

Thurrock Council

Hackney Carriage and Private Hire

Licensing Policy

1 October 2022 to 30 September 2027.

Updated July 2023.

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1. Introduction

- 1.1. The overriding aim of Thurrock Council when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, is the protection of the public and others who use, or can be affected by, Hackney Carriage and Private Hire services.
- 1.2. This policy brings together, into one cohesive document, all previous policy and procedures on all aspects Hackney Carriage and Private Hire Licensing in Thurrock.
- 1.3. Each case will always be considered on its merits having regards to this policy. Thurrock Council will only depart from this policy where it considers appropriate to do so. This will normally happen where Thurrock Council considers that there are exceptional circumstances which warrant a different decision.
- 1.4. This policy came into effect on the 1 October 2021 and will be reviewed every 5 years, or sooner should there be a significant issue in the borough, or reason to consider all or part of this policy.
- 1.5. This policy has been developed with regards to the Department for Transport Statutory Taxi and Private Hire Vehicle Standards and other relevant guidance. Consultation on this policy has been undertaken with both the Hackney Carriage and Private Hire trade; and with groups that are likely to be the trade's customers, such as groups representing disabled people, organisations with a wider transport interest etc. a full list of those that were consulted is attached as Appendix H.
- 1.6. This policy will come into immediate effect for new licence applicants. For existing licence holders, the suitability criteria around criminal convictions will be applied with immediate effect, along with the conditions of licences. Changes of training requirements and record keeping will be applied to existing licence holders, with a reasonable period for implementation relevant to the requirements imposed. Where this is the case the time frame given will be stated in this policy against the requirement.

2. Decision making

- 2.1. The taxi and Private Hire Vehicle licensing functions of local councils are non-executive functions – that is, they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer.
- 2.2. Thurrock Council's Scheme of Delegation is attached as Appendix H
- 2.3. All Hackney Carriage and Private Hire matters under the Council Constitution are dealt with by the Council's Licensing Committee or by its Licensing Sub-Committee. The Thurrock Council Constitution is published on the Council's website.
- 2.4. All individuals that determine whether a licence is issued will be required to undertake sufficient training. This includes Members and Officers. This training will at least meet the minimum requirements of the DFT standards. Member training requirements and obligations are contained within the Council Constitution.

3. Failure to disclose information

- 3.1. Withholding information when submitting an application can be interpreted as deception and may lead to refusal of the application for this reason alone.
- 3.2. Failure to notify the Licensing Department of any arrest, conviction, caution or other relevant matter during the duration of the licence in accordance with a licence condition or bylaw, will also be treated as deception and may lead to refusal/revocation/suspension of a licence for this reason alone.

4. Complaints against licence holders

- 4.1. Complaints about licence holders will be recorded on the Council's database. All complaints will be investigated, and appropriate action taken, which may include, no further action, a written warning, referral to a licensing sub-committee for consideration, or suspension or revocation of the licence.
- 4.2. A pattern of complaints about a licence holder may be sufficient on the balance of probabilities to take more formal action than an individual complaint may warrant alone.
- 4.3. 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 or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to conviction may also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

5. Driver licences

5.1. Overview

5.1.1. For the safety and protection of the public, any person that drives a Private Hire or Hackney Carriage Vehicle that is licensed by Thurrock Council, must hold the relevant driver's licence that is also issued by Thurrock Council.

5.1.2. For the purposes of this policy the term "driver's licence" will refer to a Hackney Carriage or Private Hire Driver's licence, or a Combined licence where the holder is entitled to drive both types of vehicles.

It will also include a private hire driver licence that is termed a "restricted licence", unless otherwise specified. A "restricted licence" is a private hire driver licence that is restricted by a licence condition for use on school transport contracts only. No other private hire journeys are permitted at any time by the licence holder.

5.1.3. Drivers cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59).

5.1.4. In determining if a person is "fit and proper", this authority will consider the updated expression "safe and suitable" and will largely apply the test:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'

5.1.5. Failure to comply with any pre licensing requirement or condition of the licence may be grounds for refusal of application or revocation of the licence for that reason alone.

5.2. Duration of licences

5.2.1. A Driver's licence will normally be issued for a three-year duration.

5.2.2. Any shorter duration will only be issued if it is appropriate in the specific circumstances of the case, such as when the applicant has requested a one-year licence or where required, which may include but is not limited to the licence holder's leave to remain in the UK is time-limited.

5.3. Pre-licensing requirements

5.3.1. To qualify for a driver's licence, you must:

- be aged 21 or over
- hold a full DVLA or equivalent driver's licence for at least 3 years
- have the right to work in the UK
- complete the tax check requirements for taxi and private hire drivers
- submit a fully completed application form
- be subject to an Enhanced DBS check
- sign up to the DBS update service (after the initial DBS check has been completed)

- if any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided
- have been checked against the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence
- have met the Council's Medical Fitness Criteria which is in line with the DVLA Group 2 standard
- have met the Council's Safeguarding and Child Sexual Exploitation Awareness Training criteria
- have passed the Council's Knowledge Test
- have met the Council's approved disability awareness training requirements
- have met the Council's Language proficiency requirements.
- have paid the licence fee (please see current fees list)

5.4. Disclosure and Barring Service (DBS) Check

5.4.1. An enhanced DBS check must include a check of the children and adult barred Lists (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2).

5.4.2. Licence holders should maintain their DBS Certificate through the DBS Update service continuously through the duration of their licence, failure to do so is likely to lead to the immediate suspension of the licence.

5.4.3. Existing licence holders will need to undertake a new enhanced DBS check and maintain their DBS Certificate within 6 months from the implementation of this policy, or at the next renewal of their licence if that is sooner.

5.5. Assessment of Previous Convictions

5.5.1. The criteria for determining whether an individual should be granted or retain a Hackney Carriage driver's licence are identical to the criteria for a Private Hire driver's licence, the two are considered together.

5.5.2. Appendix A sets out the council's criteria for assessing previous convictions for all driver applications and licence holders.

5.6. Previous Refusals and Revocations of Hackney Carriage and Private Hire Licences

5.6.1. A check of the National Anti-Fraud Network (NAFN) database on refusals and revocations of Hackney Carriage and Private Hire licence (NR3 database) will be made for every licence application.

5.6.2. The applicant will also be required to disclose if they hold or have previously held a licence with another authority, and if they have had an application for a licence refused, revoked or suspended by any other licensing authority.

5.6.3. Where an applicant has a previous refusal, suspension or revocation by another authority, contact will be made with the relevant licensing authority to seek further information. If information is disclosed, this information will be taken into account in determining the applicant's fitness to be licensed.

5.6.4. The Council's policy on how we use the NR3 Database can be found at Appendix F

5.7. Medical fitness criteria

5.7.1. Up to the age of 70 years, drivers will be required to undergo a medical examination to DVLA Group 2 standards as to their fitness to drive, every three years, or any lesser period that the examining doctor may decide.

5.7.2. Those drivers suffering from known and notified medical disorders and those over 70 years of age, will be required to undergo a medical examination to Group 2 standards annually, or any lesser period that the examining doctor may decide.

5.7.3. All medical examinations will be at the expense of the individual driver. The Council reserves the right in accordance with the Local Government (Miscellaneous Provisions) Act 1976 to require an applicant or driver to undertake an independent medical examination to DVLA Group 2 standards at such clinic or hospital as the Council may direct.

5.7.4. All medical examinations must be undertaken at one of the Council's agreed medical examination providers as in Appendix B

5.8. Safeguarding and Child Sexual Exploitation Awareness Training

5.8.1. All new applicants must have undergone the council's approved Safeguarding and Child Sexual Exploitation Awareness Training before a licence is granted.

5.8.2. Licence holders must undertake the Council's approved refresher training where required every 3 years.

5.8.3. The Council's approved Safeguarding and Child Sexual Exploitation Awareness Training courses and providers are detailed in Appendix C.

5.8.4. The cost of the externally provided training is not included in the licence fee and must be paid by the applicant or licence holder direct to the training provider.

5.9. Disability awareness training

5.9.1. All new applicants must have undergone the council's approved Disability Awareness Training before a licence is granted.

5.9.2. Licence holders must undertake the Council's approved refresher training where required every 3 years.

5.9.3. The Council's approved Disability Awareness Training courses and providers are detailed in Appendix D.

5.9.4. The cost of this training is not included in the licence fee and must be paid by the applicant or licence holder direct to the training provider.

5.10. Language proficiency requirements

5.10.1. All new applicants must undertake the Council's language proficiency assessment before a licence will be granted. This assessment will cover both oral and written English language skills.

- 5.10.2. Existing licence holders will need to undertake this assessment within 12 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.
- 5.10.3. The Council's approved language proficiency assessment process and providers are detailed in Appendix E.
- 5.10.4. The cost of this training is not included in the licence fee and must be paid by the applicant or licence holder direct to the training provider.

