Colchester City Council

Colchester City Council
Public Protection

Hackney Carriage and Private Hire Licensing Policy 2026 - 2031

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Introduction

1. Colchester City Council (the Council) has a duty to licence the hackney carriage and private hire trade.

2. The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 provide the broad framework for the licensing of drivers, vehicles, and operators.

3. The Hackney Carriage and Private Hire Vehicle Licensing Policy (hereafter referred to as 'the Policy') and associated guidance sets out how the Council will carry out its legal responsibilities.

4. The Policy has been written with regard to the Department for Transport Statutory Taxi and Private Hire Vehicle Standards and other relevant guidance. The Council has consulted its licence holders, Essex Police, relevant Council departments, groups representing customers and the public.

Policy Overview

5. The protection of the public is the key consideration of the Council in licensing hackney carriage and private hire drivers, operators, and proprietors.

6. The Policy comprises this document and the appendices set out below-

Pre-Licensing Standards and Conditions for –	
Drivers	Appendix 1
Hackney Carriage Vehicles	Appendix 2
Private Hire Vehicles	Appendix 3
Operators	Appendix 4
Convictions Policy	Appendix 5
Penalty Points Scheme	Appendix 6
NR3S Policy	Appendix 7
Plate Exemption Policy	Appendix 8
Hackney Carriage Plate Allocation Policy	Appendix 9
Horse Drawn Vehicles	Appendix 10
Stretch Limousines and Novelty Vehicles	Appendix 11
CCTV Guidance	Appendix 12

7. The Appendices to the policy contain detailed information on the Council's requirements and licensing conditions and must be read in full alongside this document as they form part of the Policy.

8. The Council may deviate from its Policy where there are exceptional, clear, and compelling reasons to do so. Where a decision is taken to deviate from Policy, the reasons for doing so will be recorded. Each case will be considered on its own merits, having regard to this Policy.

9. Any reference to “Committee” in this Policy is a reference to the Licensing Committee of Colchester City Council or any of its Sub-Committees as the context permits.

10. Licensing decisions are made using the ‘balance of probabilities’ test i.e., an event was more likely than not to have taken place.

Implementation of the Policy

11. The Policy will take effect on 1 January 2026 and will be reviewed every 5 years, or at an earlier date should there be a change that necessitates a change in the Policy.

12. The Policy will come into immediate effect for any licence granted on or after the Policy implementation date.

13. Licences issued under the previous Policy will be reviewed to ensure that the Policy standards are met, and that public safety is maintained. Each case will be considered on its’ own merits.

14. The timetable for current licence holders to comply with any changes that affect them will be communicated promptly and clearly.

Licence types and duration

15. The Council issues the following licences –

- Dual Hackney Carriage and Private Hire Vehicle driver licence (drivers’ licence’)
- Hackney Carriage Vehicle licence
- Private Hire Vehicle licence
- Private Hire Operator licence

16. Licences will be issued for the following durations -

- Driver Licence – 3 years
- Vehicle Licences – 1 year
- Operator Licence – 5 years

17. A driver or operator licence may be issued for a shorter duration if appropriate given the specific circumstances of the case or where required, for example in the case of a licence holder’s limited right to remain in the Country.

18. The Council’s fees and charges in relation to the licensing of hackney carriage and private hire drivers, vehicles and operators are displayed on the Council’s website.

Number of Hackney Carriages

19. The Council restricts the number of hackney carriage vehicles it licenses; the current figure is 131.

20. The appropriate figure is established by means of an unmet demand survey commissioned by the Council and carried out every five years.

21. Any unmet demand identified by the survey must be met by fully wheelchair adapted vehicles.

22. Any vehicle to be used as a hackney carriage on plates 200 onwards must be fully wheelchair adapted; this means having the facility to load and unload wheelchairs directly into the vehicle. All new vehicles on these plates must be adapted; this includes vehicles on renewal. The door signs on these vehicles must carry the blue badge logo.

23. If an application is made for a horse drawn hackney carriage vehicle, a special identification hackney carriage plate specific to this use will be issued; applications in respect of novelty vehicles will be considered on a case-by-case basis. Any plate issued to a horse drawn or novelty vehicle will be specific to that vehicle and cannot be transferred to any other type of vehicle.

24. The allocation or reallocation of a hackney carriage plate, should one become available, will be carried out in accordance with the Council's Hackney Carriage Plate Allocation Policy and Process – Appendix 11.

CCTV

25. The Council strongly encourages all vehicle proprietors to install CCTV systems in their vehicles by the time of their next licence application. Whilst the installation of CCTV is not mandatory, the Council views it as a highly beneficial measure to significantly enhance driver safety and service integrity. Taxi drivers who install CCTV will be better protected against criminal activities and false allegations, improving their working conditions, and reducing personal risk.

26. Licence holders opting to install CCTV in their vehicle must ensure that they comply with the information set out in the Council's CCTV Guidance – Appendix 12.

Complaints

27. Complaints can be made using the Council's online taxi complaint form, and these will be recorded on the Council's database. All complaints will be investigated and appropriate action taken. This may include taking no action, a written warning, referral to a Licensing Sub-Committee for consideration or the suspension or revocation of a licence.

Enforcement and Penalty Point Scheme

28. It is essential for the safety of the public and the reputation of the trade that licensed drivers, operators and proprietors and their vehicles comply with the terms of their licence and the requirements of the Council's Policy. Enforcement of the Policy will be carried out in line with the Council's Licensing Enforcement Policy.

29. The Council's Penalty Point Scheme provides a stepped enforcement process for licence holders who have contravened licence conditions or associated legal provisions. This scheme does not prejudice the Council's ability to take any other action it is appropriate and entitled to take.

Air Pollution

30. The Council is committed to reducing its environmental impact. As such, we are committed to improving, as far as possible, the efficiency of vehicles licensed by the Council.

31. The Council supports measures to reduce the levels of carbon dioxide, nitrogen dioxide, and particulate matter emitted. Liquid Petroleum Gas (LPG) conversions are therefore acceptable if carried out by an approved converter.

32. All vehicles must meet the current Ultra Low Emission Zone (ULEZ) emission standards.

33. The Council requires that drivers of licensed vehicles turn off their engines when waiting in urban areas. Vehicle emissions are the largest contributor to poor air quality within Colchester. By switching off and reducing unnecessary engine idling, drivers will decrease the output of air pollutants into the local environment.

Licensed Vehicles

34. Colchester City Council will not permit dual plating, therefore once a vehicle is licensed by the Council it cannot be licensed with any other authority or Transport for London.

Determining suitability of licence holders

35. The 'Fit and Proper' Test

36. The application of the fit and proper test is essential to ensure that the Council's licensing scheme protects the public.

37. In determining whether an applicant is fit and proper, the Council will also have regard to the Institute of Licensing's updated expression of 'safe and suitable.'

38. The fit and proper test is an enduring duty placed on the Council which is relevant both at first licensing and for the lifetime of the licence. The Council will apply the relevant test to all applicants and licence holders under its licensing regime, whether driver, operator, or vehicle proprietor. Where an application is made by a company or partnership, the Council will apply the fit and proper test to each of the directors or partners.

39. The Council must not grant a licence unless it is satisfied that the applicant is a fit and proper person to hold a licence. In the case of a company or partnership, the test will be applied to each of the directors or partners.

40. There is no definition within the act of 'fit and proper.' The Council and authorised officers use the following tests when deciding upon the suitability of an individual –

    Drivers - Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

    Private Hire Operators – Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?

    Vehicle Proprietors – Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes and be confident that they would maintain it to an acceptable standard throughout the period of the licence.

41. Refusal to licence an individual as a driver or to suspend or revoke a driver's licence does not automatically mean that the individual cannot be issued or continue to hold an operator or a vehicle licence; this decision is independent of a driver's licence refusal and based on the appropriate information.

42. Anecdotal evidence may be considered and may, on occasions, be the sole reason for the refusal, suspension, or revocation of a licence. Where allegations are presented as evidence, further information will be sought from the applicant/licence holder.

43. The Council is also entitled to suspend or revoke a licence or may issue points under this Policy if there is evidence to suggest that the individual is not a fit and proper person.

44. As with driver licensing, the objective of operator and vehicle licensing is to protect the public who trust that the vehicles dispatched are safe. The Council

must therefore be assured that those granted these licences also pose no threat to the public and have no links to serious criminal activity. Although they may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and in the case of operators, the drivers are appropriately licensed and so maintain the safety benefits of the licensing regime.

45. Operators and vehicle proprietorship are not an exempt occupation. However, the Council has determined, in order to ensure it has a complete picture of an individual requesting/holding a licence, to request that an application for a licence or to renew a licence submitted by operators and vehicle proprietors (including those individuals named on the Vehicle Proprietor Declaration) must be accompanied by a statutory declaration listing all previous convictions, whether or not they are spent, and any other relevant material information, for example a current investigation. The Council will consider on a case-by-case basis its assessment of whether an individual is safe and suitable to hold a vehicle licence.

Disclosure and Barring Check and Information Sharing

46. The Council is required to check with the Disclosure and Barring Service (DBS) to confirm the existence and content of any criminal record and any other intelligence held in the person's name. The Council may also contact other agencies such as the Home Office, Police, National Anti-Fraud Network, and benefit agencies to verify and request information held on a person and will share information with such bodies where it is appropriate to do so.

47. Where a decision is taken to refuse or revoke a licence because it is thought that the licence holder presents a risk of harm to a child or vulnerable adult, the Council will notify its decision to the DBS. On receipt of this information the DBS may consider it appropriate for the licence holder to be added to a barred list.

48. The Council works closely with the Police to ensure effective and efficient information sharing and will use any information shared by way of Common Law Disclosures in determining whether a licence holder is fit and proper. Action taken because of information received from the Police will be fed back to them together with details of any refusals or revocation of licences on public safety grounds. The Council has an intelligence sharing protocol in place with Essex Police that enables relevant information to be shared even before an arrest or conviction is made.

49. The Council is required to check applicants for a driver's licence against the National Register of Refusals, Revocations and Suspensions (NR3S). Where it is required to do so, the Council will record information on the NR3S. Appendix 1 is the Council's Policy on its use of the NR3S database.

Assessment of convictions and other matters

50. To assist in determining the question of whether a person is fit and proper, safe, and suitable, the Council has drawn up a Convictions Policy – Appendix 5

to categorise and assess the risk to the public of a wide variety of criminal and motoring convictions.

51. The Council interprets its duty to protect the public in the widest sense encompassing not only issues of safe driving and vehicle safety but also matters, such as domestic violence, other indicators of aggression and matters which demonstrate on the part of the perpetrator an inability to control their behaviour.

52. Other matters that may be considered by the Council include, but are not restricted to, the failure to adhere to the Council's licensing conditions and procedures; any indicator of dishonesty; withholding information when submitting an application, omitting to work with the Council, Police and/or any other relevant enforcement agency; and behaving in an inappropriate manner to Council staff or others involved in the licensing process.

53. Failure to comply with any prelicensing standard or condition of a licence may be grounds for the refusal of an application or the revocation of a licence.

54. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

Training Requirements

55. All new applicants must have completed and passed the following courses with one of the Council's approved providers before a licence is granted–

    - Safeguarding and Child Sexual Exploitation
    - Disability Awareness

56. Licensed drivers must undertake the Council's approved refresher training a maximum of 6 months before they make an application to renew their licence.

57. The Council's approved training providers are shown on the Council's website.

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

59. The Council, during the lifetime of a licence, may require a licence holder to undertake reasonable and appropriate training to meet the needs and demands of the job. In requiring such training, the Council will set a reasonable period for its completion, and these requirements will be notified to the licence holder in writing. If they refuse or fail to attend or do not attain the necessary training accreditation, the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.

Safeguarding and Child Sexual Exploitation

60. The Council expects any member of the licensed trade who has safeguarding concerns to report these either by emailing licensing.team@colchester.gov.uk or a message can be left on the Council's safeguarding phone line 01206 506935 Matters that require immediate attention should be reported to the Police using 999.

61. Drivers must not engage in sexual conversations, make inappropriate comments, or have sexual contact with passengers on or after their duty, even where there is consent. Any allegation of such behaviour will result in the Council carrying out a full investigation and may result in action being taken to prevent a person from driving even where evidence has not been tested in any other arena. Licence holders must not use contact details obtained during their business for any purpose other than that business; neither should they respond to overtures from customers.

62. Where there are safeguarding concerns in relation to licence holders that arise from intelligence, the Council will carry out a full investigation; every decision will be made with the safety of the vulnerable person foremost. This may mean that action is taken to revoke a licence even where evidence has not been tested in any other arena.

Passenger Assistance Training

63. The driver of any wheelchair accessible vehicle must undertake appropriate training, approved by the Council, to ensure that passengers' needs are addressed appropriately and that they are conveyed safely. The cost of this training must be paid by the applicant or licence holder.

64. Where complaints have been made in relation to the carrying of a disabled passenger any driver may be required to undertake Disability Awareness Training again at their own expense.

Competency Tests

65. All new applicants for a driver's licence must have completed and passed the following competency tests -

    - a hackney carriage/private hire driver assessment test with a Council approved driving assessor.
    - passenger assisted transport training, if driving a fully adapted disabled access vehicle.
    - the Council's knowledge test.

