumstances" the time periods can be reduced in individual cases. Such instances should only be for "truly exceptional circumstances" and not frequent occurrences. The decision makers must consider each case on its own merits, taking into account all factors, including the need to protect the public, the circumstances and effect of the offence, and any mitigation that has been offered. However, the conviction itself cannot be reconsidered.

Drivers

5.19 As the criteria for determining whether an individual should be granted or retain a taxi driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

5.20 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

5.21 As stated above, where an applicant persistently offends, which shows a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

5.22 In relation to single convictions, the time periods detailed in the following paragraphs should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted. For motoring offences see the paragraphs headed 'Motoring Offences' below.

5.23 As stated above, the categories of behaviours described below are introduced as "offences" which may or may not lead to convictions. Any such behaviours

will be taken into account, whether or not it resulted in convictions or other sanctions.

Barred lists

5.24 A licence will not be granted to a person who is on any barred list.

Offences resulting in death

5.25 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Offences involving exploitation and criminal harassment

5.26 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, stalking without violence, but this is not an exhaustive list.

Offences involving violence against persons, property, animals or the State

5.27 Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of "violence" is wide, but any such behaviour will be of concern. This Guidance does not differentiate between different levels of violence. It will be for the licensing authority to determine whether there is any justification for departing from this time period, dependant of the facts of a particular case.

5.28 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.

Offences involving Public Order

5.29 Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of 5 years.

Offences involving Possession of a weapon

5.30 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Offences involving Sex, indecency or obscene materials

5.31 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This includes any sexual harassment.

5.32 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

Offences involving Dishonesty

5.33 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be

granted until at least 7 years have elapsed since the completion of any sentence imposed.

Offences involving Alcohol abuse, Misuse or Dependency

5.34 Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Drugs abuse Misuse or Dependency

5.35 Where an applicant has any conviction for, or related to, the production, import, trade in or supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

5.36 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

5.37 If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Discrimination

5.38 Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or to provide mobility assistance.

Offences involving Regulatory non-compliance

5.39 Regulatory crimes include local authority offences, licensing matters (e.g. Plying for hire offence, breach of conditions), and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.

Motoring Offences

5.40 Taxi and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction can demonstrate

a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.

5.41 Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. With drug offences, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

5.42 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any disqualification imposed, whichever is the later.

5.43 Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending upon the offence as detailed in “Penalty points (endorsements)“. They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 or 11 years from the date of the conviction. or the date of the offence depending on the type of offence (see “Penalty points (endorsements)”.

5.44 By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the authority should assess their suitability. It is suggested part of the assessment is to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the authority they are considering the suitability of the licence holder. Failure to do so strongly suggests the driver is not fit and proper and not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.

5.45 Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence.

5.46 Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.

5.47 Any driver who has been disqualified as a result of “totting-up”, which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to

be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.

5.48 Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders should be reported to their licensing authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.

Behaviours

5.49 Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.

5.50 Behaviours such as

- Asking a passenger for their contact or social media details
- Asking personal or intimate questions
- Inappropriate physical contact with passengers or invade their personal space
- Inappropriate conversations, questions or behaviour

5.51 This is more important if the passenger is a lone vulnerable individual.

5.52 Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour maybe perceived by a vulnerable passenger.

5.53 If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any applicant should not be licensed.

5.54 Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

5.55 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

5.56 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

5.57 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be affected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff

that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked.

5.58 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, except motoring offences to recognise the operator is not connected with the use of a vehicle, which are outlined above.

Vehicle proprietors

5.59 Vehicle proprietors (both taxi and private hire) have two principal responsibilities.

5.60 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

5.61 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

5.62 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

5.63 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

or current offence codes and endorsement these are published on .gov.uk and will be referred to by Licensing officers in determining an application or renewal

Penalty points (endorsements): Endorsement codes and penalty points - GOV.UK

(https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points)

Appendix D Private Hire and Hackney Carriage Drivers Conditions

1. Standard of Service

During the period of the licence the driver shall at all times:

(a) Be clean and tidy in both appearance in dress and person and shall behave in an orderly and civil manner towards every person seeking to hire, or hiring or being conveyed in the vehicle
(b) Afford all reasonable assistance with luggage and be polite and civil
(c) Wear at all times when on duty, the driver's badge issued by the Council, in a prominent position when driving the vehicle, so it can easily be seen by the passenger
(d) Ensure that when a vehicle has been hired to attend at an appointed time and place the driver shall, unless delayed or prevented by sufficient cause, attend punctually and provide a receipt if requested
(e) Ensure that any property left in a vehicle is taken to your Operator to make all relevant enquiries to reunite it with the owner.

2. Personal Conduct

(a) It will be the responsibility of the driver to ensure that all current legislation is complied with in respect of the wearing of seat belts as per the Highway Code. Private Hire Drivers are not exempt
(b) The driver shall not, without the consent of the hirer, drink, eat or permit noise to be emitted by any in car entertainment unit to the annoyance of the hirer. Drivers are not allowed to eat or drink whilst the vehicle is moving and under their control.
(c) The driver shall not, except with the consent of the hirer, play any radio or sound reproducing equipment in the vehicle. In addition, they will not cause or permit any radio or sound reproducing equipment installed in the vehicle to be a source of nuisance or annoyance to any persons whether inside or outside the vehicle.

3. Notifications

A driver must inform the Council of the following in writing within the following periods:

(a) A change of address shall be reported in writing within seven days
(b) Any convictions for any offence incurred by him during the period of the licence reported in writing within seven days (this includes fixed penalty ticket offences warnings and cautions or speed awareness courses)
(c) The details of any road accident in which a licensed vehicle has been involved shall be reported to the Council in writing or by email within 72 hours
(d) A change of Private Hire Operator shall be reported in writing within seven days
(e) Where a licence holder has been subject to arrest by the Police or Immigration Service, they for any matter they must inform the Council within 48 hours after release from custody and in any case as soon as practicable

4. Return of Drivers Badge

(a) A driver must return his drivers badge to the Council as soon as the licence ceases to be in force.

5. Hiring - Private Hire Vehicles

The driver of a Private Hire Vehicle shall not ply for hire or otherwise:

(a) Tout or solicit on a road or other public place any person to hire or to be carried for hire in any Private Hire Vehicle
(b) Cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire any Private Hire Vehicle
(c) Offer the vehicle for immediate hire while the driver or that vehicle is on a road or public place
(d) Accept an offer for the immediate hire of the vehicle whilst on a road or other public place except when such offer is FIRST communicated to the driver by telephone or other means fitted to the vehicle
(e) Demand from any hirer of a Private Hire Vehicle without a meter, a fare in excess of any previously agreed for that hiring between the hirer and the Operator.

6. Licence

(a) The driver shall deposit their (original, not copy) Private Hire/Hackney Carriage drivers' licence with the Private Hire Operator with whom he is currently working. On leaving the operator this must be collected by the driver and shown to the licensing authority before a new operator will be accepted.

7. Destination

(a) The driver of a Hackney Carriage or Private Hire Vehicle when hired to drive to any particular destination shall not, without reasonable cause, unnecessarily prolong in distance or in time the journey for which the Hackney Carriage or Private Hire Vehicle has been hired.

8. Renewal/Application processes

(a) During the term of a three-year licence the driver will undergo a six month Disclosure and Barring Service (DBS) and Driver and Vehicle Licensing Agency (DVLA) checks and the licence holder will be required to carry out the following:

Subscribe to the DBS Update Service to enable the Council to carry out the appropriate annual check.

Failure to comply with this requirement will result in the suspension of the licence until the result of such a check has been received, on the grounds that the Council cannot be satisfied that the driver is a fit and proper person.

9. Safeguarding & Disability Awareness Training

(a) All applicants and licenced drivers must complete Safeguarding & Disability Awareness Training and pass the associated test.

New applicants and renewals for a driver's licence must complete the training and pass the associated test as part of the application process. Failure to do this will result in the application being refused

10. Penalty Points Scheme

(a) The Council operates a Penalty Points Scheme to raise the awareness of conditions amongst licensed drivers and assist in the enforcement of the conditions attached to licences and other matters. The scheme will apply to drivers, vehicles and operators and should a breach of a condition or other matters be detected, points may be issued against the licence holder, up to a maximum of 12 points in a 36-month period. Should you, as a licence holder, accrue 12 points or more in a 36-month period you may be required to attend a hearing of the Licensing Committee who will review the status of your licence. You will be informed in writing of any points awarded against you and why they have been issued.

11. Drug / Alcohol / Vision Testing

To provide equity with drivers of other forms of public transport, the Council will conduct drug/alcohol/eyesight tests on drivers on an intelligence led and random basis. Selected drivers/applicants will be expected to either submit to any test deemed appropriate by the Licensing Service or to attend a medical practitioner chosen by the Council and submit to any test deemed appropriate. Positive test results or failing to comply with the test request may result in suspension or revocation of the licence.

Failure to comply with the conditions set out in this document may result in penalty points being awarded against you or your licence being suspended or revoked.

Appendix E Vehicle Application Procedure (including renewal applications)

Applications for vehicle licences will only be accepted in relation to vehicles that comply with:

1. Rushcliffe Borough Council's specification for private hire vehicles, or hackney carriages (as appropriate), and

2. Rushcliffe Borough Council's Vehicle Age (generally up to 8 years for a new and up to 15 years for renewal, see exemptions) and Emissions Standards

3. **Vehicles subject of a write-off of any sort will not be considered for a licence**. The Council will undertake a HPI check of any vehicle which is intended to be licensed to ensure such vehicles are not granted a licence.