5.11. Knowledge test

- 5.11.1. The Council's Knowledge Test is an electronic test that covers different sections as set out in Appendix G.
- 5.11.2. An application fee allows a maximum of 4 attempts at the knowledge test.
- 5.11.3. There is a fee for additional tests that must be paid for before the test is taken.
- 5.11.4. If you are not successful on a particular test, you will only be expected to answer questions on the sections you did not previously pass.

5.12. Conditions

- 5.12.1. The non-compliance with a licence condition may lead to revocation or suspension of a licence for this reason alone.

5.13. Private hire driver conditions

- 5.13.1. A licence holder, on changing his address, shall notify the Council of such change within seven days by email to licensing@thurrock.gov.uk
- 5.13.2. Any of the following events in respect of licence holder must be reported by email to licensing@thurrock.gov.uk within 48 hours giving full details:
 - a) any charge or conviction
 - b) any caution (issued by the Police or any other agency)
 - c) an arrest and release for any offence (whether or not charged)
 - d) issue of any fixed penalty notice for any matter
 - e) any harassment or other form of warning or order within the criminal law, including Anti-Social Behaviour Orders or similar
 - f) following any conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA licence
- 5.13.3. A driver shall at all times when working, wear their badge on their person so that it is clearly visible.
- 5.13.4. No person shall, being the driver of a Private Hire Vehicle:

- a) without reasonable excuse, refuse to attend the needs of, or refuse assistance to any person with a disability, whether or not they are the user of a wheelchair
- b) without reasonable excuse, refuse to permit the carriage of a dog used as a guide dog for a blind or partially sighted person, a hearing dog for those otherwise impaired, or an assistance dog
- c) charge for carrying a guide dog, hearing dog or assistance dog, or for the carriage of a wheelchair

5.13.5. A driver shall not refuse to carry fewer persons than the number marked on the plate.

5.13.6. If a driver carries a hirer to a certain place and the hirer asks the driver to wait, the driver may ask for his fare for driving there and ask also for a deposit against the waiting time. After accepting such a deposit, the driver shall not drive away without the consent of the hirer.

5.13.7. The driver of a Private Hire Vehicle who shall have agreed or shall have been hired to be in attendance with the vehicle at an appointed time and place shall:

- a) unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at the appointed time and place
- b) when picking up the hirer, make his presence known in person and shall not attract the hirer's attention by sounding their horn, shouting or making any other disturbing noise

5.13.8. A driver shall:

- a) convey a reasonable quantity of luggage
- b) afford reasonable assistance in loading and unloading such luggage

5.13.9. If the Private Hire Vehicle is fitted with a meter, the driver shall, at the commencement of the journey, activate the meter so that the word "HIRED" is clearly visible and shall keep the meter operating until the termination of the hiring. "Commencement of the journey" means:

- a) when the hirer enters the vehicle
- b) when the driver has attended at an appointed place and has made their presence known to the hirer
- c) when the driver has presented themselves at an appointed place at a specified time

5.13.10. The driver of a Private Hire Vehicle shall at all times when the vehicle is hired:

- a) take all reasonable precautions to ensure the safety of persons travelling in, entering or alighting from their vehicle
- b) be clean, respectable, of smart appearance and act with civility towards all persons and shall comply with the reasonable requirements of the hirer(s)

- 5.13.11. The driver of a Private Hire Vehicle, when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 5.13.12. Once a Private Hire Vehicle has been hired, a driver shall not carry anyone else during that hire, without the explicit consent of the first hirer.
- 5.13.13. The driver shall not demand from any hirer of a Private Hire Vehicle a fare greater than that agreed with the Operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
- 5.13.14. The driver of a Private Hire Vehicle shall, immediately after the termination of the hiring, search the vehicle for any property, which may have been accidentally left therein. On finding any property left in his vehicle, a driver shall carry it as soon as possible and in any case within 72 hours, to the Civic Offices, New Road, Grays, and deposit it there.

Restricted licences only.

- 5.13.15. This licence is restricted for use on school transport contracts only. No other private hire journeys are permitted at any time.

5.14. Hackney carriage bylaws – drivers

- 5.14.1. The following are the relevant bylaws of Thurrock Council that relate to the driver of a Hackney Carriage Vehicle.
- 5.14.2. The driver of a hackney carriage shall:
- 5.14.2.1. If the taximeter is fitted with a flag or other device bearing the words "FOR HIRE":
- a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible
 - b) as soon as the carriage is hire by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring
- 5.14.2.2. If the taxi meter is not fitted with a flag or other device bearing the words "FOR HIRE":
- a) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taxi meter and operate the sign provided in pursuance of byelaw 5 so that the words "FOR HIRE" are clearly and conveniently legible by persons outside the carriage
 - b) as soon as the carriage is hired whether by distance or by time, operate the said sign so that the words "FOR HIRE" are not conveniently legible by persons outside the carriage
 - c) as soon as the carriage is hired by distance and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other

device fitted for the purpose so that the word "HIRED" is legible on the face of the taximeter in action until the termination of the hiring

- d) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Transport Act 1957 and also at any other time at the request of the hirer

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

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

- a) proceed with reasonable speed to one of the stands fixed by byelaw in that belief
- b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand
- c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction
- d) from time to time when any other carriage immediately in front is driven off or forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward

5.14.5. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

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

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

5.14.8. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

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

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

- a) convey a reasonable quantity of luggage

- b) afford reasonable assistance in loading and unloading
- c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person

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

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

- a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it
- b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five new pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the council, whichever be greater) but not more than five pounds

6. Private Hire Operator policy and conditions

6.1. Overview

- 6.1.1. For the safety and protection of the public, Private Hire Operators within Thurrock must have a licence issued by Thurrock Council. The licence permits you to accept bookings for Private Hire work.
- 6.1.2. If you intend to take bookings from an operating base situated outside Thurrock, you must apply for an Operator's licence from the appropriate local council.
- 6.1.3. The objective in licensing Private Hire Vehicle Operators is to protect the public, who may be using Operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a Private Hire Vehicle Operator licence also pose no threat to the public and have no links to serious criminal activity. Although Private Hire Vehicle Operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.
- 6.1.4. 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.
- 6.1.5. Failure to comply with any condition of the licence may be grounds for revocation of the licence for that reason alone.

6.2. Duration of Licences

- 6.2.1. An Operator licence will normally be issued for a five year duration.
- 6.2.2. Any shorter duration will only be issued if it is appropriate in the specific circumstances of the case, when the licensee has request it or where required, which may include but is not limited to the licence holder's leave to remain in the UK is time-limited.

6.3. Suitability of applicant/licence holder

- 6.3.1. A Private Hire Vehicle Operator licence may be applied for by a company or partnership; the 'fit and proper' test will be applied to each of the directors or partners in that company or partnership.
- 6.3.2. The Council will consider whether an applicant or licence holder with a conviction for offences provided in Appendix A, other than those relating to driving, meet the 'fit and proper' threshold.
- 6.3.3. Refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a Private Hire Vehicle Operator licence; this decision will be independent of a driver licence refusal and based on the appropriate information – that is, it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information

can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

6.4. Pre licensing requirements

6.4.1. To apply for a Private Hire Operator licence you need to submit the following:

- a completed application form
- have the right to work in the UK
- a basic disclosure from the DBS (unless the applicant is also a licensed driver with Thurrock Council)
- if any applicant has, from the age of 10 years, has spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided
- the fee (please see current fees list)

6.5. Conditions

6.5.1. Existing licence holders will need to be compliant with all the below condition within 6 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.

6.5.2. General conditions

6.5.2.1. The licence holder must not permit the display of the word "Taxi", "Cab" or "Hackney Carriage" on any Private Hire Vehicles operated by them.

6.5.2.2. The Licence holder must notify in writing any change of address of the licence holder or the address of the operating centre by email to licensing@thurrock.gov.uk immediately within 48hrs of the change.

6.5.3. Criminality checks/reporting convictions and other relevant matters

6.5.3.1. The licence holder must complete a basic disclosure from the DBS annually (unless the licence holder is also a licensed driver with Thurrock Council – Should the individual cease to hold a driver licence a basic certificate will be required immediately)

6.5.3.2. Any of the following events in respect of licence holder, director or partner must be reported by email to licensing@thurrock.gov.uk within 48 hours giving full details:

- any conviction (criminal or driving matter)
- any caution (issued by the Police or any other agency)
- issue of any Magistrate's Court summons against them
- issue of any fixed penalty notice for any matter
- any harassment or other form of warning or order within the criminal law, including Anti-Social Behaviour Orders or similar
- their arrest for any offence (whether or not charged)

6.6. Booking and Dispatch Staff

- 6.6.1. An up-to-date register of all staff that take bookings or dispatch vehicles must be kept. This record shall be produced on request to any Authorised Officer of the Council or to any Constable for inspection.
- 6.6.2. When being added to the register, all individuals must have provided a recently issued (within 3 months) Basic DBS. This should be compatible with the Operator's policy on employing ex-offenders. Alternatively the Operator could use a 'responsible organisation' to request the check on their behalf.
- 6.6.3. 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.
- 6.6.4. Individuals that take bookings and/or dispatch vehicles for an Operator must be required, as part of their employment contract, to advise the Operator of any convictions while they are employed in this role.
- 6.6.5. 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.
- 6.6.6. Operators may outsource booking and dispatch functions, however Operators have an obligation to protect children and vulnerable adults and they must evidence that comparable protections are applied by the company to which they outsource these functions.
- 6.6.7. Operators or applicants for a licence must provide to the Licensing Authority, 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 Operator's licence, those with a conviction for offences provided in the annex to this document (Appendix A – 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.