66. Applicants must supply proof of having completed and passed the courses to the Council. The cost of this training is not included in the licence fee and must be paid for by the applicant.

67. If the Council receives a complaint in relation to a licence holder's driving or has concerns in relation to the number of DVLA points on a licence, it may require the licence holder, at their own expense, to undertake a hackney carriage/ private hire driver's assessment with a Council approved driving assessor.

Language Proficiency Requirements

68. All new applicants must undertake the Council's English test before a licence will be granted. This assessment covers both oral and written skills.

69. An assessment may not be required if the applicant is able to provide an original certificate indicating they hold one of the following-

- UK GCSE/O Level (or equivalent) certificate at Grades A* to C in English
- UK AS-Level/A level certificate in English
- UK NVQ*/BTEC/City and Guilds Qualification, in any subject, along with confirmation from the awarding body that the qualification provided is equivalent to GCSE or above
- UK BA Hons, BSc Hons degree or higher in any subject
- IELTS 6.0 on average with a minimum of 6 in speaking

Medical fitness to drive

70. The Council requires drivers to meet Group 2 Standards of Medical Fitness. Where they do not have a current medical that has found them fit, they must not drive a licensed vehicle.

71. Up to the age of 65 years, drivers will be required to undergo a medical examination to DVLA Group 2 standards every three years, or any lesser period that the examining doctor may specify.

72. Drivers suffering from known and notified medical conditions and those over 65 years of age will be required to undergo an annual medical examination, on the anniversary of the grant of their Council's driver's licence, to Group 2 standards annually, or any lesser period that the examining doctor may determine.

73. Drivers must provide a copy of their Group 2 Medical Certificate to the Council.

74. All medical examinations will be at the expense of the driver. The Council reserves the right 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.

75. The list of Council approved medical providers is available on the Council's Website.

76. Where a driver is not found fit to drive, their licence will be revoked.

Appendix 1 - Driver Licence
Pre-Licensing Standards and Licence Conditions

Pre-Licensing Standards

To qualify for a hackney carriage/private hire driver's licence you must –

1. Be over 21 years of age.

2. Have held a full UK Driving and Vehicle Licence Agency (DVLA) (or equivalent) driving licence for at least three years. If you hold a driving licence from a European Union country, you must exchange it for a full UK DVLA driver's licence before applying. Applicants from non-EU countries must apply for a full UK driving licence before being considered for a hackney carriage/private hire driver's licence.

3. Have the right to work in the UK.

4. Complete the tax check requirements.

5. Obtain an Enhanced Disclosure from the Disclosure and Barring Service (DBS). This must be less than three months old when the application is made.

6. Sign up to the DBS Update Service once the initial DBS check has been completed.

7. If you have, from the age of 18 years, spent three continuous months or more living outside the UK, provide a criminal record check, or equivalent documentation, or a Certificate of Good Character from the country/countries involved covering the relevant period.

8. Have been checked against the National Anti-Fraud database of refusals, revocations, and suspensions.

9. Have completed and passed, at your own expense, an independent medical examination to determine whether you meet the criteria set out in the 'Medical Aspects of Fitness to Drive' Group 2 standard and been found to be medically fit to hold a licence.

10. Have passed the following competency tests and supplied proof of having done so to the Council; these tests are to be completed at your own expense. The tests comprise –

    - a hackney carriage/private hire driver assessment test with a Council approved driving assessor.
    - passenger assisted transport training if you will be driving a fully adapted disabled access vehicle
    - disability awareness training

Appendix 1 - Driver Licence Pre-Licensing Standards and Licence Conditions

- safeguarding training
- the English language test
- the Council's knowledge test

11. Have declared if you have previously held a hackney carriage and/or private hire drivers' licence whether with this authority or another local authority and whether you have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.

Driver Conditions

These are the conditions attached to your hackney carriage/private hire driver's licence.

Any breach of these conditions may result in enforcement action being taken against your licence. This may include being given points under the Council's Penalty Point Scheme, suspension or revocation of your licence or prosecution under the relevant Act.

The table indicates the penalty points that may be issued on your licence if you do not comply with the conditions.

Conditions	Penalty Points
1. You must be familiar with the Council's Hackney Carriage/Private Hire Policy, including the Convictions and Penalty Point Scheme and comply with its conditions.	3
2. You must be familiar with and comply with the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 (as amended).	3
3. You must present a copy of this licence to the Hackney Carriage proprietor/Private Hire operator at the beginning of your employment and immediately after any renewal of the licence.	3
4. You must present a copy of this licence to the Hackney Carriage proprietor/Private Hire operator at the beginning of your employment and immediately after any renewal of the licence.	3
5. You must notify your Hackney Carriage proprietor/Private Hire Vehicle Proprietor/Operator if you receive points on your DVLA licence or you have been disqualified from driving and/or your Council issued licence is suspended or revoked.	6

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Pre-Licensing Standards and Licence Conditions

6. When driving a licensed vehicle, you must always carry a copy of your licence, and badge. On the request of an authorised officer of the Council, a Police officer, or a nominated garage, you must produce these documents for inspection.	6
7. You must not use an unlicensed vehicle to undertake licensed journeys.	12
8. You must not drive a vehicle with 3D/4D/ghost or sticker plates.	6
9. You must not ply for hire without a hackney carriage vehicle licence.	6
10. You must not drive a vehicle, except for the purposes of driving it to and from the garage, without a valid inspection certificate stating that the vehicle is fit for use.	12
11. You must gain permission from the vehicle licence holder to carry out licensed journeys.	12
12. You must ensure that the vehicle driven by you is insured as a licensed vehicle and that you are personally covered to drive the vehicle.	12
13. You must notify the Council in writing, within 7 days of any change of name, address, email address or contact telephone number.	3
14. If your immigration status changes, you must notify the Council in writing within 48 hours.	6
15. You must sign up for the DBS Update Service and ensure that it is maintained for the duration of your licence.	6
16. You must provide the original DBS Certificate when requested to do so.	6
17. You must obtain a new Enhanced DBS Certificate when requested to do so and provide a copy to the Council	6
Driver Badge	
18. At all times when your vehicle is available for hire, you must wear your driver's badge in a position where it can be seen.	3
19. You must not allow your driver's licence or badge to be used by any other person.	9
20. Your licence and badge always remain the property of the Council. They must be returned within 48 hours if the licence expires, is not renewed, or where the licence is suspended or revoked.	6

Appendix 1 - Driver Licence
Pre-Licensing Standards and Licence Conditions

Driver Conduct	
21. You must behave in a civil, polite, honest, and lawful manner while carrying out your duties as a licensed driver. This includes in your dealing with members of Council staff.	4
22. You must take all reasonable precautions to ensure the safety of your passengers.	12
23. You must give reasonable assistance to elderly, vulnerable or disabled persons including when entering and leaving the vehicle.	3
24. You must convey a reasonable amount of luggage, including wheelchairs, mobility aids, and children's pushchairs and provide reasonable assistance in loading and unloading such luggage.	3
25. You must not play any radio or sound equipment which is not connected with the operation of the business without the passengers' consent.	3
26. You must, when hired, punctually attend at the appointed time and place, unless delayed or prevented by sufficient cause.	6
27. You must not smoke, vape, or use an electronic cigarette or similar device in a licensed vehicle or permit a customer to do so.	6
28. You must not drive whilst under the influence of alcohol, illegal drugs or any other substance including prescription medication that impairs your ability to drive.	12
29. You must not drive while using a handheld mobile phone or similar device.	12
30. You must not drive a licensed vehicle if your DVLA licence has expired, has been suspended, or you have been disqualified from driving.	12
31. You must not unnecessarily prolong the journey in distance or time, unless given alternative direction by the passenger.	6
32. You must not travel less than the lawful distance for an agreed fare.	6
33. Unless you drive a hackney carriage, all bookings must be through a private hire operator licensed by Colchester City Council.	9
34. You must not carry out food deliveries whilst carrying a passenger without their permission.	4
35. You must not drop off or collect a fare in such a way as to cause an	4

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Pre-Licensing Standards and Licence Conditions

obstruction or nuisance to pedestrians and /or other road users.	
36. You must not park illegally or in such a way as to cause an obstruction or nuisance to pedestrians and /or other road users.	4
37. You must not carry in the vehicle more passengers than the vehicle is licensed to carry.	6
38. You must not carry other people in the vehicle when hired, without the express consent of the person hiring the vehicle.	6
39. You must comply with the Highway Code.	6
40. You are required to be respectably dressed, clean, and tidy in appearance. Clothing bearing offensive or suggestive words, graphics or logos is not permitted.	4
41. Where the vehicle is fitted with CCTV or other recording device, footage from them must be provided to an authorised officer of the Council or Police on request.	6
Fares and Journeys Note: Fare means the cost of the journey	
42. You must not refuse to take a customer unless you have a reasonable excuse.	6
43. You must ensure that, if your vehicle is fitted with a meter, a copy of Colchester Council's current fare chart is always kept within the vehicle. The fare chart must be made available to any passenger or authorised officer on request.	3
44. At the start of a hired journey in a Hackney Carriage or a Private Hire Vehicle where a meter is fitted, you must ensure the meter is turned to the correct tariff. The meter must remain in operation until the journey ends.	6
45. Where a meter is fitted, passengers must always be able to see the displayed fare. You must not clear the fare from the meter until the passenger has paid.	6
46. You must not take payment until the journey has been completed. You may ask for payment up front if the destination location is outside of the Colchester Licensing area; however, if the customer refuses to pay up front, you must still take the passenger.	6
47. If you carry a passenger to a certain place and the hirer asks you to wait, you may ask for the fare in driving there and for a deposit against	6

the waiting time. After you accept the deposit, you must not drive away without the consent of the hirer or if the paid period of waiting time has expired.	
48. You must not demand a fare more than the fare previously agreed for that hiring between the customer and the operator.	6
49. You must not charge more than the meter fare for a journey ending outside the city, without prior agreement.	6
50. Where the vehicle is fitted with a meter, you must charge the agreed fare for the journey unless the fare shown on the meter is less than the agreed amount. In this circumstance you must charge the lower fare.	6
51. You must take card payments if requested by the passenger.	3
52. If the card payments reader is not working, this must be reported immediately to the Council. The Council must be notified when any problems have been resolved, and the payment facility is again operational.	3
53. A written receipt for the fare paid must be provided on request. Each receipt must show the date and destination of the journey, driver's badge number and amount paid.	3
54. You must not demand a fee for carrying an assistance dog, wheelchair, or other mobility aids.	6
55. You must not refuse a fare if the passenger is a wheelchair user, unless you hold an appropriate exemption certificate issued by the council.	6
56. If the vehicle is soiled to the extent that it requires cleaning before the next hiring, you may charge a reasonable fee to the customer.	4
Convictions, Cautions, Criminal Investigations and Penalty Points	
57. If you are disqualified from driving, you must immediately inform the Council and surrender your driver's badge and if requested, the vehicle plate.	12
58. You must notify the Council, in writing, within a period of 48 hours of any: • arrest • caution • charge • conviction	6

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Pre-Licensing Standards and Licence Conditions

• Fixed Penalty Notice • Traffic Offence Report • Notice of intended prosecution • Non DVLA penalty point resolutions (speed awareness, driving improvement course etc.) • Community protection warning • Community protection notice • criminal investigation in which you are a suspect • out of court disposal (for example a community resolution) • Other Court order/injunction e.g., non-molestation order • new DVLA penalty points on your DVLA licence and you must provide the Council with a valid DVLA check code.	
## Fitness to Drive	
59. You must inform the Council, in writing, immediately of any deterioration in health or injury that would affect your ability to drive a licensed vehicle.	6
60. If requested, you must obtain an additional Group 2 medical, which will be at your own expense, and you must provide this to the Council immediately on receipt. Point	6
61. You must not drive a licensed vehicle if you do not hold a Group 2 medical that has found you fit to drive.	12
62. From the age of 65 or if you have a DVLA notifiable medical disorder, you must undergo a medical examination to Group 2 standard annually. The certificate of examination must be submitted to the Council immediately on receipt.	6
63. Where a notice of exemption has been issued to you on medical grounds, it must always be carried within the vehicle.	6
64. From the age of 70 you must provide the Council with a copy of your DVLA driving licence each time the DVLA licence is renewed.	6
## Found Property	
65. You must search the vehicle for any lost property between each hiring.	3
66. Lost property must be returned to the customer as soon as possible except for firearms, knives, offensive weapons, drugs, or any other illegal/illicit materials, which must be reported to the police.	6

Appendix 1 - Driver Licence Pre-Licensing Standards and Licence Conditions

The Carriage of Animals	
67. You must not carry, in a licensed vehicle whilst being hired, any animal which belongs to or is being looked after by you, the proprietor or operator of the vehicle.	3
68. You must carry assistance dogs accompanying people with disabilities, unless you hold an exemption from doing so issued on medical grounds. The dog must be carried free of charge. The dog must be allowed to remain with the passenger. Passengers must be permitted to sit in the front seat so that the assistance dog can sit in the front foot well.	6
69. Other than assistance dogs, animals in the custody of passengers may be carried, at your discretion, provided they are restrained safely.	3
Training	
70. If you intend to drive a wheelchair adapted vehicle, you must complete the Passenger Assisted Transport Training (PATs) prior to commencing work. You must supply a copy of the training certificate to the Council.	12
71. You must complete a Council approved Disability Awareness course a maximum of 6 months prior to the expiry of your existing driver's licence. You must supply a copy of the training certificate to the Council.	12
72. You must complete a Council approved Safeguarding Training course a maximum of 6 months prior to the expiry of your existing driver's licence. You must supply a copy of the training certificate to the Council.	12
73. You must complete any training that the Council deems necessary and appropriate.	12
Condition of the Vehicle	
74. Before starting your shift, you must conduct a walkaround check of the licensed vehicle to ensure the vehicle is roadworthy and in a clean and tidy condition.	6
75. You must notify the Council in writing of any accident or any damage to a licensed vehicle within 72 hours of the occurrence.	6
Hackney Carriage Ranks	
76. You must not leave a hackney carriage unattended on a hackney	4

carriage rank.	
77. You must obey rank discipline; vehicles should immediately move forward when the vehicle at the front of the rank leaves.	4
78. If you are driving a private hire vehicle, you must not use a hackney carriage rank for any purpose.	6

Appeals

If you are aggrieved by any of the conditions imposed, you have the right to appeal to the Magistrates' Court. Any such appeal must be made in writing and lodged with the Clerk of the Court within 21 days of the date of the grant of this licence. The address of the Court is Clerk of the Court, HMCS – Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.

