October 2025

Hackney Carriage and Private Hire Policy and Guidance

The Policy and Guidance will be regularly updated and available on our website: www.wealden.gov.uk

You should check it every 3 months to keep yourself updated on changes

Amendments following approval by Full Council 26th June 2025

Wealden
District Council

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Policy and Guidance document approved by Full Council on 15/05/2024.

Part A
Quick reference checklist:

Driver licence:

	Dual (Hackney Carriage & Private Hire)	
	First Application	**Renewal**
Minimum age	No	No
Full drivers licence	Yes	Yes
Minimum period held DVLA licence	36 months (or advanced driver assessment IoAM)	N/A
Licence fee payable	✓	✓
Group 2 Medical	✓	✓
Disclosure & Barring Service check	✓	✓
DVLA driving licence check	✓	✓
Practical driving assessment test	✓	N/A
Knowledge & Literacy test	✓	N/A
Safeguarding, Disability Awareness and Customer Care training courses	✓	✓ (if not completed in last 3 years)
Immigration Act 2016 checks – proof of right to work	✓	✓
Spoken English assessment	✓	N/A
HMRC Tax Check	N/A	✓
Passport	✓	✓
Proof of current address (utility bill)	✓	✓
National insurance number	✓	✓
Provide passport photo	✓	✓
Licence period	One or three years	One or three years
Licence only permits you to drive vehicles licensed by Wealden DC		

First application for a vehicle licence:

	Hackney Carriage	**Private Hire**
Vehicle licence fee payable	✓	✓
Vehicle Compliance Test	✓	✓
	(dated no more than 4 weeks prior to the application & a subsequent VCT 6 months after issue if the vehicle is over 10 years of age)	
Inspection by licensing officer	✓	✓
Insurance	✓	✓
Certificate of ownership (v5)	✓	✓
Licence plate	✓	✓
Door signs	✓	✓
Roof sign	Yes	No
Taximeter (calibrated)	✓ (certificate)	Optional
Licence Period	One Year	One Year

Renewal of a vehicle licence:

	Hackney Carriage	Private Hire
Vehicle licence fee payable	✓	✓
Vehicle Compliance Test	✓	✓
	(dated no more than 4 weeks prior to the application & a subsequent VCT 6 months after issue if the vehicle is over 10 years of age)	
Inspection by licensing officer	Not normally	
Insurance	✓	✓
Certificate of ownership (v5)	✓	✓
Licence plate	✓	✓
Door signs	✓	✓
Roof sign	✓	No
Taximeter (calibrated)	✓ (certificate)	Optional
Licence Period	One Year	One Year

Introduction

1. This policy and guidance document provides an overview of hackney carriage and private hire licensing. It is not intended to be an exhaustive or definitive statement of the law and all drivers, operators and proprietors should familiarise themselves with the provisions of the relevant Acts, local byelaws and licence conditions.

2. The policy and guidance document must be read in-conjunction with all the Wealden taxi licensing webpages: www.wealden.gov.uk/licences-and-registers/licensing/taxi-and-private-hire-licensing/

3. This policy and guidance document will be regularly updated and available on our website. After you are licensed you should read it every 3 months in order to ensure you are up to date.

How to contact the licensing team

4. You must make an appointment to see a licensing officer, there is no reception service.

Phone: 01424 787550 Email: licensing@rother.gov.uk

Post: Taxi Licensing Team,
Rother and Wealden Shared Environmental Health Service,
Rother District Council,
Town Hall,
Bexhill on Sea,
East Sussex
TN39 3JX

5. If you are posting important documents make sure you take a copy for your records in case these are lost in the post.

Types of licence

6. The type of licence required will depend upon the work undertaken:

- Hackney Carriages - Driver's* + Vehicle licence required
- Private Hire Vehicles - Operator + Driver's* + Vehicle licence required

* Wealden District Council issues **DUAL** Hackney Carriage & Private Hire driver licences.

Private Hire licensing – the Operator, the Driver and the Vehicle must all hold licences issued by Wealden. For example, if you are a Wealden licensed dual driver and wish to drive a private hire vehicle; the vehicle must be licensed with Wealden and you can only work for a Wealden licensed Operator.

Licence Fees

7. The licence fees are reviewed every year. The total fee income received by the Council will cover its costs over a three-year period.

Fees and charges are available to view on our web site:
www.wealden.gov.uk/licences-and-registers/licensing/taxi-and-private-hire-licensing/taxi-licensing-fees/

PAYMENT Options: We no longer accept Postal Order payments, cash or cheques. We accept payments online using credit or debit cards.

Licence Duration

Vehicle	One year
Driver	New driver (one or three years) Renewal (one or three years)
Private Hire Operator	Three or five years

Public sector equality duty

8. The Council must, in the exercise of its licensing functions, have due regard to the need to: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and/or sexual orientation.

Part B
Wealden Driver Licences
Hackney Carriage and Private Hire Driver licences

You must inform us about a number of important issues during any application process and during the licence period.

9. A list of issues that you must notify us about during the period of a licence, this must be **in writing or email** and you should ask for acknowledgement to prove you complied with the notification requirement:

- Loss of driver badge – **Immediately**
- Loss of vehicle plate, internal badge, side door badges - **Immediately**
- Accident or damage to licensed vehicle (regardless of whether it was working at the time) - **Within 72 hours**
- Change of medical circumstances - **As soon as possible or within 7 days**
- Change of address - **Within 7 days**
- If you have been arrested or charged for an offence by the Police or any other enforcement agency - **Within 7 days**.
- You must also notify us again to confirm whether or not you were subsequently convicted - **Within 7 days**
- If you have been cautioned by the Police or any other enforcement agency -.

Within 7 days

- Arrest, caution, convictions in your capacity as a Ltd Company / Partnership / Director / Company Secretary etc. - **Within 7 days**
- All motoring convictions including a fixed penalty notice - **Within 7 days**
- You must request permission before you install internal facing CCTV in a licensed vehicle - **Before installation**
- You are concerned that a passenger is at risk of sexual exploitation, trafficking etc. - **Immediately**

Immigration Act 2016

10. With effect from the 1st December 2016 the provisions in the 2016 Act mandate all licensing authorities not to issue licences to illegal migrants and to discharge this duty through immigration checks. (Further information on the type of checks www.gov.uk/government/collections/employers-illegal-working-penalties).

11. This means that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence. Where a person's immigration permission to be in the UK (known as their 'leave') is time-limited to less than the statutory length for a driver or operator licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK. In the event that the Home Office cuts short or ends a person's permission to be in the UK (referred to as curtailment or revocation), any licence that person holds will automatically lapse.

12. The provisions also add immigration offences and penalties to the list of grounds on which taxi and private hire driver and operator licences may be suspended or revoked by licensing authorities.

13. In circumstances where the driver or operator licence expires, is revoked or suspended on immigration grounds, it must be returned to the issuing licence authority. Failure to return the licence will be a criminal offence, punishable on conviction in a Magistrates' Court by a fine.

14. Licensing authorities are under a duty not to issue licences to people who are disqualified by their immigration status from holding them. In determining whether someone is disqualified, licensing authorities are under a statutory duty to have regard to Home Office "*Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector*".

15. The requirement to check the immigration status of licence applicants does not amend or replace the existing 'fit and proper' test that licensing authorities must perform; this includes the obtaining the Certificate of Good Conduct for applicants who have resided abroad for a period of time.

Legislation

16. Legislation relating to Hackney Carriage licensing is primarily covered by the Town Police Clauses Act, 1847, as amended by Town Police Clauses Act 1889 and Part II of the Local Government (Miscellaneous Provisions) Act, 1976.

17. Legislation relating to Private Hire Licensing is covered within Part II of the Local Government (Miscellaneous Provisions) Act 1976.

18. Wealden District Council has made Hackney Carriage Byelaws (1988) for Hackney Carriages (see appendix A).

19. Licences are issued subject to the requirements of the byelaws, the statutory provisions, and the conditions (see appendix B) attached to a licence

'**Fit and Proper' person test**

20. Passengers should be at the centre of a licensing authority's taxi licensing policies and processes. As the Casey Review (Rotherham) noted 'the safety of the public should be the uppermost concern of any licensing and enforcement regime: when determining policy, setting standards and deciding how they will be enforced.' There is no area where this is more important than in the application of the 'fit and proper person' test and its modern interpretation 'safe and suitable'.

21. Local Government (Miscellaneous Provisions) Act 1976 requires the Council to be satisfied that each applicant for a driver licence is a fit and proper person to hold such a licence prior to its grant.

22. There is no judicially approved test of fitness and propriety; it is therefore a matter for each Council to decide each application on its merits and after completion of a number of checks. In his publication 'Taxis - Licensing Law and Practice', James Button, an acknowledged authority, suggests the following test could be applied:

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

    'If the answer to the question is an unqualified 'yes' then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a driver's licence.'

Drivers Licence Requirements

23. Every driver of a Hackney Carriage licensed by the Council to ply for hire in the Wealden District must hold a current Hackney Carriage (or dual driver) driver's licence issued by the Council. It is an offence to ply for hire unless both the driver and the vehicle are licensed to do so in the area in which they operate.

24. Every driver of a Private Hire vehicle licensed by the Council must hold a current Private Hire (or dual driver) driver's licence issued by the Council. It is an offence to operate the vehicle unless the operator, driver and vehicle are all licensed to do so by Wealden District Council.

25. A licence holder must ensure that he/she is fully aware of their duties and responsibilities related to the legislation, licence conditions (see appendix B) and the provisions in this policy and guidance document.

Eligibility

26. The requirements for Hackney Carriage and Private Hire driver's licences are the same (the Council issues dual driver licences):

    - Have the right to live and work in the UK (Immigration Act 2016)
    - Provide an enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list
    - Hold and have held for at least 36 months a full driver's (or if not, has completed an advanced driving assessment (IoAM))
    - Evidence that he/she is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive
    - Agree to the Council checking their Driver & Vehicle Licensing Agency (DVLA) driving licence history
    - Provide a medical report of their current medical fitness to DVLA Group 2 standard
    - Be a fit and proper person

- Meet requirements of the Council's Convictions Policy
- Have passed the Councils specified practical driver test assessment
- Have passed the Wealden knowledge test
- Have sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for
- Have adequate literacy and numeracy skills to provide the service that they wish to be licensed for
- Have completed mandatory training in Safeguarding & Child Sexual Exploitation, Disability Awareness and Customer Care

Driver & Vehicle Licensing Agency (DVLA) driving licence

27. Your current driving licence must be presented for inspection on first application, on every renewal application thereafter and when requested to do so by a licensing officer. New applicants must have held a DVLA licence for a minimum of 36 months (or completed an advanced assessment).

28. All Hackney Carriage and Private Hire drivers must, within seven days, disclose to the Council in writing details of any motoring conviction imposed on them. Details will include the date of the offence and/or date of conviction, the nature of the charge/conviction and the full penalty/sentence passed. This includes fixed penalty notices and points.

29. Should an offence or conviction occur, and it is subsequently not reported to the Council, Section 61LGMPA 1976 will apply and the licence may be suspended or revoked, or penalty points issued.

30. Your driving licence must always show your current address. Failure to notify the DVLA of changes of name and address is a specific offence.

31. The Council may use a third-party provider to access your DVLA driving licence history. The Council may also use your personal data (driving licence number, National Insurance number and the postcode on your driving licence) to gain via a mandate your DVLA driving licence status via Gov.uk online portal (https://www.gov.uk/view-driving-licence).

32. Should the new applicant/existing HC/PHV licensed driver be convicted of an endorsable motoring offences where the current DVLA points exceed 6 points on his/her DVLA driving licence, he/she shall be required to appear before the Licensing Sub Committee, in the case of a new application to show good reason why the Council should grant, or in the case of an existing driver, show good reason why the Council should not suspend or revoke his/her licence. This also applies to drivers disqualified for exceeding 12 DVLA penalty points in a three-year period.

Medical fitness

33. You are responsible for paying all costs associated with medical examination(s), reports and other tests/assessments e.g. exercise test.

34. First and renewal applications for a licence must be accompanied by a medical report provided by the applicant's own registered family medical practitioner (or doctor who has access to the applicant's medical records) on the form supplied by the Council which meets the DVLA's group two standards. If for any reason it is necessary for the medical to be carried out by a different doctor, then the doctor carrying out the medical must certify that they have had access to the full medical record of the applicant.

35. The Council has adopted the provisions of DVLA "Medical Standards of Fitness to Drive" as it applies to Group 2 licences: www.gov.uk/government/collections/assessing-fitness-to-drive-guide-for- medical-professionals

36. The Council provides the standard medical report form, this must be given to your doctor, download the form from: www.wealden.gov.uk/licences-and-registers/licensing/taxi-and-private-hire-licensing/dual-driver-licences/apply-for-a-dual-driver-licence/

37. Following the driver's 65th birthday a medical certificate will be required annually.

38. If a driver has submitted a satisfactory medical in the six months preceding an application threshold date, then the requirement to submit a further medical will be waived until the date of the next required medical examination date, provided that this does not conflict with any medical condition attached to the licence.

39. If at any time a driver fails to meet the current Medical Standards, then the licence may be suspended or revoked.

40. In any case of doubt regarding medical fitness, clarification may be sought from the Council's medical advisor.

Illness/ Injury/ Change in medical circumstances

41. If a driver suffers any injury or illness or change in medical circumstances which may affect his/her fitness to drive in any way, they must notify the Council, in writing as soon as possible or at the latest within seven days. Non-compliance with this requirement will result in a sanction.

Criminal Convictions' Policy

42. The purpose of the Council's Criminal Convictions' Policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a licence.

43. The Policy can be downloaded: http://www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Criminal_Convictions_Policy.aspx

44. The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure that:

- A person is a fit and proper person
- The person does not pose a threat to the public
- The public are safeguarded from dishonest persons
- The safeguarding of children, young persons and vulnerable persons

45. Before incurring any driver licence application (including renewals) costs, drivers must read the conviction policy and check whether any convictions (including spent convictions) will bar them from holding a licence.

Consideration of an enhanced disclosed criminal history

46. An enhanced Disclosure and Barring Service (DBS) check is required before a driver licence is issued or renewed. You are responsible for any charge incurred in using this service. Subject to the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 (as amended) the Council considers spent convictions.