6.7. Record keeping

- 6.7.1. Operators must 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
- 6.7.2. Records must be retained for a minimum of 12 months.

6.8. Use of passenger carrying vehicles (PCV) licensed drivers

- 6.8.1. A Driver who holds a PCV licence and the use of a Public Service Vehicle (PSV) such as a minibus to undertake a Private Hire Vehicle booking is not permitted without the informed consent of the booker. Where a Private Hire Vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

7. Vehicle licences

7.1. Overview

7.1.1. The objective of vehicle licensing is to protect the public, who trust that vehicles dispatched are above all else safe. It is important therefore that Thurrock Council is assured that those granted a vehicle licence pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles used to carry passengers are properly licensed and so maintain the safety benefits of the licence regime.

7.2. Duration of licences

7.2.1. A vehicle licence will only be issued for a one-year duration.

7.3. Suitability of the applicant/licence holder

7.3.1. A vehicle licence may be applied for by a company or partnership; the 'fit and proper' test will be applied to each of the directors or partners in that company or partnership.

7.3.2. The Council will consider whether an applicant or licence holder with a conviction for offences provided in Appendix A, other than those relating to driving, meet the 'fit and proper' threshold.

7.3.3. Refusal to licence an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle licence; this decision will be independent of a driver licence refusal and based on the appropriate information – that is, it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

7.4. Pre licensing requirements

7.4.1. To apply for a Vehicle licence, you need to submit the following:

- a completed application form
- a basic disclosure from the DBS (unless the applicant is also a licensed driver with Thurrock Council)
- if any applicant has, from the age of 10 years, has spent six continuous months or more living outside the United Kingdom then criminal records information or a 'Certificate of Good Character' from overseas must also be provided
- the fee (please see current fees list)
- the original V5C vehicle registration certificate (logbook), which must be in the applicant's name and current address
- proof of ownership by means of bill of sale or hire purchase agreement.
- a current MOT test certificate
- a valid vehicle test sheet issued by Thurrock Council approved testing garage
- a valid insurance certificate
- the old licence plate and window card (if renewing the licence)

- if the vehicle is hired or leased, proof of hire the contract must be provided which must clearly state that that the vehicle will be used as a licensed vehicle. In these circumstances the logbook may remain in the name of the organisation providing hire

7.4.2. Existing licence holders will need to comply with the above basic disclosure requirement within 6 months from the implementation of this policy, or at the next renewal of the licence if that is sooner.

7.5. Hackney carriage vehicle pre-licence standards

7.5.1. The vehicle must:

- a) be wheelchair accessible with 8 or less passenger seats – those Hackney Carriage proprietors whose vehicles were a saloon, estate or multi-passenger vehicle on 1 February 2014 will be permitted to replace their vehicle with a vehicle that is not wheelchair accessible, and if the licence is transferred to a new proprietor, then any replacement vehicle thereafter must be a wheelchair accessible vehicle
- b) when first submitted for licensing, be less than 4 years of age
- c) at the time of renewal of the licence be no more than 10 years of age, except for wheelchair accessible vehicles, which must be no more than 15 years of age
- d) any vehicle accepted for licensing as a Hackney Carriage Vehicle, may only be replaced by a vehicle that is younger by reference to the dates of first registration
- e) be right hand drive, in good mechanical order and body condition and in operational order in every respect
- f) be suitable in size and design for use as a Hackney Carriage Vehicle and to the manufacturer's specification have:
 - i. rear seat (width) – the width of the rear seats, measured in a straight line widthways on the front edge of the seat must be such as will allow adequate seating accommodation to the extent of a minimum of 42cm (16½").
 - ii. seats (length) – the length of the seat from the back to the front edge must be a minimum of 43cm (17")
 - iii. knee space – the measurement between the rear of the front seats and the back of the backseat must be a minimum of 66cm (26") with the front seat at its centre point.
 - iv. an exemption may be granted to the minimum specifications above in special circumstances if agreed by the Licensing Department – an example where this may be appropriate is where MPVs or Minibuses have M2 seats fitted.
- g) have a minimum of 4 doors, each adjacent to and allowing direct access to and from the seats

- h) have manufacturers recommended sized tyres (remould tyres are not acceptable)
- i) have rear seat accommodation for not less than three passengers, unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat(s)
- j) have accommodation for not less than 4 passengers
- k) have appropriate seatbelts to the front and rear seats of the vehicle. The number of seatbelts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver
- l) have, in addition to the driver, up to 2 passenger seats in the front of the vehicle, provided each seat has a separate lap/diagonal seat belt
- m) have adequate luggage facilities, which must be separate from the passenger-carrying compartment. All vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner
- n) in London style vehicles, the area next to the driver shall be deemed to be the luggage space and no provision for seating shall be permitted there
- o) have a parcel shelf or similar fitted, where the vehicle design allows for

7.5.2. Wheelchair Accessible Vehicles

- 7.5.2.1. Any proprietor who has a Hackney Carriage Vehicle licence for a wheelchair accessible vehicle, must in future, only replace the vehicle with a wheelchair accessible vehicle.
- 7.5.2.2. Permit loading of wheelchairs ONLY through the side door(s) of the vehicle. Vehicles that load wheelchairs through the tailgate will not be accepted for licensing. Those Hackney Carriage proprietors whose vehicles are rear loading on 1 February 2014 shall replace their vehicle with a vehicle that is side loading, if the vehicle is changed or when the licence is renewed after the vehicle reaches 10 years of age.
- 7.5.2.3. Shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it when carried inside the vehicle, in accordance with European Directive 76/115 EEC (as amended).

7.5.3. Minibus and multi passenger vehicles

- 7.5.3.1. Any seat adjacent to the nearside door of the passenger compartment of a licensed vehicle must be removed, where necessary, to permit a clear and unobstructed entry to and exit from the back row seating compartment.
- 7.5.3.2. No person entering or exiting the licensed vehicle should have to remove or dismantle any seat or other obstacle, climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.

7.5.4. Tinted windows

- 7.5.4.1. Factory fitted tinted windows are permitted providing that they are in accordance with vehicle construction regulations.

No 'after-market' window tinting is permitted. The only exceptions that are likely to be considered are for speciality vehicles, classic vehicles and limousines, or vehicles with a plate exemption, and only on application, which will be considered by the Licensing Manager.

We would encourage proprietors of vehicles with tinted windows to give strong consideration to the installation of CCTV in the vehicle. The use of CCTV will help deter the fear of crime for passengers and will also help to protect the driver from being a victim of crime or from unfounded allegations and promoting public safety.

7.5.5. Taximeter

- 7.5.5.1. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by Thurrock Council. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.

7.5.6. Liquid Petroleum Gas (LPG) vehicles

- 7.5.6.1. A hackney carriage proprietor converting their licensed vehicle to run on LPG must notify the Council of such change and comply with the following pre-licensing conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG:
- 7.5.6.2. That a certificate of compliance is produced to state that the LPG installation was undertaken by a Petroleum Gas Association (LPGA) approved installer.
- 7.5.6.3. That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.
- 7.5.6.4. If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.
- 7.5.6.5. The proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.
- 7.5.6.6. The vehicle is serviced by a person competent in LPG powered vehicles.

7.5.7. Vehicle inspections

- 7.5.7.1. Thurrock Council reserves the right to examine any vehicle before the grant of a Hackney Carriage Vehicle licence in order to ascertain that the vehicle conforms to all current legislation, licensing criteria and licensing conditions. Such examination does not guarantee the grant of a licence.

7.5.7.2. The applicant shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:

- upon initial application (regardless of the age of the vehicle)
- annually in respect of vehicles up to 5 years old
- six monthly in respect of vehicles over 5 years old and up to 8 years old
- four monthly in respect of vehicles over 8 years old

7.6. Hackney carriage vehicle licence conditions

7.6.1. Satisfy the Hackney Carriage Vehicle Licence Pre-Licensing Standards adopted by Thurrock Council at all times.

7.6.2. Safety Equipment

7.6.2.1. An efficient and serviceable fire extinguisher marked with the plate number of the vehicle shall be carried at all times. The extinguisher must be located in a secure and easily accessible position, in the boot or front cab of the vehicle. Wheelchair accessible vehicles must carry a fire extinguisher which is at least a 1 litre AFFF extinguisher with a minimum of an 8A to 21B rating. Where a minibus fitted with a passenger lift to meet the construction and use regulations, a second extinguisher must be fitted near the back doors of the same type. Note: in the event of a vehicle fire, the priority is to **get the passengers out**.