Appendix 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Licence Conditions

Pre-Licensing Standards

Only those vehicles, including temporary vehicles, which comply with the specifications detailed below and meet MOT standards, can be granted a hackney carriage vehicle licence by Colchester City Council. Proprietors and those with an interest in the vehicle must also be found fit and proper, safe, and suitable to be granted a licence.

Vehicle Proprietors

1. To apply for a vehicle licence the following requirements apply –

    - You must be over 18 years of age.
    - You must complete the Proprietor Requisition Declaration.
    - You must, as a vehicle proprietor or person with a registered interest in the vehicle, submit a basic disclosure and barring certificate to the Council. This disclosure must have been issued within the previous 3 months. The DBS must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. The DBS and accompanying list of previous convictions etc. are required every year for renewal of the plate. If you are also a licensed driver with the Council, this DBS and accompanying statement, where relevant, is not required.
    - If you have, from the age of 18 years, spent three continuous months or more living outside the UK, provide a criminal record check, or equivalent documentation, or a Certificate of Good Character from the country/countries involved covering the relevant period.
    - The original V5 vehicle registration certificate (logbook), which must be in the applicant's name and current address.
    - Proof of ownership by means of a bill of sale or hire purchase agreement.
    - A current MOT test.
    - A valid vehicle test sheet issued by a Council approved 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 or the contract must be provided, which must clearly state that the vehicle will be used as a licensed vehicle. In these circumstances, the logbook may remain in the name of the organisation

providing the hire.

General Specification

2. All vehicles licensed as hackney carriages and which are, from the date of first registration, over one year old must have a valid MOT test certificate.

3. The vehicle must be right hand drive.

4. The vehicle must be black except for temporary vehicles which may be any colour.

5. Vehicles must be capable of carrying at least four passengers and may be licensed to carry a maximum of eight passengers.

6. Vehicles that are not fully wheelchair accessible must be capable of carrying a folded wheelchair in the boot.

7. Where vehicles have not been manufactured in the UK or imported by the manufacturer or have been adapted for wheelchair use other than by the manufacturer they must have a GB type approval from the Vehicle Certification Agency. Vehicles must not have been altered since that approval was granted.

8. No fittings, other than those approved in this Policy or required in the examination and test by a Council authorised testing station, may be attached to or carried on the inside or outside of the vehicle.

9. All vehicles must meet the current ULEZ standard at the time of licensing.

10. The vehicle must have a minimum of four opening doors that open sufficiently wide to allow easy access and egress from the vehicle.

11. All doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

12. Each passenger must have a minimum of 432mm of personal sitting space, for the rear seats this will be measured in a straight line lengthways across the front edge of the seat.

13. Each seat must be fitted with fully operational seat belts, compliant with all relevant legislation and guidelines.

14. In respect of minibus and other MPV style vehicles the vehicle must have clearly visible signage on how to operate any seats that need to be moved to gain access/egress to the vehicle.

15. Opening windows must be provided in the rear of the vehicle capable of being opened by the rear seat passengers.

16. A vehicle on initial licence must comply with the current rules . Rear and side

windows must have a minimum light transmission of 30% or above. This requirement will also apply to any currently licensed vehicle where there is a change of owner request.

17. The vehicle must have no untreated or unrepaired body defect or significant signs of corrosion. The paintwork must be of a professional finish and be a consistent colour over the whole of the vehicle's bodywork.

18. Re-cut and remoulded tyres are not acceptable.

19. A vehicle must not be presented for examination and test with a space saver spare tyre in use.

20. 3D/4D/ghost or sticker plates are not permitted on the vehicle.

Wheelchair carrying facilities (for fully wheelchair accessible vehicles)

21. Any vehicle that has the facility for the carriage of wheelchair(s) and wheelchair passengers must be inspected by a Council approved garage to determine its suitability.

22. The vehicle must be fitted with appropriate equipment for the safe loading of a wheelchair and passenger. Provision must be made for any removable device used for loading to be stored and secured safely in the vehicle when not in use.

23. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations (LOLER). The certificate of thorough examination must be provided on first licensing of the vehicle and subsequent renewals. The certificate may also be required on request by an authorised officer.

24. Each wheelchair passenger must be capable of being properly secured with a lap and diagonal seat belt made available through the vehicle's adaptation or design and separate from the system holding the wheelchair.

Safety Equipment

25. 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.

26. 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

Electronic Payments

Appendix 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Licence Conditions

27. The vehicle must be equipped with the means to take an electronic payment unless an exemption from this requirement has been sought and granted. OBJ

Conditions of licence

These are the conditions attached to your hackney carriage licence.

Any breach of these conditions may result in enforcement action being taken against your licence. This may include being given points under the Council's Penalty Point Scheme, suspension or revocation of your licence or prosecution under the relevant Act.

The table indicates the penalty points that may be issued on your licence if you do not comply with the conditions.

Conditions	Penalty Points
Vehicle Testing	
1. Once licensed, the vehicle must be presented for inspection as follows – • Up to 5 years old - once during each 12-month licensing period. • 5 years and older - twice during each 12-month period (i.e., on renewal and 6 months from the licence grant date).	6
2. Any damage to a licensed vehicle must be reported by email within 72 hours to licensing.team@colchester.gov.uk	6
3. Following any damage to the vehicle, it must be presented for inspection at a Council nominated garage.	6
4. If a Council nominated garage has identified vehicle defects, these must be fixed, and the vehicle must be presented for re-inspection at the same garage within 28 days unless otherwise notified.	6
5. If a vehicle has passed its MOT test with minor defects, the defects must be repaired, and the vehicle must be presented for inspection at a Council nominated garage within 28 days of the MOT date.	6
Licence Identification Plates	

Appendix 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Licence Conditions

6. The Council licence plates must be affixed to the vehicle to which they have been allocated. As indicated in the diagram in Figure 1 below.	4
7. Vehicle licence identification cards must be displayed as indicated in the diagram in Figure 1 below.	4
8. The licence plates are the property of the Council and must be returned within seven days on request.	6
Livery, Signs and Notices	
9. Except for London style taxis with built-in roof light, the vehicle must display a roof light which must be - • A minimum of 61cm wide. • 'Aero' or 'Streamline' in style. • State on the front of the sign – Taxi and on the reverse of the sign - Colchester City Council Licensed Hackney Carriage	4
10. The roof light must be lit when available for hire and turned off at all other times.	4
11. Door signs issued by the Council must be affixed and maintained on the top of the nearside and offside front doors of the vehicle.	4
12. 'No smoking' pictogram signage must be displayed inside the vehicle as shown in Figure 1 below.	4
13. Only Council approved and issued signage may be displayed in or on the vehicle, except as may be required by any statutory provision.	4
14. No other advertisements, symbols, emblems, or electronic advertising devices whatsoever can be displayed on, in, or from the vehicle.	4
Furnishing and maintenance of vehicle	
15. The vehicle and all its fittings and equipment must always be tidy, clean, and safe.	6
Notification of Changes affecting the Licence	
16. You must notify the Council, in writing, of any change in circumstances affecting the vehicle licence within 7 days of such a change taking place.	3

Appendix 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Licence Conditions

17. A copy of any new MOT certificate must be submitted to the Council within 7 days of the date of issue.	6
18. You must provide your insurance certificate to the Council within 7 days of the issue date.	6
19. Any damage to a licensed vehicle must be reported by email within 72 hours to eps.support@colchester.gov.uk	6
Taximeters	
20. The vehicle must be fitted with a tamper-proof taximeter which must be maintained at all times in good working order.	6
21. If the tamper proof seal of the taximeter is broken, the proprietor of the vehicle must make arrangements for resetting and sealing the meter with an approved meter agent.	6
22. The taximeter must be positioned so that all letters and figures on its face must be at all times illuminated and plainly visible to any passenger.	6
Table of fares	
23. The proprietor must ensure that the current tariff sheet for that vehicle is always available on request.	3
Insurance	
24. A valid insurance policy in respect of the vehicle covering the carriage of passengers for public hire and complying with the requirements of Part VI of the Road Traffic Act 1988, must be in force during the vehicle licence period.	12
25. Any additional drivers must be named on the Insurance Policy, or in the case of fleet insurance, a list of authorised drivers must be provided.	12
26. The insurance certificate, together with a list of authorised drivers where applicable, must be produced to the Council, or any other authorised officer on request.	6
Return of Plates	

Appendix 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Licence Conditions

27. If requested, you must return the vehicle plates to the Council within 7 days.	6
28. If you no longer operate the business of driving/renting the hackney carriage, you must return the vehicle plates to the Council within 7 days.	6
Wheelchair accessible vehicles	
29. Whilst available for hire, if such a vehicle is not being used for a passenger in a wheelchair, only a foldaway seat which complies with current construction and use regulations may be used to substitute the wheelchair space.	6
30. Any seats replacing the wheelchair space which must be bolted or locked into place will not be accepted since these present problems of storage of the displaced seats when wheelchair passengers are being carried.	6
31. The proprietor of the vehicle must ensure that all drivers of wheelchair accessible vehicles have completed Passenger Assistance Training and must retain proof of the training having been completed.	6
32. Any equipment to facilitate the safe loading of a wheelchair and passenger must be in safe working condition. If it is not, it must be reported immediately to the Council.	6
Trailers	
33. A trailer can be towed by a licensed Hackney Carriage vehicle provided that the vehicle towing is suitable for towing the intended trailer.	6
34. The trailer to be towed by the licensed vehicle must comply with all legal requirements and the following conditions - a. It is presented for and passes inspection by a Council approved garage prior to its use and again at each inspection of the vehicle by which the trailer is towed. The cost of such an inspection is to be borne by you. b. It is of a type and weight, when laden, recommended by the vehicle manufacturer as being suitable for the weight capacity of the intended towing vehicle, i.e., not more than 50% of the curb side weight of the towing vehicle. c. No advertising is permitted on any part of the trailer without the	6