47. DBS checks will be carried out every 6 months for all new and renewal dual driver licences.

48. It is a mandatory condition for a dual driver's licence to sign up to the Disclosure and Barring Service (DBS) update service (annual fee payable). Drivers must be able to provide evidence of continuous registration and nomination throughout the duration of their licence. https://www.gov.uk/dbs- update-service

49. Failure to apply for a disclosure or failure to provide a disclosure certificate will be regarded as a refusal to submit the required documentation and the application will not be considered.

50. The original Enhanced Disclosure certificate must be provided to the Licensing Officer. All information is treated in confidence and will only be retained or taken into account in relation to the application and held for no longer than is necessary. Licensed drivers using the update service must keep a copy of their original DBS certificate.

51. The disclosure of a criminal record or other information will not necessarily debar you from gaining a licence. Any offences disclosed will be dealt with in accordance with the Criminal Convictions' Policy. The application may be referred to the Licensing Sub Committee for determination.

52. If a new applicant has spent six continuous months or more overseas, the Licensing Authority will expect to see evidence of a criminal record check from the country/countries covering the period before a licence application can be made. This period will be for ten years. This is because we are considering some offences that are not spent for ten years.

53. The Local Authority will refer individuals to DBS if it is considered that a driver or operator presents a risk to a child or vulnerable adult.

Notification of any charges/convictions/cautions

54. The driver shall within seven days disclose to the Council in writing details of any arrest / charges / convictions / cautions of any kind imposed on them during the period of the licence. Details will include the date of the offence and/or date of conviction/caution, the nature of the charge/conviction/caution and the full penalty/sentence passed. This includes fixed penalty notices and points.

Motoring Offences

55. Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street etc. will not under normal circumstances prevent a person from proceeding with an application.

56. Serious Traffic Offences (including the use of mobile phones). The Council's Convictions' Policy does reference some motoring convictions. The Policy can be downloaded:
www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Criminal_Convictions_Policy.aspx

57. Some motoring convictions will debar a new applicant from being considered for a grant of a licence e.g.an application for a licence will not normally be considered if an applicant has more than one conviction for an offence of driving whilst using a mobile phone.

58. Some motoring convictions may result in existing licensed drivers being required to appear before the Licensing Sub Committee, to show good reason why the Council should not suspend or revoke his/her licence.

DVLA driving licence penalty points

59. Should the new applicant/existing licensed driver be convicted of an endorsable motoring offences where the current DVLA points exceed 6 points on his/her DVLA driving licence, he/she shall be required to appear before the Licensing Sub Committee, in the case of a new application to show good reason why the Council should grant, or in the case of an existing driver, show good reason why the Council should not suspend or revoke his/her licence. This also applies to drivers disqualified for exceeding 12 DVLA penalty points in a three-year period.

60. If the Council refuse to grant or suspend/revoke his/her Wealden licence - no further application will be considered until a period of three years free from conviction has elapsed (or as per the Council's Convictions Policy).

61. The driver shall within seven days disclose to the Council in writing details of any charges/convictions/cautions of any kind imposed on them during the period of the licence. Details will include the date of the offence and/or date of conviction/caution, the nature of the charge/conviction/caution and the full penalty/sentence passed. This includes fixed penalty notices and points.

Practical driver test assessment

62. All new applicants for both Hackney Carriage and Private Hire driver's licences must complete and pass the Private Hire/Hackney Carriage Practical Driving Test assessment specified by the Council. (This will be based on the test previously carried out by the Driver & Vehicle Standards Agency). The assessment is subject to an additional fee.

63. This assessment is more demanding than the standard learner driver test and it contains elements that relate specifically to driving a Private Hire/Hackney Carriage vehicle.

64. All licensed drivers who have been subject to allegations of poor driving standards may be required to retake and pass the test. This could be linked to the suspension of a driver licence.

Knowledge & Literacy test

65. All new applicants for a drivers licence must complete and pass the Council's local knowledge test before being considered for the grant of a licence. Please refer to the web site for further information: www.wealden.gov.uk/taxi

66. After 4 failures an applicant will have to wait 6 months before taking another test (this also means that your DBS and medical will be out of date).

67. Licensed drivers who fail to renew their licence in the required time will be treated as a new applicant and will be required to complete and pass the Council's local knowledge test before being considered for the grant of a licence.

68. The knowledge test is subject to an additional fee.

Spoken English assessment

69. New applicants must have sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for**.**

70. A new applicant will be required to take and pass the Council's specified spoken English language assessment before being considered for grant of a licence (the assessment is subject to an additional fee).

Issuing licence and wearing badges etc.

71. Licences are issued subject to Conditions and Byelaws (as amended). It is the licence holder's responsibility to hand a copy of their licence to whomever they will be working for. If Private Hire, to the Private Hire operator and if Hackney Carriage, the proprietor of the vehicle.

72. Drivers are required to have on display and be worn on their person the photo badge issued by the Council at all times whilst they are working, in a position where it is clearly visible.

73. The badge remains the property of the Council and on ceasing to be a Hackney Carriage, Private Hire or dual driver, the badge must be returned. Copying of the badge is not permitted.

74. Loss of the badge must be reported to the Council immediately so that a new one may be issued (a fee is payable).

Suspension, Revocation or Refusal to Grant or Renew

75. If at any time, there is any reason to doubt that a person is “fit and proper” to continue to hold a driver licence and there is a risk to public safety, that licence may be suspended or revoked immediately.

76. The Council may also suspend, revoke or refuse to grant or renew a licence on any of the following grounds:

- arrest/conviction/caution of an offence involving dishonesty, indecency or violence
- conviction/caution of an offence under, or failure to comply with, any relevant requirements of law
- any other reasonable cause

77. If there are grounds that cast doubt as to whether a driver is/ remains a fit and proper person to hold a licence, then that driver may be requested to provide an account of their actions. This will normally be by means of an interview with an appropriate Officer of the Council, and such interviews will be conducted with reference to the Police and Criminal Evidence Act Codes of Practice.

78. Under the Council's scheme of delegation, the matter will be determined either by the appropriate Delegated Officer or referred to the appropriate Committee of the Council, in the latter case the individual concerned will be given the opportunity to attend and address the Committee.

79. In determining the matter, the Delegated Officer/ Committee may, as appropriate, decide: to take no further action; to issue a warning; to administer a caution; or to suspend, revoke or refuse to renew or grant the licence. For a suspension, revocation or refusal the licence-holder will be given the opportunity to attend the appropriate Committee of the Council before any decision is taken, unless a decision has to be taken urgently because of concerns for passenger safety.

80. If the licence is suspended, revoked or refused the Council will give written notice of the grounds within 21 days. There is a right of appeal to the Magistrates Court.

How to apply for your first drivers licence

81. All the information you require is in this policy and guidance document and on our web site (including application forms and fees): www.wealden.gov.uk/taxi

82. You will need to make an appointment to meet with a Licensing Officer; you will need to bring:

- Completed application form
- Group 2 medical form completed by your own GP (download form) http://www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Dual_Driver_Application_Process.aspx)
- Licence fee www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Taxi_Licensing_Fees.aspx
- Enhanced Criminal Record Disclosure application form
- Enhanced Criminal Record Disclosure fee
- DVLA driving licence (held for minimum 36 months)
- Completed DVLA driving licence check form
- Immigration Act 2016 checks – proof of right to reside or right to work (if applicable)
- Passport (if you do not have a passport – birth certificate)
- Proof of current address (utility bill dated within 3 months)
- National Insurance number

83. After the appointment you will need to arrange to sit the following assessments:

- Knowledge & Literacy test
- Spoken English assessment (if required / appropriate)
- Private Hire/Hackney Carriage Practical Driving Test
- Safeguarding & Child Sexual Exploitation
- Disability Awareness
- Customer Care

84. Please check our latest application procedure: www.wealden.gov.uk/taxi

How to apply for a drivers licence renewal

85. Please refer to the checklist at the front of this policy and guidance document. All the information you require is in this policy and guidance document and on our web site (including application forms and fees): www.wealden.gov.uk/taxi

86. The driver is responsible for ensuring he/she commences the licence renewal process well in advance of the licence expiry date (at least 3 months). A driver should not rely on reminders sent by the council (this service may be withdrawn in the future).

87. Drivers are not entitled to work after the expiry date until they have received their new paper licence and photo badge.

88. To renew your licence you will need to provide the following:

- Completed application form
- Group 2 medical form completed by your own GP (download form) www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Dual_Driver_Application_Process.aspx
- Licence fee www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Taxi_Licensing_Fees.aspx
- Enhanced Criminal Record Disclosure application form (or update service reference plus original certificate number
- Enhanced Criminal Record Disclosure fee (if not on update service)
- DVLA driving licence
- Completed DVLA driving licence check form
- Immigration Act 2016 checks – proof of right to reside and right to work
- HMRC Tax check
- Passport (if you do not have a passport – birth certificate)
- Proof of current address (utility bill)
- National insurance number
- Proof of completion of Safeguarding & Child Sexual Exploitation, Disability Awareness and Customer Care training

89. Please check our latest application procedure: http://www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Dual_Driver_Application_Process.aspx

Part C

Essential Information for Drivers

You must inform us about a number of important issues during any application process and during the licence period.

90. A list of issues that a licensed driver must notify us about during the period of a licence, this must be **in writing or email,** and you should ask for acknowledgement to prove you complied with the notification requirement:

- Loss of driver badge - **Immediately**
- Loss of vehicle plate, internal badge, side door badges - **Immediately**
- Accident or damage to licensed vehicle (regardless of whether it was working at the time) - **Within 72 hours**
- Change of medical circumstances - **As soon as possible or within 7 days**
- Change of address - **Within 7 days**
- If you have been arrested or charged for an offence by the Police or any other enforcement agency - **Within 7 days**. You must also notify us again to confirm whether or not you were subsequently convicted - **Within 7 days**
- If you have been cautioned by the Police or any other enforcement agency - **Within 7 days**
- Arrest, caution, convictions in your capacity as a Ltd Company / Partnership / Director / Company Secretary etc. - **Within 7 days**
- All motoring convictions including a fixed penalty - **Within 7 days**
- You must request permission before you install internal facing CCTV in a licensed vehicle - **Before installation**
- You are concerned that a passenger is at risk of sexual exploitation, trafficking etc. - **Immediately**

Conduct and duties

91. A high standard of conduct and behaviour is expected from licensed drivers who should in all their dealings with the public (including other licensed drivers) and officials be prompt, polite and helpful. Instances of improper conduct and misbehaviour will be viewed most seriously; a record is maintained of complaints against individual drivers. Improper conduct and misbehaviour can result in your licence being endorsed with Wealden penalty points, suspended, revoked, or a refusal to renew.

92. Every driver must co-operate with any authorised officer of the Council or a Police Constable and in this regard, they must obey all reasonable requirements and provide all assistance and information requested of them. (Local Government (Miscellaneous Provisions) Act 1976, Section 73.

Dress code

93. Drivers should ensure that they look smart and of clean appearance at all times and must not dress in a manner which is likely to embarrass or offend passengers. Items of clothing must cover the shoulders and torso; legs should also be covered to just above the knee.

Lawful Bookings

94. Hackney Carriage

- When situated on an appointed rank in the Wealden district; or
- When proceeding at a reasonable speed to one of the appointed ranks and being hailed by a prospective hirer; or
- When pre-booked

95. Private Hire

- Only when pre-booked, such as telephone call or some direct method of communication with the licensed operator's base and entered in the operator's records before the commencement of the journey.

Illegal Plying for Hire

96. Hackney Carriage

- When a Hackney Carriage is parked other than on an appointed rank.
- When the driver either in person or through agents, calling out or otherwise inviting any person to hire such carriage.

97. Private Hire

- Inviting potential customers to hire the vehicle for an immediate booking, or
- Accepting an offer for an immediate booking from a potential customer

98. It is an offence for a private hire vehicle to tout for business. The vehicle must not look available for hire and cannot sit on ranks. After dropping a passenger at a station or the airport etc. you must leave the area immediately (unless you have a pre-booked pick up from the same area). If you are approached by a potential passenger, you can hand that person a business card and they can call your operator and book a journey with you. You should not call the operator yourself or let the passenger use your mobile phone.

Importuning / touting

99. When standing or plying for hire, the driver of a hackney carriage shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the service of any other person for the purpose.
100. The rules for drivers of private hire vehicles are simple; all bookings must be made in advance therefore there is no reason to be linked to importuning/touting.

Licensed Vehicles

101. Drivers should ensure the vehicle they are driving is licensed; displaying plates & badges and continues to meet our vehicle specifications.

102. The condition and cleanliness of the interior is very important for passengers - the test being that passengers must be able travel in the vehicle in their best clothes.

103. Before picking up a new passenger, drivers should check and remove any rubbish etc. left behind by the previous passengers.

Receipts

104. The driver must make provision to provide a proper receipt if requested.

Passenger details and inappropriate passenger communication

105. Drivers must not retain any passenger details e.g. address, email, and phone numbers for longer than is necessary.

106. Drivers must not misuse passenger contact details e.g. sending unsolicited text messages or other forms of communication.

107. Drivers should be mindful of the numerous pitfalls relating to responding to non-business contact from passengers and the possibility of true/false allegations being made against you at a later time.

108. Drivers need to take extra care when transporting children, young persons and vulnerable adults. Care must be taken not to appear to be over familiar in conversation or any other form of communication.

109. For their own protection and for safeguarding purposes, drivers must report inappropriate communication, or any behaviour causing concern from passengers to their employer or Licensing Officer as soon as possible. Issues regarding school pupils must be reported to the Head Teacher, and the County Council School Transport Officer if applicable.

Social Media

110. Drivers must not use social media to make any uninvited contact with passengers. Drivers should be mindful of the numerous pitfalls related to responding to non-business contact from passengers and the possibility of true/false allegations being made against you at a later time.