7.6.2.2. Each vehicle shall carry a first aid kit for the use of the driver and shall contain those items laid down by the Health and Safety (First Aid) Regulations 1981.

7.6.2.3. The proprietor shall have available in the vehicle sufficient high visibility jackets for the seating capacity of the vehicle, and an emergency triangle to use in the event of a breakdown or accident.

7.6.3. Interior markings

7.6.3.1. The proprietor shall ensure that the following are clearly displayed inside the vehicle:

- the vehicle window card licence
- the tariff card supplied by the Council shall be displayed on the inside of the vehicle in such a position as to be plainly visible to persons travelling inside the vehicle
- "No Smoking" signs shall be displayed on both rear passenger door windows

7.6.4. Exterior signs

7.6.4.1. The proprietor shall ensure that:

- a) the licence plate issued by Thurrock Council identifying the vehicle as a Hackney Carriage shall be displayed in a vertical position and firmly fixed to the outside of the vehicle at the rear using the fixing bracket supplied – Velcro, cable tie and magnetic fastenings are not permitted and in any case of doubt about a proper method of fixing the plate, the Licensing Department should be consulted

- b) the Hackney Carriage plate shall not be concealed from public view or defaced in any way

7.6.4.2. The licence plate shall remain the property of Thurrock Council at all times and must be returned immediately if the vehicle ceases to be a licensed Hackney Carriage vehicle, any detail of the vehicle is changed or if the vehicle licence is suspended or revoked by the Council.

7.6.4.3. Door stickers provided by Thurrock Council shall be permanently displayed on each rear door of the vehicle on the upper panel of the door. Magnetic door signs are not permitted. Any variance to the location of the stickers should be agreed with the Licensing Department.

7.6.4.4. The door stickers shall not be concealed from public view or defaced or altered in any way.

7.6.4.5. A roof sign capable of being illuminated and showing to the front and rear the word "TAXI" the light for which should automatically be extinguished when the taxi meter is engaged. London style and other taxis with signs forming an integral part of the roof are acceptable.

7.6.5. Trailers and roof boxes

7.6.5.1. A proprietor of a licensed Hackney Carriage vehicle will be permitted to tow a trailer provided that:

- a) the trailer complies with all legal requirements (please see Annex 2 for further guidance)
- b) the driver of the vehicle holds the appropriate category on his/her DVLA driving licence, which must be produced to the Council

7.6.5.2. A proprietor of a licensed Hackney Carriage vehicle will not be permitted to carry any form of roof box or luggage on the roof of the vehicle.

7.6.6. CCTV

7.6.6.1. A proprietor of a licensed Hackney Carriage vehicle will be permitted to install CCTV provided that the CCTV complies with all legal requirements (please see Annex 2 for further guidance).

7.6.7. Advertising

7.6.7.1. A proprietor of a Hackney Carriage shall ensure that the display of advertising materials is restricted to the following:

- a) advertising, including product advertising or the trade name, address and telephone number of the circuit may be displayed anywhere on the exterior of the vehicle apart from the rear doors, which show the Thurrock Council stickers and the windows / glazing of the vehicle
- b) product advertising is subject to the Council giving authority and retaining the right to request the removal of any particular advertisement that is felt to be unsuitable

- 7.6.7.2. All product advertising must be professionally applied, and no reflective materials may be used.
- 7.6.7.3. Wheelchair accessible vehicles may display the disability symbol of a maximum of 10" (245mm) square on the wheelchair access door(s) only.
- 7.6.7.4. Internal advertising is permitted subject to approval by the Council.
- 7.6.7.5. All advertising must be approved by the Council. The written approval of Thurrock Council shall be obtained as to the content and layout of any advertisement before it is fitted or displayed.

7.6.8. Vehicle inspections

7.6.9. The proprietor shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:

- upon initial application (regardless of the age of the vehicle)
- annually in respect of vehicles up to 5 years old
- six monthly in respect of vehicles over 5 years old and up to 8 years old
- four monthly in respect of vehicles over 8 years old

7.6.9.1. Vehicles submitted for inspection shall be in such a condition as to be suitable for inspection: free from oil or any other matter and thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection and be suspended immediately until they pass a re-inspection.

7.6.9.2. The proprietor should submit the vehicle to the Council after any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or comfort or convenience of passengers.

7.6.9.3. Proprietors of vehicles which fail to attend any notified inspection, or whose vehicles are refused an inspection due to the condition of the vehicle shall be liable to pay a fee for a re-inspection.

7.6.9.4. Proprietors of vehicles, which fail to attend for an inspection, during the life of the vehicle licence, may be suspended immediately until such time as they attend and pass an inspection.

7.6.10. General conditions

7.6.10.1. Vehicles must be kept clean, tidy, free from damage, well maintained and in every way fit for public service both inside and out.

7.6.10.2. Vehicles without alloy wheels should be fitted with all 4 matching hubcaps.

7.6.10.3. During the period of the licence the proprietor shall be in direct control of the day-to-day running of the vehicle.

7.6.10.4. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence, irrespective of the age of the passenger.

- 7.6.10.5. Whilst a vehicle is licensed as a Hackney Carriage vehicle and at all times, whether plying for hire or not shall not be driven by any person other than a driver properly licensed by Thurrock Council.
- 7.6.10.6. If the proprietor permits or employs another person to drive the vehicle, that person must be licensed by Thurrock Council. The proprietor must have a copy of his/her Hackney Carriage driver's licence before he/she commences to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose. The copy of the licence will be retained until such a time as the driver ceases to be permitted or employed to drive the vehicle. It is the responsibility of the driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.

7.6.11. Taximeter

- 7.6.11.1. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by Thurrock Council. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others. Note: nothing in this condition prevents a driver from charging the customer less than the metered fare.
- 7.6.11.2. The taximeter shall be maintained at all times so that the fare displayed can readily be seen by the passenger(s). There shall be recorded on the face of the taximeter in figures, clearly legible and free from ambiguity a fare not exceeding the scale of fares prescribed by the Council.
- 7.6.11.3. The taximeter and all the fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seal or other appliance.
- 7.6.11.4. The operation of the taximeter shall accord with any byelaws made by the Council.
- 7.6.11.5. The taximeter shall be tested for accuracy on initial application and following any changes to the table of fares or as required. Thurrock Council staff may seal meters after each inspection.

7.6.12. Animals and the Carriage of Assistance Dogs

- 7.6.12.1. The proprietor shall not allow any driver to convey in a licensed vehicle any animal belonging to or in the custody of himself of the proprietor or operator of the vehicle.
- 7.6.12.2. Any animal belonging or in the custody of a passenger may be conveyed at the driver's discretion, however it shall only be conveyed in the rear of the vehicle.
- 7.6.12.3. The proprietor shall ensure the driver of the vehicle complies with the requirement to carry guide dogs, hearing dogs, other assistant dogs, dogs for the disabled, support dogs and canine partners for independence.
- 7.6.12.4. A driver of a licensed vehicle is required to carry the following assistant dogs free of charge, unless the driver has a proven medical condition that would preclude such actions:
- guide dogs for the blind
 - hearing dogs

- dogs for the disabled
- support dogs – for example, epilepsy

7.6.12.5. All assistant dogs can be identified usually by their harness or identification coat. The dog owner should carry an identification card, in the case of those registered as blind, this will include a passport sized photograph and in addition they may also hold an Institute of Environmental Health card confirming no hygiene risk to vehicles or premises.

7.6.12.6. All assistance dogs should travel at their owner's feet in the front of the vehicle where possible, unless the driver has a dog phobia or religious belief, then the dog may travel in the rear of the vehicle with the passenger, but only with consent of the passenger.

7.6.13. Documentation

7.6.13.1. A proprietor shall at all times hold a current certificate or cover note of motor insurance and vehicle MOT certificate and ensure copies of the original documents are supplied to the Licensing Department upon first licence and at the time of renewal of the licence and at any other time as may be required. Certificates must run concurrently, without any breaks in date or time and new or replacement copy documentation must be submitted to the Council within 7 days of the expiry of the preceding certificate / cover note.

7.6.13.2. Failure to provide copies of a valid insurance certificate or cover note and or MOT test certificate will lead to immediate suspension for a minimum of 24 hours or until the production of the required documents is made in person to a Licensing Officer, at which time the suspension will be immediately lifted.

7.6.13.3. A proprietor shall produce vehicle registration documents and any other evidence of proprietorship of the vehicle to the Council at the request of the Licensing Department, within a reasonable period of time or a maximum of 7 days from such a request.