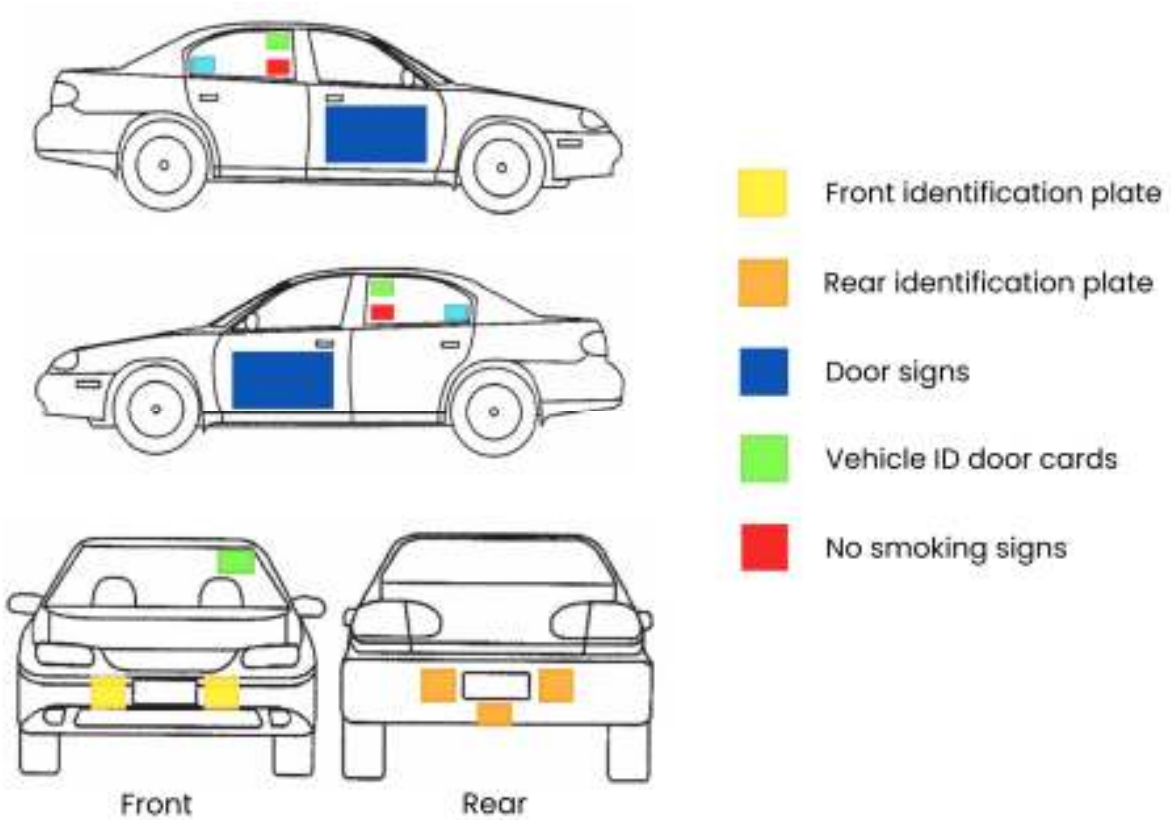
written agreement of the Council. d. When the trailer is used with the vehicle, the additional licence plate issued by the Council specifically for that trailer must be displayed clearly on the rear of the trailer. Such a licence plate number must correspond to the plate number of the towing vehicle. The cost of the additional plate will be borne by you. e. If the trailer is towed by a multi-seat type vehicle i.e., a minibus, there must be sufficient distance between the rear of the vehicle and the load carrying area of the trailer to allow the rear doors of the towing vehicle to be opened and used in times of an emergency. f. The trailer will be fitted with a properly maintained parking brake which when the trailer is in use and standing uncoupled from a vehicle must be activated.	
Alteration of Vehicle	
35. No material alteration or change in the specification, design, condition, or appearance of the vehicle can be made without the approval of the Council, at any time.	6
36. The installation of 3D/4D/ghost or sticker plates on the vehicle is prohibited.	6
Wheels	
37. Space-saver spare tyres, supplied as standard equipment for the vehicle, will be accepted for use in an emergency and must be replaced before the vehicle is used to take passengers.	6
Electronic Payments	
38. The vehicle must display Colchester City Council approved stickers on both the rear passenger window and inside the vehicle unless an exemption has been given from the requirement to carry a car payment device.	3
39. If the means of making electronic payments is not working, this must be reported immediately to the Council. The Council must be notified when any problems have been resolved, and the payment facility is again operational.	3

Appendix 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Licence Conditions

Transferring interest	
40. If you transfer your interest in the vehicle to someone else, who is going to use it for hackney carriage/private hire work, you must inform the Council in writing within 14 days of the name and address of the person to whom you have transferred your interest. If this is not done you, as the existing owner, will remain responsible for the vehicle licence until such time as the new owner completes the change of owner paperwork.	6
Vehicle Proprietors and those with a registered interest in the vehicle	
41. You must notify the Authority, in writing, within a period of 48 hours of any conviction, caution or charge for a criminal offence or if you are the subject of criminal investigation whilst the licence is in force.	6
42. You must make an application and pay for a further DBS check, if required to do so by the Council.	6
43. You must provide your original DBS Certificate when requested to do so by the Council.	6
44. You must not employ or permit an unlicensed driver to drive your vehicle.	6
45. You must keep a copy your drivers' hackney carriage/private hire driver licences and produced them on request by an authorised officer	6
CCTV	
46. If you install CCTV in your vehicle, you must ensure that you comply with the information set out in Appendix 12.	6

Appendix 2 - Hackney Carriage Vehicles Pre-Licensing Standards and Licence Conditions

Figure 1



Appeals

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

Appendix 3 - Private Hire Vehicles
Pre-Licensing Standards and Licence Conditions

Pre-Licensing Standards

Only those vehicles, including temporary vehicles, which comply with the specifications detailed below and meet MOT standards, can be granted a private hire vehicle licence by Colchester City Council. Proprietors and those with an interest in the vehicle must also be found to be fit and proper, safe, and suitable to be granted a licence.

Vehicle Proprietors

1. To apply for a vehicle licence the following requirements apply –

    - You must be over 18 years of age.
    - You must complete the Proprietor Requisition Declaration
    - You must, as a vehicle proprietor or person with a registered interest in the vehicle, submit a basic disclosure and barring certificate to the Council. This disclosure must have been issued within the previous 3 months. The DBS must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. The DBS and accompanying list of previous convictions etc. is required every year for renewal of the plate. If you are also a licensed driver with the Council, this DBS and accompanying statement, where relevant, is not required.
    - If you have, from the age of 18 years, spent three continuous months or more living outside the UK, provide a criminal record check, or equivalent documentation, or a Certificate of Good Character from the country/countries involved covering the relevant period.
    - The original V5 vehicle registration certificate (logbook), which must be in the applicant's name and current address.
    - Proof of ownership by means of a bill of sale or hire purchase agreement.
    - A current MOT test.
    - A valid vehicle test sheet issued by a Council approved 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 or the contract must be provided which must clearly state that the vehicle will be used as a licensed vehicle. In

these circumstances, the logbook may remain in the name of the organization providing the hire.

General Specification

2. All vehicles licensed as private hire vehicles and which are, from the date of first registration, over one year old must have a valid MOT test certificate.

3. The vehicle must be right hand drive.

4. The vehicle must **NOT** be black except for temporary vehicles and vehicles used exclusively for Executive Hire.

5. Vehicles must be capable of carrying at least four passengers and may be licensed to carry a maximum of eight passengers.

6. Vehicles that are not fully wheelchair accessible must be capable of carrying a folded wheelchair in the boot.

7. Where vehicles have not been manufactured in the UK or imported by the manufacturer or have been adapted for wheelchair use other than by the manufacturer they must have a GB type approval from the Vehicle Certification Agency. Vehicles must not have been altered since that approval was granted.

8. No fittings, other than those approved in this Policy or required in the examination and test by a Council authorised testing station, may be attached to or carried on the inside or outside of the vehicle.

9. All vehicles must meet the current ULEZ standard at the time of licensing.

10. The vehicle must have a minimum of 4 opening doors that open sufficiently wide to allow easy access and egress from the vehicle.

11. All doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

12. Each passenger must have a minimum of 432mm of personal sitting space, for the rear seats this will be measured in a straight line lengthways across the front edge of the seat.

13. Each seat must be fitted with fully operational seat belts, compliant with all relevant legislation and guidelines.

14. In respect of minibus and other MPV style vehicles the vehicle must have clearly visible signage on how to operate any seats that need to be moved to gain access/egress to the vehicle.

15. Opening windows must be provided in the rear of the vehicle capable of being opened by the rear seat passengers.

Appendix 3 - Private Hire Vehicles
Pre-Licensing Standards and Licence Conditions

16. A vehicle on initial licence must comply with the current rules . Rear and side windows must have a minimum light transmission of 30% or above. This requirement will also apply to any currently licensed vehicle where there is a change of owner request.

17. The vehicle must have no untreated or unrepaired body defect or significant signs of corrosion. The paintwork must be of a professional finish and be a consistent colour over the whole of the vehicle's bodywork.

18. Re-cut and remoulded tyres are not acceptable.

19. A vehicle must not be presented for examination and test with a space saver spare tyre in use.

20. 3D/4D/ghost or sticker plates are not permitted on the vehicle.

Safety Equipment

21. 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.

22. 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

Electronic Payments

23. The vehicle must be equipped with the means to take an electronic payment unless an exemption from this requirement has been sought and granted.

Wheelchair carrying facilities (for fully wheelchair accessible vehicles)

24. Any vehicle that has the facility for the carriage of wheelchair(s) and wheelchair passengers must be inspected by a Council approved garage to determine its suitability.

25. The vehicle must be fitted with appropriate equipment for the safe loading of a wheelchair and passenger. Provision must be made for any removable device used for loading to be stored and secured safely in the vehicle when not in use.

26. Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations (LOLER). The certificate of thorough examination must be provided on first licensing of the vehicle and subsequent renewals. The certificate may also be required on request by an authorised officer.

27. Each wheelchair passenger must be capable of being properly secured with a lap and diagonal seat belt made available through the vehicle's adaptation or design and separate from the system holding the wheelchair.

Appendix 3 - Private Hire Vehicles
Pre-Licensing Standards and Licence Conditions

Conditions of licence

These are the conditions attached to your private hire vehicle licence.

Any breach of these conditions may result in enforcement action being taken against your licence. This may include being given points under the Council's Penalty Point Scheme, suspension or revocation of your licence or prosecution under the relevant Act.

The table indicates the penalty points that may be issued on your licence if you do not comply with the conditions.

Conditions	Penalty Points
Vehicle Testing	
1. Once licensed, the vehicle must be presented for inspection as follows – • Up to 5 years old - once during each 12-month licensing period. • 5 years and older - twice during each 12-month period (i.e., on renewal and 6 months from the licence grant date).	6
2. Any damage to a licensed vehicle must be reported by email within 72 hours to licensing.team@colchester.gov.uk	6
3. Following any damage to the vehicle, it must be presented for inspection at a Council nominated garage.	6
4. If a Council nominated garage has identified vehicle defects, these must be fixed, and the vehicle must be presented for re-inspection at the same garage within 28 days unless otherwise notified.	6
5. If a vehicle has passed its MOT test with minor defects, the defects must be repaired, and the vehicle must be presented for inspection at a Council nominated garage within 28 days of the MOT date.	6
Licence Identification Plates	
6. The Council licence plates must be affixed to the vehicle to which they have been allocated. As indicated in the diagram in Figure 1 below.	4
7. Vehicle licence identification cards must be displayed as indicated in	4

Appendix 3 - Private Hire Vehicles
Pre-Licensing Standards and Licence Conditions

the diagram in Figure 1 below.	
8. The licence plates are the property of the Council and must be returned within seven days on request.	6
Advertising, Signs and Notices	
9. On initial licensing each of the front doors of the vehicle must display an adhesive sign stating 'pre-booked only.' This requirement extends to any vehicle covered by a change of ownership request. Currently licensed vehicles may continue to display their existing operator signage. Any vehicle found operating without pre-booked signs or operator signage will be required to apply the approved pre-booked adhesive signs.	4
10. Vehicles must not display roof signs.	4
11. Advertising material or decorative stickers on windows of the vehicle, including the rear window, are prohibited.	4
12. 'No smoking' pictogram signage must be displayed inside the vehicle as shown in Figure 1 below.	4
13. Only Council approved and issued signage may be displayed in or on the vehicle, except as may be required by any statutory provision.	4
14. Vehicles are permitted, subject to prior approval by the Council, to display signs, advertisements, notices, or other markings on or in the vehicle. These must not contain the words 'taxi' or 'cab.'	4
Furnishing and maintenance of vehicle	
15. The vehicle and all its fittings and equipment must always be tidy, clean, and safe.	6
Notification of Changes affecting the Licence	
16. You must notify the Council, in writing, of any change in circumstances affecting the vehicle licence within 7 days of such a change taking place.	3
17. A copy of any new MOT certificate must be submitted to the Council within 7 days of the date of issue.	6

Appendix 3 - Private Hire Vehicles
Pre-Licensing Standards and Licence Conditions

18. You must provide your insurance certificate to the Council within 7 days of the issue date.	6
19. Any damage to a licensed vehicle must be reported by email within 72 hours to eps.support@colchester.gov.uk	6
Taximeters (if fitted)	
20. A meter, if fitted, must be tamper-proof and maintained in good working order at all times.	6
21. If the tamper proof seal of the taximeter is broken, the proprietor of the vehicle must make arrangements for resetting and sealing the meter with an approved meter agent.	6
22. The meter, if fitted, must be positioned so all letters and figures on its face must be illuminated at all times and plainly visible to any passenger.	6
Insurance	
23. A valid insurance policy in respect of the vehicle covering the carriage of passengers for private hire/hire and reward and complying with the requirements of Part VI of the Road Traffic Act 1988, must be in force during the vehicle licence period.	12
24. Any additional drivers must be named on the Insurance Policy, or in the case of fleet insurance a list of authorised drivers must be provided.	12
25. The insurance certificate, together with a list of authorised drivers where applicable, must be produced to the Council, or any other authorised officer on request.	6
Return of Plates	
26. If requested, you must return the vehicle plates to the Council within 7 days.	6
27. If you no longer operate the business of driving/renting a private hire vehicle, you must return the vehicle plates to the Council within 7 days.	6
Wheelchair accessible vehicles	