Safeguarding Children and Vulnerable Adults

111. The work carried out by Licensed Drivers places them in a unique position to help identify and prevent abuse, exploitation or neglect of children and vulnerable adults. Drivers could encounter a number of circumstances in respect of passengers or members of the public which they find concerning whilst travelling about, such as:

- A child or vulnerable adult who presents as poorly dressed / unclean or malnourished
- An adult putting a young person or into your vehicle who may be under the influence of alcohol or drugs
- A child or vulnerable adult who looks concerned or frightened in the company of adults
- A child or vulnerable adult travelling to meet someone that they do not know, perhaps who they have met online
- A child or vulnerable adult being taken to hotels and at unusual times of the day
- A child or vulnerable adult travelling alone and / or at unusual hours (during school time, early in the morning or late at night)
- A child or vulnerable adult is going to a bank to withdraw large sums of cash

If you see a child or vulnerable adult who you think is at risk or if you are worried about what you have seen or heard contact Sussex Police on 101 or if the person is in immediate danger dial 999.

You can also report a concerns East Sussex County Council Social Services though the links below:

For a concern about a child:
https://www.eastsussex.gov.uk/children-families/worried-about-a-child

For a concern about an adult: https://www.eastsussex.gov.uk/social-care/worried/report

Although safeguarding is everyone's responsibility you should not confront people or take any action that may put a child, vulnerable adult, or yourself at risk.

Touching passengers

112. Drivers should operate a no touching policy e.g. pass the seatbelt but don't put it around the passenger unless asked to do so. If a passenger requires assistance getting in and out of the vehicle, the driver can offer assistance, but he / she must be certain the passenger agrees to this. The driver should ask the passenger how they would like to be helped before touching the passenger e.g. "would you like to take my arm".

Child Sexual Exploitation

113. Licensed drivers can play a very valuable safeguarding role in child sexual exploitation simply by applying their skills of observance and awareness of the children and young people they see in their daily work. This could be their own passengers, or other young people who they see when travelling about who may be displaying any of the behaviours set out below or causing other concerns including:

- Going or being taken to unusual or known problematic locations / premises / hotspots
- Not always where they should be or in risky situations
- Being in your vehicle with someone older than themselves or with someone who tries to control what they do, who they see, how they spend their money etc.
- Being offered money, cigarettes, alcohol, drugs, somewhere to stay in exchange for sexual activity

114. If you see a child you may think is at risk or worried about what you have seen or heard you must contact Sussex Police (dial 101) - or dial 999 if there is immediate danger and state "you are concerned about possible child sexual exploitation".

Training

115. The Council has introduced compulsory training for drivers and operators about Safeguarding & Child Sexual Exploitation, Disability Awareness and Customer Care

Wheelchair accessible vehicles

116. Drivers should check disabled passenger and wheelchair are both secured before starting a journey.

117. Sections 165 and 167 of the Equality Act 2010 come into force on the 6th April 2017. This means that from April drivers of designated wheelchair accessible taxis and private hire vehicles will be required to transport wheelchair users in their wheelchair, provide passengers in wheelchairs with appropriate assistance and charge wheelchair users the same as non-wheelchair users. www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles

Assistance with luggage

118. Drivers shall, when requested, carry in the vehicle a reasonable quantity of luggage.

119. Drivers shall also offer reasonable assistance with the loading or unloading of luggage/shopping and in carrying it to or from the entrance of any building, station or other place the passenger is taken up or set down e.g. take shopping/suitcases to the front door but you are not expected to take them up four flights of stairs.

Attendance

120. The proprietor or driver of a Hackney Carriage or Private Hire vehicle who has agreed or has been hired to be in attendance at an appointed time and place, shall unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

Prolongation of journey

121. It is an offence for the driver of a vehicle, without reasonable cause, to unnecessarily prolong in distance or in time the journey for which the vehicle has been hired.

122. The driver is obliged to take the shortest route unless stipulated by the passenger.

Exceeding the permitted number of passengers

123. The driver shall not cause or suffer or permit to be conveyed in any Hackney Carriage or Private Hire vehicle a greater number of persons than the number of persons specified in the licence issued in respect of that vehicle being driven.

Additional passengers

124. Once hired the driver shall not carry any other passengers unless there is absolute agreement by the original passenger to do so.

Lost Property

125. Drivers shall search the vehicle for any property, which may have been accidentally left there by the hirer immediately after each hiring or as soon as reasonably practicable thereafter.

126. The proprietor or driver of a Hackney Carriage or Private Hire vehicle shall, if any property accidentally left in the vehicle by any person who may have been conveyed in the vehicle, be found by or handed to him, take the property as soon as possible and in any event within 48 hours, if not sooner, to a convenient police station and leave it in the custody of the officer in charge (ensure you receive a receipt for it).

Animals

127. The driver of a vehicle must not carry their own animals in a licensed vehicle whilst working.

128. Passenger's animals may be carried at the discretion of the driver and be carried in a secure manner in the rear of the vehicle so as not to distract the driver.

Assistance dogs

129. All licensed drivers have a duty to carry, free of charge, guide, hearing and other assistance dogs in their licensed vehicles. These duties have been introduced under Section 37 of the Disability Discrimination Act 1995.

130. A driver can refuse to take an assistance dog if he/she holds an Exemption Certificate which relates to a specific medical condition. The driver should politely explain the situation and show the passenger the Certificate.

Refusing a fare

131. Drivers cannot refuse a fare without reasonable excuse e.g. risk of physical violence, passengers who are abusive, racist, sexist, foul mouthed, extremely drunk, refuse to stop smoking, been sick over themselves etc.

Ensuring compliance with seatbelt law

132. You must keep up to date with the law covering seatbelt use;

- Seatbelt law overview: https://www.gov.uk/seat-belts-law/overview
- Children and seatbelts: https://www.gov.uk/child-car-seats-the-rules

CCTV

133. From **1st October 2025**, CCTV with an audio option is required in all vehicles. Installation must comply with vehicle CCTV conditions and our CCTV specification. Please refer to CCTV section in the "Vehicle" section of this policy and guidance document and licence conditions (Appendix E).

Unauthorised drivers and insurance liability

134. Drivers and proprietors are reminded of the requirements of Part VI of the Road Traffic Act 1988 in relation to the provision of third-party insurance (see section 60 of the 1847 Act and Section 48 of the 1976 Act). No person should act as a driver without the consent of the proprietor.

Wealden Penalty Point Scheme

135. The aim of a Wealden penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of driver's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions. The penalty point scheme applies to licensed drivers, operators and vehicles, not new applications

136. The primary objective of the penalty point scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public. Penalty points remain for 3 years. The period is on a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

137. Where a licensee accumulates 12 or more penalty points in any 3-year period, the matter will be referred to the Council's Licensing Sub-Committee for the Sub-Committee to decide whether the driver remains a fit and proper person. The Licensing Sub-Committee may then suspend or revoke a licence, or issue a warning to the Licensee, depending upon the circumstances.

138. For further details and a list of penalty point offences: www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Penalty_Points_Scheme.aspx

Part D

Fares and taximeters

Fares

139. You cannot charge more for collecting a disabled passenger (e.g. time to load wheelchair in boot etc.) Normal waiting time can be charged if they are late. (Disability Discrimination Act/Equality Act).

140. Private Hire vehicle drivers can charge what they feel is appropriate for the requested pre-booked journey, subject to agreement by their passenger at the time of booking.

141. Hackney carriage vehicles must be fitted with a calibrated calendar taximeter. The taximeter must be used for all journeys wholly within the Wealden area. The meter must not be started until the passenger is in the vehicle and you pull away. Dead mileage driving to and from the passenger's address cannot be charged.

142. Hackney carriage drivers are not obliged to take fares starting or finishing outside of the Wealden district. These journeys can either be charged using the meter or a pre-agreed fixed fare. The passenger should not be in any doubt about how the fare will be charged.

143. MAXIMUM fares for Hackney Carriages are set by the Council. The Council's fare card showing the rates must be prominently displayed in the vehicle.

144. Where the Hackney rate charged is less than the Council's maximum rate then an appropriate fare card for this lower rate must be prominently displayed in the vehicle in addition to the Council's fare card (both fare cards must be on display).

145. Regardless of whether the meter is set to the Council's maximum fare or your own lower fare rate - it is an offence to charge more than the fare shown on the meter.

Multiple fares

146. The Transport Act 1985 introduced a provision that allows pre-booked passengers to be carried at separate fares in licensed Private Hire cars. Private Hire operators may therefore 'marry up' two or more bookings, whilst charging each passenger a separate fare. The agreement of all the intending passengers is, however, necessary before the car may be shared. The section is obviously useful for regular clients, for example, for use by a number of commuters hiring a car to the railway station each day. This provision may also be used by Hackney Carriage proprietors where Hackney Carriages are being used for pre-booked Private Hire work.

Fare Increases

147. Hackney Carriage drivers can request a fare increase, preferably in October so the increase can take effect in April. The request should be made in writing and give justifiable reasons for an increase.

148. All Hackney Carriages will be required to have their meters updated within one week of the change if the Council's new rate is going to be charged. A new Calibration Certificate must be sent to the Council within 7 days. The certificate must be issued by an approved installer and the meters sealed.

149. Any proprietor who charges the Council's new increased rate but fails to have their meter changed in the agreed timescale by an approved installer, is liable to have their vehicle licence suspended until such time as the meter is suitably updated and calibrated.

150. The Council's updated fare card showing the rates must be prominently displayed in the vehicle. Where the Hackney rates charged are less than the Council's maximum rate then the appropriate fare card must be prominently displayed in the vehicle in addition to the Council's fare card (both fare cards must be on display).

Taximeters

151. The provision of a taximeter is mandatory for a Hackney Carriage Vehicle. The meter must be a calendar-controlled meter and calibrated in accordance with the fare tariff approved by the Council. The Calibration Certificate must be issued by an approved installer and the meter sealed. From October 2016 all meters must comply with Measuring Instruments (Taximeters) Regulations 2006.

152. MAXIMUM fares for Hackney Carriages are set by the Council. The Council would strongly encourage vehicle owners to set meters to display the Council's set maximum fare rate*. The meter must be used at all times in accordance with the Council's regulations and the hirer should not be charged any more than that shown on the meter.

    * Customers can be confused if hackney carriage vehicles operate different meter tariffs e.g. a passenger could take the same journey every day using a different hackney carriage and the meter could display something different. This can lead to passenger complaints about overcharging. If all meters were set to display the Council's maximum fare tariff this would benefit drivers and passengers. The driver is still free to spot discount at the end of the journey or calculate the fare in accordance with their own displayed tariff.

153. The Council's fare card shows the maximum fares that may be charged and must be displayed prominently within the vehicle.

154. Where the rates charged are less than the Council's maximum rate then the appropriate fare card for this lower rate must be prominently displayed in the vehicle **in addition to the Councils tariff card**.

155. Regardless of whether the meter is set to the Council's fare or your own lower rate - it is an offence to charge more than the fare shown on the meter.

156. Where Hackney rates are charged less than the Councils maximum fare rate and you wish to increase or decrease the lower rate, the taximeter must be recalibrated before you charge the new rate. A new Calibration Certificate must be sent to the Council within 7 days of the meter rate being changed The Certificate must be issued by an approved installer and the meters sealed. A new fare card for the new rate must be prominently displayed together with the Councils tariff card.

157. Taximeters are optional in private hire vehicles. If fitted, the meter must be a calendar-controlled meter and calibrated. The Calibration Certificate must be issued by an approved installer and the meter sealed.

Part E

Vehicles

158. Only the proprietor of the vehicle can licence the vehicle and this must be a named individual. Licensing officers will inspect a vehicle presented for first licensing and determine its eligibility. Vehicles may also be called in for inspection by Licensing Officers before a licence is renewed and at other times.

159. All licensed vehicles must:

- be in **'pristine'** condition (exterior & interior) and maintained in such a condition
- have the correct **insurance cover** for hackney carriage or private hire work
- comply with the Council's specification requirements
- comply with the Council's testing regime

160. A list of issues that the vehicle licence holder must notify us about during the period of a licence, this must be in writing or email, and you should ask for acknowledgement to prove you complied with the notification requirement:

- Loss of vehicle plate, internal badge, side door badges - **Immediately**
- Accident or damage to licensed vehicle (regardless of whether it was working at the time) - **Within 72 hours**
- Change of address - **Within 7 days**
- If you have been arrested or charged for an offence by the Police or any other enforcement agency - Within 7 days. You must also notify us again to confirm whether or not you were subsequently convicted - **Within 7 days**
- If you have been cautioned by the Police or any other enforcement agency - **Within 7 days**
- Arrest, caution, convictions in your capacity as a Ltd Company / Partnership / Director / Company Secretary etc. - **Within 7 days**
- You must request permission before you install internal facing CCTV in a licensed vehicle. - **Before installation**

Applying for a Vehicle Licence

161. If the vehicle meets the required specification standards, a vehicle licence application form must be completed and submitted to the Council with the appropriate fee and the following documents:

- The vehicle registration document (V5); proof of ownership
- Vehicle Compliance Test for the vehicle no older than four weeks old at the date of application
- Current insurance certificate for the vehicle
- Certificate of calibration of calendar meter for Hackney Carriages (and if fitted in Private Hire vehicles)

- Correct fee: www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Taxi_Licensing_Fees.aspx
- Basic DBS disclosure if the vehicle proprietor is not a current dual driver or operator

Licensing officers will inspect a vehicle presented for first licensing and determine its eligibility. Vehicles may also be called in for inspection by Licensing Officers before a licence is renewed and at other times.

Issuing a Vehicle Licence

162. Vehicle licences are issued subject to Conditions and Byelaws (as amended), (see appendices A and B).

163. The licence plates shall at all times remain the property of the Council and must be returned within seven days to the Council if the vehicle ceases to operate as a licensed Hackney Carriage or Private Hire vehicle.

Suspension and Revocation of Vehicle Licence

164. The Council may suspend, revoke or refuse to renew a vehicle licence if the vehicle is unfit, any offence has been committed by the operator or driver, or for any other reasonable cause.

Notice of the grounds shall be given to the proprietor within 14 days and an appeal may be made to a Magistrates Court.

Surrender of licence

165. Vehicle plates, internal badges and door signs should be surrendered to the Council accompanied by the appropriate form: download from: www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Surrendering_Your_Taxi_Licence.aspx

Disposal of the Vehicle

166. The licence plates shall at all times remain the property of the Council and must be returned within seven days to the Council if the vehicle ceases to operate as a licensed Hackney Carriage or Private Hire vehicle. See above details about surrendering a licence.