The applicant must use the online application process and submit/complete the following to the Council in order for the application to be considered valid:

- The vehicle application form (online)
- The appropriate fee (paid online)
- A digital copy/scan or photograph of the original Vehicle Registration Document (Logbook/V5) certificate of registration for the vehicle
- A digital copy/scan or photograph of a valid insurance certificate or insurance cover note for the vehicle. (No weekly cover notes accepted)
- A current MOT certificate from an **Approved Rushcliffe garage** in the Council Area issued **within 14 calendar days** of the application submission. **Note: Unless the vehicle is brand new with delivery miles only, where no MOT is required**
- For Hackney Carriage copy of the meter calibration/installation certificate.

In addition:

- Any vehicle not manufactured with European Whole Vehicle Type Approval will be required to undergo Single Vehicle Approval (SVA) testing and evidence of that testing and the vehicle having obtained SVA produced to the licensing office. The application must be made on the correct application form and all supporting documents completed in full.
- Stretch limousines can be licensed by the authority but will not be licensed for any more than 8 passengers, if the seating is of such a kind that a determination of seating is not clear, a licensing officer will inspect the vehicle to discover the precise number of seats available. If no clear determination can be obtained, the application will be viewed on its own merits and may be refused.
- A vehicle must not be 'double plated' e.g. also licenced with another local authority.

Hackney Carriage and Private Hire Vehicles will be issued with a 12-month or 6-month licence depending on their age from the date of first registration. And may be

refused to be licenced if over a specified age for a new application or at renewal. This is set out is section 7 of the policy.

Renewal of any Taxi or Private Hire Vehicle MOT must be undertaken at one of the councils nominated testing stations and arrangements and payments for any MOT will be undertaken by the applicant.

Fred Brown Car Repairs

14A Rectory Road, West Bridgford NG2 6BE ·

Phone 0115 982 5582:

Wilford Lane Garage & Autocentre

140 Wilford Lane, West Bridgford, Nottingham NG2 7RL

Phone 0115 981 6774

Ludlow Hill MOT Centre unit 10 2 Ludlow Hill Road West Bridgford West Bridgford Nottingham Nottinghamshire NG2 6HF
Phone: 01159 234 553

A separate compliance test will not be required, only an MOT at the approved garages in RUSHCLIFFE from the above list will be accepted.

Once the vehicle licence has been issued, they must ensure the plate is attached and all conditions adhered to and only **licensed drivers** will be permitted to drive the vehicle.

Where an application has been made for a vehicle licence to be renewed, the previous plates **WILL** be removed by the driver at the time of collection and replaced with the new plates straight away. The old plates will subsequently be disposed of by the Council.

Vehicle Licence Applications application links:

Please be aware that any vehicle which has been classed as any category "Write-Off" will not be licenced as a hackney carriage or private hire vehicle.

This licence entitles the vehicle to be used for Private Hire purposes only through a Rushcliffe Council licensed operator. Most of the vehicles licenced with Rushcliffe are of this type. In the case of a Hackney Carriage (TAXI/black cab) you can 'ply for hire' within the Rushcliffe Borough Council boundary area. Please use the links below to make the application through the councils' application portal. You will be required to submit with the application the necessary documentation such as your V5C and Insurance and make the application payment.

Please use this link to apply for your Initial Private Hire Vehicle Licence.

- Initial (NEW) Application - Private Hire Vehicle Licence

Please use this link to apply for your Initial Hackney Carriage (TAXI/black cab) Vehicle Licence.

- Initial (NEW) Application - Hackney Carriage Vehicle Licence

PLEASE NOTE: online application forms are not submitted or received by Rushcliffe Borough Council if the payment is not made at the time of completing the application form.

Renew a Vehicle Licence application links

Use these links when your current licence is still valid and you wish to renew. If you licence has expired you must use a new Initial application above.

To use the renewal links below you will need the **renewal code** from your reminder letter. If you do not have your reminder letter you should contact the licencing service who can resend this to you. Tel 0115 914 8322 or email **Licensing@rushcliffe.gov.uk** .

Please ensure you use the correct link. Most licences held in Rushcliffe are for Private Hire Vehicles.

Please use this link to apply for the Renewal of your Private Hire Vehicle Licence with Rushcliffe.

- Renewal Application - Private Hire Vehicle Licence

Please use this link to apply for the Renewal of your Hackney/TAXI (black Cab) Vehicle Licence with Rushcliffe.

- Renewal Application - Hackney Carriage Vehicle Licence

PLEASE NOTE: Online application forms are not submitted or received by Rushcliffe Borough Council if the payment is not made at the time of completing the application form.

PLEASE NOTE: Please ensure your renewal date is within one month of the expiry date of your current existing licence. If you apply too early the application will not proceed and an error will occur. You may however apply at a later date but before your licence expires.

Appendix F Vehicle Specifications - Hackney Carriage and Private Hire

This specification shall apply to both Hackney and Private Hire Vehicles

1. Standard of Vehicle

The interior and exterior of the vehicle shall be maintained in a clean and safe manner to the reasonable satisfaction of the Council, in particular the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The seats shall be required to function in accordance with the original manufacturer's specification.

2. Emission standards

The Council have adopted similar standards for both Hackney Carriage and Private Hire vehicles.
See section Emissions and Age of Vehicles for further details.
The Council will, in addition, reserve the right to revoke a vehicle licence if after testing by a Council- approved garage the vehicle fails emission tests.

3. Engine specifications

The vehicle will have a 1600cc minimum engine capacity, however, to reflect advances in modern engine efficiency and the fact that the BHP (Brake Horsepower) produced by engines as a ratio to the capacity is now more efficient, vehicles that meet the following criteria will also be permitted. This allows for smaller engines (less than 1600cc) with turbos which are more fuel efficient rather than some of the larger cubic capacity engines. Vehicles less than 1600cc will be accepted providing they are not less than 90 BHP or 67.1KW (this can be found on the vehicle logbook V5 under reference P2). The authority welcomes vehicles powered by other sources of sustainable motive power, subject to research into the vehicle meeting all other criteria.

4. Inspection

The vehicle can be inspected at all reasonable times by an authorised officer of the Council or any Police Constable, who, if not satisfied as to the condition or appearance of the vehicle, may immediately suspend the vehicle's licence and inform the proprietor in writing of the reasons for the suspension. A spot check may be carried out at any time by an Authorised Officer.

5. Insurance

The proprietor shall maintain in force a full policy of insurance which complies with Part VI of The Road Traffic Act 1988.

6. Licence Plates

a. All plates, signs, etc. remain the property of the Council and must be surrendered to an Authorised Officer upon request following suspension of a vehicle, when the licence is surrendered, or the licence has expired
b. Plates must be affixed to the vehicle exterior by the plate holder/bracket which can be purchased from the Customer Contact Centre. A plate is affixed to the

front bumper or valence and should be placed towards the nearside of the car in a vertical position so it can be viewed by customers and authorised officers. The rear plate must be affixed to the rear by the means of a bracket. It must be fitted so it can be viewed unhindered by the public and authorised officers

c. Hackney's may have the triple 'R' logo on the side.

7. Number of Passengers

The licence holder/driver shall not permit a private hire vehicle to carry a greater number of passengers than the number allowed by the licence. For the purpose of this condition two children each under the age of 12 shall be treated as one person, provided that no more than four such children shall be so treated for the purpose of one journey.

8. Signage

Hackney Vehicle Markings

On Hackney Carriage vehicles, with roof signs, the roof light must be extinguished when the fare meter is in use.

Private Hire Vehicle Markings

A private hire vehicle must not carry any roof sign or any markings that might give the impression that it is a Hackney Carriage.

Any advertising or signage on the vehicle must specifically not include the words "taxi", "cab" or "Hackney Carriage" the use of which is not permitted.

No alternative words or spellings, such as "Kab", which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used on the vehicle.

These conditions will not apply if the vehicle is also licensed as a hackney carriage.

9. Trailers

Licensed Vehicles will not be permitted to tow any trailer whilst working as a Private Hire vehicle or Hackney Carriage.

10. Tinted windows

The windows or windscreen of any vehicle shall not have been treated so that less than 70% of light is transmitted through it.

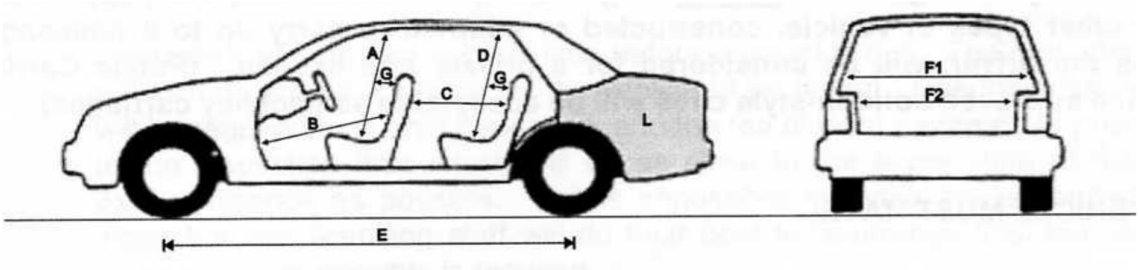
11. Unauthorised use

The proprietor of a Private Hire vehicle or Hackney Carriage shall not allow the vehicle to be driven and used for hire by any person who does not hold a current private hire or hackney carriage driver's licence, as appropriate, as issued by the Council.

