

# **Statement of Licensing Policy:**

Hackney Carriages, Private Hire  
Drivers, Vehicles and Operators

October 2015

(Incorporating interim amendments in  
force from March 2017)

**CONTROL SHEET FOR STATEMENT OF LICENSING POLICY: HACKNEY  
CARRIAGES, PRIVATE HIRE DRIVERS, VEHICLES AND OPERATORS**

<b>Policy Details</b>	<b>Comments / Confirmation (To be updated as the document progresses)</b>
Policy title	Statement of Licensing Policy: Hackney Carriages, Private Hire Drivers, Vehicles and Operators
Current status - i.e. first draft, version 2 or final version	Version 2.1
Policy author	Solicitor
Location of policy - i.e. L-drive, shared drive	
Member route for approval	Licensing Committee
Cabinet Member (if applicable)	Environment
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Executive/ Council /Planning Committee	Council
Date policy approved	October 2015
Date policy due for review (maximum three years)	October 2018
Date policy forwarded to Strategy and Performance (to include on Intranet and Internet if applicable to the public)	At discretion of officers responsible for implementation.

## CONTENTS

<b>ITEM</b>		<b>PAGE</b>
1	Introduction	5
2	Scope	6
3	Principles	6
4	Statement of Policy:	7
4.1	Vehicles – Hackney Carriage & Private Hire	7
4.2	Drivers	9
4.3	Private Hire Operators	13
4.4	Fares	15
4.5	Disciplinary & Enforcement Measures	16
5	Responsibility for Implementation	17
6	Glossary of terms	17
7	Appendices:	19
A	VEHICLE SPECIFICATIONS AND CONDITIONS OF VEHICLE LICENCES	20
B	ADDITIONAL CONDITIONS FOR PRIVATE HIRE LIMOUSINES	31
C	VEHICLE LICENCE APPLICATION PROCEDURES (HACKNEY CARRIAGE AND PRIVATE HIRE)	34
D	DRIVERS LICENCE APPLICATION PROCEDURES (HACKNEY CARRIAGE AND PRIVATE HIRE)	35
E	THE CONSIDERATION OF APPLICATIONS	36
F	RELEVANCE OF CONVICTIONS	37
G	THE TESTING OF APPLICANTS FOR DRIVER'S LICENCE	40
H	PRIVATE HIRE DRIVER'S LICENCE CONDITIONS	42
	- CODE OF GOOD CONDUCT FOR LICENSED DRIVERS	46
I	PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS	49

<b>J</b>	<b>ENFORCEMENT POLICY AND PRACTICE</b>	<b>52</b>
<b>K</b>	<b>POLICY GUIDELINES FOR DEALING WITH OFFENCES COMMITTED DURING THE TERM OF A LICENCE</b>	<b>58</b>
<b>L</b>	<b>LICENSING COMMITTEE HEARINGS</b>	<b>64</b>
<b>M</b>	<b>PUBLIC PROTECTION POINTS SCHEME</b>	<b>66</b>
<b>N</b>	<b>SPECIFICATION FOR CLOSED CIRCUIT TELEVISION CAMERAS IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES</b>	<b>68</b>
<b>O</b>	<b>MOTORBIKES LICENSED AS A PRIVATE HIRE VEHICLE</b>	<b>70</b>
<b>P</b>	<b>LIST OF OFFENCES/BREACH OF LICENCE CONDITIONS/ETC</b>	<b>73</b>

## POLICY

### 1. Introduction

#### 1.1 BACKGROUND

Bolsover District Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the district of Bolsover.

NB. Any reference in this Policy to notifying, informing, or otherwise contacting, the Council means contacting the Council's Licensing Section.

#### 1.2 ROLE OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Hackney carriage and private hire have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

#### 1.3 BEST PRACTICE GUIDANCE

The Department for Transport's Guidance considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy.

#### 1.4 CONSULTATION

There are a number of groups and organisations that have an interest in the provision of hackney carriage and private hire vehicle services, including the trade itself, residents and enforcers, all of whom have views and concerns that require consideration. In drawing up this policy, the Council has consulted with the following -

This list is not definitive -

- Authorities who border Bolsover District Council
- Derbyshire County Council
- Other departments within Bolsover District Council
- Members of Bolsover District Council
- The hackney carriage and private hire trade including all licensed operators within the district
- Parish Councils
- Derbyshire Constabulary
- Derbyshire Police & Crime Commissioner
- Chief Fire Officer for Derbyshire

- MPs and MEPs for the District
- Derbyshire County Council Trading Standards
- Derbyshire County Council Transport
- Social Services, Child Protection Office
- VOSA (Vehicle and Operator Services Agency)

NB Updates as a result of legislative changes in October 2015 and minor policy amendments in March 2017 have not been subject to separate consultation.