Offences and Convictions / Cautions

167. The proprietor of a licensed vehicle shall within seven days disclose to the Council in writing details of any arrest/conviction/caution imposed on him/her (or if the proprietor is a company or a partnership, on any of the directors or partners) during the period of the licence.

DBS Disclosure

168. A Basic DBS disclosure is required for all vehicle proprietors who are not current dual drivers or operators.

169. Repeat DBS checks will be undertaken annually.

170. Vehicle proprietors are advised to sign up to the DBS update service.

Vehicle Compliance Standards

171. The Council has adopted, as a minimum standard, the National Inspection Standards.
www.wealden.gov.uk/Wealden/Business_and_Regeneration/Licensing/TaxiLicensing/PHCS_Vehicle_Licences.aspx

Age limit of vehicles

172. For vehicles licensed before 1st January 2018 there is no age limit on vehicles. All vehicles must continue to meet the Vehicle Compliance Test and other vehicle specifications.

From 1 January 2018, a vehicle will only be accepted for licensing if the date of first registration is less than SEVEN years at the date the licence is issued*.

Subject to other requirements, a licensed vehicle (first licensed after 01/01/18) will continue to be re-licensed up to the following ages:

- Petrol, Diesel, Mild Hybrid & LPG vehicles: NINE years old
- Wheelchair accessible, Electric & Full Hybrid vehicles: FIFTEEN years old

The age of a vehicle for licensing purposes shall be determined by the date of first registration on the V5 document.

Exemption to the age criteria: applications may be considered to licence and re-licence a classic, novelty or vintage vehicle, for example a Rolls Royce. The expectation being that they would not work from a taxi rank or carry out routine work.

[* the vehicle must be licensed for use within one month from the date of the application]

Hackney Carriages

173. Hackney Carriage is legally defined in the Town Police Clauses Act 1847 but in general terms may be described as a vehicle which can stand or ply for hire in a street, which has been duly licensed by the Council and which displays a Hackney Carriage plate both internally and externally.

174. Hackney Carriages must be fitted with an illuminated roof sign and white licence external plate. (Refer to appendix C for further information about permitted roof signs). The roof sign must be illuminated when available for hire.

175. Once a vehicle is licensed as a Wealden Hackney Carriage vehicle, it is always a Hackney Carriage vehicle during the period of the licence. This means it can only ever be driven by a person who holds a Wealden driver's licence.

176. Hackney Carriage vehicles are to be identifiable by the coloured (white) licence rear external plate.

177. Hackney Carriages must be fitted with rear door signs.

178. The Council will not licence a vehicle as a Hackney Carriage if there is no intention to predominately work (stand or ply for hire) the vehicle as a Hackney Carriage within the Wealden district.

Limiting numbers of Hackney Carriages (Transport Act 1985)

179. The Council does not intend to restrict the number of vehicles licensed as Hackney Carriages.

Private Hire Vehicles

180. Private Hire vehicle is defined in the Local Government (Miscellaneous Provisions) Act 1976, as meaning a motor vehicle constructed or adapted to seat fewer than 9 passengers which is provided for hire with the services of a driver for the purpose of carrying passengers. This does not include a Hackney Carriage or public service vehicle.

181. Every Private Hire vehicle shall be licensed under the 1976 Act, Section 48, subject to conditions. A Private Hire vehicle may NOT ply for hire from a stand or in a street. All passenger journeys must be pre-booked in advance.

182. Once a vehicle is licensed as a Wealden private hire vehicle, it is always a private hire vehicle during the period of the licence. This means it can only ever be driven by a person who holds a Wealden driver's licence.

183. Private Hire vehicles are to be identifiable by the coloured (yellow) licence rear external plate.

184. Private Hire vehicles must be fitted with rear door signs.

185. Private Hire vehicles must not be fitted with roof signs.

186. It is an offence for a private hire vehicle to be signed/liveried in such a way that it could be mistaken for a hackney carriage and the business name must not include the words "taxi" or "cab".

Eight passenger limit

187. A hackney carriage or private hire vehicle may have no more than 8 passenger seats. Vehicles that carry more than 8 passengers are public service vehicles (PSV) and subject to separate licensing control by the Driver and Vehicle Standards Agency (DVSA). Please refer to the specific specification below for 6, 7 & 8 passenger seat vehicles.

Vehicle Specification

188. The following general specifications is set by the Council for licensed vehicles:

- the vehicle shall be in 'pristine' condition (exterior & interior) and maintained in such a condition
- the vehicle shall have at least four doors of a size to permit easy access (unless otherwise specifically approved by the Council)
- the vehicle shall be so designed to permit the specified number of passengers to be carried in comfort and safety
- the vehicle shall have a minimum rear seating width of 1300 mm (51")
- the vehicle shall be provided with adequate luggage space within a secure compartment for the number of passengers for which the vehicle is licensed (3.5 cu.ft. or 100 litres per passenger licensed)
- vehicles may be of the saloon, estate, hatchback or minibus type subject to approval by the Council
- passengers shall have direct access to a door that does not require seats to be moved or tilted to use it other than vehicles specifically built as taxis (see below for more information about 6, 7 & 8 passenger seat vehicles)
- comply with the Council's adopted standard - the National Inspection Standards: www.wealden.gov.uk/Wealden/Business_and_Regeneration/Licensing/TaxiLicensing/PHCS_Vehicle_Licences.aspx
- rear passenger windows – tinted glass may be darker than front side window glass (see below for details)

Vehicle Compliance Test

189. A VCT certificate is required annually for vehicles aged less than TEN years of age.

190. A vehicle licence will not be issued / renewed without a valid VCT certificate, which must have been issued not more than 4 weeks prior to the first licence / renewal date.

191. A second VCT certificate is required six months from the start of the licence period for all vehicles aged TEN years or more. This second VCT must be completed and lodged with the Council in the four-week period prior to that (six-month) date.

192. Failure to complete a VCT within the appropriate time scale may result in

suspension of the vehicle licence. You are also recommended for your own purposes, to have a MOT once a year, when the VCT is carried out. A list of VCT testing stations is available on our website www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_Taxi_Licensing.aspx

193. Vehicles able to carry wheelchairs are required to have carried out at the time of a VCT (MOT) test an inspection on the mountings, catches and fasteners used to secure wheelchairs. This test should be carried out by the MOT testing station each time the vehicle undergoes a VCT (MOT) test, and a certificate of safety completed. The Council will not issue a vehicle licence without this certification of safety. Additional certification is required for electric/hydraulic, ramps/lifts etc. in order to demonstrate compliance with the 6 monthly testing regime required by Health & Safety legislation.

194. Periodic testing (including additional VCTs) may also be required subsequent to licensing, in accordance with Sections 50 and 68 of the Local Government (Miscellaneous Provisions) 1976 Act, to ensure that vehicles are maintained in a fit and proper condition.

195. Failure to submit the VCT certificate and inspection form within the specified period will result in an immediate suspension of the vehicle licence and the issue of penalty points.

VCT garage list

196. Garages that wish to be included on the VCT list must be approved MOT stations with at least 12 months operational MOT trading history. New applications will not be accepted from garages outside the Wealden district area because of the extra resource implications required to administer/enforce VCT inspection standards and compliance.

Visual Inspection

197. An Officer of the Council may in certain circumstances carry out a visual inspection of the vehicle to check it is suitable and complies with all relevant regulations.

198. A check list will be used, and should the vehicle fail on any part of the visual inspection, a date will be set by which time the works will be completed and the vehicle brought to the Council Offices for re-inspection.

Exterior of the Vehicle

199. The vehicle shall be in 'pristine' condition (exterior & interior) and maintained in such a condition. All fixtures, fittings, movable objects, trim, fixings and design details on the vehicle should be in place, in good working order and safe, i.e. mirrors, doors, handles, hubcaps, tyres, etc.

200. The vehicle should be free from any corrosion or damage to the vehicle body or structure which adversely affects the appearance of the vehicle.

201. Damaged bodywork, substandard paint work or substandard body repair work will not be accepted.

202. A spare tyre (or manufacturer's approved alternative) in road worthy condition ready for use with the appropriate equipment to fit said spare tyre to be adequately and safely stored in the vehicle.

203. The rear passenger windows should be no darker than the front side windows (including glass to the third-row seating). The driver and any passengers should be clearly visible when looking into the vehicle from all windows* at all times, (*except for the glass to the luggage compartment area).

Interior of Vehicle

204. The vehicle shall be in 'pristine' condition (exterior & interior) and maintained in such a condition. The boot/luggage compartment must be empty with the exception of the equipment required to be carried by the Council.

205. The vehicle should be clean and free of dust, litter, debris, etc. and unacceptable smells.

206. All interior trim, including the headlining, shall be clean, complete, properly fitted and free from serious cuts, tears, burns or soiling and must provide adequate support.

207. The interior light should be in working order.

208. All interior fixings should be in working order, including mirrors, handles, windows.

209. There should not be any loose or incorrectly fitted parts or exposed parts inside or outside the vehicle that could cause injury.

210. No smoking signs must be displayed as required by the Health Act 2006.

Tinted Windows (includes factory fitted tinted glass)

211. The rear passenger windows (to the rear of the B-pillar) are permitted where:

- The minimum visual light transmission is 30% or above **AND**
- Internal CCTV is installed, the CCTV must comply with our specifications

212. It is a legal requirement that front side windows should allow 70% visual light transmission.

Vehicles presented for their first licence will need to comply with this public safety requirement.

We have a calibrated standard tint meter that can be used to check rear passenger windows. If you are unsure, please contact the licensing team before purchasing a

vehicle.

Please note that rear tinted windows are not part of the Vehicle Compliance Test. Some drivers have gone to the expense of the VCT test only to find that we subsequently refuse to licence the vehicle unless the glass is changed.

Windows

213. Windows should remain clear with the exception of No Smoking stickers and the Council's licence details.

Fire Extinguisher

214. All licensed vehicles are required to carry an in date suitable fire extinguisher which is in good working order, to be secured in a location easily accessible to the driver. It must be securely fixed within the vehicle and shall conform to the current British Standard.

First Aid Kit

215. All vehicles are required to carry a suitable first aid kit, contained in a suitable container and as a minimum shall comprise one each of the following items:

- Sterile wound dressing Small, Medium & Large sizes
- Eye pad and bandage
- Box of assorted plasters
- Triangular bandages
- Small scissors

216. You should only administer first aid if you have been trained to do so.

Licence Plates

217. Every vehicle shall display a licence plate, supplied by the Council, externally on the rear of the vehicle. The licence plate issued by the Council should be securely fixed to the outside rear of the vehicle so that it is clearly visible. The licence plate will remain the property of the Council and must be returned to the Council within seven days upon a change of vehicle or upon the suspension, revocation or expiry of a vehicle licence and shall be readily removable by an authorised officer or a police constable. Failure to return the Council's plate is an offence. Licence plates are not transferable between vehicles and should not without the express written permission of the Council be copied.

218. Vehicles must also display an internal plate, supplied by the Council, on the inside of the vehicle windscreen, easily seen and outside sweep of wipers. This plate will remain the property of the Council and must be returned to the Council within seven days upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.

Side door signs

219. Licensed vehicles will be required to display Council approved door signs on the upper panel of both rear passenger doors.

Exemption not to display an external plate & door signs (Private Hire vehicles)

220. Owners may apply for an exemption certificate for a vehicle so it does not have to display an external plate or side door signs in certain circumstances:

- Where the client has specifically requested a vehicle that is not displaying a rear badge and door signs, **and**
- The journey is a corporate booking to transport employees and clients on business **and / or**
- Where the client specifically requests a vehicle of a prestige specification at the time of booking.

221. The internal badge provided by the Council shall be displayed in the windscreen. The external plate and door signs shall be carried inside the vehicle and the exemption certificate shall be carried inside the vehicle at all times.

222. If you also choose to undertake work which does not entitle you to exemption (e.g. circuit work, train station & supermarket pick ups, school runs etc.), the plate and door signs must be re-attached for these journeys. The vehicle must then comply with tinted window requirements during this work.

223. An exemption application must be accompanied by indisputable proof from a number of sources that exempt work is being undertaken e.g. contract papers with blue chip company, references from executive clients. Up to date evidence and proof must be produced upon renewal. A decision whether to grant an exemption certificate will be made based upon the evidence provided and the type of vehicle to be used.

224. If an Officer refuses to grant an exemption certificate the matter may be referred to the Taxi Licensing Sub Committee for determination.

225. Misuse of the exemption certificate or failure to display plates/door signs when required will result in enforcement action and the removal of the exemption.

6, 7, 8 passenger seat vehicles (with third row seating)

226. There are three categories of vehicle with third row seating; if you are in any doubt about our licensing requirements, please speak to a licensing officer before purchasing a vehicle.

<u>Multipurpose vehicles / people carriers / 4x4.</u>
e.g. Scenic, Zafira, Picasso, Touran, C Max, Tourneo Connect, Caddy Maxi Life, Sharan, Galaxy, Q7, XC90
The third-row seating in this type of vehicle will not be licensed due to the smaller nature of the seats, reduced legroom and limited luggage space.
<u>Multi-seater passenger carrying vehicle – factory built.</u>
e.g. Vivaro, Trafic, V class, Caravelle, Transporter

In addition to other vehicle requirements, ease of access and passenger comfort & safety will be considered when deciding the number of passengers the vehicle will be licensed to carry. We will consider:

- Passengers must have access to at least one rear side door on each side of the vehicle (in addition to front passenger side door), (rear doors/tailgate do not count).
- Ideally, access to a third-row seat must not require any second-row seat to be displaced by lifting/tilting or sliding e.g. some manufacturers offer conference seating arrangement or vehicles with larger rear sliding doors that permit access direct to third row seats (minimum clear access gap 300mm).
- Alternatively, access to a third-row seat is permitted if the vehicle has a lifting/tilting or sliding individual outer second row seat on the nearside (preferably on the driver side as well). The mechanism must have proper levers that form part of the seat and be easily operated/easily identifiable. No passenger must have to pass through a gap of less than 300mm at the narrowest point in order to access seating e.g. the gap between the second-row seat and door frame.
  - Second row seats with folding seat backs only, do not meet this requirement (unless there is at least a 300mm gap between seat and door frame to allow easy access to third row)
  - Second row seats with mechanisms under or at the back of the seat designed to remove or tumble the seat do not meet this requirement
- Third row seating may be licensed if the vehicle does not comply with the above requirements, but a second-row seat will need to be permanently removed.
- Suitable “life hammer” devices shall be carried in a conspicuous and readily accessible position, secured on pillar in front of rearmost seat windows, to break window glass in the event of emergency and the window glass shall be marked ‘break glass in an emergency’.
- Front passenger bench or twin seat arrangement. The seating arrangement must allow passengers to sit comfortably and a passenger must not impede the driver or any controls. This may mean that only one front passenger seat is licensed.
- Professional* van conversion to a multi-seater may be considered for licensing subject to “type” approval in addition to licensing requirements (* a company specialising in passenger carrying/taxi vehicle conversions).
- The vehicle must have adequate luggage carrying capacity for the number of passengers it is licensed to carry (3.5 cu.ft., 100 litres per passenger).