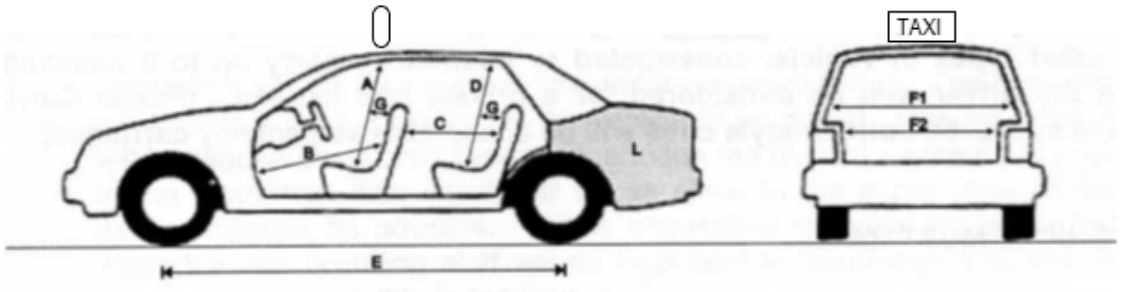
12. Hackney Carriage Private Hire Vehicle Minimum Specifications.

The information set out below will give the applicants a guide when selecting a vehicle to be licensed.
In addition, the following should apply:

PRIVATE HIRE VEHICLE SPECIFICATION



HACKNEY CARRIAGE SPECIFICATION



A 93cm min. Cushion not compressed.

B 96cm min. Seat fully rearwards.

C 61cm min. Front seat fully rearwards.

D 84cm min. Cushion not compressed.

E 245cm min. Wheelbase

F1 133cm min. Interior width between doors

F2 122cm Between armrests

G 25cm Point of measurement parallel with squab

L 0.5 m3 min. Luggage capacity (hard luggage)

No vehicle to be licensed which would require any passenger to climb over any seat to enter or egress from any seat they may occupy or that would require them to climb over any luggage in the vehicle.

Luggage space is to be a minimum of 0.5 cubic metres and be physically separated from the passenger seating or sited at the rear of the vehicle.

The vehicle must have four roadworthy wheels and tyres. Most new vehicles are now supplied with a space saver, sealant, or run flat tyres (these are temporary repairs to get you home - not to be used for a second fare).

Remould tyres, second-hand or part worn tyres are not accepted. Only new tyres are permitted to be fitted to any vehicle.

The vehicle must be equipped with near-side and off-side exterior rear-view mirrors.

The vehicle must have an approved and in date first aid kit marked indelibly with the vehicle licence and registration number.

All vehicles must have a current MOT certificate which must be produced before a licence is issued unless the vehicles are brand new.

All licensed vehicles must be fitted with rear seat belts.

The vehicle must be of a single colour.

13. Stretch Limousines Special Occasion Vehicles

All applications for licence stretch limousines as private hire vehicles will be treated on their merits.

In the case of a first application for a vehicle licence, be in excellent condition as befits a Special Occasion Vehicle. The age of the vehicle will be taken from the vehicle registration document or in the case of imported vehicles from the relevant importation certificates but will not be material matter for this type of vehicle.

All vehicles must either meet the European Whole Vehicle Approval standard or the M.1. Passenger Vehicle requirements or have a Single Vehicle Approval Test Certificate issued by the Vehicle Inspectorate Executive Agency. If the vehicle was imported prior to the SVA certification, then the decision as to its suitability shall be that of the Council's Inspector.

The vehicle is to provide at least two doors for the use of passengers conveyed in the vehicle, neither being the door used by the driver.

No vehicle to be licensed which would require any passenger to climb over any seat to enter or egress from any seat they may occupy or that would require them to climb over any luggage in the vehicle.

Luggage space is to be a minimum of 0.5 cubic metres and be physically separated from the passenger seating or sited at the rear of the vehicle.

Stretch Limousines will not be licensed as Hackney Carriages.

14. Other Vehicles

The Council will consider other types of vehicles to be licensed as private hire, each on its own merits.
Vehicles which do not fall within the above will not be licensed as a Hackney Carriage.

15. Hackney Carriage Vehicle Specification

All licensed Hackney Carriage vehicles which are going to operate within the Rushcliffe area must meet the same specifications as a PHV.

A hackney carriage will at all times when being available to hail, display in the centre of the roof an illuminated light bearing the word “TAXI”. The light will be illuminated at all times the vehicle is available for hire whether undertaking hackney carriage or private hire work.

A fares meter (“the meter”) must be fitted and be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure and easily visible to passengers.

The meter and all fittings shall be affixed to the carriage with seals or other appliances, so as not to be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

The meter shall be positioned so that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle. The dial of the fares meter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Transport Licensing Act 1957 and at any time at the request of the hirer.

When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for that journey.

If the meter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the Council and the owner / operator will make arrangements for resetting and resealing to be made. When resealed the owner / operator will produce the certificate of conformity to the Council and keep a copy in their vehicle to be viewed by an Authorised Officer.

The vehicle meter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than fixed by this Council in connection with the hire of hackney carriages. In the event of such a journey commencing in but ending outside the district there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of Hackney Carriages.

A legible copy of the Hackney Carriage of Fares must be carried in the vehicle at all times and accessible to any person wishing to examine it.

16. Wheelchair Accessible Hackney Carriages and Private Hire Vehicles.

Wheelchairs and ramps:

a) The vehicle must be supplied with suitable wheelchair ramps and be capable of safely carrying a passenger while they remain seated in their wheelchair

b) The ramp must be lightweight and easy to deploy

c) On level ground the ramp will have a maximum gradient of 20% in the fully deployed position and have a minimum safe working load of 250kg

d) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus

e) The wheelchair internal anchorage must be of the vehicle manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit

f) A suitable restraint must be available for the occupant of a wheelchair

g) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper. Ramps and lifts must be securely stored in the vehicle before it may move off

h) Ramps which are not permanently fitted to the vehicle must be marked with a permanent paint or marker. The vehicle plate number and must have the safe working load marked on the ramps

i) Vehicles fitted with slide-in ramps must have written with a permanent paint or marker the vehicle plate number and must have the safe working load marked on the ramps

j) The driver must be proficient in loading and unloading a wheelchair and be able to demonstrate the ability to secure a wheelchair

k) All drivers of wheelchair accessible vehicles must:

- be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle
- before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied
- ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with the relevant regulations.

If the vehicle is fitted with a purpose-designed wheelchair lift, it shall conform to the LOLER 98 Regulations and a report, confirming that the lifting equipment is safe to use, shall be presented at the time of vehicle inspection (i.e. a valid LOLER certificate).

The maximum passenger seats must not exceed (8) eight. Appropriate swivel seats will be allowed in the rear of the vehicle.

The vehicle must comply with Vehicle Inspectorate MOT Testing requirements and the Council's Criteria for Vehicle Inspection.

The rear door(s) to the vehicle must not allow access for customers unless for wheelchair use. Access and egress from the vehicle will be by way of side opening doors. The rear opening door(s) shall only be used for access to the luggage storage area of the vehicle and for wheelchair passengers.

The vehicle must have an approved in date first aid kit marked indelibly with the vehicle licence and registration number.

17. Closed Circuit Television CCTV specification when installed voluntarily.

Purpose

This specification sets the minimum technical, operational and security requirements for CCTV systems voluntarily installed in vehicles licensed by the Council. It is intended to support safeguarding, evidential quality, data security and lawful, necessary and proportionate operation.

General requirements

The equipment must be designed or confirmed by the manufacturer as suitable for automotive use; securely fixed; protected from damage, disconnection and interference; and installed without obstructing vision or affecting controls, mirrors, airbags or safety equipment.

The system must be permanently and appropriately wired, fused and protected against voltage fluctuations and surges. It must automatically recover from temporary power interruption and retain recordings following loss of vehicle power.

Equipment must comply with applicable UK electrical safety, electromagnetic compatibility, radio transmission and data-security requirements. Evidence must be provided to the Council on request.

Technical Specification and System Requirements

In order to be considered suitable for installation in a Rushcliffe Borough Council Licensed vehicle, a camera system must meet the following requirements:

Operational Technical Specifications

Ref	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: - Flash-based SSD (100% industrial grade), - Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system. SD cards will not be acceptable
1.2	8 to 15 Volts DC	Operational between 8 and 15-volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The taxi camera equipment must be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.
1.7	System override switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot) The override switch must be illuminated when switched "on"	The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the facility for the system to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must be located within the vehicles luggage area (i.e. it must not be possible to deactivate the system from inside of the vehicle).
1.8	First-in/first-out buffer recording principle	The system must automatically overwrite to create a constant cycle recording
1.9	Access record	A log must be kept and maintained by the approved installer and the local authority to record time/date/reason when data is accessed.
1.10	Security, duration and auto-clearing of access record.	Access record will be kept for 12 months.
1.11	Image recording formats and media	Images must be encrypted to a minimum of FIPS 140/2
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 30 mins without power from the ignition. The device must be hard wired to both constant and ignition supply.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	Self-contained storage cards within the camera head will not be acceptable
1.15	GPS capability	System must have GPS capability.
1.16	The system must be capable of recording audio time	If activated, the audio must record within the video file.

	synchronized to the recorded images.	
1.17	The system shall not record audio except when audio recording is activated by means of an approved trigger / panic switch	The system should have the ability to start recording audio data by means of a trigger switch.
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	
1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.25	Recorded images by the system shall not be displayed within the vehicle.	The monitor must display live images as clearly visible by having a glance around as per ICO specifications, it must not display recorded images
1.26	The system must have a panic switch for audio activation	At least one trigger/audio activate button in the form of a rocker switch must be capable of being operated by the driver AND a passenger. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below. If more than one switch is installed, they must operate independently of each other.
1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch which can clearly be seen by passengers.