7.6.13.4. The Council must be notified in writing or by electronic means within 7 days of any change of address. Official documents such as vehicle registration document, insurance certificate and driving licence must be presented to the Licensing Department as soon as reasonably practicable, showing proof of change of address.

7.6.14. Accidents / vehicle damage / theft

7.6.14.1. The proprietor of any Hackney Carriage vehicle shall report to the Licensing Department as soon as reasonably practicable and in any case, within one working day of the occurrence, thereof any accident-causing damage to the said vehicle.

7.6.14.2. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any vehicle body damage – for example, vandalism. Notification must be reported within 72 hours of such damage.

7.6.14.3. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any theft of vehicle or licence plate. Notification must be reported as soon as practicable and within 72 hours of such theft.

7.6.15. Byelaws and regulations

- 7.6.15.1. The proprietor shall ensure that any driver complies with the Council's Byelaws and Conditions.
- 7.6.15.2. The proprietor should make themselves familiar with statutory requirements in relation to Hackney Carriage Licensing in the Town Police Clauses Act 1847 (as amended), Public Health Acts 1875 and 1936 and the Local Government (Miscellaneous Provisions) Act 1976. These are available at a public library or via the internet.

7.6.16. Surrender of Licence

- 7.6.16.1. If the proprietor ceases to use the vehicle for the purpose for which it is licensed, they shall surrender the licence and return the licence plate, which remains the property of Thurrock Council.
- 7.6.16.2. Thurrock Council may, at any time during the period of the licence, revoke the licence should a breach be detected of any terms and conditions of the licence.

7.6.17. Appeals

- 7.6.17.1. Statutory rights for appeal against the decisions made by the Licensing Authority in respect of the grant or renewal of a Hackney Carriage licence are to be found in the Local Government (Miscellaneous Provisions) Act 1976:
- a) appeal against conditions imposed on a Hackney Carriage Proprietor's licence (to the Magistrates Court)
 - b) appeal against refusal to grant a Hackney Carriage Proprietor's licence (to the Crown Court)

7.7. Private hire vehicle pre-licence standards

- 7.7.1. The vehicle must:
- a) when first submitted for licensing, be less than 4 years of age
 - b) at the time of renewal of the licence be no more than 10 years of age, except for wheelchair accessible vehicles, which must be no more than 15 years of age
 - c) speciality vehicles, classic vehicles and limousines can be more than 4 years of age at first point of licensing and will have no upper age limit but must be subject to testing at a frequency according to age – these vehicles will also be exempt from other further requirements which may not be applicable to the vehicle type, at the discretion of the Licensing Department
 - d) any vehicle accepted for licensing as a Private Hire Vehicle after, may only be replaced by a vehicle that is younger by reference to the dates of first registration
 - e) be right hand drive, in good mechanical order and body condition and in operational order in every respect
 - f) be suitable in size and design for use as a Private Hire Vehicle and to the manufacturer's specification have:

- i. rear seat (width) – the width of the rear seats, measured in a straight line widthways on the front edge of the seat must be such as will allow adequate seating accommodation to the extent of a minimum of 42cm (16 ½")
 - ii. seats (length) – the length of the seat from the squab to the front edge must be a minimum of 43cm (17")
 - iii. knee space – the measurement between the rear of the front seats and the squab of the backseat must be a minimum of 66cm (26") with the front seat at its centre point
 - iv. an exemption may be granted to the minimum specifications above in special circumstances if agreed by the Licensing Department – an example where this may be appropriate is where MPVs or Minibuses have M2 seats fitted or on speciality vehicles
- g) have a minimum of 4 doors, each adjacent to and allowing direct access to and from the seats
 - h) have manufacturers recommended sized tyres (remould tyres are not acceptable)
 - i) have rear seat accommodation for not less than three passengers, unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat(s)
 - j) have accommodation for not less than 4 passengers
 - k) have appropriate seatbelts to the front and rear seats of the vehicle – the number of seatbelts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver
 - l) have, in addition to the driver, up to 2 passenger seats in the front of the vehicle, provided each seat has a separate lap/diagonal seat belt
 - m) have adequate luggage facilities, which must be provided separate from the passenger-carrying compartment – all vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner
 - n) have a parcel shelf or similar fitted, where the vehicle design allows for.

7.7.2. Wheelchair accessible vehicles

- 7.7.2.1. Shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it when carried inside the vehicle, in accordance with European Directive 76/115 EEC (as amended).

7.7.3. Electric vehicles

- 7.7.3.1. Hybrid vehicles are not included in this section, only fully electric vehicles are subject to these alternative standards.
- 7.7.3.2. The vehicle must be suitable in size and design for use as a Private Hire Vehicle.

7.7.3.3. The number of passengers that the vehicle will be licensed to carry will be determined by the seat size as specified in sections 7.5.8 – 7.5.10 above. Any seats that do not meet the size specification will not be included in the vehicle's capacity, regardless of the number of seats shown on the vehicle logbook.

7.7.3.4. The number of passengers that the vehicle is licensed to carry can be less than 4.

7.7.3.5. The vehicle must have adequate luggage facilities, which must be provided separate from the passenger carrying compartment. As a minimum, vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner.

7.7.4. Minibus and multi passenger vehicles

7.7.4.1. Any seat adjacent to the nearside door of the passenger compartment of a licensed vehicle must be removed, where necessary, to permit a clear and unobstructed entry to and exit from the back row seating compartment.

7.7.4.2. No person entering or exiting the licensed vehicle should have to remove or dismantle any seat or other obstacle, climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.

7.7.5. Tinted windows

7.7.5.1. Factory fitted tinted windows are permitted providing that they are in accordance with vehicle construction regulations.

No 'after-market' window tinting is permitted. The only exceptions that are likely to be considered are for speciality vehicles, classic vehicles and limousines, or vehicles with a plate exemption, and only on application, which will be considered by the Licensing Manager.

We would encourage proprietors of vehicles with tinted windows to give strong consideration to the installation of CCTV in the vehicle. The use of CCTV will help deter the fear of crime for passengers and will also help to protect the driver from being a victim of crime or from unfounded allegations and promoting public safety.

7.7.6. Taximeter

7.7.6.1. If a taximeter is fitted it shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by the Taxi Operator. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.

7.7.7. Vehicle inspections

7.7.7.1. Thurrock Council reserves the right to examine any vehicle before the grant of a Private Hire Vehicle licence in order to ascertain that the vehicle conforms to all current legislation, licensing criteria and licensing conditions. Such examination does not guarantee the grant of a licence.

7.7.7.2. The applicant shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:

- upon initial application (regardless of the age of the vehicle)
- annually in respect of vehicles up to 5 years old
- six monthly in respect of vehicles over 5 years old and up to 8 years old
- four monthly in respect of vehicles over 8 years old

7.7.8. Liquid Petroleum Gas (LPG) vehicles

- 7.7.8.1. A Private Hire proprietor converting their licensed vehicle to run on LPG must notify the Council of such change and comply with the following pre-licensing conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG:
- 7.7.8.2. That a certificate of compliance is produced to state that the LPG installation was undertaken by a Petroleum Gas Association (LPGA) approved installer.
- 7.7.8.3. That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.
- 7.7.8.4. If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.
- 7.7.8.5. The proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.
- 7.7.8.6. The vehicle is serviced by a person competent in LPG powered vehicles.

7.8. Private hire vehicle licence conditions

- 7.8.1. Satisfy the Private Hire Vehicle Licence Pre-Licensing Standards adopted by Thurrock Council at all times.

7.8.2. Safety equipment

- 7.8.2.1. An efficient and serviceable fire extinguisher marked with the plate number of the vehicle shall be carried at all times. Wheelchair accessible vehicles must carry a fire extinguisher which is at least a 1 litre AFFF extinguisher with a minimum of an 8A to 21B rating. Where a minibus fitted with a passenger lift to meet the construction and use regulations, a second extinguisher must be fitted near the back doors of the same type. Note: in the event of a vehicle fire, the priority is to **get the passengers out**.
- 7.8.2.2. Each vehicle shall carry a first aid kit for the use of the driver and shall contain those items laid down by the Health and Safety (First Aid) Regulations 1981.
- 7.8.2.3. The proprietor shall have available in the vehicle sufficient high visibility jackets for the seating capacity of the vehicle, and an emergency triangle to use in the event of a breakdown or accident.