28. Whilst available for hire, if such a vehicle is not being used for a passenger in a wheelchair, only a foldaway seat which complies with current construction and use regulations may be used to substitute the wheelchair space.	6
29. Any seats replacing the wheelchair space which must be bolted or locked into place will not be accepted since these present problems of storage of the displaced seats when wheelchair passengers are being carried.	6
30. The proprietor of the vehicle must ensure that all drivers of wheelchair accessible vehicles have completed Passenger Assistance Training and must retain proof of the training having been completed.	6
31. Any equipment to facilitate the safe loading of a wheelchair and passenger must be in safe working condition. If it is not, it must be reported immediately to the Council.	6
Trailers	
32. A trailer can be towed by a licensed private hire vehicle provided that the vehicle towing is suitable for towing the intended trailer in accordance with the relevant regulations.	6
33. The trailer to be towed by the licensed vehicle must comply with all legal requirements and the following conditions - a. It is presented for and passes inspection by a Council's approved garage prior to its use and again at each inspection of the vehicle by which the trailer is towed. The cost of such an inspection is to be borne by you. b. It is of a type and weight, when laden, recommended by the vehicle manufacturer as being suitable for the weight capacity of the intended towing vehicle, i.e., not more than 50% of the curb side weight of the towing vehicle. c. No advertising is permitted on any part of the trailer without the written agreement of the Council. d. When the trailer is used with the vehicle, the additional licence plate issued by the Council specifically for that trailer must be displayed clearly on the rear of the trailer. Such a licence plate number must correspond to the plate number of the towing vehicle. The cost of the additional plate will be borne by you. e. If the trailer is towed by a multi seat type vehicle i.e., a minibus,	6

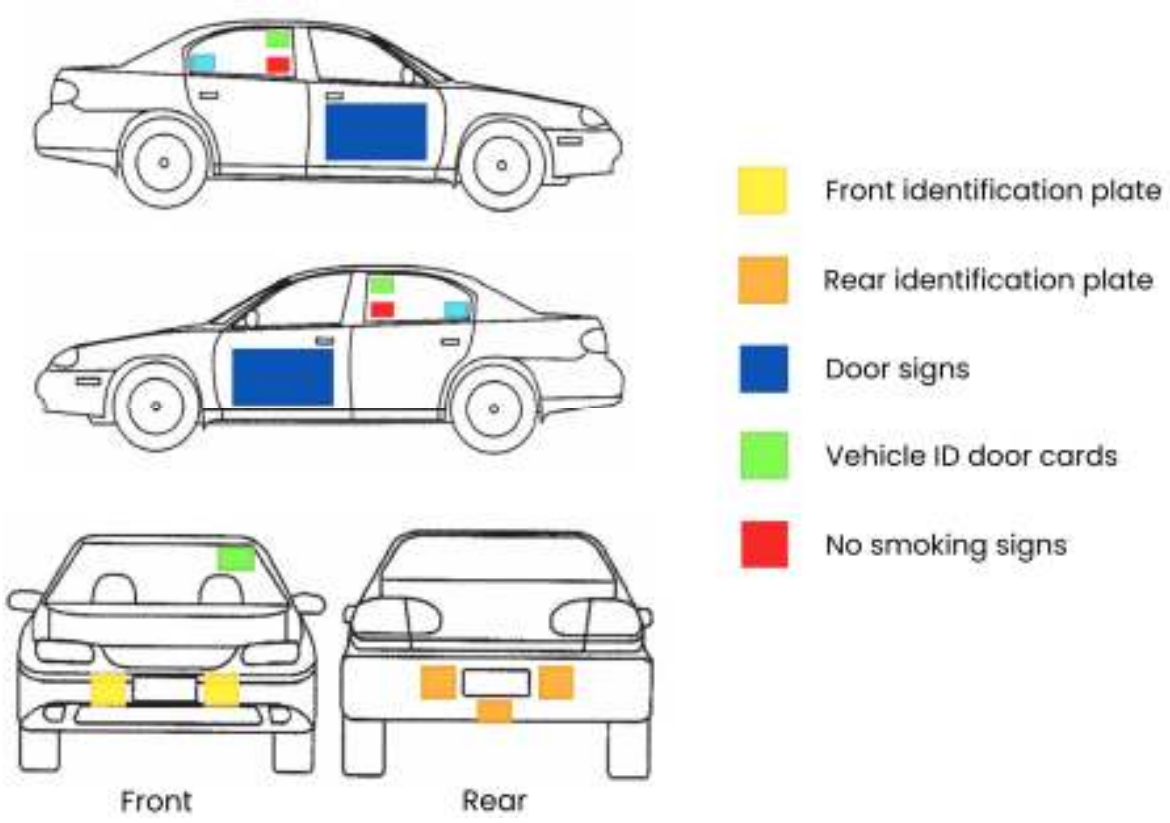
there must be sufficient distance between the rear of the vehicle and the load carrying area of the trailer to allow the rear doors of the towing vehicle to be opened and used in times of an emergency. f. The trailer will be fitted with a properly maintained parking brake which when the trailer is in use and standing uncoupled from a vehicle must be activated. g. A roof box must not be used without prior approval of the Council.	
Alteration of Vehicle	
34. No material alteration or change in the specification, design, condition, or appearance of the vehicle can be made without the approval of the Council, at any time.	6
35. The installation of 3D/4D/ghost or sticker plates on the vehicle is prohibited.	6
Wheels	
36. Space-saver spare tyres, supplied as standard equipment for the vehicle, will be accepted for use in an emergency and must be replaced before the vehicle is used to take passengers.	6
Electronic Payments	
37. The vehicle must display Colchester City Council approved stickers on both the rear passenger window and inside the vehicle unless an exemption has been given from the requirement to carry a car payment device.	3
38. If the means of making electronic payments is not working, this must be reported immediately to the Council. The Council must be notified when any problems have been resolved, and the payment facility is again operational.	3
Transferring interest	
39. If you transfer your interest in the vehicle to someone else, who is going to use it for hackney carriage/private hire work, you must inform the Council in writing within 14 days of the name and address of the person to whom you have transferred your interest. If this is not done you, as the existing owner, will remain responsible for the vehicle	6

Appendix 3 - Private Hire Vehicles
Pre-Licensing Standards and Licence Conditions

licence until such time as the new owner completes the change of owner paperwork.	
Vehicle Proprietors and those with a registered interest in the vehicle	
40. You must notify the Authority, in writing, within a period of 48 hours of any conviction, caution or charge for a criminal offence, or if you are the subject of criminal investigation whilst the licence is in force.	6
41. You must make an application and pay for a further DBS check, if required to do so by the Council.	6
42. You must provide your original DBS Certificate when requested to do so by the Council. 43. You must not employ or permit an unlicensed driver to drive your vehicle.	6
44. You must not employ or permit an unlicensed driver to drive your vehicle.	6
45. You must keep a copy of your drivers. hackney carriage/private hire driver licences and produce them on request by an authorised officer.	6
CCTV	
46. If you install CCTV in your vehicle, you must ensure that you comply with the information set out in Appendix 12.	6

Figure 1

Appendix 3 - Private Hire Vehicles
Pre-Licensing Standards and Licence Conditions



Appeals

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

Appendix 4 - Operator Licence
Pre-licensing Standards and Licence Conditions

Please Note - In this Policy, a vehicle operated by you includes both vehicles you own and those for whom you accept bookings.

Pre-Licensing Standards

To qualify for a private hire operator's licence you must –

1. Have the right to work in the UK.

2. Have a basic DBS less than three months old when the application is made (unless the applicant is also a licensed driver with Colchester City Council). This must be accompanied by a statutory declaration listing all previous convictions, whether or not they are spent, and any other relevant material information.

   If from the age of 18 you have spent three or more continuous months living outside the UK, you must provide criminal records information from the country concerned or, where this is not possible a Certificate of Good Character.

3. Have completed safeguarding training and disability awareness training and provide evidence of having done so to the Council.

4. Provide a copy of your policy on employing ex-offenders in roles that relate to the booking and dispatch of vehicles.

5. Be found to be a fit and proper person to hold a private hire operator's licence having regard to the Council's Policy on this matter.

6. Operate from a base within the City of Colchester.

Please note - Where the application is made by a company or partnership, the Council will apply the 'fit and proper' test to each of the directors or partners in that company or partnership. The provisions in relation to the DBS, as outlined above, apply to each party.

CONDITIONS OF LICENCE

These are the conditions attached to your operator's licence.

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Any breach of these conditions may result in enforcement action being taken against your licence. This may include being given points under the Council's Penalty Point Scheme, suspension or revocation of your licence or prosecution under the relevant Act.

The table indicates the penalty points that may be issued on your licence if you do not comply with the conditions.

Conditions	Penalty Points
Records	
1. You must keep a rolling record of all data relating to bookings, drivers, vehicles, sub-contracting, and cross border working and for a minimum of 12 months, in a suitable form that does not permit backdating, and in a format that can be easily inspected and/or downloaded.	4
2. All records required to be kept for this licence must be produced on request to an authorised officer of the Council and/or Police officer.	4
3. You must ensure you are familiar with the guidance issued by the Information Commissioner's Office on registering as a data controller and how to meet your obligations to ensure you protect the information you record.	4
Bookings	
4. You must keep the following information for each booking • date and time of the booking • name of the passenger • date and time of the pick-up • address of the pick-up point • destination • whether the passenger has any special requirements • the licence number of the vehicle assigned to the booking • the licence number of the driver assigned to the booking • the name of any individual who responds to the booking request • the name of any individual who dispatches the vehicle • any fare quoted at the time of booking including a breakdown of any additional charges to be levied for additional drop-offs/	4

Appendix 4 - Operator Licence
Pre-licensing Standards and Licence Conditions

baggage etc. • the final fee charged where this is different from the original fare quoted • the details of the hiring operator (if the booking was made as a result of being sub-contracted to you)	
Drivers	
5. You must keep the following information for each driver working for you • proof of the name and address of the driver, their right to work documentation, their licence number and its expiry date, and a copy of the licence issued to them by the Council. Please note - you must keep records of the checks completed in relation to the verification of the above matters • copies of relevant insurance documentation • the date of when a new driver begins service • the date of when a driver ceases service • the DVLA driver licence held by every driver accepting work and ensure that it is valid at all times. • all alterations made to that driver's licence (i.e., endorsements, disqualification, and medical conditions) and inform the Council immediately or in any case within seven days of any alterations.	4
Vehicles	
6. You must keep the following information for every vehicle operated by you • name and address of the licensed proprietor of the vehicle • make and registration number of the vehicle • date the vehicle commenced operating under your operator's licence • the vehicle plate number and its' expiry date • make and colour • the year of manufacture • name and address of licensed driver(s) of the vehicle and the badge number(s) • a copy of licenses issued by the Council for the private hire vehicles you operate. • Copies of the relevant insurance documentation • copies of the current licences of drivers and vehicles must be retained by you whenever they are working for you • the date the vehicle ceased to accept work under your operator's licence	4

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• the current insurance certificate of all vehicles accepting work under your operators' licence and ensure that, at all times, they are consecutive and comply with the statutory requirements and licensing conditions. • the continuous test certificates of all vehicles accepting work under your operator's licence and the action taken where a vehicle has failed its MOT or is not considered roadworthy.	
Sub-Contracting and Cross Border Working	

7. You must
 	
• charge the fare agreed at the time of booking.
• keep a record of the initial booking details for audit purposes.
• contact the hirer to advise that the booking can no longer be honoured and to ask whether they wish the booking to be sub-contracted to an alternative private hire operator.
• identify an alternative private hire operator and advise the original hirer of that operator's details.
• provide full details of the booking to the alternative private hire operator and keep a record of the private hire operator to whom the booking was subcontracted.
• keep a record of the alternative private hire operator's licence details as follows-
  ○ name of the issuing authority
  ○ licence number
  ○ grant date of the licence
  ○ expiry date of the licence.
	4

8. Where you outsource booking and dispatch functions, you must keep evidence that comparable protections in relation to children and vulnerable adults are in place and are applied by the company to whom you outsource these functions.	4
9. Where a private hire vehicle is unsuitable because a larger vehicle is needed to fulfil the booking, the hirer must be informed that a Public Service Vehicle (PSV) is necessary, and that a PSV licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check.	4
General Conditions	
10. You must ensure that the vehicles and drivers operating under your operators' licence comply with the statutory requirements and licensing conditions for vehicles.	6

Commented [SW1]: include drivers to cover that both vehicles and drivers must be licensed

Appendix 4 - Operator Licence
Pre-licensing Standards and Licence Conditions

11. You must ensure that all vehicles operated by you are adequately insured.	9
12. Any damage to a licensed vehicle must be reported by email within 72 hours to licensing.team@colchester.gov.uk	6
13. Upon the request of an authorised officer of the Council or Police, you must produce your operator's licence for inspection.	6
14. You must notify the Council of all vehicles and drivers operating under your licence and a summary of any complaints received every six months.	6
15. You must have in force a current public and employer liability insurance policy.	6
16. You must keep an operating base within the Council's area.	6
17. You must ensure that those drivers using fully wheelchair adapted vehicles have undertaken a Passenger Assisted Transport training course and keep proof of this training.	12
Booking and Dispatch Staff	
18. You must maintain a register of all staff that take bookings or dispatch vehicles, including confirmation that a basic DBS check has been conducted. The register must be produced at the request of an authorised officer of the Council or the Police.	4
19. Prior to the employment of staff, you must carry out sufficient checks on the background of your booking and dispatch staff to ensure they are fit and proper to carry out their tasks and duties in a professional and confident manner. These checks must include the following – • A basic Disclosure and Barring Service report issued within the previous 3 months. This should be compatible with your Policy on employing ex-offenders. You may use a 'responsible organisation to request the check on your behalf. • Proof of Right to Work documentation.	12
20. The contracts of bookings and dispatch staff must include a requirement to notify you of any convictions while they are employed in their role.	6
21. All booking and dispatch staff and any staff in customer facing roles must be trained in disability awareness, safeguarding, customer service and data protection and you must maintain training records for all staff which	12