Storage Capacity Technical Specification

Ref	Specification	Details
2.1	Minimum of 28 days i.e. (28 x 24 hours) of recording capacity	The camera system must be capable of recording and storing a minimum of 28 days of images of HD1 (720/288) size or better.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present without the need for additional components.

Camera Head Technical Specification

Ref	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement only by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens or the position of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose-built vehicles or external images.
Storage Device Technical specification		
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from within the passenger compartment and effectively inaccessible except by authorised personnel. For example, in the luggage area
4.3	Download port provision	The recorder shall be equipped with a communication port within the hard drive housing for downloading by authorised officer.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.8	Log to register camera system parameter modifications	
4.9	Log to register each image download session	

4.10	Log to register modification/manipulation of downloaded images	
4.11	Log to register exporting of downloaded images	
4.12	Log to register exporting of downloaded clips	
4.13	Log file protected against unauthorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp	All stored images must have vehicle identification (VIN & or number plate).
4.16	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.17	Controller (Storage Recorder)	Manufacturer to supply the Council with a supply of specialised tools to allow for removal of the controller and download of data when required.
Specifications for video and audio recording rate		
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at a minimum rate of 25 images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of 25 images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger audio button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	When activated, audio recording must be in real time and synchronised with the video recording.
5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition or override switch is switched off.
Specification for activation via driver or passenger trigger/ audio button		
6.1	The activation of a trigger button when activated by driver or passenger.	The system must be fitted with at least one trigger button in the form of a rocker switch that once activated will trigger synchronised audio and video recording.
Downloading Technical Specification		
7.2	Provision of necessary software, cables, security keys to the Council Licensing Team.	
7.3	Windows compatible.	Once downloaded and converted

7.4	Recorded images stored in non-volatile media	
7.5	Recorded images stored in secure format	
7.6	Verifiable image authenticity	Each image shall be watermarked with vehicle ID, and time and date, and be tamperproof.
7.7	Provision of technical support to Rushcliffe Borough Council Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within a reasonable time frame
7.8	Wireless Download Prohibited	All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime committed.	The playback software must list the files in date and time slot order for ease of location of required file.
Requirements in relation to System Information		
8.1	Provision of service log	The unit manufacturer shall have a service log. The manufacturer shall also provide detailed instructions for the drivers with each unit.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication	A certificate of installation must be provided which will indicate the installation date
8.4	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written or presented with due consideration to varying levels of literacy.
8.5	Installation by authorised agents	The unit shall only be installed by manufacturer's authorised agents, or other installers approved by those agents
8.6	Provision of authorised agents list to the Council Licensing Team	The manufacturer or supplier shall provide a list of all authorised agents to the Council Licensing Team.
8.7	Documentation	The manufacturer must provide clear and concise operating instructions which are written or presented in layman's terms. (Details on how the system operates)
8.8	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.
System requirements in relation to Vehicle Inspection Facility – Inspections		
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction. This should include the images as shown to verify the status of each camera.

9.2	Mounting location of system status/health indicator to be seen	The indicators shall be mounted in such a way so as to allow for ease of view.
9.3	Design and or installation to be testable as part of the vehicle compliance test (or persons acting on behalf of the council – such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested as part of vehicle compliance test as prescribed.
General System Requirements		
10.1	Vandal and tamper resistance	All component parts must be securely mounted, hard wired and small and discreet enough to remove the risk of tampering.
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide Rushcliffe Council Licensing Team with a Training and Technical support
10.6	Software and Hardware	Manufacturer to supply the Council Licensing Team with a supply of cables and software to be installed under the supervision of Rushcliffe council's authorised staff.
10.7	Agreement between the Camera Manufacturer and Rushcliffe Borough Council	Agreement to allow Rushcliffe Council access to the relevant software from the supplier so that in the event the manufacturer goes out of business, council will be able to support the system.

Additional Guidance on the operation of CCTV in Licensed Vehicles

Introduction

This guidance supports the Council's Hackney Carriage and Private Hire Licensing Policy 2025-2030. It applies where CCTV is voluntarily installed in a vehicle licensed by the Council.

A properly operated CCTV system may help to safeguard passengers and drivers, prevent and detect crime and disorder, deter inappropriate behaviour and provide evidence where an incident has occurred.

The Council does not approve or certify individual CCTV systems, suppliers or installers. Nothing in this guidance removes the responsibility of a licence holder, proprietor, operator or other person to comply with the law.

Installation of CCTV

Before installing CCTV, the proprietor should consider the purpose of the system, whether recording is necessary and proportionate, the intended camera coverage,

storage and security arrangements, access controls, retention and procedures for responding to requests.

The system should be securely installed and maintained in accordance with the manufacturer's instructions. Cameras should not unnecessarily record areas outside the vehicle.

Data protection responsibilities

The person or organisation that determines the purposes and means of operating the CCTV system will normally be the data controller.

The data controller is responsible for ensuring that the collection, use, storage, retention, disclosure and deletion of recordings complies with applicable data protection legislation.

Before use, the data controller should document the purpose and lawful basis, consider whether a Data Protection Impact Assessment is required, establish a retention period, provide privacy information, establish request and disclosure procedures and implement appropriate security measures.

Data Protection Impact Assessment

The operator should consider whether a Data Protection Impact Assessment is required before installing or operating CCTV.

The assessment should address the purpose and extent of recording, the effect on passengers and drivers, less intrusive alternatives, security, access, retention, deletion and any audio recording. It should be reviewed where the system, purpose or method of use changes materially.

Signage and privacy information

Clear and prominent signage must be displayed whenever CCTV is operating. It should be visible on or before entry, state that CCTV is in use, identify the data controller or provide contact details, and explain how further privacy information may be obtained.

Where external areas are recorded, the data controller should consider whether external signage is appropriate. Signage must be kept clean, legible and secure.

Operation and maintenance

The proprietor should ensure the equipment is suitable for vehicle use, securely installed, accurately date and time stamped, capable of producing recordings fit for the stated purpose, access controlled and properly maintained.

The installation must not obstruct the driver's view, interfere with controls, mirrors, airbags or other safety equipment, or create an injury risk.

A temporarily unavailable voluntary system will not by itself prevent use of the vehicle. Passengers must not be told CCTV is operating when the system is known not to be recording.

Security of recordings

Recordings must be protected against accidental or unlawful loss, alteration, destruction, access or disclosure. Safeguards should include encryption, password protection, physical protection, restricted access, secure export procedures and an access and disclosure record.

Recordings must not be viewed, copied, shared or published for personal, entertainment or other incompatible purposes, including publication on social media.

Retention and deletion

Recordings must not be retained longer than necessary. The data controller should establish and document a retention period that is reasonable, proportionate and capable of justification.

Recordings relating to an incident may be preserved where necessary for an investigation, legal claim or other lawful purpose. Data must be securely deleted when no longer required.

Access and disclosure

Only authorised persons should access recordings. Disclosure may take place where lawful and necessary, including to the Police, another statutory enforcement body, the Council in connection with its licensing functions, under a court order, for legal claims or to an individual exercising data protection rights.

Each disclosure should be assessed and recorded, including the requester, purpose, lawful basis, material disclosed and authorising person.

Individual rights

The data controller is responsible for responses to individuals exercising rights under data protection legislation. Procedures should permit footage to be identified, the requester's identity to be verified, third-party personal data to be protected and requests to be answered within applicable timescales.

The Council will not normally hold recordings from voluntary systems and cannot respond on behalf of the data controller.

Audio recording

The Council does not support routine recording of conversations in licensed vehicles. Audio recording must not be enabled by default.

Audio should only be used where a clearly defined purpose, lawful basis, necessity and proportionality can be demonstrated; visual recording alone is insufficient; risks have been assessed; occupants are clearly informed; and controls prevent continuous or unnecessary recording.

Where audio cannot be separately disabled or controlled, the operator should consider whether the system is suitable.

Requests from the Council

The Council may request information reasonably required to determine whether operation of the system complies with the Licensing Policy or raises a relevant public safety, safeguarding or licensing concern.

Information may include equipment details, camera locations, purpose, data controller details, lawful basis, DPIA where applicable, privacy information, signage, retention, access and disclosure procedures and audio controls. A request does not transfer responsibility for the system to the Council.

Licensing and enforcement

Each case will be considered on its own merits. A technical fault or isolated administrative error will not automatically result in licensing action.

The Council will take account of seriousness, risk or harm, the licence holder's response and relevance to public safety, safeguarding, fitness and propriety or suitability. Serious, deliberate or repeated non-compliance may be taken into account and may be referred to the Information Commissioner's Office or another relevant body.

Further information

Licence holders and operators remain responsible for obtaining any legal or specialist advice needed. Further information may be obtained from the Information Commissioner's Office, Department for Transport and the Council's Licensing Service.

The Council may amend this guidance to reflect changes in legislation, statutory guidance, case law or recognised good practice.

Appendix G Private Hire Vehicle Conditions

Definitions

1. "the Council" means the Council of the Borough of Rushcliffe.

   "the identification plate" means the plates issued by the Council for the purpose of identifying the vehicle as a private hire vehicle.

   "the operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

Drivers

2. The driver shall not cause or procure or permit any other person to drive a licenced Hackney Carriage of which he is in charge unless they are a driver licensed by Rushcliffe Borough Council.

Personal Conduct

3. The licence holder shall at all times, when the vehicle is available or being driven for hire, ensure that the driver is both clean and respectable in his dress and person, shall behave in an orderly manner and conduct himself with civility and propriety towards every person seeking to hire, or hiring or being conveyed in the vehicle.