<u>Minibus - factory built</u>

The seating arrangement will be either side of an aisle walkway so that no seat needs to be displaced for access to any other seat.

In addition to other vehicle requirements, ease of access and passenger safety will be considered when deciding the number of passengers the vehicle will be licensed to carry.

- At least one service door on the nearside of the vehicle of a size to permit easy access, and one emergency door at the rear of the vehicle (in addition to the driver and front passenger doors).
- Every rear emergency door shall: -
  - be clearly marked in letters not less than 25 mm high on both the inside and outside, “EMERGENCY DOOR”
  - have the means of operation (for example – “pull”, “turn clockwise”, etc.) marked on the inside and outside
  - open outwards and operate manually

The rear emergency door must not be impeded by luggage.

Access to a rear emergency door must not be impeded by a final row bench seat – the aisle walkway must extend to the emergency door.

Access to a rear emergency door must not be impeded by luggage (a luggage cage may be required).

- Locks
  - No vehicle shall be fitted with an emergency door which can be locked from the outside unless, when so locked, it is capable of being opened from inside the vehicle when stationary
  - All doors shall remain unlocked when carrying passengers
  - All emergency doors shall be openable from both outside and inside
- Steps - every step at each exit or gangway shall be adequately illuminated.
- Suitable “life hammer” devices shall be carried in a conspicuous and readily accessible position, secured on pillar in front of rearmost seat windows, to break window glass in the event of emergency and the window glass shall be marked ‘break glass in an emergency’.
- Front passenger bench or twin seat arrangement. The seating arrangement must allow passengers to sit comfortably and a passenger must not impede the driver or any controls. This may mean that only one front passenger seat is licensed.
- Professional* van conversion to a minibus maybe considered for licensing subject to ‘type’ approval in addition to licensing requirements (* a company specialising in passenger carrying/taxi vehicle conversions).
- The vehicle must have adequate luggage carrying capacity for the number of passengers it is licensed to carry (3.5 cu.ft. or 100 litres per passenger).

Accidents / vehicle damage

227. Any accident to a Hackney Carriage or Private Hire vehicle causing damage materially, affecting the safety, performance or appearance of the vehicle, or the comfort or convenience of persons carried therein must be reported to the Council

within 72 hours. Any licensed vehicle which has been involved in such an accident and has suffered such damage should not be used for the conveyance of passengers until it has been inspected by the Council.

228. Upon inspection, an accident report will need to be completed and the Council will determine whether the vehicle is fit to continue operating. A date will be set by which time the works will be completed and the vehicle brought to the Council Offices for re-inspection.

229. There are four categories of write-off: A, B, S and N:
    - Vehicles classed as Category A, B, S or N will not be licensed
    - If an existing licensed vehicle is classified as category A, B, S or N, the licence will be revoked

Advertising

230. There will be no advertising in the interior of the vehicle with the exception of business cards for the company/person operating the taxi/Private Hire vehicle. Exterior advertising will only be permitted if the Council has given written permission.

Taximeters

231. The provision of taximeters is mandatory for Hackney Carriages and optional for Private Hire vehicles. Please see “Fares and Taximeters” section of this policy and guidance document. Where employed, the meters must be a calendar- controlled meter, calibrated and must not exceed the Council’s fare applicable for that time. The meter must be tested and sealed, and a calibration certificate produced. From October 2016 all meters must comply with Measuring Instruments (Taximeters) Regulations 2006.

Lawful bookings and illegal plying for hire

232. Please refer to relevant section “Essential Information for Drivers” in this policy and guidance document.

Wheelchair accessible vehicles

233. Vehicles should be purpose built or an approved conversion to ‘taxi’ standard for the purpose of safely carrying passengers in wheelchairs, and other passengers in standard seats plus adequate luggage capacity. You may wish to consult with the licensing officer prior to purchasing this type of vehicle (a number of requirements

are included in the National Inspection Standards document). Drivers should check that the disabled passenger and wheelchair are both secured before starting a journey.

234. Sections 165 and 167 of the Equality Act 2010 come into force on the 6th April 2017. This means that from April drivers of designated wheelchair accessible taxis and private hire vehicles will be required to transport wheelchair users in their wheelchair, provide passengers in wheelchairs with appropriate assistance and charge wheelchair users the same as non-wheelchair users. www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and- private-hire-vehicles

CCTV

235. There is no Council requirement for internal facing CCTV to be installed in Hackney Carriage and Private Hire Vehicles, unless the rear passenger windows are darker than the front side windows, but if it is fitted it must meet Wealden District Council licensed vehicle conditions and the specification guidelines. Please read our CCTV specification and ensure that your system complies: www.wealden.gov.uk/Wealden/Business/Licences_and_Registers/TaxiLicensing/PHCS_CCTV.aspx

236. Please see appendix B for Vehicle licence conditions related to CCTV.

237. If you wish to install CCTV in your Hackney Carriage or Private Hire Vehicles, you will need to have a system fitted by a third-party specialist vehicle CCTV installer who offers a data controller service and thus they will be the only person able to access any recordings.

238. Approval in writing must be obtained from the Council before CCTV equipment is installed and used in the vehicle.

239. The CCTV equipment shall be of a type approved by the Council and installed, operated and maintained in a manner to the satisfaction of the Council.

240. Audio Recording: CCTV systems **must not be used to record conversations** between members of the public as this is highly intrusive and unlikely to be justified. You must choose a system without this facility wherever possible; if the system comes equipped with sound recording facility then this functionality should be disabled.

LPG conversions

241. LPG converted vehicles may be accepted provided that luggage capacity is not impeded. We will require LPG Conversion Certificate (+ UKLPG Approved Autogas Installer certification) and warning sticker positioned visible from outside. The LPG system & tank needs to be serviced every 12,000 miles or 12 months, by a UKLPGA Approved Installer, records/certification/evidence to be provided to the Council upon

request. http://www.drivelpg.co.uk/

Wealden Penalty Point Scheme

242. Please refer to “Essential Information for Drivers” section in this policy and guidance document for information about the Wealden penalty point scheme section. There are penalty point offences that can be attributed to driver, vehicle proprietor and private hire operator, as applicable.

Part F

Private Hire Operators

243. An operator licensed by Wealden must ensure that they use only licensed drivers and vehicles licensed by Wealden District Council.

244. “Operate” means in the course of business to make provision for the invitation or acceptance of bookings for a Private Hire vehicle. Operators must have an address based within the district of Wealden. Checks will be made on the business proposals and premises proposed to be used as an operator base to make sure it is not an address of convenience. This operator base will be equipped with telephones (including a land line), (a PC for internet bookings) and booking records kept at the base (for inspection by licensing officers). Subject to any necessary planning consent the base could be open for walk in passengers.

245. Wealden District Council does not issue licences for operators based outside of its district.

246. No person shall “operate” (e.g. take bookings, dispatch vehicle) any vehicle as a Private Hire vehicle in the Wealden District without having a current Wealden Operator’s Licence. This is in addition to any requirement for a vehicle or driver’s licence.

Planning permission

247. It is the applicant’s responsibility to ensure that necessary planning permission is granted for the premises where business is to be conducted. Proof of this permission will be required should the operator be operating more than two cars.

248. The applicant will be required to provide proof of holding a radio transmission licence if radios are to be used. Proof of planning permission for such an aerial will be required.

Eligibility

249. The applicant must provide information concerning their previous business activities, history of any previous operator’s licence or application, and any conviction recorded against them (including Ltd Company / Partnership / Directors / Company Secretary etc.).

250. Private Hire Operators are required to advise the Local Authority regarding any changes to directors or partners within the business.

Licence Conditions

251. Private Hire Operator Licences are granted subject to standard conditions. In particular, conditions related to booking records to be kept and the standard to be maintained. Please see appendix B.

Booking records

252. The records shall be kept in a suitable book, or computer recording system approved by the Council. Where a book is used the pages should be numbered consecutively. The operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a Private Hire vehicle invited or accepted: -

- the time and date of the booking
- the name and address of the hirer
- the method of booking
- the time of pick-up
- the point of pick-up
- the destination
- the time at which a driver was allocated to the booking
- the registration number of the vehicle allocated for the booking
- remarks (including details of any sub-contract)
- name of the person responding to the booking request
- name of the individual who dispatched the vehicle

253. The operator shall also keep records of the particulars of all Private Hire vehicles operated by that operator, these particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.

254. All records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry.

Lawful bookings and illegally plying for hire

255. Please refer to relevant section in “Essential Information for Drivers” in this policy and guidance document.

Operator Offices

256. If an office is provided for the public to make a booking the operator should ensure that the space has adequate seating, is well lit, clean and heated and complies with the relevant health and safety legislation. Operators must ensure that adequate public liability insurance is held. Proof of insurance cover will be required.

Suspension and Revocation of Operators Licence

257. Section 62 of the 1976 Act provides for the suspension, revocation or refusal to renew an Operator's Licence on the specified grounds.

Wealden Penalty Point Scheme

258. Please refer to the Wealden penalty point scheme section "Essential Information for Drivers" in this policy and guidance document. There are penalty point offences that can be attributed to driver, vehicle proprietor and private hire operator, as applicable.

HMRC Tax Check

259. From 1/4/22, a HMRC Tax check code must be provided before a licence will be renewed

DBS Disclosure

260. A basic DBS disclosure is required for all individuals named on the Operator licence who are not current dual drivers, and a repeat check will be carried out annually

Dispatch and Booking Staff

261. A register of all staff that take bookings and/or dispatch vehicles should be kept and made available to Council Officials on request

262. A policy relating to ex-offenders in roles that would be on the register of staff should be in place and provided to the Council on request

Safeguarding Children and Vulnerable Adults

263. The work carried out by Private Hire Operators and Licensed Drivers places them in a unique position to help identify and prevent abuse, exploitation or neglect of children and vulnerable adults. Operators and Drivers could encounter a number of circumstances in respect of passengers or members of the public which they find concerning whilst travelling about, such as:
    - A child or vulnerable adult who presents as poorly dressed / unclean or malnourished
    - An adult putting a young person or into your vehicle who may be under the influence of alcohol or drugs
    - A child or vulnerable adult who looks concerned or frightened in the company of adults
    - A child or vulnerable adult travelling to meet someone that they do not know, perhaps who they have met online
    - A child or vulnerable adult being taken to hotels and at unusual times of the day
    - A child or vulnerable adult travelling alone and / or at unusual hours (during school time, early in the morning or late at night)
    - A child or vulnerable adult is going to a bank to withdraw large sums of cash

    If you see a child or vulnerable adult who you think is at risk or if you are worried

about what you have seen or heard contact Sussex Police on 101 or if the person is in immediate danger dial 999.

You can also report a concerns East Sussex County Council Social Services though the links below:

For a concern about a child:
https://www.eastsussex.gov.uk/children-families/worried-about-a-child

For a concern about an adult:
https://www.eastsussex.gov.uk/social-care/worried/report

Although safeguarding is everyone's responsibility you should not confront people or take any action that may put a child, vulnerable adult, or yourself at risk.

Training

264. The Council has introduced compulsory training for operators and their customer facing staff about Safeguarding & Child Sexual Exploitation and Disability Awareness.

Part G

Working Outside the Wealden District

Hackney Carriage

265. Hackney Carriages are licensed to ply for hire within the District Council's area and may not ply for hire beyond the district boundary. A passenger boarding the vehicle within the licensed area may be transported into another area. A Hackney Carriage is permitted to be used for Private Hire purposes and a passenger may be collected from another area on a pre-booked basis, although plying for hire is strictly prohibited outside the Wealden district.

Cross Boundary Journeys

266. When travelling outside of the licensing district, drivers of Hackney Carriage vehicles bearing the words "FOR HIRE" on the roof sign shall extinguish the illumination to the sign. Failure to do so could be construed as "plying for hire" outside the licensing area and may result in prosecution.

267. In relation to roof signs not bearing the words "FOR HIRE" there is general agreement between the licensing authorities and the majority of Hackney Carriage operators that roof signs should not be illuminated outside the licensing district and drivers are requested to abide by this principle at all times.

Deregulation Act 2015 – cross border hiring

268. Previously, the provision was that private hire operators must only fulfil bookings using drivers and vehicles both of which are licensed by the same authority as they, as operator, are licensed.

    Since 1st October 2015, operators may seek to sub-contract bookings to an operator licensed by a different council. However, that operator may only fulfil the booking by using drivers and vehicles also licensed by the authority with which it is, itself, licensed.

Insurance

269. Do you use your licensed vehicle outside the area you are licensed to operate? You must double check the conditions attached to your vehicle insurance. Some policies include the following exclusion:

    The following uses are not covered unless specifically shown as included in your certificate of motor insurance and/or your schedule:

    ii) the use of your vehicle as a taxi, PHV or PSV outside the area in which you are licensed to operate.

Part H

Investigation of complaints about a licence holder

270. A licence holder must co-operate with the licensing authority during its complaint investigation process.

271. Investigations of complaints will be prioritised based on passenger safety grounds.

272. Depending upon the nature of the complaint, an interview may be carried out informally, or formally taped in accordance with Police and Criminal Evidence Act codes of practice.

Licensing Sub-Committee

273. The Licensing Sub-Committee will determine matters brought before it in a set procedure (available upon request). The committee consists of a number of councillors, with one being the elected chairperson. There will also be a number of Council officers present from legal, democratic services and licensing.