Appendix 4 - Operator Licence
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must be provided to an authorised officer of the Council on request.	
22. You must provide a polite, prompt, and efficient service to members of the public.	4
23. Hired vehicles must arrive punctually at the appointed place and time unless unexpectedly delayed or prevented from satisfying the booking by sufficient cause.	6
## Notifications to the Council	
24. You must not permit a driver who is medically unfit, under the influence of drugs or alcohol, or who has worked excessively long hours to drive and must inform the Council immediately. `	12
25. You must notify the Council in writing within 7 days of any change affecting your licence, including a change of address and any change in directors or partners. Where changes are made the requirements in relation to the provision of the DBS and accompanying information must be fulfilled.	3
26. You must report to the Council in writing within 48 hours any of the following events in respect of the licence holder, director, or partner – • arrest • caution • charge • conviction • Fixed Penalty Notice • Traffic Offence Report • Notice of intended prosecution • Non DVLA penalty point resolutions (speed awareness, driving improvement course etc.) • Community protection warning • Community protection notice • criminal investigation in which you are a suspect • out of court disposal (for example a community resolution) • Other Court order/injunction e.g., non-molestation order • new DVLA penalty points on your DVLA licence and you must provide the Council with a valid DVLA check code.	6
## Complaints	
27. You must have a published complaints procedure that deals with	3

Appendix 4 - Operator Licence
Pre-licensing Standards and Licence Conditions

customer and employee complaints. The complaints procedure must be used when dealing with any complaint.	
Use of Website and Booking Apps	
28. Any Website or Booking Apps must be kept in good working order and must be capable of recording all the information required under these conditions.	4
Disclosure and Barring Requirements Where the licence is held by a company or partnership, the provisions in relation to the DBS apply to each party.	
29. You must submit a basic disclosure and barring certificate to the Council. This disclosure must have been issued within the previous three months. The DBS must be accompanied by a list of all previous convictions, whether they are spent, and any other relevant material information. The DBS is required every year on the anniversary of the date of the grant of the operator licence. This is not required if you are a licensed driver with Colchester City Council – Should you cease to hold a driver's licence a basic certificate will be required immediately.	6
30. If you have spent six or more continuous months outside the UK, you must provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.	6
Operator Category	
31. If, during the lifetime of your licence, you wish to change your operator category you must pay the relevant fee to effect the change plus the new category fee calculated on a pro-rata basis.	

Appeals

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford CM2 5PF.

Appendix 4 - Operator Licence
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Appendix 5 – Convictions Policy

Introduction

1. The key consideration of the Council, and the overriding objective in the licensing of hackney carriage and private hire vehicles, drivers, and operators, is the safety of the public.

2. The Council has a statutory obligation under the Local Government (Miscellaneous Provisions) Act 1976 to ensure those it licenses are 'fit and proper'. This requirement remains with the Council on grant and throughout the lifetime of a licence. Therefore, the Councils' Convictions Policy will be applied to all applications and existing licence holders.

3. This Policy has been drawn up to ensure a consistent and transparent approach to dealing with all types of criminal offences. The Council has had regard to the Statutory Taxi & Private Hire Standards and the Institute of Licensing (IOL) Guidance on determining suitability of applicants and licensees in the hackney and private hire trades.

General principles

4. The Council will consider convictions, cautions, and other outcomes or actions taken by the Police, other agencies, and the civil courts.

5. Reference to convictions in this policy also includes, but is not limited to, cautions, warnings, reprimands, all forms of fixed penalty notices, community resolutions, restrictive type orders, and any other relevant information. Convictions for inciting, attempting, or conspiring to commit an offence will be treated in the same way as convictions for the substantive crime.

6. By virtue of the Rehabilitation of Offenders Act 1974 as amended, 'taxi' drivers are an exempt occupation, and convictions are therefore never spent. The Council can take into account spent convictions during a driver's licence application and will do so in a fair and proportionate way.

7. The Council cannot go behind the existence of a conviction to re-try the case.

8. Convictions will be considered as far as they relate to whether the applicant/licence holder is a fit and proper person to hold a licence.

Criminal and Driving Convictions

9. The Council considers that a period of time should elapse after a conviction before a person can no longer be considered to be at risk of re-offending. The timescales set out in Tables 1 and 2 are to reduce the risk to the public to an acceptable level.

10. Some offences on their own are serious enough for a licence not to be granted and these are identified in Table 1. In the case of an existing licence "refused" in the Table means "revoked."

Appendix 5 – Convictions Policy

11. Table 2 sets out the minimum time that should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

12. The Council will look at the entirety of the individual circumstances and in some cases the suitability will not be determined simply by a specified period of time having elapsed following a conviction or the completion of a sentence. The time periods are a relevant and weighty consideration, but they are not the only determining factor. Each case will be considered on its own merits.

13. In addition to the nature of the offence or other behaviour, the Council will also consider the quantity of matters and the period of time over which they were committed.

14. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate an increased propensity for such behaviour or offending to recur. The Council reserves the right to reconsider previous convictions if additional information becomes known.

15. This policy does not replace the Council's general duty to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by this policy, the Council must consider the matter from first principles and determine the fitness of the individual.

16. Once a licence has been granted there is a continuing requirement on the part of the licence holder to maintain their suitability to meet the "fit and proper" person test.

Other Motoring Convictions

17. Taxi drivers are professional drivers charged with the responsibility of safely conveying the public. Any motoring convictions may demonstrate a lack of professionalism and will be considered seriously. Whilst 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 being taken in respect of an existing licence, subsequent convictions would indicate that the driver does not take their professional responsibilities seriously.

18. With the exception of the motoring offences listed in Table 2 (drink/drug driving, use of a mobile phone and disqualification of driver's licence), other motoring convictions will be considered based on the number of DVLA points awarded for those offences.

19. Where a new applicant for a hackney carriage/private hire driver's licence has 7 or more current DVLA points, a licence will not be granted.

20. Where an existing licenced driver has 6-8 current DVLA points they will receive a warning and may be required to attend appropriate training at their own

expense. If training is not completed with 4 weeks the driver will be suspended until the driving course has been completed.

21. Where an existing licenced driver reaches a total of 9 or more current DVLA points they may have their licence refused or revoked dependent on the individual circumstances of the case.

22. Drivers who have had their DVLA licence disqualified will be required to wait a minimum period of 5 years from the completion of the sentence imposed before applying for a new licence.

Table 1: Convictions where an applicant will be refused a driver's, vehicle, or private hire operator's licence. In the case of existing licence holders, refused means revoked.

Conviction – Offence Type	
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.
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.
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.

Table 2: Minimum time applicant/licence holder must wait following a conviction

Conviction – Offence type	**Examples**	**Minimum period**

Appendix 5 – Convictions Policy

		(years) elapsed since completion of any sentence imposed before licence may be granted
Serious offences involving violence or connected with an offence of violence.	Grievous bodily harm Wounding Actual bodily harm riot Arson terrorism offences	10
Other offences involving violence or connected with an offence of violence.	Battery common assault harassment criminal damage	5
Drugs - supply	supply of drugs possession with intent to supply or connected with possession with intent to supply.	10
Drugs – possession and use	possession of drugs, or related to possession of drugs.	5
Possession of a weapon	any weapon related offence.	7
Dishonesty	any offence of dishonesty, or any offence where dishonesty is an element of the offence.	7
Discrimination	any conviction involving or connected with discrimination	7

Appendix 5 – Convictions Policy

	in any form	
Driving or in charge of a vehicle whilst drunk or over the prescribed limit for alcohol and driving or in charge of a vehicle whilst above the specified concentration of a controlled substance		7
Driving whilst using a hand-held telephone or other device.		5
Disqualification of a DVLA driver's licence		5
Offences under Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976		5

Appendix 6 - Penalty Point Scheme

Introduction

1. The key consideration of the Council and the overriding objective in the licensing of hackney carriage and private hire vehicles, proprietors, drivers, and operators is the safety of the public.

2. The aim of the Penalty Point Scheme (the Scheme) is to work in conjunction with other enforcement measures to provide a stepped enforcement process for licence holders bridging the gap between the warning and the suspension or revocation options provided by the legislation.

3. The Scheme creates a record of a licence holder's conduct thereby enabling the Council to make an informed decision as to whether a licence holder is a fit and proper person to hold a licence.

General Principles

4. The Scheme applies to operators, all licensed drivers and vehicle proprietors, including those with a registered interest in the vehicle. The penalty points are listed alongside the conditions to which they relate in the Appendices on drivers, hackney carriages, private hire vehicles, and operators. These points are in addition to the penalty points listed below.

5. The penalty point process will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, regulations, and its' own Policy.

6. On occasions it may be determined not to award points but to proceed immediately to the suspension or revocation of a licence on the grounds that the Council considers that the licence holder is not fit and proper to hold a licence.

7. Points issued under the Scheme will remain current for a rolling period of 36 months.

8. Where a licence holder reaches 12 penalty points, consideration will be given as to whether they are fit and proper to hold a licence.

9. The penalty points issued will be at the discretion of the investigating officer and in accordance with the penalty points' scheme.

10. Licence holders may see their penalty point record on written request.

11. The Council may as part of its investigations request further details from the Police or other regulatory authorities.

12. Matters that formed part of a previous decision will be reconsidered in the light of new evidence and may result in a licence, previously granted, being revoked.

Appendix 6 - Penalty Point Scheme

	Penalty Points
1. Making a false statement or withholding information to obtain a licence.	12
2. Obstruction, failure to give information, assistance, or failure to comply with a requirement of an authorised officer of the Council or a police officer.	4
3. Failure to ensure the safety of passengers.	12
4. Failure to attend or attend on time for a pre- arranged appointment at the request of the Council without reasonable cause.	4
5. Unacceptable behaviour or conduct by a licence holder.	6

Appendix 7 - NR3S Policy

Introduction

1. This Policy sets out how the Council will use the National Register of Taxi Licence Revocations, Refusals and Suspensions (NR3S). The register provides licensing authorities with the facility to share details of individuals who have had a hackney carriage or private hire drivers' licence revoked, or an application for one refused. The NR3S does not extend to vehicle or operator licensing decisions.

2. The key consideration of the Council in carrying out its functions in relation to the licensing of hackney carriage and private hire drivers is the safety of the public.

3. The Council must not grant a driver's licence unless it is satisfied that the applicant is a fit and proper person to hold one. The Council is also entitled to suspend or revoke a licence, if there is evidence to suggest that the individual is not a fit and proper person to hold one. The fit and proper test is an enduring duty placed on the Council which is relevant both at first licensing and for the lifetime of the licence.

General

4. In this Policy, the 'first authority' refers to a licensing authority which has made a specific entry onto the NR3S. The 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

5. The term licence is used to refer to a hackney carriage driver's licence, a private hire driver's licence, and a combined dual licence. Any reference to a 'new' licence should also be read to include the 'renewal' of a licence.

Overarching principles

6. The Council will access and use information contained in the NR3S in accordance with this Policy. The NR3S contains information relating to the refusal to grant, revoke or suspend a licence. This information is important in the context of any subsequent application to another authority for a licence by a person who has previously had their licence refused, revoked, or suspended.

7. The Council has registered to use and enter information onto the NR3S. This means that when an application for a licence is refused, or an existing licence is revoked or suspended that information will be placed on the NR3S.

Appendix 7 - NR3S Policy

8. Access to the NR3S is only provided where a licensing authority is a current member of the National Anti-Fraud Network and has signed data processor and data sharing agreements.

9. When an application for a new drivers' licence or renewal of an existing driver's licence is received, the Council will search the NR3S. The search will only be made by an officer who has been trained in the use of the NR3S and who is acting in accordance with this Policy. If details are found that appear to relate to the applicant, a request will be made for further details from the first authority that entered that information. The applicant will then be notified.

10. Any information that is received from another authority in respect of an application for a licence will only be used in relation to the application and its determination and will not be used for any other purpose. Any information received relating to the applicant will only be kept for as long as is necessary to determine the outcome of their application. The period it takes to determine any application is variable and often depends on the applicant's circumstances and timely responses to further questions. Once an application is determined there may be a further period where it is necessary to retain information for purposes of notifying the applicant of the outcome their application, and for any period to accommodate an appeal against the Council's determination should the applicant so choose.

11. The data will be held securely in accordance with the Council's general policy on the secure retention of personal data.

Requesting further information relating to an entry on the NR3S

12. When an application is made for the grant of a new, or renewal of a licence the Council will check the NR3S.

13. The Council will make and then retain a clear written record of every search that is made of the NR3S. This will detail:

    - the date of search
    - the name or names searched
    - the reason for the search – new application or renewal
    - the results of the search
    - the use made of the results of the search – (this may be entered onto the NR3S later once the application and appeal process has been fully concluded)

14. Search records will not be combined with other records and will be retained for a period of 11 years.

15. If the Council's search of the NR3S reveals a potential match, a request for further information will then be made to the first authority.
16. The request will be made in writing in accordance with the standard form (see Appendix 1). The form requesting further information used by the Council will be posted or emailed to the contact address of the first authority. The application process will thereafter pause until a suitable response to that request has been received by the Council.