Identification plates

4. The licence holder/driver shall not conceal either the exterior identification plates of the private hire vehicle or the details marked thereon, or the interior display of the private hire vehicle licence numbers from public view and will keep the identification plate and the interior display in a clean condition. Plates will be displayed on both the front and rear of the vehicle unless an exemption letter has been issued by the Council.

Licence

5. The licence holder shall deposit his licence issued by the Council with the Private Hire Operator for which the vehicle is being used during the time it is so used for that operator. At the termination of employment, the operator must return the licence to the driver. It is the driver's responsibility to inform the Council of a change of operator.

Hirer's property

1. The licence holder/driver shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the private hire vehicle for any property which may accidentally have been left therein.

2. The licence holder/driver of a private hire vehicle shall, if any property is accidentally left in the vehicle by any passenger and is found by or handed to him, take it, as soon as possible and in any event within 24 hours (if not claimed by or on behalf of its owner before then), to make rigorous enquiries to return the property to its owner. The Operator must keep a record of the items;

- the vehicle plate number
- the driver
- time found
- date found
- description of the item.

Any bank cards or similar, driving licences, and passports must be returned to the issuer as soon as practicable.

Passengers

8. The licence holder/driver shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers carried in the vehicle and any persons entering or leaving the vehicle.

9. The licence holder/driver shall allow only one passenger to be carried in the front of the vehicle next to the driver.

If the driver doesn't provide the correct child car seat, children can travel without one - but only if they travel on a rear seat:
and wear an adult seat belt if they're aged three years or older, without a seat belt if they're under three years.

10. The licence holder/driver shall not permit a private hire vehicle to carry a greater number of passengers than the number allowed by the licence. For the purpose of this condition two children each under the age of 12 shall be treated as one person, provided that no more than four such children shall be so treated for the purpose of one journey.

11. The licence holder/driver shall not allow any child under the age of 12 years to be a passenger in the front of the vehicle without the prior written consent of an Authorised Officer of the Council.

Animals

6. The licence holder/driver shall not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer and such an animal shall only be conveyed in the rear of the vehicle. Guide Dogs and Assistance Dogs must always be permitted to be carried in the vehicle except when the driver holds an exemption certificate which has been issued under the Equality Act 2010.

Receipts

13. The licence holder/driver shall, if requested by the hirer, provide him/her with a written receipt for the fare paid. The receipt must have the drivers name and the name of the hiring company.

Touting etc.

14. The licence holder/driver shall not while driving or in charge of a private hire vehicle:

    (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or

    (b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.

    In this condition: "road" means any highway and any other road to which the public has access including bridges over which a road passes.

Cheques/Payment

15. Only online or card payments are accepted.

Executive Plates

16. Where executive plates have been issued to a vehicle these will be either displayed on the vehicle or kept in the vehicle together with the letter from the Council giving exemption from displaying such plates. Executive plates are issued to vehicles used for specific types of work and not standard private hire journeys. The applicant will be required to show the type of work undertaken in order that the executive plates are issued. If a vehicle, having been issued with executive plates, is found to be carrying out private hire work and not specific executive work, the plates will be removed, and the driver will be required to pay for a new set of standard private hire plates.

Hire/Rental Companies

16. Where the vehicle is the property of a hire/rental company, the company must inform the Licensing Service of the Council to whom the vehicle has been hired or rented to at all times. This should be done by email to licensing@rushcliffe.gov.uk Plates should be returned to the Council after the hire period has ended.

Advertisements

17. No advertisements will be placed on the vehicle without the prior consent of the Council. Applicants should refer to Appendix J for full details.

Fire Extinguishers/First Aid

18. A Fire Extinguisher is not mandatory but when fitted it must be fitted in such a position to be readily available for use, and the capacity of not less than 3 pounds (1.361kg) BCF, conformation to BS5423 dry powder or CO2. In addition, the vehicle must have an approved first aid kit marked indelibly with the vehicle licence and registration number.

Failure to comply with conditions

Failing to comply with any of the above conditions may result in the licence holder/driver having penalty points awarded against him in accordance with the Council's Penalty Points Scheme or other action being taken which may include the suspension or revocation of the licence.

Appendix H Hackney Carriage vehicle conditions

1. Definitions

a) "the Council" means the Council of the Borough of Rushcliffe

b) "the identification plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle

c) "the operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976

d) "the proprietor" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976

e) "Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

2. Drivers

The driver shall not cause or procure or permit any other person to drive a licenced Hackney Carriage of which he is in charge unless they are a driver licensed by Rushcliffe Borough Council.

3. Personal conduct

The driver shall at all times when the vehicle is available or being driven for hire be clean and respectable in his dress and person, shall behave in an orderly manner and conduct himself with civility and propriety towards every person seeking to hire, or hiring or being conveyed in the vehicle.

4. Identifications plates/signs

a) The licence holder/driver shall not conceal either the exterior identification plate of the Hackney Carriage or the details marked thereon, or the interior display of the Hackney Carriage licence from public view and will keep the identification plate and the display in a clean condition. Plates will be displayed on both the front and rear of the vehicle and on the interior.

b) Hackney Carriages may display the Rushcliffe triple ‘R’ as a side panel.

5. Hirer’s property

a) The licence holder/driver shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the private hire vehicle for any property which may accidentally have been left therein.

The licence holder/driver of a private hire vehicle shall, if any property is accidentally left therein by any person who may have been conveyed in the vehicle and be found by or handed to him carry it, as soon as possible and in any event within 24 hours (if not claimed by or on behalf of its owner before

then), to make rigorous enquiries to return the property to its owner. The Operator must keep a record of the items;

- the vehicle plate number
- the driver
- time found
- date found
- description of the item.

Any bank cards or similar, driving licences, and passports must be returned to the issuer as soon as practicable.

6. Passengers

a) The licence holder/driver shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the vehicle
b) The licence holder/driver shall not allow any passenger to be carried in the front of the vehicle beside the driver
c) The licence holder/driver shall not permit a hackney carriage to carry a greater number of passengers than the number prescribed in the licence; for the purpose of this condition two children each under the age of 12 years shall be treated as one person provided that no more than four such children shall be so treated for the purpose of one journey.
d) No person will be conveyed in the front seat of any Hackney Carriage at any time.

7. Animals

a) The licence holder/driver shall not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer and any such animal shall be conveyed in the rear of the vehicle
b) Guide Dogs and Assistance dogs must always be permitted to be carried in the vehicle except when the licence holder holds an exemption certificate.

8. Receipts

The licence holder/driver shall, if requested by the hirer, provide him/her with a written receipt for the fare paid. The receipt must have the drivers name and the name of the hiring company.

9. Fares

The licence holder/driver shall not demand a fare in excess of that prescribed by the fare table issued by the Council **unless previously agreed** between the hirer and the operator at the time of booking.

10. Taximeters

The vehicle will be fitted with a taximeter:

a) The licence holder/driver shall not cause the fare recorded thereon to be cancelled until the hirer has had a reasonable opportunity of examining it and has paid the fare
b) The licence holder/driver shall ensure that when the vehicle is not hired the key is to be locked and machinery kept inactive and the meter must show no fare at that time
c) The licence holder/driver shall ensure that the taximeter is sufficiently illuminated that when in use it is visible to all passengers
d) The licence holder/driver shall ensure that the fare or charge shall be calculated from the point in the District at which the hirer commences his journey and shall not exceed that displayed on the taximeter at the completion of his journey
e) The licence holder/driver shall ensure that the taximeter is only brought into action at the commencement of the hirer's journey. If the meter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the Council and the owner/ operator will make arrangements for resetting and resealing to be made. When resealed the owner operator will produce the certificate of conformity to the police and keep a copy in their vehicle to be viewed by an authorised officer.

11. Fare Tables

The licence holder/driver shall ensure that the fare table is not concealed from view or rendered illegible while the vehicle is being used for hire.

12. Cheques/Payments

Cheques are not accepted, application is via online and payment is via this method unless otherwise stated.

13. Hire/Rental Companies

Where the vehicle is the property of a hire/rental company, the company WILL inform the Licensing Service of the Council to whom the vehicle has been hired or rented to at all times. This shall be done in writing or by e mail to licensing@rushcliffe.gov.uk

14. Use of Hackney Carriages outside the Rushcliffe Area

Where a Hackney Carriage is being used as a Private Hire Vehicle out of the Council's area, the Hackney Carriage proprietor must inform the Council of the name of the Private Hire Operator for whom the vehicle is working.

15. Advertisements

No advertisements will be placed on the vehicle without the prior consent of the Council. Applicants should refer to Appendix J for full details.

16. Fire Extinguishers/First Aid

A Fire Extinguisher is not mandatory but when fitted it must be fitted in such a position to be readily available for use, and the capacity of not less than 3 pounds (1.361kg) BCF, conformation to BS5423 dry powder or CO2. In addition, the vehicle must have an approved first aid kit marked indelibly with the vehicle licence and registration number.

Failure to comply with conditions

Failing to comply with any of the above conditions may result in the licence holder/driver having penalty points awarded against him or other action including suspension or revocation of the licence.