274. Licence holders who are required to attend the committee are entitled to engage legal assistance (at their own expense) and or bring a relative/friend. A report will be made available in advance of the hearing.

Part I

Taxi ranks

275. Location of Hackney Carriage Ranks/Stands on the public highway for hackney carriages only:

Stand No	Road	Location	No of vehicles
1	**Croft Rd. Crowborough.**	Lay-by west side: from a point 67.6 metres north-east of the northern kerb line of the entrance to the car park entrance road adjacent to Terrace Montargis northwards for a distance of 12.7 metres	**2**
2	**High St. Hailsham.**	Southwest side; from a point 33.8 metres south-east of the south-east boundary line of Carriers Path south eastwards for a distance of 20.8 metres	**6**
3	**George St. Hailsham**	North side, outside 8 George Street	**2**
4	**Streatfield Rd. Heathfield.**	Northeast side; from a point 15 metres northwest of the north-west kerb line of High Street north westwards for a distance of 15 metres	**3**

276. The Council does not have any powers to address parking on/obstruction of the rank by private cars.

277. Private hire vehicles must not enter any rank/stand because they will be deemed to be illegally plying for hire.

278. The driver of a hackney carriage using a rank/stand shall:

- on arriving at a stand not already occupied by the full number of hackney carriages authorised to occupy it, station the hackney carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction
- from time to time when any other carriage immediately in front is driven off or moved forward so as to fill the place previously occupied by the carriage driven off or moved forward
- if his/her carriage is the first carriage on the stand, remain with his carriage ready to be hired at once

Rank etiquette and behaviour

279. Ideally, a passenger will take the first carriage on the rank, but they are not required to do so. If you are the driver of the second vehicle etc. and the passenger selects your vehicle, you should politely inform the first driver of your passenger's decision.

280. Do not race other carriages to the rank, if you inadvertently pass another carriage then you should allow that driver to take the position in front of you when you arrive at the rank.

281. Refrain from swearing, shouting, fooling around with other drivers, filming on mobile phones and other misbehaviour e.g. pulling behind the carriage in front and leaving high beam headlights on.

282. Hackney carriage drivers do not have any authorisation to "police" the rank or act as an unofficial traffic warden. You should deal politely with drivers of private cars who are obstructing or parking on the rank; these situations can quickly escalate and poor behaviour by hackney carriage drivers in these circumstances has been the subject of numerous complaints.

Ranks / stands on private land

283. Other stands are located on private land e.g. Polegate station and accessing that land will be under the control of the owner. Rank etiquette and behaviour rules will still apply to these areas.

Appendix A
Hackney Carriage Byelaws (1988)

Byelaws made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Wealden District Council with respect to Hackney Carriages in the district of Wealden.

Interpretation

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

Provision regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence, shall be displayed

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

3. A proprietor or driver of a Hackney Carriage shall:

   - not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire

   - not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how Hackney Carriages are to be furnished or provided

4. The proprietor of a Hackney Carriage shall:

   (a) provide sufficient means by which any person in the carriage may communicate with the driver

   (b) cause the roof or covering to be kept watertight

   (c) provide any necessary windows and a means of opening and closing not less than one window on each side

   (d) cause the seats to be properly cushioned or covered

   (e) cause the floor to be provided with a proper carpet, mat or other suitable covering

   (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service

   (g) provide means of securing luggage if the carriage is so constructed as to carry luggage

(h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use

(i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver

5. The proprietor of a Hackney Carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:

(a) the taximeter shall be fitted with a key, flag or other device the operation of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter

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

(c) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon

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

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

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

6. The driver of a Hackney Carriage provided with a taximeter shall:

(a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter

(b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring

(c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness; this being the time between half-an-hour after sunset to half-an-hour before sunrise, and also at any other time at the request of the hirer

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

8. The driver of a hackney carriage using a stand appointed by the Council for Hackney Carriages, shall:

   (a) on arriving at a stand not already occupied by the full number of Hackney Carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction

   (b) from time to time when any other carriage immediately in front is driven off or moved forward so as to fill the place previously occupied by the carriage driven off or moved forward

   (c) if his carriage is the first carriage on the stand, remain with his carriage ready to be hired at once

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

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

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

12. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage, provided that no more than one additional passenger may be carried where at least one of the passengers in less than ten years old.

13. The driver of a Hackney Carriage shall not permit there to be conveyed in the front of a Hackney Carriage any child below the age of ten years or more than one person above that age.

    Note: *there have been changes to Road Traffic Act regulations regarding the use of seat belts, particularly where children are being carried.*

    The national legislation will take precedence over the local byelaws in this respect and drivers must ensure that the seat belt provisions are complied with at all times.

14. If a badge has been provided by the Council and delivered to the driver of a

Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.

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

    (a) convey a reasonable quantity of luggage

    (b) afford reasonable assistance in loading and unloading

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

Provisions securing the safe custody of any property accidentally left in Hackney Carriages

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

17. The proprietor or driver of a Hackney Carriage shall, in the event of any property being accidentally left in the vehicle, deliver it within 48 hours (unless claimed within that period by or on behalf of the owner) to any Police Station in the Wealden District, and leave it in the custody of the officer in charge of the Station on his giving a receipt for it.

Penalties

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction thereof.

Repeal of Byelaws

19. The byelaws relating to Hackney Carriages which were made by the Wealden District Council on the 11th July 1986, and which were confirmed by the Secretary of State for Transport on the 26th August 1986, are hereby repealed.

Appendix B - Licence conditions
Local Government (Miscellaneous Provisions) Act 1976
Private Hire Driver Licences

Conditions of Licence (26.04.2022)

1. Conduct of driver The driver shall: -

- afford all reasonable assistance with passengers' luggage
- at all times be clean and respectable in dress and person and behave in a civil and orderly manner
- take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle
- not without the express consent of the hirer drink or eat in the vehicle
- not without the express consent of the hirer play any radio, DVD or sound reproducing instrument or any equipment in the vehicle so as to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle
- at no time cause or permit the sound or pictures emitted by a radio or other previously mentioned equipment in the vehicle so as to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle

2. Passengers

The driver shall not convey or permit to be conveyed in a Private Hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.

The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

The driver shall comply with all relevant legislation relating to the wearing of seat belts or use of child restraints.

3. Lost property

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

If any property accidentally left in a Private Hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, that driver shall take it as soon as possible to a convenient police station and leave it in the custody of the officer in charge on accepting a receipt for it.

4. Receipts

The driver shall, if requested by the hirer of a Private Hire vehicle, provide a written receipt for the fare paid.

5. Animals

The driver shall not convey in a Private Hire vehicle any animal belonging to or in the custody of the driver or proprietor or operator of the vehicle and shall ensure that any animal belonging to or in the custody of a passenger is conveyed in the rear of the vehicle.

6. Prompt attendance

The driver of a Private Hire vehicle shall, if aware that the vehicle has been hired to be in attendance at an appointed time and place or otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at a an appointed time or place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

7. Deposit of driver licence

If the driver is permitted or employed to drive a Private Hire vehicle of which the proprietor is someone other than that driver, then before commencing driving the vehicle deposit a copy of this licence with that proprietor for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of that proprietor.

8. Taximeter

If a Private Hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

9. Fare to be demanded

The driver shall not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agree for that hiring between the hirer and the operator, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare on the face of the taximeter.

10. Change of address

The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

11. Convictions

The driver shall within seven days disclose to the Council in writing details of any conviction/caution imposed on him during the period of the licence.

12. Return of badge

The driver shall upon the expiry (without renewal), revocation or suspension of this licence forthwith return to the Council the driver badge issued with this licence.

13. DBS Update The driver shall: -

- subscribe to the DBS update service and maintain the subscription throughout the time they are licensed
- provide on request the original DBS certificate linked to the DBS update subscription
- by issue of the licence consent to their DBS status being checked on a 6-monthly basis by Council officials

Local Government (Miscellaneous Provisions) Act 1976
Hackney Carriage Vehicle Licences

Conditions of Licence (v01.06.2024)

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements [including in particular those contained in Motor Vehicles (Construction and Use) Regulations] shall be fully complied with.

2. Alteration of Vehicle

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

3. Identification Plate

The plate identifying the vehicle as a hackney carriage vehicle is required to be exhibited on the vehicle pursuant to Sections 51 and 52 of the Town Police Clauses Act 1847 shall be securely fixed to the outside and rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an authorised officer of the Council or a constable.

4. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher, a suitable first aid kit containing appropriate first aid dressings and appliances, and in the case of six, seven and eight seater vehicles sufficient life hammers to allow windows to be broken in an emergency. Such equipment to be carried in a position in the vehicle so as to be readily visible and available for immediate use in an emergency.

5. Interior Markings

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence.

6. Roof Signs

The proprietor shall cause to be affixed and maintained an illuminated roof sign of a pattern approved by the Council.

7. Taximeter

Approved calendar-controlled type sealed meters must be fitted and calibrated in accordance with the fare tariff approved by the Council. A certificate of calibration must be sent to the Council and a copy kept available for inspection.

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

If the taximeter fitted to a vehicle is repaired, adjusted or for any reason the seal is broken, or if any change is made to the type of tyre fitted to the vehicle or alterations made to the vehicle transmission gearing ratio the proprietor shall not permit or suffer the vehicle to be used for hire until the taximeter has been satisfactorily tested and sealed.

8. Tariff Card

The Councils Tariff Card shows the maximum fares that may be charged and must be displayed prominently within the vehicle.

Where the rates charged are less than the Council's maximum rate then the appropriate tariff must be prominently displayed in the vehicle. That rate card must also indicate that the Councils Tariff Card (which must be carried in the vehicle) is available for immediate inspection upon request by any passenger or prospective passenger.

It is an offence to charge more than the fare shown on the meter.

9. Change of address

The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

10. Deposit of Drivers Licences

If the proprietor permits or employs any other person to drive the vehicle as a hackney carriage, then before that person commences to drive the vehicle they shall deliver their dual driver licence for retention until such time as that driver ceases to be permitted or employed to drive the vehicle.

11. Insurance

A copy of the current Certificate of Insurance or Cover Note relating to the licensed vehicle shall be kept available for inspection at all times in the licensed vehicle.

12. Vehicle Compliance Test

A VCT certificate will be required annually until the vehicle is 10 years of age, and every six months for vehicles over 10 years of age. A vehicle licence will not be renewed without a valid VCT certificate, which must have been issued not more than 4 weeks prior to the renewal date.

13. Door signs

Hackney carriage vehicles will be required to display Council approved door signs on the upper panel of both rear passenger doors.

14. Convictions

The proprietor shall within seven days disclose to the Council in writing details of any conviction/caution imposed on him/her (or if the proprietor is a company or a partnership, on any of the directors or partners) during the period of the licence.

15. CCTV from 1st October 2025

Licence conditions concerning CCTV equipment being installed in a licensed vehicle are:

a) Approved CCTV shall be fitted and operating at all times.

b) The equipment shall be installed, operated and maintained in a manner to the satisfaction of the Council.

c) Any material recorded on the equipment shall only be used as evidence in court proceedings or to aid the investigation of crime or to confirm or rebut complaints made against the driver or in evidence in motor insurance matters.

d) No tape recording or other material created by the system shall be used or distributed for any purpose other than allowed by (c) or kept for more than 31 days if not required under (c).

e) Access to any digitally recorded material shall be limited to the police, any authorised officer of the Council and persons covered by the Information Commissioners CCTV Code of Practice and access to any material otherwise recorded must be made available upon demand to the police, any authorised officer of the Council.

f) Notices indicating that a CCTV recording system is in operation in the vehicle will be clearly displayed on the passenger windows visible from the outside and in the interior of the vehicle.

g) The provisions of the Data Protection Act 1998 must be fully complied with by the vehicle proprietor/operator and registration documents must be made available to the Council (Note: The person who should register is the data controller of the system). The data controller for video tape-based systems is you but for other digital systems where you personally cannot gain access to the system or the data recorded, the data controller may be the provider or hirer of the system. Notification

requires the purpose of the system to be explained. Usually to deter crime against taxi/private hire drivers is acceptable. Notification will involve compliance with the guidelines for the use of CCTV issued under the Act. Make sure you understand what you need to do to comply as the onus is on you if there are any breaches of the requirements.

h) Any breach of privacy rules or of the data protection principles or any human rights violations will be detrimental to a person's standing as a fit and proper person to hold a licence granted by this Council.

i) CCTV footage from vehicles can be presented to the Licensing Sub- Committees.

16. DBS Disclosure

A Basic DBS disclosure is required for all vehicle proprietors who are not current dual drivers or operators.

Repeat DBS checks will be undertaken annually.

Vehicle proprietors are advised to sign up to the DBS update service.

Local Government (Miscellaneous Provisions) Act 1976
Private Hire Vehicle Licences

Conditions of Licence (v26.06.2025)

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements [including in particular those contained in Motor Vehicles (Construction and use) Regulations] shall be fully complied with.

2. Alteration of Vehicle

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

3. Identification Plate

The plate identifying the vehicle as a Private Hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the outside and rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an authorised officer of the Council or a constable. This requirement shall not apply where an 'exemption certificate' has been issued in respect of the external plate for that vehicle if the conditions of the certificate are being complied with and the external plate is kept within the vehicle.

4. Interior Markings

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence.

5. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher, a suitable first aid kit containing appropriate first aid dressings and appliances, and in the case of six, seven and eight seater vehicles sufficient life hammers to allow windows to be broken in an emergency. Such equipment is to be carried in a position in the vehicle so as to be readily visible and available for immediate use in an emergency.

6. Signs, Notices, etc.

The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notices relating to Private Hire vehicles which the Council may from time to time require. Private Hire vehicles will be required to display Council approved door signs on the upper panel of both rear passenger doors.

7. Taximeter

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

If any taximeter fitted to a vehicle is repaired, adjusted or for any reason the seal is broken, or if any change is made to the type of tyre fitted to the vehicle or alterations made to the vehicle transmission gearing ratio the proprietor shall not permit or suffer the vehicle to be used for hire until the taximeter has been satisfactorily tested and sealed.

8. Change of Address

The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

9. Deposit of Drivers` Licence

If the proprietor permits or employs any other person to drive the vehicle as a Private Hire vehicle, then before that person commences to drive the vehicle they shall deliver their dual driver licence for retention until such time as that driver ceases to be permitted or employed to drive the vehicle.