7.8.3. Interior markings

- 7.8.3.1. The proprietor shall ensure that the following are clearly displayed inside the vehicle:
- the vehicle window card licence
 - "No Smoking" signs shall be displayed on both rear passenger door windows

7.8.4. Exterior signs

7.8.4.1. The proprietor shall ensure that:

- a) the licence plate issued by Thurrock Council identifying the vehicle as a Private Hire Vehicle shall be displayed in a vertical position and firmly fixed to the outside of the vehicle at the rear using the fixing bracket supplied – Velcro, cable tie and magnetic fastenings are not permitted, and in any case of doubt about a proper method of fixing the plate, the Licensing Department should be consulted
- b) the Private Hire plate shall not be concealed from public view or defaced in any way

7.8.4.2. The licence plate shall remain the property of Thurrock Council at all times and must be returned immediately if the vehicle ceases to be a licensed Private Hire vehicle, any detail of the vehicle is changed or if the vehicle licence is suspended or revoked by the Council.

7.8.4.3. Door stickers provided by Thurrock Council shall be permanently displayed on each rear door of the vehicle on the upper panel of the door. Magnetic door signs are not permitted. Any variance to the location of the stickers should be agreed with the Licensing Department.

7.8.4.4. The door stickers shall not be concealed from public view or defaced or altered in any way.

7.8.5. Trailers and Roof Boxes

7.8.5.1. A proprietor of a licensed Private Hire vehicle will be permitted to tow a trailer provided that:

7.8.5.2. The trailer complies with all legal requirements (please see Annex 1 for further guidance).

7.8.5.3. The driver of the vehicle holds the appropriate category on his/her DVLA driving licence, which must be produced to the Council.

7.8.5.4. A proprietor of a licensed Private Hire vehicle will not be permitted to carry any form of roof box or luggage on the roof of the vehicle.

7.8.6. CCTV

7.8.6.1. A proprietor of a licensed Private Hire vehicle will be permitted to install CCTV provided that the CCTV complies with all legal requirements (please see Annex 2 for further guidance).

7.8.7. Advertising

7.8.7.1. A proprietor of a Private Hire vehicle shall ensure that the display of advertising materials is restricted to the following:

7.8.7.2. Advertising, including product advertising or the trade name, address and telephone number of the circuit may be displayed anywhere on the exterior of the vehicle apart

from the rear doors, which show the Thurrock Council stickers and the windows / glazing of the vehicle.

- 7.8.7.3. Product advertising is subject to the Council giving authority and retaining the right to request the removal of any particular advertisement that is felt to be unsuitable.
- 7.8.7.4. All product advertising must be professionally applied, and no reflective materials may be used.
- 7.8.7.5. Wheelchair accessible vehicles may display the disability symbol of a maximum of 10" (245mm) square on the wheelchair access door(s) only.
- 7.8.7.6. Internal advertising is permitted subject to approval by the Council.
- 7.8.7.7. All advertising must be approved by the Council. The written approval of Thurrock Council shall be obtained as to the content and layout of any advertisement before it is fitted or displayed.

7.8.8. Vehicle inspections

- 7.8.8.1. The proprietor shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:
 - upon initial application (regardless of the age of the vehicle)
 - annually in respect of vehicles up to 5 years old
 - six monthly in respect of vehicles over 5 years old and up to 8 years old
 - four monthly in respect of vehicles over 8 years old
- 7.8.8.2. Vehicles submitted for inspection shall be in such a condition as to be suitable for inspection: free from oil or any other matter and thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection and be suspended immediately until they pass a re-inspection.
- 7.8.8.3. The proprietor should submit the vehicle to the Council after any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or comfort or convenience of passengers.
- 7.8.8.4. Proprietors of vehicles which fail to attend any notified inspection, or whose vehicles are refused an inspection due to the condition of the vehicle shall be liable to pay a fee for a re-inspection.
- 7.8.8.5. Proprietors of vehicles, which fail to attend for an inspection, during the life of the vehicle licence, may be suspended immediately until such time as they attend and pass an inspection.

7.8.9. General Conditions

- 7.8.9.1. Vehicles must be kept clean, tidy, free from damage, well maintained and in every way fit for public service both inside and out.
- 7.8.9.2. Vehicles without alloy wheels should be fitted with all 4 matching hubcaps.

- 7.8.9.3. During the period of the licence the proprietor shall be in direct control of the day-to-day running of the vehicle.
- 7.8.9.4. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence, irrespective of the age of the passenger.
- 7.8.9.5. No passenger under the age of 16 shall be permitted to use any side facing seat at any time.
- 7.8.9.6. On vehicles with side facing seats, notices must be displayed inside the vehicle in a prominent position advising that persons under the age of 16 must not be seated in a side facing seat.
- 7.8.9.7. Whilst a vehicle is licensed as a Private Hire vehicle and at all times, shall not be driven by any person other than a driver properly licensed by Thurrock Council.
- 7.8.9.8. If the proprietor permits or employs another person to drive the vehicle, that person must be licensed by Thurrock Council. The proprietor must have a copy of his/her Hackney Carriage / Private Hire driver's licence before he/she commences to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose. The copy of the licence will be retained until such a time as the driver ceases to be permitted or employed to drive the vehicle. It is the responsibility of the driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.
- 7.8.9.9. A Private Hire proprietor who makes provisions for the acceptance of bookings for a Private Hire vehicle, by advertising a private telephone number and/or mobile number and accepts pre-booked fares, whether or not on a Private Hire circuit, requires a Private Hire Operators Licence. This does not preclude a proprietor carrying the business cards of a properly licensed operator for whom he/she is working.

7.8.10. Taximeter

- 7.8.10.1. Where a Private Hire vehicle is fitted with a taximeter:
- a) the operation of the taximeter shall accord with any Pre-Licensing Standards and Conditions made by the Council
 - b) the vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by the Private Hire Operator – the taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others. Note: nothing in this condition prevents a driver from charging the customer less than the metered fare
 - c) The taximeter shall be maintained at all times so that the fare displayed can readily be seen by the passenger(s) – there shall be recorded on the face of the taximeter in figures, clearly legible and free from ambiguity a fare not exceeding the scale of fares prescribed by the Private Hire Operator
 - d) the taximeter and all the fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seal or other appliance

7.8.11. Animals and the carriage of assistance dogs

- 7.8.11.1. The proprietor shall not allow any driver to convey in a licensed vehicle any animal belonging to or in the custody of himself of the proprietor or operator of the vehicle.
- 7.8.11.2. Any animal belonging or in the custody of a passenger may be conveyed at the driver's discretion, however it shall only be conveyed in the rear of the vehicle.
- 7.8.11.3. The proprietor shall ensure the driver of the vehicle complies with the requirement to carry guide dogs, Hearing dogs, other assistant dogs, dogs for the disabled, support dogs and canine partners for independence.
- 7.8.11.4. A driver of a licensed vehicle is required to carry the following assistant dogs free of charge, unless the driver has a proven medical condition that would preclude such actions:
- guide dogs for the blind
 - hearing dogs
 - dogs for the disabled
 - support dogs – for example, epilepsy
- 7.8.11.5. All assistant dogs can be identified usually by their harness or identification coat. The dog owner should carry an identification card, in the case of those registered as blind, this will include a passport sized photograph and in addition they may also hold an Institute of Environmental Health card confirming no hygiene risk to vehicles or premises.
- 7.8.11.6. All assistance dogs should travel at their owner's feet in the front of the vehicle where possible, unless the driver has a dog phobia or religious belief, then the dog may travel in the rear of the vehicle with the passenger, but only with consent of the passenger.

7.8.12. Documentation

- 7.8.12.1. A proprietor shall at all times hold a current certificate or cover note of motor insurance and vehicle MOT certificate and ensure copies of the original documents are supplied to the Licensing Department upon first licence and at the time of renewal of the licence and at any other time as may be required. Certificates must run concurrently, without any breaks in date or time and new or replacement copy documentation must be submitted to the Council within 7 days of the expiry of the preceding certificate / cover note.
- 7.8.12.2. Failure to provide copies of a valid insurance certificate or cover note and or MOT test certificate will lead to immediate suspension for a minimum of 24 hours or until the production of the required documents is made in person to a Licensing Officer, at which time the suspension will be immediately lifted.
- 7.8.12.3. A proprietor shall produce vehicle registration documents and any other evidence of proprietorship of the vehicle to the Council at the request of the Licensing Department, within a reasonable period of time or a maximum of 7 days from such a request.
- 7.8.12.4. The Council must be notified in writing or by electronic means within 7 days of any change of address. Official documents such as vehicle registration document,

insurance certificate and driving licence must be presented to the Licensing Department as soon as reasonably practicable, showing proof of change of address.

7.8.13. Accidents / vehicle damage / theft

- 7.8.13.1. The proprietor of any Private Hire vehicle shall report to the Licensing Department as soon as reasonably practicable and in any case, within one working day of the occurrence, thereof any accident-causing damage to the said vehicle.
- 7.8.13.2. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any vehicle body damage – for example, vandalism. Notification must be reported within 72 hours of such damage.
- 7.8.13.3. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any theft of vehicle or licence plate. Notification must be reported as soon as practicable and within 72 hours of such theft.