Appendix I Vehicle Testing requirements

Hackney & Private Hire Vehicle Inspection Checklist (With Explanatory Detailed Notes)

1. Engine Compartment

a) Inspect for oil leaks.
Check for the loss of oil, either from engine or transmission, causing contamination to the road surface, or constituting a fire risk.

b) Check battery security/ position and loss or damage to wiring.
Ensure battery security in the event of a collision the battery would not become dislodged or spill acid causing contamination.
Inspect for insecure or damaged wiring that will constitute a fire risk.
Ensure that all ancillary electrical equipment is fused at the power supply.

c) Check rubber/plastic hoses for leaks or signs of perishing.
Ensuring all coolant and high-pressure hoses are intact and do not constitute a safety risk.

d) Check engine mountings, inner wings, panels and suspension mountings for corrosion.
Ensure all engine suspension mountings are intact and secured safely to the inner panels of the engine compartment.

e) Check the cooling radiator and inter-cooler are securely positioned and there are no leaks.
Ensure both radiator and the inter-cooler mountings are secure and intact and there is no deterioration of components likely to cause a safety risk.

f) Check the clutch and brake cylinders for leakage.
Ensure there are no obvious signs of hydraulic fluid leaks from cylinders/chambers or any other associated brake/clutch component.

g) Check clutch operation.
Ensure clutch operation is smooth without vibration or judder.

h) Chassis and underside of the vehicle to be steam cleaned.
Ensure the underside of the vehicle is presented in a clean condition for inspection.

2. Exterior

a) Check bodywork for evidence of corrosion, damage or unsatisfactory repairs.
Ensure body panels do not have corrosive deterioration or are rusted through, and any repaired panels are repaired to a satisfactory standard and are finished off to blend with the existing body colour.

b) Check to ensure that all doors open and close easily and rubber seals are in good condition.
Ensure the security of all doors, locks, hinges and catches and ease of access plus no obvious sign of weather seal deterioration.

c) Check paintwork for damage which affects the appearance of the vehicle.
The appearance should be of a high standard that reflects the image of the Council.

d) Check to ensure front and rear number plates are in good condition and clearly legible
and that they meet the statutory requirements for text type and spacing.
e) Check to ensure all lights work correctly including the number plate light, reversing light and fog lamps.
As per MOT Test requirements no more than two auxiliary spotlights may be fitted.
f) Check to ensure exhaust system/catalyst is fitted correctly and is working satisfactorily.
As per MOT Test requirements check Co2 emissions.
g) Check exterior/mirror assemblies are correctly positioned and are not damaged.
As per MOT Test requirements.

3. Interior

a) Check interior of vehicle and luggage space is clean and in good serviceable condition.
Upholstery/trim is in a clean and undamaged condition, with the interior being free from litter and clutter. Ensure floor covering is in serviceable condition with no holes, tears or snags.
Luggage space is to be clear, clean and unobstructed.
b) Check under mats for evidence of water leakage or accident damage.
Ensure there is no water ingression both in the passenger or boot compartments, or any evidence of impact damage.
c) Check seats are in good condition.
Ensure all seat interiors are in a sound and serviceable condition with operational seat adjustment mechanisms (if fitted).
d) Check seat belts, mountings condition and operation of all seats.
As per MOT Test requirements.
e) Check interior and door courtesy lights work.
f) The vehicle must have an efficient fire extinguisher fitted in such a position to be readily available for use. The capacity should not be less than 3 pounds (1.361kg) BCF and conform to BS5423 dry powder or CO_2. In addition, the vehicle must have an approved first aid kit marked indelibly with the vehicle licence and registration number.
g) Check all internal switches operating lights, wipers, and washers etc. work correctly.
As per MOT requirements.
h) Check that all the windows can be lowered and raised easily and give maximum ventilation. Ensure rear windows which are tinted are not of an opaque design (Original equipment only excepted unless an executive vehicle).
i) Check that all doors open correctly and that the doors are correctly fitted.
Ensure all operating doors open correctly from the inside and with sufficient access.
j) Check luggage space for water penetration and cleanliness.
As per item 3(b).
k) Check radio/PDA for secure fitting.
Ensure radio and communication equipment is securely fitted with wiring fused as required.

l) Check the fittings of grills behind rearmost seat in estate cars.
Ensure security of dog grill to the rear load space area (estate cars only).
m) Check windscreen for damage and stickers etc. in accordance with MOT standards.
As per MOT Test requirements.
n) Check that the Vehicle Identification Number is legible and secure.
As stated.
o) No unauthorised advertising whatsoever on or in the vehicle.
As stated.

4. Tyres

a) Check all tyres, including the spare for damage or extensive wear, giving indication of % in mm of tread remaining.
As per tyre legislation and MOT requirements.
b) Check tyres have correct pressures and comply with all legal requirements for tyres when fixed to vehicles. As per legal requirements.
c) Check that remoulds are not fitted.

5. Underside of Vehicles

a) Check that exhaust is correctly fitted and working correctly. As per MOT Test requirements.
b) Check engine and gearbox mountings for security. As per MOT Test requirements.
c) Check wheel bearings, swivel pins and bushes. As per MOT Test requirements.
d) Check shock absorbers. As per MOT Test requirements.
e) Check universal joints/drive shafts. As per MOT Test requirements.
f) Check for excessive oil leaks. As per section (a) item (a).

6. Braking Systems

a) Check for condition and performance of service brake system.
As per MOT Test requirements.
b) Check for condition and performance of parking brake system (Mechanical/electrical operations). As per MOT Test requirements.

7. Rolling Road Test

a) Check for vibration through steering column.
Ensure there is no excessive rolling vibration through the steering or transmission.
b) Check that steering does not pull to the right or left.
Ensure vehicle drives in a straight line, does not steer over to left or right.
c) Check that brakes do not pull to left or right.
As per MOT Roller Brake Test results.
d) Check engine performance i.e. misfires/lack of power.
Ensure engine performs satisfactorily for the vehicle size.

e) Check for satisfactory emission levels from vehicle exhaust.

As per MOT Test requirements.

f) Check for unusual noise from engine/transmission.
Ensure engine/transmission and exhaust noise levels are not excessive.

g) Check braking efficiency. As per Section (6) Item (a-b).

8. Signs/Plates

a) Hackney Carriage signs
Check roof mounted signs and ensure the size and design complies with condition.
Check roof sign correctly illuminated.

b) Licence Plates
Check to ensure that licence plates are affixed in position to comply with conditions.
Check that each licence plate is securely mounted to the front and rear of the vehicle and that the internal badge is displayed so that it is visible to the public. On Hackney Carriages a large A3 size adhesive plate will take the place of the triple 'R' logo. Private Hire Vehicles will have an A3 adhesive plate affixed on the front nearside and offside doors.

9. Meters

a) Check meter accuracy.
Ensure accuracy of meter by driving a measured mile or by static measuring instrument.

b) Check that the meter will not show any tariffs (s) other than those set by the Council. (Hackney Carriage scale of charges).
Ensure that the meter reads accurately the tariff for the class of vehicle being tested.

c) Check that the meter is positioned to be clearly seen by all passengers in the vehicle.
As stated.

d) Check that a table of fares, as agreed by the Council, is displayed in the vehicle in a prominent position so as to be clearly seen by all passengers in the Hackney Carriage.
As stated.

Appendix J Advertisements

Vehicle Advertisement Conditions

In order that advertisements on vehicles are of a standard type, the following conditions shall apply:

a) That no advertisement be displayed without the written approval of the Licensing Service.

b) That the advertisement shall be to a design that if fitted to the rear windows of the vehicle, passenger can see through them and the interior of the vehicle and passengers can be viewed from the exterior. Hackney Carriages can only have adverts on the rear of the vehicle, and it must not encroach on the sides or the roof.

c) That no advertisement shall be of a sexual, religious or political nature and that it shall not be likely to cause offence.

d) In the case of private hire vehicles, the proposed advertisement is to be submitted for approval by a licensed operator not by individual vehicle owners.

e) No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

Signs and Notices etc.

The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to licensed vehicles which the Council may from time to time require.

A private hire vehicle must not display: -

- Any sign or notice which consists of or includes the word ‘taxi’ or ‘cab’ whether in the singular or plural or ‘hire’ or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or

- any sign, notice, mark, illumination or other feature which, having regard to that time and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.

Appendix K Taxi Ranks

The Council has two Hackney Carriage Ranks situated in West Bridgford:

1. Bridgford Road outside the Co-operative Store. Part of this rank is for 24-hour use and the remainder is for use during the evening/nighttime.

2. Central Avenue in the layby outside Central News. This rank is for use during the evening/nighttime.

Appendix L Private Hire Operators Conditions

1. Records

The records to be kept by the Operator under Section 56 (2) of the Act shall be kept in a suitable register, computer or in such a form as the Council shall have approved and the following particulars shall be entered concerning every booking:

a) The time and date of the booking
b) The name and, if appropriate, address of the hirer
c) How the booking was made, e.g. telephone/personal/online etc.
d) The time of pick up and full address
e) The point of pick up if any
f) The destination
g) The licence number or the call sign of the vehicle allocated
h) The time at which the driver was allocated the booking
i) The name or call sign of the driver allocated to the booking
j) If the booking is subject of cross-border hiring the company who has received the booking and the authority that company is licensed with must be recorded.

Records kept in accordance with the above shall be preserved for a period of not less than **2 years** following the date of the last entry.

The Operator shall keep at his/her operating base premises records of the following information in relation to all Private Hire Vehicles operated by him/her such records to be in the form attached or in such other form as the Council shall have previously approved.

a) Vehicle registration number and licence number
b) The make and colour
c) Name and address of licensed proprietor/owner
d) Name and address of licensed driver(s) of the vehicle and badge numbers
e) The licences of drivers and vehicles will be retained by the Operator whilst ever they are working for them. The licences of drivers must be returned when they leave your employment
f) The above records will be produced on request to any constable or authorised officer of the Council for inspection at any reasonable time and on renewal of the licence.