Responding to a request for further information relating to an entry on the NR3S

17. If the Council receives a request as first authority for further information from a second authority a clear written record of the request will be made. A record of the Council's response arising out of the request from the second authority will be retained for a period of 11 years.

18. The Council will then determine how to respond to the request. The Council will not simply provide information as a blanket response to every request.

19. Any disclosure must be considered and proportionate, taking into account the data subjects' rights together with the role and responsibilities of a licensed driver. Whilst data is held on the NR3S for a period of 11 years, the Council (the first authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

20. Where the reason for refusal to grant, revoke or suspend a licence relates to a conviction, or caution, consideration will be further given to the full circumstances of the case prior to disclosure. Any information about convictions and cautions will be shared in accordance with this Policy by virtue of Part 2 of Schedule 1, Data Protection Act 2018 (DPA 2018). In so far, processing of data 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.

21. In fulfilment of a request for further information from a second authority, the relevant officer will record what action was taken and why. The Council will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

    - the date the request was received
    - how the data protection impact assessment was conducted and its conclusions
    - the name or names searched
    - whether any information was provided
    - if information was provided, why it was provided, and details of any further advice obtained before the decision was made to make disclosure

- 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

22. This record will not be combined with any other records and will be retained for a period of 11 years.

Using information obtained arising out of a request to a first authority

23. If the Council receives information arising out of a request that has been made to a first authority, it will take it into account together with other information obtained as detailed in this Policy when determining an application for the grant or renewal of a drivers' licence.

24. The Council will make and then retain a clear written record of the use that is made of the results of its' request and the subsequent determination of the application for a licence (this information may be added to the NR3S)

25. Information that is received may warrant significant weight being attached to it, but it will not be the sole determinant for any decision that the Council makes in relation to the application for which it was obtained.

New and Historical Data

26. The Council will upload new and historical revocation and refusal data to the NR3S, and which will be limited to:

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

Appendix 7 - NR3S Policy

Appendix 1

Information Disclosure Form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3S).

Colchester City Council: ……

Requestor authority reference number: ……..

Name of licensing authority from which information is sought: ……

Name of individual in respect of whom the request is made: …….

Decision in respect of which the request is made: Refusal / revocation

Other details for this record: …….

Address: …….

Driving licence number: ……

NI number: …….

Reference number: ……

Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / private hire driver licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest. This request is being made under Schedule 2, Part 2 (7) of the Data Protection Act 2018.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV driver licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request can be accessed on the Council's website.

Signed: ……

Name: ……

Position: ……

Date: ……

Appendix 7 - NR3S Policy

For completion by providing authority

Further information to support the decision recorded on NR3S in respect of the above-named individual:

Declaration by providing authority:

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. If the authority becomes aware that this information is no longer accurate, we will advise the above-named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / private hire driver licence, the above-named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements.

Signed: ……

Name: ……

Position: ……

Date: ….

Appendix 8 – Policy for the exemption from the requirement to display an external vehicle identification plate

1. This Policy sets out how the Council will exercise its discretionary powers to allow executive type vehicles to operate without displaying external licence plates.

2. The Local Government (Miscellaneous Provisions) Act 1976 (the Act) requires identification plates to be displayed on licensed private hire vehicles. The display of such plates indicates to the public that the vehicle has been properly licensed.

3. There are occasions when the requirement to display external identification plates may adversely affect customer safety by allowing the vehicle to be more readily identified. The display of plates may also on occasion have a detrimental commercial impact on the business by deterring some corporate customers from using the service.

4. The Act enables the Council to exercise discretion and issue a dispensation from displaying the identification plate on a licensed private hire vehicle and, where that exemption applies, the requirement for the driver to wear a private hire driver's badge. There is however no 'right 'to a plate exemption.

5. The Council will only exercise its discretionary powers where it is satisfied that there is a genuine operational business need and where it is certain that the safety of the public will not be compromised as a result.

6. The following criteria must be met -

    a. Work undertaken is exclusively "chauffeured" in nature, and there is written evidence to prove such bookings. The chauffeur and vehicle are specifically hired to provide transport to a company or person, and/or where the display of a licence plate may affect the dignity or security of the persons carried.

    b. Vehicles must be of a standard of comfort and equipped to a level equal to or above luxury models.

    c. The safety of the travelling public will not be compromised by the exemption.

7. An application for a vehicle plate exemption must be made in writing by the vehicle proprietor to licensing.team@colchester.gov.uk the reason for

Appendix 8 – Policy for the exemption from the requirement to display an external vehicle identification plate

the exemption must be clearly set out. Supporting evidence, including written evidence of executive bookings/contracts, must be submitted with the application. A non-refundable application fee must be paid at the time of application.

8. Where an exemption for the display of identification plates is given, the licensed vehicle will also be exempt from displaying the licence plate door identification signs, operator door signs, and any other signage that the Council may at any time require private hire vehicles to display.

9. Where an exemption for the display of identification plates is given, the vehicle owner may also request an exemption to carry a card payment device in the licensed vehicle.

10. Where an exemption for the display of identification plates is given, this will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. The exemption ceases on sale or transfer of the vehicle to a new proprietor.

11. An exemption may be granted for a shorter period on the request of the vehicle's proprietor or at the discretion of the Council.

12. The licensed driver of a vehicle that has been granted an exemption to display licence identification plates is not required to wear their private hire driver's identification badge but must carry it with them.

13. Any breach of the plate exemption conditions will result in either the issue of penalty points, or the revocation of the identification plate exemption.

Conditions of identification plate exemption

Conditions	Penalty points
1. The plate exemption notice must be carried in the vehicle at all times and must be produced upon request to an authorised officer of the Council or any Police Officer.	6
2. The vehicle identification plates must be carried in the vehicle at all times and must be produced upon request to an authorised officer of the Council or any Police Officer.	4

Appendix 8 – Policy for the exemption from the requirement to display an external vehicle identification plate

3. The licensed driver must carry their driver's identification badge, and it must be produced upon request to an authorised officer of the Council or any Police Officer.	3
4. The licensed vehicle must not display any advertisement, signage, logos, or insignia advertising the operating company or the vehicle's status as a private hire vehicle.	6
5. The proprietor must inform the Council of any change in the use of the vehicle in writing within 48 hours of that change to licensing.team@colchester.gov.uk.	3
6. An exempt licensed vehicle must not be used for general private hire work, whilst holding an identification plate exemption, unless the vehicle is displaying its identification plates and displays all the signage required by the private hire vehicle licensing policy.	6

Appendix 9 – Horse Drawn Carriages Licensing and Conditions

The aim of this policy is to set out how the Council will exercise its powers in the licensing of horse-drawn carriages and the conditions to be applied.

Pre-Licensing Criteria

1. The horse used to draw the carriage must not be less than 14.2 hands in height and shall be of suitable conformation.

2. Details of all the horses to be used for the purposes of the licence must be lodged with the Council, and all the horses must be individually identifiable by microchip or by using a marking chart.

3. A Certificate of Fitness, issued by an Equine Veterinary, must be produced for each horse to be used for the purposes of this Licence. The Certificate of Fitness may take the form of a letter written by the Vet and must have been issued within 28 days of the proposed grant of any licence or its renewal.

4. The applicant must be deemed to be a properly qualified and a ‘fit and proper’ person to hold such a licence.

Conditions attached to the Grant of a Licence

1. The driver of the carriage must be licensed by the Council and fully qualified to drive any carriage of the type in use.

2. All drivers must comply with the relevant requirements contained within the Council’s Hackney Carriage and Private Hire Driver Conditions, except where to do so would conflict with the requirements of this policy.

3. No horse may be permitted to work in inclement weather, except in the case of a short summer downpour.

4. At all times when drawing the carriage, the horse must be fit, well groomed, And properly shod.

5. Any horse shall be taken out of use immediately if any Police Officer, RSPCA Inspector or Authorised Officer of the Council have reason to suspect that it is unfit. It must remain so until it has been examined and found fit by an Equine Veterinary, the cost of such an examination being borne by the licensee. Written confirmation that it is fit to work must be supplied to the Council.

Appendix 9 – Horse Drawn Carriages Licensing and Conditions

6. Every part of a harness used while drawing a carriage shall be kept fully maintained to ensure the comfort of any horse used and shall be properly attached to the carriage.

7. Details of the hours worked by the horse and the rest periods must be recorded in a log which shall be made available on request to an authorised officer of the Council, Police Officer, Veterinary appointed by the Council or RSPCA Inspector.

8. No horse shall be permitted to draw a carriage or be harnessed to or otherwise attached to a carriage for more than six hours in total in any one day and if it has been so used, it cannot be used further on that day for any other purpose.

9. If the horse is harnessed to a carriage for a period of three consecutive hours, the proprietor or driver shall ensure that the animal is rested for a period of not less than one hour, during which time the animal must be fed and watered.

10. No horse should be used if it is in such a condition to expose any person being transported in such a carriage, or any pedestrian, on any street, or thoroughfare to risk of injury.

11. The carriage must be suitable in type, size, and design for the purposes of public hire and must be fitted with rubber-rimmed wheels.

12. The carriage must display the Council's identification plate upon the rear of the carriage; such a plate must not to be concealed from public view.

13. The proprietor or driver of the carriage shall not carry or permit to be carried in that carriage any greater number of passengers than the number of passengers which the carriage is licensed to carry.

14. The carriage shall be produced for examination and inspection by an authorised Officer of the Council, or any other agency as the Council may think fit, and the cost of such inspection shall be borne by the Licensee.

15. The Council shall be notified of any proposed alteration to any part of the carriage before such an alteration is carried out.

16. The carriage shall be fitted with a sufficient drag-chain and slipper or other sufficient brake.

17. The floor of the carriage shall be covered with mats of suitable material.

Appendix 9 – Horse Drawn Carriages Licensing and Conditions

18. The seats of the carriage shall be properly cushioned or covered; fittings and furniture shall be kept clean and adequate for the convenience of passengers.

19. Where the carriage is fitted with a roof or means of protection against the weather, this must be watertight, and there must be a means of opening and closing any windows fitted.

20. The proprietor or driver of the carriage must keep all its fittings and equipment in a clean and safe condition, well maintained and in every way fit for public service.

21. The proprietor or driver of the carriage must not at any time when the carriage is plying for hire or used to carry passengers, drive, or allow it to be driven wantonly or recklessly.

22. In addition to a fully paid-up policy of Insurance in respect of Hire and Reward, insurance relating to public liability must be in force during the period of the Licence covering the carriage when it is being used for the purposes of hire and reward in the sum of £5m. Such Insurance must be produced to a Police Officer or an Authorised Officer of the Council on request.

23. The proprietor or driver of the carriage must not, in any street within the City, feed or allow to be fed any animal whilst harnessed or otherwise attached to the carriage, except with food contained in, a proper nose bag suspended from the head of the animal, from any centre pole of the carriage, or which is in a proper container or which is being held and delivered with the hand of the person feeding the animal.

24. The proprietor or driver of the carriage must have available the means of providing adequate water and hay for any horse used to draw the carriage, and the said horse shall have access to such water / hay at regular intervals.

25. The licence holder shall be responsible, when in charge of the vehicle, for the collection and satisfactory hygienic disposal of horse excrement, as soon as is reasonably practicable, after the excrement has been deposited.

26. The proprietor or driver of a carriage must clearly display the charges for the journey and ensure that the schedule of charges is always legible.

27. The driver of the carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons carried in, entering or alighting from the carriage.

Appendix 9 – Horse Drawn Carriages Licensing and Conditions

28. The proprietor or driver of the 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 purposes.

29. The proprietor or driver, or any person travelling on or using the carriage shall not blow or play upon any horn or other musical instrument or ring any bell.

30. The Council reserves the right to suspend or revoke a Licence at any time should the proprietor or driver fail to keep within these conditions or fail to operate the carriage on a regular basis during the period of the Licence.

31. The Council shall give 21 days' notice of their intention to revoke or suspend a Licence.

32. In the event that the Licence holder wishes to appeal against the Council's intention to revoke or suspend a licence they may, within 21 days from the date of the Council's letter, appeal in writing to the Licensing Manager by writing to the licensing.team@colchester.gov.uk or to the Licensing Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG .

Appendix 10 – Stretched Limousines, Vintage/Classic Vehicles and Fire Engines Licensing and Conditions

Stretch Limousines

The conditions apply in addition to the Councils standard vehicle conditions -

1. Seating capacity must be limited to eight passengers even if the vehicle can carry more than eight passengers.

2. All Operators will be required to sign a declaration stating that the vehicle will not carry more than eight passengers and at the time of the booking, this restriction will be explained to the hirer.

3. No passengers will be carried in the front compartment.

4. Every seat must be at least 400mm in width measured along the seat base.

5. Every seat must have a suitable seat belt or restraint fitted.

6. It is the driver's responsibility to ensure that passengers use seat belts provided when the vehicle is moving.

7. Passengers must remain seated when the vehicle is moving.

8. Children under the age of 14 years must not be carried in a stretched limousine unless accompanied by a responsible adult, excluding the driver.