7.8.14. Regulations

- 7.8.14.1. The proprietor shall ensure that any driver complies with the Council's Pre-Licensing Standards and Conditions of Licence.
- 7.8.14.2. The proprietor should make themselves familiar with statutory requirements in relation to Private Hire Vehicle Licensing. These are available at a public library or via the internet.

7.8.15. Surrender of licence

- 7.8.15.1. If the proprietor ceases to use the vehicle for the purpose for which it is licensed, they shall surrender the licence and return the licence plate, which remains the property of Thurrock Council.
- 7.8.15.2. Thurrock Council may, at any time during the period of the licence, revoke the licence should a breach be detected of any terms and conditions of the licence.

7.8.16. Appeals

- 7.8.16.1. Statutory rights for appeal against the decisions made by the Licensing Authority in respect of the grant or renewal of a Private Hire vehicle licence are to be found in the Local Government (Miscellaneous Provisions) Act 1976:
 - a) appeal against conditions imposed on a Private Hire Proprietor's licence (to the Magistrates Court)
 - b) appeal against refusal to grant a Private Hire Proprietor's licence (to the Crown Court)

Vehicle licences – annex 1

CCTV Installation in Private Hire and Hackney Carriage Vehicles

Introduction

These guidelines set out to ensure that CCTV systems in Thurrock Council licensed Hackney Carriages and Private Hire Vehicles (both referred to in this document as Taxis) are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of Taxi drivers and passengers.

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside or outside of the vehicle having the technical capability of capturing and retaining either or both visual images or audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

The purpose of CCTV

The purpose of the CCTV system shall be to provide a safer environment for the benefit of the Taxi driver and passengers by:

1. deterring and preventing the occurrence of crime
2. reducing the fear of crime
3. assisting the police in investigating incidents of crime
4. assisting insurance companies in investigating motor vehicle accidents

General requirements

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only CCTV systems meeting these requirements can be installed into licensed Taxis.

CCTV systems installed in Taxis will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

The installation and operation of CCTV shall comply with the requirements of the government's Surveillance Camera Code of Practice, which is available at:

<https://www.gov.uk/government/publications/update-to-surveillance-camera-code>

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

Automotive electromagnetic compatibility (EMC) requirements

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.

CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

Camera design requirements

The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

Installation

All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.

The installed CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.

All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment – that is, not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

Viewing screens within the vehicle for the purposes of viewing captured images will not be permitted.

All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.

If more than one camera is being installed, their location within the vehicle must be specific for purpose – that is, to provide a safer environment for the benefit of the Taxi or PHV driver and passengers.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

All system components requiring calibration in situ should be easily accessible.

Camera activation methods

Activation of the equipment may be via a number and combination of options, such as door switches, time delay, drivers' panic button or in the case of incident/event recorder, predetermined G-Force parameters set on one or more axis – that is, braking, acceleration, lateral forces – and configured to record for a short period of time before the event, during the event and a short period following the event. A direct wired link to the vehicle's taximeter, in the case of a Taxi, will not be acceptable.

Audio recording

CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible. If the system comes equipped with sound recording facility, however, then this functionality should be disabled.

There is a limited circumstance in which audio recording may be justified, subject to the sufficient safeguard below:

- Where recording is triggered due to a specific threat – for example, a 'panic button' is utilised. Where this audio recording facility is utilised, a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Image security

Images captured must remain secure at all times.

The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

Retention of CCTV images

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own hard drive
- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card

- where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre

Images must not be downloaded onto any kind of portable media device – for example, CDs or memory sticks – for the purpose of general storage outside the vehicle.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 31 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

Notification to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed. The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a licensed taxi must register with the ICO (Notification) and obtain documented evidence of that registration.

This documentary evidence will be required to be presented to a Licensing Officer at any time during the term of the vehicle licence.

The Notification requires renewal on an annual basis, and payment of the appropriate fee.

Using a third-party service provider (data processor)

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'.

A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements. Documentary evidence of the contractual arrangements may be required to be presented to a Licensing Officer at any time during the term of the vehicle licence.

Use of information recorded using CCTV

The data controller is responsible for complying with all relevant data protection legislation.

The data controller is legally responsible for the use of all images including breaches of legislation.

Any images and audio recording should only be used for the purposes described earlier in these guidelines.

Requests may be made by the Police, Thurrock Council's Licensing Department or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or appropriate bodies, to the "data controller" to view captured images. The data controller is responsible for responding to these requests.

All requests should only be accepted where they are in writing and specify the reasons why disclosure is required.

Under the DPA, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice.

Signage

All Taxis with CCTV must display appropriate signage. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Contact details

The name and the contact telephone number of the Data Controller must be included on the sign.

Signage for external-facing CCTV systems

Where a CCTV system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured – as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

Note

Reference to 'Data Controller', 'Data Processor', 'Sound Recording' and 'Encryption Software' information made in this guideline complies with the current Information Commissioner's Office (ICO) CCTV Code of Practice 2008.

Vehicle licences – annex 2

Trailers used with private hire vehicles or hackney carriage vehicles

Private Hire vehicles or Hackney Carriage vehicles licensed by the Thurrock Council are permitted to tow trailers providing the following conditions are complied with at all times:

1. The licensed towing vehicle's insurance must cover the towing of a trailer.
2. Trailers must not be left unattended anywhere on the highway.
3. The speed restrictions applicable to trailers must be observed at all times.
4. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
5. The tow bar must meet with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
6. The towing of a trailer by a licensed vehicle shall only permit conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
7. Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer.
8. Only those trailers that comply with the following conditions will be permitted to be towed by a licensed vehicle.
9. Trailers must have been manufactured by a recognised manufacturer and have not been structurally altered since manufacture.
10. A licensed vehicle trailer application form must have been completed and the trailer must receive initial approval by a Licensing Officer.
11. When initial approval is granted (unless brand new), and then annually when the towing vehicle undergoes its council test, an authorised Department of Transport Tester/Inspector must inspect the trailer at any of Thurrock Council Approved Garages.

The tester/inspector must certify that the trailer meets the equivalent standards that would normally be required to pass a Ministry of Transport (MOT) test.
12. A trailer may be used by more than one licensed towing vehicle, but each licensed vehicle used to tow the trailer must be separately approved.
13. An additional licence plate will be issued for each licensed private hire vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the number plate whenever an approved trailer is towed by the licensed vehicle.
14. Un-braked trailers shall be less than 750 kilograms gross weight.
15. Trailers over 750 kilograms gross weight shall be braked acting on at least two road wheels.

16. The towing vehicle must have a sufficient maximum train weight; this is shown on the VIN plate – any vehicle that does not display a train weight on the VIN should not be used for towing.
17. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight, this should be made available when the vehicle is inspected at an Authorised Garage.
18. The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
19. The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.55 metres.
20. The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
21. The trailer's body must be constructed of either glass-reinforced plywood/fibreglass or fully galvanised steel.
22. The trailer's full frame must be made of galvanised steel with a straight drawbar.
23. The trailer shall not display any form of sign or advertisement not required or approved by the Licensing Department and Road Traffic legislation.

Appendix A – Assessment of previous convictions

1. 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.
2. 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 or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" may also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
3. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will 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.
4. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases.

1. Crimes resulting in death.

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

2. Exploitation.

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

3. Offences involving violence against the person.

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

4. Possession of a weapon.

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

5. Sexual offences.

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the

licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

6. Dishonesty.

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

7. Drugs.

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

8. Discrimination.

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

9. Motoring convictions.

Hackney Carriage and Private Hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

10. Drink driving/driving under the influence of drugs.

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

11. Using a hand-held device whilst driving.

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

12. Hackney Carriage and Private Hire offences.

Where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or Private Hire (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

13. Vehicle use offences.

Where an applicant has a conviction for any offence which involved the use of a vehicle (including Hackney Carriages and Private Hire Vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Appendix B – Agreed medical examination providers

The following medical providers are approved by the Council to undertake a medical examination to the group 2 standards for licence holders and applicants:

- the GP surgery at which the applicant /licence holder is registered
- Aveley Medical Centre
- Cotswold Medicals
- Just Health
- D4Drivers
- where any of the above options are not available, any medical provider with the written consent of the council's Licensing Manager

Appendix C – Approved safeguarding and child sexual exploitation awareness training

The following courses and providers are approved by the Council to satisfy the licensing requirements for the Safeguarding and Child Sexual Exploitation Awareness Training licence holders and applicants:

- Thurrock Council's Safeguarding and Child Sexual Exploitation Awareness Training for Taxi Drivers

For a **Private Hire Driver "Restricted Licence"** the above course must be completed after the grant of the licence. In addition to this, the following course must be completed before the licence can be granted:

- Blue Lamp Trust Taxi Safeguarding Classroom Course – full details and booking can be found online at <https://www.bluelamptrust.org.uk/disability-classroom-course/>

Appendix D – Approved disability awareness training courses and providers

The following courses and providers are approved by the council to satisfy the licensing requirements for the Disability Awareness Training:

- Passenger Assistant Training Scheme (PATS) – the Community Transport Association (CTA) published a list of PATS Training Suppliers, which you can download from the CTA: Passenger Assistant Training suppliers by county web page:
<https://ctauk.org/passenger-assistant-training-suppliers-by-county/>

For a **Private Hire Driver "Restricted Licence"** the following course must be completed before the licence can be granted:

- Blue Lamp Trust Disability Awareness Classroom Course – full details and booking can be found online at <https://www.bluelamptrust.org.uk/disability-classroom-course/>

Appendix E – Approved language proficiency assessment providers

Documentary evidence of either:

- a qualification (whether or not the qualification was obtained in the United Kingdom) on the basis of which the council is satisfied that the applicant's level of proficiency in the English language is equivalent to level B1 or above on the Common European Framework of Reference for Languages (CEFR)
- having completed the Council's English Language Assessment supplementary section of the Knowledge Test
- a certificate from one of the Council's Secure English Language Test (SELT) providers confirming the applicant's level of proficiency in the English language is at level B1 on the CEFR

Examples of suitable evidence

This is a list of examples of suitable evidence you can supply to prove you meet the requirement. The list is not exhaustive – the subject of the qualification does not matter as long as it was taught in English:

- UK GCSE/O level (or equivalent) certificate at grades A* to G
- UK AS-Level/A level certificate
- UK NVQ*/BTEC/City and Guilds qualification, along with confirmation from the awarding body that the qualification provided is equivalent to GCSE or above – for example, a Blue Badge Guide qualification
- UK BA Hons, BSc Hons degree or higher – that is, master's, PhD
- UK HNC/HND qualification
- SELT certificate at B1 level or higher, issued by Trinity College London or IELTS showing proficiency in reading, writing, speaking and listening

Replacement certificates

There are four accredited Ofqual awarding organisations offering GCSEs in England:

- AQA
- OCR
- Pearson
- WJEC

There are also others for the rest of the UK. Replacement certificates are available from those organisations. A certified confirmation of results from the awarding body will be acceptable.

Language requirement

There are currently two approved interim English language test providers:

- Trinity College London
- IELTS (International English Language Test System)

Trinity College London's ISE I qualification will be accepted as evidence of meeting the English language requirement. Find out more about Trinity, and how you can book the ISE I language test.

IELTS Academic and General Training tests are both accepted as evidence of meeting the new English language requirement. Find out more about IELTS, and how you can book their tests.

Appendix F – Policy on the NR3 database

Policy for Thurrock Borough Council in respect of requests for information, disclosure of information, and use of information as a result of an entry on the National Register of Refusals and Revocations (NR3)

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.

I. Overarching principles

This policy covers the use that this authority, Thurrock Borough Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence.¹ This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

Thurrock Borough Council has signed up to the NR3. This means that when an application for a taxi drivers' 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 drivers' licence, or renewal of an existing drivers' licence is received, Thurrock Borough Council will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 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.²

¹ Throughout this policy reference is made to 'taxi drivers licence'. This generic term covers a hackney carriage drivers licence, a private hire drivers licence and a combined/dual licence.

² The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However, to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.

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.³

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 (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.⁴

The data will be held securely in accordance with Thurrock Borough Council's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with Thurrock Borough Council's general policy on the erasure and destruction of personal data. Information regarding the retention and destruction of personal data policies of Thurrock Borough Council can be found at www.thurrock.gov.uk/privacy

II. Making a request for further information regarding an entry on NR3⁵

When an application is made to Thurrock Borough Council for the grant of a new, or renewal of, a taxi driver's licence, Thurrock Borough Council will check the NR3.

Thurrock Borough Council will make and then retain a clear written record⁶ of every search that is made of the register. This will detail:

- the date of the search
- the name or names searched

³ Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates court all 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.

⁴ 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 3 months after the grounds to make the claim 1st 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.

⁵ This section of the template policy relates to the submission of a request by the second authority.

⁶ This can be electronic, rather than "pen and paper" hard copy.

- the reason for the search – new application or renewal
- the results of the search
- the use made of the results of the search – entered to the register at a later date

This record will not be combined with any other records – that is, combined with a register of licences granted – and will be retained for the retention period of 25 years.

If Thurrock Borough Council discovers any match – that is, 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 Thurrock 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 in accordance with the form available on request from licensing@thurrock.gov.uk 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.

III. Responding to a request made for further information regarding an entry on NR3⁷

When Thurrock 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 – that is, combined with a register of licences granted – and will be retained for the retention period of 25 years.⁸

Thurrock 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.

Thurrock 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 Thurrock Borough Council is satisfied that the other authority's (the second authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed.⁹ This will be determined by an officer who has been trained to discharge this function.

⁷ This section of the template policy relates to the handling by the first authority of a request for information by the second authority.

⁸ This record can be combined with the written record of the action taken as a result of the request.

⁹ If the first authority is not satisfied that the second authority's data protection policy is satisfactory, no disclosure can be made. In such circumstances it is essential that discussion takes place as a matter of urgency between the data protection officers of the first authority and the second authority.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but Thurrock Borough Council (the first authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

Thurrock Borough Council will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within Thurrock Council's Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters.¹⁰ Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Thurrock Council's statement of policy) 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 Thurrock Council's statement of policy) 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. Thurrock Borough Council will make and then retain a clear written record¹¹ 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
- how and when the decision and any information was communicated to the requesting authority

This record will not be combined with any other records – that is, combined with a register of licences granted – and will be retained for the retention period of 25 years.

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

When Thurrock 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

¹⁰ Available at www.thurrock.gov.uk/hackney-carriage-or-private-hire-driver-licence

¹¹ This can be electronic, rather than "pen and paper" hard copy.

the usual process for determining applications and Thurrock Council's Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters.

Thurrock 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 Thurrock Borough Council will make in relation to the application.

Appendix G – Knowledge test

The Knowledge test is a multiple choice electronic test that is split into 6 sections and consists of 55 questions lasting for a maximum of 50 minutes.

No.	Topic	Description	Pass mark
1	Highway code 10 questions	Questions relate to things like speed limits, stopping distances, pedestrian crossings, parking and are similar to questions asked on the DVLA theory test.	Hackney Carriage: 10 Private Hire: 9
2	Road signs 5 questions	Road signs that you need to recognise.	All: 5
3	Places of interest 10 questions	Landmarks such as pubs, clubs, restaurants, schools, churches, and public buildings you need to be aware of.	Hackney Carriage: 9 Private Hire: 7 Restricted Licence: not taken
4	Routes 15 questions for Hackney Carriage drivers only	You'll be expected to select the shortest route between 2 places in the borough. It'll be assumed that there are no roadworks, blockages or anything to stop you going by the direct route. You should note things like roundabouts, no entry signs and one-way streets when giving your answer.	Hackney Carriage: 13 Private Hire: not taken Restricted Licence: not taken
5	Conditions and law 10 questions Restricted Licence: 3 questions	Conditions relate to both Hackney Carriages and Private Hire Vehicles and drivers. Restricted Licence: questions only relevant to the licence type	All: 10 Restricted Licence: 3
6	Numeracy 5 questions	Questions relate to the cost of fares and the change you must give the customer.	All :5 Restricted Licence: not taken

Appendix H – Scheme of delegation

The Authority discharges its functions as described within the council's Constitution. Licensing matters relating to this policy are discharged through the Licensing Committee and the Licensing Sub-committee with delegations to officers for certain functions. Restrictions on the exercise of delegated functions are detailed in the scheme of delegation below.

The full terms of reference for the various committees, the arrangements for delegation and officer functions are detailed in the council's Constitution, which is published on the council's website at www.thurrock.gov.uk/constitution

Licensing function	Licensing Sub-committee	Licensing Manager	Licensing Officer
Grant of licence where there is no reason for refusal.	Yes	Yes	Yes
Refusal or Grant of a licence where there may be reasons for refusal, such as applications where any pre-licensing conditions are not met, matters falling outside policy guidance, matters giving rise to serious concern that the granting or the continuation of the licence may undermine public safety.	Yes	no	no
Suspension of a licence.	Yes	Yes	Yes
Revocation of a licence.	Yes	Yes	no
Revocation/Refusal where the applicant/licence holders does not hold a DVLA driving licence.	no	Yes	no
Agreement to depart form policy where policy allows officer discretion.	no	Yes	no

Appendix J – List of consultees for this policy

Consultees:

- Hackney Carriage Licence Holders
- Private Hire Licence Holders
- Local Area Access Groups
- Public consultation via Thurrock Council web portal

Appendix K – Policy change log

Date	Change made
April 2023	Inclusion of the Council's English Language Assessment into Appendix E – Approved language proficiency assessment providers.
July 2023	Amendments to the Pre-licensing standard for Hackney Carriage and Private Hire vehicles in relation to tinted windows.
July 2023	Inclusion of a "Restricted" Private Hire Driver Licence