2. Insurance

The Operator shall keep, after having first seen the original, a copy of all cover notes and certificates of insurance issued to the said drivers/proprietors. The dates shown on such documents must show continuation of cover throughout the period that the vehicle is working in connection with the said Operator. When a "block" policy is held by the Operator a full list of all vehicles and drivers covered should be kept for at least **one year**.

a) Name and address of insurance company (and broker if applicable) insuring the use of the vehicle

b) Date of commencement of any policy of insurance and of any cover notes issued with policy and cover note numbers relating to the use of the vehicle
c) Date of expiry of the policy and of any cover notes issued
d) Persons entitled under the terms of the policy to drive the vehicle and details of any limitations as to use (e.g. Private Hire or Public Hire).

3. Standard of Service

The Operator shall at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall in particular ensure that:

a) When a vehicle has been hired to attend at an appointed time and place the vehicle shall, unless delayed or prevented by sufficient cause, attend punctually
b) The premises provided by the Operator will be within the Borough or at premises approved by the Council within a distance that affords easy access to officers of the Council. The premises, either for waiting or booking shall be kept clean, adequately heated, ventilated and well-lit with adequate seating provided
c) Any telephone facilities and dispatch equipment are maintained in an effective working order
d) Any complaints received by the Operator shall be referred in writing to the Council, together with any action taken, where appropriate
e) All vehicles operated by him/her shall be maintained in a satisfactory and roadworthy condition; and they shall ensure that any defects to vehicles are recorded and corrected
f) The Operator shall ensure, without prejudice to any other liabilities imposed under the Act, that all vehicles and drivers owned, controlled or operated in association with the Operator shall observe and perform the conditions of their licence
g) The Operator will monitor drivers' working hours to ensure they are safe to transport the public. Although there is no legal framework for taxi drivers' hours, it is incumbent upon the Operator to ensure drivers do not work long hours and that they are fit to drive and thus will not put the public at risk.

4. Reference to the Council

It shall be the duty of the licensed Operator to inform the Council of the following:

a) Any arrest or convictions incurred by him or any partner, director or company secretary during the period of the licence for any offence. They must be reported to the Council in writing within **48 hours** of arrest and in the case of convictions within **seven days**
b) Change of address, in writing within **seven days**.

5. Driver and Vehicle Identification - Keeping of Records

A record will be kept of all vehicle identification numbers and the vehicle and drivers to which vehicle identification number refers. In the event of a vehicle identification being allocated for a temporary period, a record must be kept of the relevant dates and the vehicle and driver concerned.

6. Driver and Vehicle Licences

It shall be the duty of the licensed Operator to ensure that the licences of all vehicles and drivers that are currently working for them are current, irrespective of any manager or assistants they may employ.

7. Complaint Book

Each Operator shall keep records of all complaints made to him/her or his/her agents or managers relative to any aspect of his/her business or persons at that time working with or employed by that Operator. The records shall be available at all times for inspection by an authorised officer of the Council.

8. Door Signs/Advertisements

When an Operator wishes to provide drivers/proprietors with door advertising panels the below procedure must be followed:

a) The door sign/panels shall be approved by an Authorised Officer of the Council, before being taken into use
b) It shall contain the name of the company, the telephone number, and the words “Advanced Bookings Only”
c) It shall not show the words "TAXI” or any word of similar meaning or appearance which may be taken to indicate that the vehicle is a Hackney Carriage which is licensed to ply for hire
d) It shall be displayed on either one or both sides of the vehicle only in the form originally authorised by the Council unless agreed otherwise by the Council
e) No other signage or advertisements will be displayed on the vehicle without prior approval of the Council, and in no circumstances will they obscure the view into the vehicle from outside to ensure passenger safety.

9. Planning Consent for Operating Base

Planning consent for each operating base must be maintained during the period of a licence. Any material change since the licence was granted in any of the circumstances of the Operator, on the basis of which the licence was granted, must be reported to the Council immediately.

Failure to comply with the conditions set out in this document may result in penalty points being awarded against you and/or your licence being suspended or revoked

Appendix M Enforcement and Penalty Points Scheme

Rushcliffe Borough Council operate the above scheme to raise standards of operators, owners and drivers and also to assist in the enforcement of the conditions attached to licenses and the requirements of the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

The scheme will operate from the date of issue of any of the driver's, vehicle or operator's licence, and should a breach of the condition or Act be detected, points may be issued against the licence holder, up to the maximum values shown on the table below.

The trigger level will be 12 points in a rolling three-year period. See section 11.3 for the operation of this scheme.

Enforcement and Penalty Points Scheme table of points

Driver Points

Offence	Points
Using a mobile phone without the use of hands-free facility whilst driving or whilst the vehicle is stationary with the engine running	6
Failure to display your licence badge in a visible position	3
Failure to produce relevant documents within a specified timescale when requested by an Authorised Officer in writing	3
Double parking on a highway or, if pre-booked, failure to move on after 5 minutes from double yellow lines when requested by an authorized officer	3
Fail to carry legal spare wheel or inflation kit	3
Obstruction of any authorised officer or police officer	9
Failure to immediately notify the Licensing Section of a change in medical circumstances that may affect your ability to drive or the safe transportation of passengers (including eyesight)	6-12
Unsatisfactory appearance of driver (dress and cleanliness) in accordance with RBC Hackney Carriage licence conditions / Unsatisfactory Appearance of the Driver	4
Failure to observe rank discipline in accordance with RBC Hackney Carriage Drivers licence conditions / Unauthorised parking on Taxi Rank or failing to adhere to rank discipline	4
Failing to issue receipt on request	3
Unsatisfactory behaviour or conduct of driver	3-12
Failure to notify the Licensing Service immediately of any change of particulars including motoring or criminal convictions, cautions, change of address etc.	3
Failing to give reasonable assistance with loading/unloading luggage	4
Sounding horn to cause alarm or distress	3
Failure to report within 72 hours of an accident or damage to a licensed vehicle*	4

Failing to attend punctually at specified time and place or unreasonable prolongation of journey	3
Carrying more passengers than amount stated on plate	12
Refusing to accept hiring without reasonable cause	6
Failure to ensure that all wheelchairs being carried in a licensed vehicle have been correctly loaded, secured and unloaded	6
Failure to hand in lost property to the operator, or for hackney's failure to make sufficient enquiries to return property to its lawful owner	9-12
PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre booking.	4
Driver of PH vehicle plying for hire (where not prosecuted or revoked)	9-12
Failure to surrender driver badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by Licensing Staff	6
Failing to take steps to ensure passenger safety	4
Failing to ensure passengers are dropped off safely, at the correct destination	3
Charging more than the metered fare/ Demanding more than the previously agreed fare	4
Failure to co-operate with any authorised officer of the Licensing Authority, Constable or any other clearly identifiable person nominated by the Licensing Authority	4
Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written	3
Failing to comply with any RBC vehicle/driver/operator conditions that are not stated above	3-12

Vehicle

Offence	Points
Unsatisfactory appearance of vehicle, interior or exterior	4
Failure to display external licence plates(per each plate)	3
Displaying unsuitable, inappropriate or unauthorized signs or advertisements in or on the vehicle	3
Using a non-calibrated taximeter or tampering with the meter or seals in any way	7
Failure to clearly display a current table of fares card and/or all other internal signs/notices required to be in the vehicle	3
Failure to maintain seat belts in a safe condition	3
Failure to display approved roof sign or maintain in working order	3
Display sign that does not comply with policy	4
Failure to display a visible "no smoking" sign in the vehicle	4
Private Hire Vehicle displaying the word "taxi"	6

Failure to return plate on expiry of licence if requested to do so by Licensing Staff	5
Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.	3
Failure to have insurance for the licensed vehicle	12
Failure to provide copy of insurance/cover note during inspection	6
Using CCTV equipment not in accordance with the provisions of the conditions and the Data Protection Act (if installed)	6

Operator

Offence	Points
Operating more vehicles than stated on licence	4
Failure to obtain and maintain insurance on vehicle	9
Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	4
Failure to provide a prompt, efficient or reliable service	3
Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	9
Failure to comply with planning permission or licence conditions for number of vehicles permitted	4
Fail to notify Licensing Authority of change of address	6
Failure to keep proper records for a period of not less than twelve months	6
Failure to keep records of all drivers employed or failure to produce details of the drivers	3
Using unlicensed drivers to drive a RBC vehicle	12
Failure to keep a written record of all complaints or failure to make available to the Licensing Authority	4
Failure to record, maintain or provide details of checks on dispatch staff in a register	4
Failure to carry out or provide the required DBS checks on dispatch staff	6

Appendix N Rushcliffe Borough Council's Code of Conduct When working with Vulnerable Passengers

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties, for example. When working with vulnerable persons the following points should be observed:

- Drivers should carry photo-identification at all times, and wear it in accordance with the conditions of licence

- The driver/operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of appropriate measures. However, they should check that they are in place

- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, the driver/operator should obtain a record of the carer's contact details if there is no chaperone

- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council

- Always ask if a vulnerable passenger needs help, do not assume

- Drivers should remain professional at all times and should not:

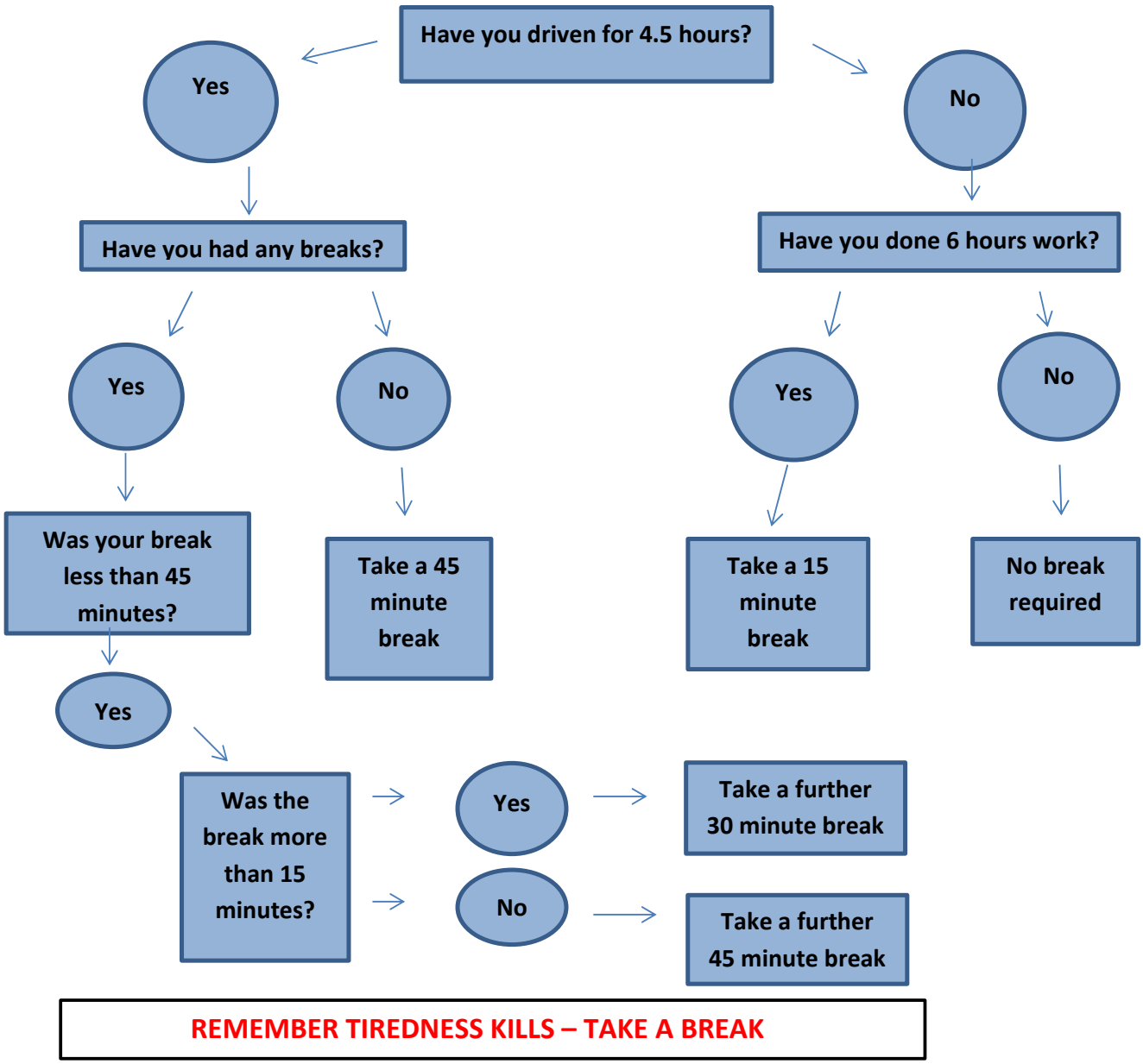
    - Touch a vulnerable person inappropriately
    - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
    - Behave in a way that may make a vulnerable passenger feel intimidated or threatened
    - Attempt to misuse personal details obtained via the business about a vulnerable person.

- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service

- If the driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999)

- If the driver/operator is concerned about someone else's conduct, they should report their concerns to the police (101) or Crimestoppers (0800 555 111) or the Safeguarding hub on 0300 500 80 90

Appendix O Guidance Notes on Driver Working Hours – Do I need a break?



Appendix P Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3S.

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

1. Overarching principles

This policy covers the use that this authority, Rushcliffe Borough Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3S). The NR3S contains information relating to any refusal to grant, or revocation of, a taxi driver's licence. This information is important in the context of a subsequent application to another authority for a driver's licence by a person who has had their licence refused or revoked in the past.

This authority, Rushcliffe Borough Council, has signed up to the NR3S. This means that when an application for a taxi driver's licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

When an application for a new driver's licence, or renewal of an existing driver's licence is received, this authority, Rushcliffe Borough Council will make a search of the NR3S. The search will only be made by an officer who has been trained in the use of the NR3S and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details. Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application. Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. **In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court**. If an appeal is made to the Crown Court, the data will be retained until that appeal is **determined or abandoned.** Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (note 1) (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined. (see note 2).

The data will be held securely in accordance with this authority's Rushcliffe Borough Council general policy on the secure retention of personal data which is available at

Information Retention.pdf, see also

rushcliffe.gov.uk/privacy/ and

Data protection subject access request

At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority's general policy on the erasure and destruction of personal data.

Note 1

Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates' court or the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

Note 2

Decisions of the local authority, magistrates' Court and Crown Court are also susceptible to judicial review. Generally, any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made "promptly; and in any event not later than three months after the grounds to make the claim first arose" (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

2. Making a request for further information regarding an entry on NR3S

When an application is made to Rushcliffe Borough Council, for the grant of a new, or renewal of, a taxi driver's licence, this authority will check the NR3S. This authority will make and then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search
- the name or names searched
- the reason for the search (new application or renewal)
- the results of the search
- the use made of the results of the search (this information will be entered to the register at a later date).

This record **will not** be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 11 years. If Rushcliffe Borough Council discovers any match (i.e. there is an entry in the

register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's (Rushcliffe Borough Council's) data protection policy in relation to the use of any data that is obtained as a result of this process. This request will be made in writing.

It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

3. Responding to requests made for information regarding an entry on NR3S

When this authority, Rushcliffe Borough Council receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 11 years.

This authority, Rushcliffe Borough Council, will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request. This authority, Rushcliffe Borough Council, will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If this authority, Rushcliffe Borough Council, is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subject's rights and the position and responsibilities of a taxi driver. Data is held on the NR3S register for a period of 11 years (currently), but this authority, Rushcliffe Borough Council (the 1st authority), will not disclose information relating to every entry. Each application will be considered on its own merits.

This authority, Rushcliffe Borough Council, will disclose information relating to a revocation or refusal to grant a driver's licence in accordance with the timescales contained within the Institute of Licensing's "Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades" available at Institute of licensing. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IOL guidance) which is outside the timescales determined in those guidelines, the

information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of schedule 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority, Rushcliffe Borough Council, will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 11 years.

4. Using any information obtained as a result of a request to another authority.

When this authority, Rushcliffe Borough Council, receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications as set out earlier in this policy, Hackney Carriage and Private Hire Licensing Policy, Rushcliffe Borough Council's policy for determining applications.

This authority, Rushcliffe Borough Council, will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority, Rushcliffe Borough Council, will make in relation to the application.

Appendix Q Confidential Reporting Code (Whistle-blowing policy)

Whistleblowing for employees

Whistle Blowing

This policy relates to the reporting of allegations of illegalities or wrong doings in the taxi/private hire trades regulated by Rushcliffe Borough Council's licensing service.

Such reports may be considered as "whistleblowing" and there exists legislation to protect such individuals in certain circumstances. You will be considered a whistle-blower if you're a worker and you report certain types of wrongdoing, so as an employed Private Hire driver for example. This will usually be something you've seen at work.

The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public.

Private Hire and Hackney Drivers or others in the taxi trade can raise any concerns with Rushcliffe Borough Council directly. Any information will be treated confidentially, taken seriously, and appropriately investigated.

A taxi driver or other person employed in the Taxi/Private Hire trade may choose to contact Rushcliffe Licensing anonymously by submitting evidence, along with any other relevant details, via Licensing@rushcliffe.gov.uk. In these cases a reporter may lose their whistleblowing law rights.

As such we would encourage any person aware or wrong doings in the taxi trade occurring in Rushcliffe to report the matter to Rushcliffe Licensing service with their full details to enable officers to ask for further information and attain the best evidence possible. Reporters will not have a say in how the concern is dealt with but can be kept updated as far as confidentiality rules allow. In these circumstances where the reporter makes it clear at the outset, that they do not want anyone else to know it was them who raised the concern, then reports will be treated confidentially and we will do all we can to ensure details of the reporter will not be released.

Employed individuals might be able to benefit from the protections in whistleblowing legislation depending on their status and way of working. If an individual is unsure if they are protected, independent advice should be sought, for example from Citizens' Advice. More information is available on the Government's website - gov.uk/whistleblowing

An employer may also have a whistleblowing policy and in this case any person with a concern to raise should also review their policy in deciding a course of action. Rushcliffe Borough Council Licensing do not require Private Hire Operators to have a specific policy on whistleblowing but we do encourage the adoption of such policies. Larger organisations are likely to have a policy covering whistleblowing in relation to their employees.

In all cases if a crime is being or has been committed, drivers and others should report this to the Police either by calling 999/101 or making a report after the event to Nottinghamshire police. Nottinghamshire Police - report online

Where employees of Rushcliffe Borough Council have any concerns about the legal and correct application of legislation or policy in respect of regulating the taxi trade or generally about the licencing function Rushcliffe Borough Council has an internal confidential reporting policy available at:

Documents Strategies and Policies to enable confidential reporting, investigation and response."

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