10. Insurance

A copy of the current Certificate of Insurance or Cover Note relating to the licensed vehicle shall be kept available for inspection at all times in the licensed vehicle.

11. Vehicle Compliance Test

A VCT certificate will be required annually until the vehicle is 10 years of age, and every six months for vehicles over 10 years of age. A vehicle licence will not be renewed without a valid VCT certificate, which must have been issued not more than 4 weeks prior to the renewal date.

12. Convictions

The proprietor shall within seven days disclose to the Council in writing details of any conviction/caution imposed on him/her (or if the proprietor is a company or a partnership, on any of the directors or partners) during the period of the licence.

13. CCTV from 1st October 2025

a) Approved CCTV shall be fitted and operating at all times.

b) The equipment shall be installed, operated and maintained in a manner to the satisfaction of the Council.

c) Any material recorded on the equipment shall only be used as evidence in court proceedings or to aid the investigation of crime or to confirm or rebut complaints made against the driver or in evidence in motor insurance matters.

d) No tape recording or other material created by the system shall be used or distributed for any purpose other than allowed by (c) or kept for more than 31 days if not required under (c).

e) Access to any digitally recorded material shall be limited to the police, any authorised officer of the Council and persons covered by the Information Commissioners CCTV Code of Practice and access to any material otherwise recorded must be made available upon demand to the police, any authorised officer of the Council.

f) Notices indicating that a CCTV recording system is in operation in the vehicle will be clearly displayed on the passenger windows visible from the outside and in the interior of the vehicle.

g) The provisions of the Data Protection Act 1998 must be fully complied with by the vehicle proprietor/operator and registration documents must be made available to the Council (Note: The person who should register is the data controller of the system). The data controller for video tape-based systems is you but for other digital systems where you personally cannot gain access to the system or the data recorded, the data controller may be the provider or hirer of the system. Notification requires the purpose of the system to be explained. Usually to deter crime against taxi/private hire drivers is acceptable. Notification will involve compliance with the guidelines for the use of CCTV issued under the Act. Make sure you understand what you need to do to comply as the onus is on you if there are any breaches of the requirements.

h) Any breach of privacy rules or of the data protection principles or any human rights violations will be detrimental to a person's standing as a fit and proper person to hold a licence granted by this Council.

i) CCTV footage from vehicles can be presented to the Licensing Sub- Committees.

14. DBS Disclosure

A Basic DBS disclosure is required for all vehicle proprietors who are not current dual drivers or operators.

Repeat DBS checks will be undertaken annually.

Vehicle proprietors are advised to sign up to the DBS update service.

Local Government (Miscellaneous Provisions) Act 1976
Private Hire Operators Licences

Conditions of Licence (v20.12.2022)

1. Records

The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, or computer recording system approved by the Council. Where a book is used the pages should be numbered consecutively. The operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a Private Hire vehicle invited or accepted: -

(a) the time and date of the booking;

(b) the name and address of the hirer;

(c) the method of booking;

(d) the time of pick-up;

(e) the point of pick-up;

(f) the destination;

(g) the time at which a driver was allocated to the booking;

(h) the registration number of the vehicle allocated for the booking;

(i) remarks (including details of any sub-contract)

(j) name of the person responding to the booking request

(k) name of the individual who dispatched the vehicle

The operator shall also keep records of the particulars of all Private Hire vehicles operated by that operator, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.

All records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry.

2. Standard of Service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

(a) ensure that when a Private Hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;

(b) keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;

(c) ensure that any waiting area provided by the operator has adequate seating facilities;

(d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;

(e) ensure that any radio equipment provided by the operator is inspected at the expense of that operator at least once a year by a company approved by the Council and that a certificate that the equipment is in a sound condition is submitted to the Council within one month of the inspection.

3. Complaints

The operator shall immediately upon receipt notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

4. Change of Address

The operator shall notify the Council in writing of any change of address (including any address from which the operator operates or otherwise conducts business as an operator) during the period of the licence within seven days of such change taking place. (Check with a Licensing Officer / Taxi Policy and guidance document relating to geographical location.)

5. Convictions

The operator shall within seven days disclose to the Council in writing details of any conviction/caution (or if the operator is a company or partnership, or any of the directors or partners) during the period of the licence.

6. DBS

A basic DBS disclosure is required for all persons named on the Operator licence including all partners or directors in any company or partnership who do not hold a dual driver licence with Wealden District Council.

A repeat basic DBS disclosure will be required on a yearly basis for the period of the licence.

7. Booking & Despatch Staff The operator shall:

(a) maintain a register of all staff that will take bookings or despatch vehicles

(b) retain a policy on employing ex-offenders in roles that would be on the register of staff

Appendix C
Hackney Carriage vehicle approved roof signs

In accordance with the Council's Policy all licensed Hackney Carriages shall carry a distinctive roof sign which may be fitted transversely or longitudinally.

General Construction

The sign shall have a rigid chassis or base and be provided with a secure means of fixing to the roof of the vehicle with brackets or shock-proof magnets. The translucent panels shall be capable of illumination in compliance with Road Traffic Regulations.

Type A – Transverse Sign

1. The approximate measurements shall be as follows:

   Width 36"
   Height 6"
   Depth 8½ (at base)

General Appearance

2. The front and rear elevations shall give the appearance of elongated rectangles. The side elevations shall have a triangular configuration with the front and rear surfaces of the sign set at an angle of 55^{o} to the base which shall be horizontal.

Front Panel

3. To be white and to display at all times the word "WEALDEN TAXI" in conspicuous black letters. These words to be centrally placed with the word "WEALDEN" set above the word "TAXI". The company name and telephone number through which the taxi may be ordered may be displayed in smaller letters beneath the word "TAXI".

Rear Panel

4. To be white or red but when illuminated to show only a red light. The company name and telephone number through which the taxi may be ordered may be displayed in black letters on the rear panel.

Illumination

5. The whole sign shall be capable of illumination during the hours of darkness.

Type B – Longitudinal Sign

1. The approximate measurements shall be as follows:

Width	18”
Height	13”
Length	43”

General Appearance

2. The side elevations shall give the appearance of elongated rectangles. The front and rear panels shall slope inwards towards the top panel from the base which shall be horizontal.

Front Panel

3. As per transverse sign.

Rear Panel

4. As per transverse sign.

Side Panels

5. Advertising will be permitted on the side panels subject to compliance with the requirements of the British Code of Advertising Practice and the Advertising Standards Authority.

Illumination

6. As per transverse sign.

Type C – Small Transverse Sign

1. The approximate measurements shall be as follows: -

Width	12” – 24”
Height	6”
Depth	6” – 8” (at base)

General Appearance

2. The front and rear elevations shall have a rectangular appearance and the side elevations shall have a triangular configuration with a horizontal base. The sign shall be centrally placed on the roof.

Front Panel

3. To be white and to display at all times the words “WEALDEN TAXI” in conspicuous letters.

Rear Panel

4. To be white or red but when illuminated to show only a red light. The company name and telephone number through which the taxi may be ordered may be displayed in lettering in a contrasting colour.

Illumination

5. The whole sign shall be capable of illumination during the hours of darkness.

Appendix D

Wealden District Council Hackney Carriage and Private Hire Licensing – Criminal Convictions Policy

1. Introduction

1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant, or an existing licence holder, is a fit and proper person to hold a dual drivers licence; a hackney carriage or private hire vehicle licence; and/ or a private hire operator's licence.

1.2 The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure that:

- A person is a fit and proper person.
- The person does not pose a threat to the public.
- The public are safeguarded from dishonest persons.
- The safeguarding of children and young persons.

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

- Applicants for drivers'/ vehicles/ operators' licences
- Existing licensed drivers whose licences are being reviewed
- Licensing officers
- Members of the licensing committee/ panel (or other relevant decision-making body)
- Magistrates' hearing appeals against local authority decisions

1.4 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee/ panel (or other relevant decision-making body). Whilst officers and the committee/ panel will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee/ officer may depart from the guidelines.**

2. General policy

2.1 These guidelines do not replace the duty of the Licensing Authority to refuse to grant a licence, or to revoke a licence, where they are not satisfied that the applicant or licensee is a fit and proper person. There may be circumstances where it is appropriate to depart from the guidelines or where a situation is not covered by them. In these cases, the Authority will consider the matter from first principles and determine the fitness and propriety of the individual.

2.2 In determining whether an individual is fit and proper the Licensing Authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.

2.3 As the Licensing Authority will be looking at the entirety of the individual the fit and proper test will not simply be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

2.4 In all cases the Licensing Authority will consider the conviction or behaviour in question, and what weight should be attached to it. Each and every case will be determined on its merits and with regard to these guidelines.

2.5 In this policy any reference to 'conviction' shall be construed to include matters that amount to criminal behaviour, but which may not have resulted in conviction.

2.6 Matters which have not resulted in a criminal conviction (be that due to an acquittal; a conviction being quashed; a decision not to prosecute; or a continuing investigation) can and will be taken into account by the Licensing Authority. This will also include complaints where there has been no police involvement.

2.7 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. Cautions, fixed penalty notices, and community resolutions shall also be considered in the same way as convictions.

2.8 Where a new applicant is under investigation; has been charged with any offence; or is awaiting trial; the determination of the licence application will be deferred until the trial has been completed, or the charges/ summonses withdrawn. Where an existing licensee has been arrested; is under investigation; or has been charged/ summoned, it will be for the Licensing Authority to decide what action to take in the light of these guidelines.

2.9 Once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their fit and proper status. The Licensing Authority has powers to take action against the holder(s) of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

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

2.11 Whilst a single conviction will not necessarily be an automatic bar to obtaining a licence, an applicant would normally be expected to:

a. Remain free of conviction for an appropriate period;
b. Demonstrate that they are an exceptional case sufficient for the Council to deviate from these guidelines; and
c. Show adequate evidence that he/ she is a fit and proper person to hold a licence.

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

In determining time elapsed 'free of conviction' shall be measured from the date of completion of any sentence, or driving ban, imposed; or, in the case of a fine, from the date of conviction (whichever is the longer).

The onus for proving that an applicant is a fit and proper person lies with the applicant.

3 Where an applicant has been convicted of a criminal offence, the Licensing Authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

4 Pre-requisites to making an application

4.1 It is the policy of the Licensing Authority that every application for a licence to drive a hackney carriage and/ or private hire vehicle must be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed):

- That the applicant has the right to live and work in the country;
- An enhanced criminal record check and evidence that they are not on a child and/ or vulnerable adult barring list;
- A certificate of their current medical fitness to DVLA Group 2 standard;

- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive;
- That the applicant has a minimum of three years post-qualification driving experience (or if not, has completed an advanced driving assessment);
- That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for;
- That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for.
- Child sexual exploitation and safeguarding training.
- Check against National Anti-Fraud Network (NAFN) database.

4.2 If an applicant has spent six continuous months or more overseas, the Licensing Authority will expect to see evidence of a criminal record check from the country/ countries covering the period before a licence application can be made. This period will be for ten years.

5 Appeals

5.1 Any applicant refused a driver's licence on the grounds that the Licensing Authority is not satisfied that he or she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 52 (1)].

5.2 Any applicant refused an operator licence on the grounds that the Licensing Authority is not satisfied he/ she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal. [Local Government Miscellaneous Provisions Act 1976, s 55 (4)]

5.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation. [Local Government Miscellaneous Provisions Act 1976, s 61 and 62]

6 Powers

6.1 Sections 61 and 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Licensing Authority to suspend, revoke or refuse to renew a licence if the application/ licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

6.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

6.3 In this policy the term “disqualification” refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed to a reduction in the period of disqualification.

7 Consideration of disclosed criminal history

7.1 Under the provisions of sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/ or a private hire vehicle drivers’ licence and/ or private hire vehicle operator’s licence is a ‘fit and proper’ person to hold such a licence. However, if an applicant has any convictions, warnings, cautions, charges or summonses awaiting trial; or pending investigation the licensing authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant’s age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

7.2 Existing holders of drivers’/ operators licences or the proprietors of hackney carriage / private hire vehicle licences are required to notify the Licensing Authority in writing within 7 days of being arrested, receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

7.3 The Licensing Authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. Standard level checks are required for applicants for an operator’s licence. The Licensing Authority follows the DBS’s Code of Practice on the fair use of disclosure information. A copy is available on request.

7.4 Applicants applying for the grant or a renewal of a drivers’ licence will be required to obtain an enhanced disclosure at their expense. Similarly, applicants for the grant or renewal of an operator’s licence will be required to obtain a standard level disclosure at their own expense. The Licensing Authority abides by the DBS’s Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

7.5 Where a driver has received penalty points because they have failed to notify the Council of a relevant conviction, the Licensing Authority will require applicants to register for the DBS's update service and to nominate the Licensing Authority to receive updates. These licensees are expected to provide evidence of continuous registration and nomination throughout the duration of their licence. The cost of the registration will be met by the driver concerned.

7.6 More information about the DBS can be found on their website at https://www.gov.uk/government/organisations/disclosure-and-barring-service

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

8 Crimes resulting in death / serious injury

8.1 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person; was intended to cause the death or serious injury of another person; or was reckless as to whether death or serious injury would be caused; they will not be licensed. This will include the offences of causing death by dangerous driving; death by careless driving whilst under the influence of drink or drugs; death by driving whilst disqualified, un-licensed or uninsured; or any similar offence(s).

9 Exploitation

9.1 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 exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

10 Terrorism

10.1 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with terrorism they will not be licensed.

11 Sex and indecency offences

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

11.2 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.

12 Offences involving violence

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

13 Dishonesty

13.1 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

14 Drugs

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

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

15 Possession of a weapon

15.1 Where an applicant has a conviction for possession of a firearm, or imitation firearm, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

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

16 Criminal damage

16.1 Where an applicant has a conviction for criminal damage, including arson that does not endanger life, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

17 Public Order

17.1 Where an applicant has a conviction for a public order offence a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

18 Discrimination

18.1 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

19 Motoring convictions

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

20 Drink driving / driving under the influence of drugs/ using a hand-held telephone or hand-held device whilst driving

20.1 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

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

21 Other motoring offences

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

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

21.3 An operator who aids and abets the driving of passengers for hire and reward without insurance will normally have his/ her operators' licence revoked immediately and be prevented from holding a licence for at least 7 years.