9. No alcohol must be provided in the vehicle unless there is an appropriate licence permitting the sale or supply of the same.

10. A valid individual vehicle approval certificate must be provided for the vehicle.

11. A plate affixed to the door pillar must confirm the weight of the vehicle.

12. The vehicle must be equipped with a full-sized spare wheel.

13. The vehicle will be equipped with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed.

14. Seat belts must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.

Appendix 10 – Stretched Limousines, Vintage/Classic Vehicles and Fire Engines Licensing and Conditions

15. Tinted glass must conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.

16. A stretch limousine will be subject to a twice-yearly vehicle inspection, at intervals to be specified by the Council, at an authorised testing station. A third test may be required, if deemed appropriate.

Vintage/Classic Cars

These conditions apply in addition to the Council's standard vehicle conditions –

1. A Single Vehicle Approval (SVA) certificate or equivalent for the vehicle is to be submitted.

2. Seat belts complying with current legislation must be fitted in respect of each passenger seat.

3. The vehicle will be equipped with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed. The full-size spare wheel that is required must also be fitted with the same class of tyre.

4. Vehicles licensed under these conditions will be subject to a twice-yearly vehicle inspection, at intervals specified by the Council, at its authorised testing station. A third test may be required if deemed appropriate.

Fire Engines/Novelty Engines

1. These conditions apply in addition to the Council's standard vehicle conditions –

2. The vehicle will be examined and issued with a certificate of fitness (in the form of an MOT or an HGV equivalent) prior to licensing. A further test, at the discretion of the Council, will then be required during the twelve-month validity of the certificate.

3. Seating capacity must be limited to eight passengers even if the vehicle can carry more than eight passengers.

Appendix 10 – Stretched Limousines, Vintage/Classic Vehicles and Fire Engines Licensing and Conditions

4. All Operators will be required to sign a declaration stating that the vehicle will not carry more than eight passengers and at the time of the booking, this restriction will be explained to the hirer.

5. Children under the age of 14 years must not be carried in the vehicle unless accompanied by a responsible adult, excluding the driver.

6. Suitable steps will be carried on the vehicle to assist with access and egress from the passenger compartment.

7. All passengers must enter or leave the vehicle by the passenger doorway adjacent to the pavement.

8. Seating is to be securely anchored to the floor, and seatbelts complying with current legislation must be fitted in respect of each passenger seat.

9. Suitable signage must be displayed in the passenger compartment advising passengers to wear seat belts.

10. An audible alarm system must be fitted to the passenger compartment doors, to alert the driver should the door be opened, and must be in a tested working condition whenever the vehicle is carrying passengers.

11. The floor area of the vehicle must be kept unobstructed at all times.

12. All external lockers on utility vehicles must be kept locked at all times.

13. In the case of the use of a fire engine, all reflective tape and lettering is to be removed. Blue lights and the siren are to be disabled. No person involved in the operation of the vehicle is to wear a uniform or hat which may give the public the impression that the individual is a member of the fire service.

14. No alcohol must be provided in the vehicle unless there is an appropriate licence permitting the sale or supply of the same.

Appendix 11 – Hackney Carriage Plate Allocation Policy and Process

Introduction

1. This policy sets out the Council's proposed approach to the allocation and reallocation of Hackney Carriage Plates.

2. The current limit, set by an unmet demand survey carried out every 5 years, is 131 plates.

3. The overall objective of the policy is to enable the Council to allocate or reallocate a hackney carriage plate in a fair and open manner, should a plate become available.

Eligibility

4. To qualify for the allocation process the following eligibility criteria must be met:

    - The applicant must not already hold a hackney carriage plate.
    - The applicant must not have had a licence suspended or revoked during a five-year period immediately prior to the start of the process.
    - The applicant must be compliant with all conditions within the Council's current policy and have not received penalty points within one year prior to the start of the process.

Vehicle Specification

5. The vehicle must be compliant with the Council's vehicle conditions for a hackney carriage licence.

6. The vehicle must be a fully wheelchair accessible.

Process

7. All persons who have indicated an interest will be notified of a plate becoming available and the relevant process. A notice will be placed on the Colchester Borough Council website. This will detail the process and indicate a closing date for registration to apply and be entered in a randomly generated draw.

8. Those who apply and meet the relevant criteria detailed above will be entered into a draw that will consist of an excel based programme to randomly pick an applicant.

Appendix 11 – Hackney Carriage Plate Allocation Policy and Process

9. To avoid any ambiguity the draw will be carried out at a meeting of the Licensing Sub-Committee at a specified date and time.

10. The number of draws will depend on the number of plates available.

11. The outcome of the draw is final.

Timescales

12. The Licensing Team will notify the successful applicant within one week of the draw.

13. The successful applicant will need to carry out the full application process within 28 days of the notification. Failure to do so will result in another draw being held at the next Licensing Sub-Committee meeting.

Conditions

14. The business that is attached to the plate cannot be sold or transferred for a period of five years from issue.

15. If the business ceases to exist in the five-year period, the plate must be returned to the Council.

16. The vehicle licence granted remains a wheelchair accessible licence in perpetuity.

Declaration

17. Any individual wishing to register an interest in the allocation process will be required to complete a statutory declaration confirming that they meet the requirements of this policy.

Appendix 12 - CCTV Guidelines

Introduction

1. The purpose of these Guidelines is to ensure that CCTV systems installed in hackney carriage and private hire vehicles licensed by the Council are properly managed whilst being used to prevent and deter crime, reduce the fear of crime, enhance the health, safety and security of both drivers and passengers, and assist both the Police, Insurance Companies and the Licensing Authority in the investigation of complaints and crime.

General principles

2. In these Guidelines, CCTV will include any electronic recording device attached to the inside of a vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or externally to the vehicle. This may include devices such as events/incident/accident data recording devices (dashcams).

3. Proprietors of hackney carriages and private hire vehicles are encouraged to voluntarily install CCTV, subject to adherence at all times with the appropriate legislation and with this Guidance.

4. The installation and operation of CCTV must comply with the requirements of the Information Commissioner's CCTV Code of Practice and the Surveillance Camera Code of Practice

5. Data recorded by any CCTV system must be handled in accordance with the Data Protection Act and UK GDPR. The Information Commissioner's Office (ICO) is the UK regulator for all matters relating to the use of personal data.

6. All equipment must comply with the Motor Vehicle Construction and Use Regulations and the Automotive Electromagnetic Compatibility Requirements. Any CCTV equipment installed must not obscure the driver's view of the road through the windscreen.

7. All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to the passengers, driver, or other road users, 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. The CCTV equipment installed must not interfere with any other safety, control, electrical, computer, navigation, satellite, card payment device, or radio system in the vehicle.

8. A vehicle licence may be refused, suspended, or revoked if the CCTV system installed does not comply with this policy, or on any other reasonable grounds.

9. School transport contracts may preclude the installation of CCTV in the vehicle, and licence holders should engage with their contract manager / awarding contract body prior to purchasing or installing a CCTV system.

Appendix 12 - CCTV Guidelines

Data Controller and Data Processor

10. Data Controller is the individual or organisation who determines how personal data is collected and processed.

11. Personal Data is any information that relates to an identified or identifiable living individual.

12. In the case of CCTV in licensed vehicles, the data controller is the vehicle licence holder. They must be registered with the Information Commissioners Office and must remain registered for the duration of the licence. Registration is subject to annual renewal and payment of the appropriate fee.

13. The Data Processor 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. For example, a company storing and managing data on behalf of the Data Controller would be a Data Processor.

14. There must be a formal written contract between the Data Controller and the Data Processor covering security matters, the retention of data, and access requests.

15. Colchester City Council is not a Data Controller for the implementation and maintenance of CCTV or Dashcam systems in hackney carriages and private hire vehicles.

Data Protection Impact Assessments

16. Before installing a CCTV system in a Hackney Carriage or Private Hire Vehicle the licence holder should, as the data controller, complete a Data Protection Impact Assessment (DPIA) to identify all the relevant privacy issues and the steps to resolve or mitigate them where necessary. The ICO has published guidance on Data Protection Impact Assessments.

    Data protection impact assessments | ICO

17. The Data Controller will need to regularly review (i.e., annually) whether the processing of personal data through a surveillance system in the vehicle remains useful and fit for purpose. Colchester City Council is not a Data Controller for the implementation and maintenance of CCTV or Dashcam systems in hackney carriage and private hire vehicles.

Audio recording

18. There are very few circumstances in which audio recording may be justified within licensed vehicles as a proportionate solution to prevent and record crime. It is the responsibility of the Data Controller to enforce that CCTV and Dashcam systems do not record conversations; this is highly intrusive to people's privacy.

Appendix 12 - CCTV Guidelines

19. If a system is installed that includes a panic button, this can be utilised only in response to the threat of physical violence or where there is a genuine belief that a crime is being committed. Signs must make it clear that audio recording may be carried out.

20. Activation of audio recording must be triggered by the driver pressing a panic button. At the end of the journey when the passenger leaves the vehicle, audio must be deactivated before another passenger enters the vehicle.

Data Storage and Security

21. Digital screens within the vehicle for the purpose of viewing footage are not permitted.

22. Data must be handled in such a way that it ensures protection against unauthorised or unlawful processing, accidental loss, destruction, or damage. CCTV footage must be encrypted to prevent unauthorised access, with appropriate controls such as passwords in place to limit access. Guidance is available on the ICO website.

23. The CCTV equipment selected for installation must have the capability of retaining images either:
    - within its own secure, encrypted hard drive.
    - using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card. All SD cards must be secure within the camera device, formatted to the camera device, and encrypted.

24. All images may only be reviewed via a secure network. Images must not be downloaded onto any kind of portable media device (e.g., CDs or memory sticks) for the purpose of general storage outside the vehicle.

25. 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 and a minimum of 28 days from the date of capture.

26. Data may be retained for longer periods in exceptional circumstances, i.e., insurance claims, criminal investigations etc. However, once a relevant case is concluded all data must be deleted.

Data Sharing

27. The licence holder must comply with valid requests for the supply of information in line with the Data Protection Act (2018) and the UK General Data Protection Regulations (UK GDPR).

28. The data must be shared securely and provided without charge.

29. Data must only be shared where there is a lawful reason to do so. This includes

but is not limited to –

- Where a crime report has been made involving the specific vehicle and the Police have formally requested the data.
- Where a complaint has been made to the licensing authority regarding a specific vehicle and that complaint is evidenced in writing, and the supply of data is required for the resolution of the complaint.
- Where a data request is made by an applicant, e.g., Police who has a legal basis to have access to the data requested to assist with an investigation that involved a licensed vehicle or driver.
- A subject access request compliant with UK GDPR is made.

30. The uploading of footage to social media does not have a lawful purpose and is expressly prohibited.

Signage

31. All licensed vehicles fitted with a CCTV system must display clear signage informing passengers that CCTV is fitted in the vehicle.

32. The signage must be displayed in such a way as to minimise obstruction of vision and make it visible to passengers both before and after entering the vehicle and must be displayed on both sides of the vehicle.

33. The signage must contain -

    - The purpose of using the surveillance system “in the interests of public safety, crime detection and crime prevention.”
    - The name and contact number of the vehicle licence holder as the Data Controller.
    - The Data Controller’s ICO Registration number.

34. Where a dashcam or similar is installed to capture incidents outside of the vehicle, a warning sign should be displayed. If CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded as soon as practicable after the incident that their personal data was captured. They should also be informed of the purpose for which the device has been installed, for example, to facilitate their insurance company’s investigation of insurance claims.

Complaints

35. The Surveillance Camera Commissions (SCC) works to encourage compliance with the Surveillance Camera Code of Practice . Licence holders with CCTV fitted in their vehicle must comply with the requirements of the SCC.

36. The Information Commissions office is the regulatory body responsible for enforcing compliance with privacy and data protection regulation

Appendix 12 - CCTV Guidelines

37. Passengers or other individuals wishing to obtain CCTV footage from the vehicle must make a Subject Access request to the data controller. Their contact details will be available on the signage in the vehicle.

38. If a passenger has a concern relating to the use of CCTV during their journey, they should first complain to the Data Controller. If the matter cannot be resolved, a complaint may be made to the ICO

Summary of CCTV Requirements

1. Licence holders must comply with any relevant guidance issued by the Surveillance Camera Commissioner and Information Commissioner's Office.

2. The vehicle proprietor must be registered with the Information Commissioner's Office and be able to evidence continuous registration throughout the lifetime of the licence.

3. Clearly visible and readable signage advising of the system and the Data Controller's contact details, including ICO registration number, must be displayed in the vehicle.

4. The system must not obscure the driver's view of the road through the windscreen.

5. The system must not record audio at any time.

6. Data must be stored securely, with access controls to prevent unauthorised access and only shared when lawful. A vehicle licence may be refused, suspended, or revoked where the CCTV system does not comply with this policy, or on any other reasonable grounds.

7. Data breaches must be handled in accordance with the Data Protection Act and in line with regulations. Further guidance on Data Breaches can be found here: UK GDPR data breach reporting (DPA 2018) | ICO