22 Hackney carriage and private hire offences

22.1 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (whether the offence involved the use of a vehicle or not), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

23 Once a licence has been granted

23.1 If, following the grant of a licence, the licensee's conduct is such that were they applying for a new licence their application would not be granted, then consideration will be given to revocation of their existing licence. In determining such cases any reference to 'applicant' in this policy shall be construed as to include an existing licensee and it shall be for the Licensing Authority to decide what action to take in the light of these guidelines.

23.2 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

23.3 A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.

24 Licences issued by other Licensing Authorities

24.1 Applicants who hold a licence with one Licensing Authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

24.2 Licensees who are licensed by multiple Authorities are expected to inform all such Authorities of the Authorities that they are licensed by and to advise each Authority of any changes in this respect; and should expect those Authorities to share information regarding their conduct and to take it into account as appropriate.

Appendix E
CCTV Monitoring in Hackney Carriage and Private Hire Vehicles

Hackney Carriage and Private Hire Vehicles are required to always have CCTV operational when working and / or carrying passengers for hire and reward.

The installation and operation of in-vehicle CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available via: http://www.ico.gov.uk/upload/documents/library/dataprotection/detailedspecialistguides/icocctvfinal2301.pdf

These guidelines set out to ensure that in vehicle CCTV systems in licensed Hackney Carriage and Private Hire Vehicles are of a sufficient standard to clearly record all persons in the vehicle with the objection of deterring and preventing the occurrence of crime, reducing the fear of crime, assisting the police in investigating incidents of crime and enhancing the health and safety of Hackney Carriage and Private Hire Drivers and their passengers.

General Requirements

- The equipment shall be installed, operated and maintained in a manner to the satisfaction of the Council.
- Any material recorded on the equipment shall only be used as evidence in Court proceedings to aid the investigation of crime, to confirm or rebut complaints made against the driver or as evidence in motor insurance matters.
- No recording or other material created by the system shall be used or distributed for any purpose other than allowed by the above or kept for more than 31 days if not required under above.
- The system must be secure, with sufficient encryption and access controls.
- All equipment must comply with any legislative requirements in respect of Road Vehicles (Construction and Use) Regulations.
- All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.
- All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse or wear and tear.
- A CCTV Compliance Certificate issued by the Data Processor must be produced to the Council for all new CCTV systems installed in vehicles.

Installation

- All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.
- All equipment must be installed by an ICO registered provider which has a signed data processing agreement with Rother District Council.
- The installed in-vehicle CCTV system must not weaken the structure of any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
- All equipment must be installed in such a manner so as not to increase the risk of injury and/or injury and/or discomfort to the driver and/or passengers for lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
- All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger area or impact on the luggage carrying capacity of the vehicle.
- It is contrary to the Road Vehicles (Construction and Use) Regulations 1986, for equipment to obscure the view of the road through the windscreen.
- Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance, or functionality of such safety systems.
- All wiring must be fused as set out in the manufacturer's technical specification and be appropriately routed.
- Equipment installed must be positioned in such a way that the driver and any passengers are easily identifiable while seated in the vehicle.
- All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.
- All system components requiring calibration in situ should be easily accessible.
- A monitoring screen be installed showing any images that the systems cameras are recording in view of the passengers. Subject to Regulation 109 of the Road Vehicles (Construction and Use) Regulations 1986 which provides for the use of television sets or other monitors in motor vehicles. If these regulations cannot be met, then the monitoring screen can be in the boot.

Activation Methods

- The system should switch on when the vehicle's ignition or power on is activated or before that event.

Audio Recording

- An audio function must be fitted to the CCTV system. This must be set to a default off position and only activated by trigger or panic button unless there is a valid reason to have audio recording. The driver and passenger should easily be able to activate the audio recording. The recording must then continue for at least ten minutes. Vehicles used for school contracts should operate the audio recording function as required by East Sussex County Council.
- CCTV systems should not normally be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified expect in exceptional circumstances.

- Signs inside the vehicle must make it clear that audio recording is being or may be carried out.

Image Security

- Images captured must remain secure at all times.
- The captured images must be protected using encryption software, which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen.

Video Imaging Quality (ADD)

- Video frame rate to be adequate to clearly identify the driver and passengers.

Retention of CCTV Images

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

- within its own internal storage;
- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
- or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted CPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.

- Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.
- In-vehicle CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 28 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 28 days from the date of capture.

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

CCTV Data Controller/Administrator Conditions

- Rother District Council will be the Data Controller for CCTV systems installed to meet licensing conditions. Rother District Council will approve ICO registered Data Processors which have a signed data processing agreement with the Council. All data processors with agreements must show a full and comprehensive knowledge of data retention and security, and correct ICO procedure for dealing with authorisations and handling of requests. They will need to ensure that all authorised requests are dealt with in a timely manner (normally 24 working hours from the request being received), and any supplied CCTV footage is in a free standard format.

All data processors will need to ensure, by way of a yearly test, that the following conditions are met on behalf of the Licensing Team:

- Ensure all CCTV media and its data is secured, password encrypted and not accessible to any individual, other than the data processor.

- Test the system for full functionality including calibrating metadata and cameras annually. The Data processor must provide a test certificate, confirming the CCTV in the licensed vehicle meets the council's standards, prior to the vehicle being relicensed.

- Ensure every CCTV is hard fixed to the vehicle (no windscreen suckers) and does not obstruct the drivers view of the road. The system is permanently wired to the vehicles power supply with an off switch fitted in the boot/rear area of the vehicle for when it is being used for personal use. If a switch is fitted the system must automatically reactivate when the ignition is turned back on and a red warning light must be fitted in the cabin to alert the driver.

- Ensure the media can retain a minimum of 28 days recording, in line with the vehicles working hours and number of cameras.

- Ensure that all persons (including the driver) are clearly identifiable in all light conditions, and the CCTV footage is recording real time events.

- The Conditions above are vehicle license conditions that are to be checked by the data processor, or their data administrators, once a year prior to the council re-licensing the vehicle.

- Any data processor failing to meet or enforce these conditions will have their agreement terminated.

Use of Information Recorded Using In-Vehicle CCTV

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

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

Requests may be made by the Police or other law enforcement agencies: any authorised officer of the Council, or exceptionally, other appropriate bodies, to the data controller to view captured images. The data controller is responsible for responding to these requests.

Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively, a signed statement may be accepted. All requests should only be accepted where they are in writing and specify the reasons why disclosure is required.

Under the DPA, members of the public may make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a "subject

access request". Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request as published in the ICO CCTV Code of Practice. The maximum fee will be charged.

Signage

All Hackney Carriage and Private Hire Vehicles with in-vehicle CCTV must display the appropriate signage. If necessary, the driver should verbally bring to the attention of passengers that in-vehicle CCTV equipment is in operation within the vehicle.

The contact details of Data Controller of the CCTV system (Rother District Council) must be displayed in the vehicle.

Vehicle licence conditions

(a) Approval in writing must be obtained from the Council before CCTV equipment is installed and used in the vehicle.

(b) The CCTV equipment shall be of a type approved by the Council.

(c) The equipment shall be installed, operated and maintained in a manner to the satisfaction of the Council. An annual conformity check to be carried out and a certificate issued by the data processor.

(d) Any material recorded on the equipment shall only be used as evidence in court proceedings, or to aid the investigation of crime or to confirm or rebut complaints made against the driver or in evidence in motor insurance matters.

(e) No recording or other material created by the system shall be used or distributed for any purpose other than allowed by (d) or kept for more than thirty-one days if not required under (d).

(f) Access to any digitally recorded material shall be limited to the police, any authorised officer of the Council and persons covered by the Information Commissioners CCTV Code of Practice and access to any material otherwise recorded must be made available upon demand to the police, any authorised officer of the Council.

(g) Notices indicating that a CCTV recording system is in operation in the vehicle will be clearly displayed on the passenger windows visible from the outside and in the interior of the vehicle.

(h) The provisions of the Data Protection Act 1998 must be fully complied with by the driver, and vehicle proprietor/operator.

(i) Any breach of privacy rules or of the data protection principles or any human rights violations will be detrimental to a person's standing as a fit and proper person to hold a licence granted by this Council.

(j) Comply with Appendix E of the Hackney Carriage and private Hire Policy and Guidance.

Appendix F
Wealden District Council Penalty Points Scheme

Driver Related Misconduct

Number	Details of the misconduct	Points Applicable	Driver	Vehicle Owner	Operator
1	(a) Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle, **OR** (b) Failure to observe rank discipline, **OR** (c) Parking/waiting in a designated disabled bay (private/public car parks), **OR** (d) Parking and/or leaving a vehicle with its wheels on a public pavement	3	✓		
2	(a)Failure to have a valid DBS certificate and subscribe to the DBS Update Service, **OR** (b) Unsatisfactory appearance of a driver	6	✓		
3	(a) Refusal to accept hiring without reasonable cause, **OR** (b) Unreasonable prolongation of journeys, **OR** (c) Any misconduct regarding the charging of fares, **OR** (d) Carrying more passengers than stated on the vehicle licence, **OR** (e) Moving off the rank (without a reasonable cause to do so) when a passenger with assistance needs is approaching the rank	6	✓	✓	
4	Failure to issue receipt on request	6	✓	✓	✓
5	Carrying two or more separate fares without the appropriate consent from all passengers	9	✓		✓
6	(a) Carrying an offensive weapon in the vehicle (b) Driving whilst using a mobile phone	12	✓		
7	Driver not holding a current DVLA licence	12	✓	✓	✓
8	Failure to provide reasonable assistance to a passenger	1-12	✓	✓	✓
9	(a) Unsatisfactory behaviour or conduct of a driver, **OR** (b) Inappropriate behaviour at a taxi rank	1-12	✓		

Vehicle Related Misconduct

Number	Details of the misconduct	Point Applicable	Driver	Vehicle Owner	Operator
10	(a) Evidence of smoking/vaping in the vehicle, **OR** (b) Evidence of food/drink debris and/or packaging left in the vehicle prior to accepting the next customer, **OR** (c) Failure to display a correct up to date Council fare card, **OR** (d) Failure to display an applicable fare card AND the Councils valid fare card together	3	✓	✓	✓
11	(a) Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle, **OR** (b) Failure to carry first aid kit	3		✓	✓
12	Failure to notify a transfer of Private Hire or Hackney Carriage vehicle licence within 14 days of transfer	4		✓	
13	Failure to use authorised roof light	4	✓	✓	
14	(a) Unsatisfactory condition of vehicle - interior or exterior, **OR** (b) Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions, **OR** (c) Failure to carry a legal spare wheel (or appropriate alternative) and the necessary tools to fit the spare wheel, **OR** (d) Leaving a Hackney Carriage unattended at a rank	4	✓	✓	✓
15	(a) Failure to produce Hackney Carriage or Private Hire vehicle for re-testing when required, **OR** (b) Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspensions of such licence, **OR** (c) Failure to carry fire extinguisher	4		✓	✓
16	A licensed vehicle with a bald or dangerous or defective tyre	4 per tyre	✓	✓	✓
17	(a) Failure to undergo VCT on time, **OR** (b) Failure to provide proof of insurance cover when requested, **OR** (c) Using a non-approved or non-calibrated taximeter (HC), **OR** (d) Displaying any feature on Private Hire vehicle that may suggest that it is a Hackney Carriage, **OR** (e) Using an unlicensed vehicle whose appearance suggests it is a licensed vehicle	6	✓	✓	✓
18	(a) Plying for hire by Private Hire drivers or Hackney Carriage drivers plying for hire outside the district, **OR** (b) Using a licensed vehicle in a dangerous condition, **OR** (c) Private Hire vehicle parking or waiting on a taxi rank	9	✓	✓	✓

19	(a) Using unlicensed vehicle, using a licensed vehicle without insurance or without a valid VCT, **OR** (b) Using a vehicle subject to a suspension order issued by an Authorised Officer or a Police Officer, **OR** (c) Using a vehicle for which the licence has been suspended revoked, **OR** (d) Obstruction of an Authorised Officer or Police Officer wishing to examine a licensed vehicle, **OR** (e) Failure to carry an assistance dog without requisite medical exemption certificate	12	✓	✓	✓

Operator Related Misconduct

Number	Details of the misconduct	Point Applicable	Driver	Vehicle Owner	Operator
20	Failure to maintain proper records of Private Hire vehicles	3			✓
21	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	3		✓	✓
22	(a) Failure to maintain records in a suitable form of the commence and cessation of work of each driver each day, **OR** (b) Failure to produce on request records of driver's work activity	4			✓
23	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6			✓

General Misconduct

Number	Details of the misconduct	Point Applicable	Driver	Vehicle Owner	Operator
24	Failure to notify, in writing, the Council of a change of address within prescribed time scales	3	✓	✓	✓
25	(a) Failure to attend pre-booked journey punctually at appointed time and place without sufficient cause, **OR** (b) Failure to have driver's badge clearly displayed, **OR** (c) Failure to produce relevant documents within timescales when requested, **OR** (d) Failure to attend appointment with an Authorised Officer without sufficient cause	4	✓	✓	✓
26	(a) Providing false or misleading information on licence application form, failing to provide relevant information or pay the relevant fee (including dishonoured cheques), **OR** (b) Failure to notify the Council in writing, of any motoring or criminal convictions within 21 days or conviction or cautions during period of current licence, **OR** (c) Failure to notify, in writing, the Council of a change in medical condition within prescribed time scales, **OR** (d) Failure to submit licence renewal application, including documents, in a timely manner, **OR** (e) Failure to attend a vehicle inspection, **OR** (f) Failure to have the external/internal licence plate in a fixed position or failure to display appropriate door signs	6	✓	✓	✓
27	Failure to behave in a civil and orderly manner, or bringing the trade into disrepute	1-12	✓	✓	✓
28	Appeal of points by way of Licensing Sub-Committee	4-12	✓	✓	✓

Officers may refer any mandatory award of points to Members where there are aggravating features to a case.

Ticks indicate potential recipients of points for infringements, but are not limited to those only. Certain cases may result in drivers and/or proprietors and/or operators receiving penalty points. Points may be awarded to one or several persons depending upon the circumstances of the case, but each case will be considered on its individual merits

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