## **1.5 POWERS AND DUTIES**

This Statement of Licensing Policy has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

## **1.6 STATUS**

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above.

Notwithstanding the existence of this policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from its policy, reasons will be given for so doing.

## **2. Scope**

In setting out its policy Bolsover District Council seeks to promote the following objectives -

- the protection of public health and safety;
- the establishment of a professional and respected hackney carriage and private hire trade;
- access to an efficient and effective public transport service; and
- the protection of the environment.

The aim of this policy is to regulate the hackney carriage and private hire trade in order to promote the above objectives.

## **3. Principles**

The aim of licensing the hackney carriage and private hire vehicle trades is, primarily, to protect the public as well as to ensure that the

public have reasonable access to hackney carriage and private hire services because of the local transport provision.

Its purpose is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.

It is important that the Council's powers are used to ensure that hackney carriages and private hire vehicles in the district are safe and comfortable and that the powers are exercised in compliance with the European Convention on Human Rights.

#### **4. Statement of Policy**

##### **4.1 VEHICLES - HACKNEY CARRIAGE AND PRIVATE HIRE**

###### **4.1.1 LIMITATION OF NUMBERS**

At present, the Council do not limit the number of hackney carriages. If it takes the view that a quantity restriction can be justified in principle, the level at which the limit is set shall be determined by means of a survey.

###### **4.1.2 SPECIFICATIONS, CONDITIONS AND LIVERY**

All vehicles licensed by the Council will meet the minimum requirements set out in Appendix A.

###### **4.1.3 SIGNAGE/ADVERTISING**

Both hackney carriages and private hire vehicles are required to display a plate on the front and rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed.

Private hire vehicles in the district are also required to display a sign on the dashboard, rear passenger windows and the front of the vehicle.

###### Operator Advertising

Advertising, limited to the operator's company name, logo and telephone number (along with details of fare scales or discounts offered by the owner/proprietor) will be allowed on vehicles.

###### Third Party Advertising

Any other advertising will only be permitted with the express consent of the Council and will be limited to the side panels of a vehicle only. The advertising of tobacco or related products, alcohol or related products, sexual entertainment venues or other hackney carriage/private hire organisations is strictly prohibited.

#### **4.1.4 SECURITY/CCTV**

It is not considered that such measures should be compulsory. The hackney carriage and private hire vehicles trades are, however, encouraged to build good links with the local Police force, including participation in any Crime and Disorder Reduction Partnerships.

If a decision to install CCTV in a vehicle is made it must comply with the conditions listed in Appendix N.

#### **4.1.5 APPLICATION PROCEDURES**

The application procedures for hackney carriage or private hire vehicle licences are set out in Appendix C.

#### **4.1.6 GRANT AND RENEWAL OF LICENCES**

Hackney carriage or private hire vehicle licences will be granted for 12 months from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.

All vehicles must be tested on application and at every 6 month interval. The test must take place at a testing station approved by the Council.

These requirements are in addition to an MOT, which for hackney carriages is required at 1 year old and thereafter.

The vehicle will be required to undergo a further test 6 months after the initial grant of the licence, if this is not done, officers acting under delegated authority will issue a Suspension Notice. The vehicle may not be taken for testing more than 28 days before the 6 month point.

The testing of hackney carriages and private hire vehicles is more stringent than a standard MOT. All vehicle specifications and conditions will be subject to scrutiny. Also, mechanical testing will be carried out to a higher standard than the MOT because licensed vehicles generally travel many times more miles than other vehicles between tests.

National guidance on testing standards will be adopted, subject to any local adjustments deemed necessary.



For renewals the application forms, appropriate fees and supporting documentation as set out in Appendix C must be submitted in sufficient time prior to the expiry of the previous licence. It is the licence holder's responsibility to ensure that their vehicle licence is renewed appropriately.

Late applications will only be accepted in exceptional circumstances, and documentary evidence to explain those circumstances will be required.

#### **4.1.7 STRETCHED LIMOUSINES**

All applications to licence stretched limousines as private hire vehicles will be treated on their merits. Imported stretch limousine type vehicles will -

- be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive;
- be authorised as prestige type private hire vehicles; and
- be approved for licensing as private hire vehicles subject to the additional conditions detailed in Appendix B.

#### **4.1.8 MATERIAL USE OF HACKNEY CARRIAGES**

Hackney Carriage vehicle licences will only be granted on the basis that they will be used to:

- 1) ply for hire within the district of Bolsover; and/or
- 2) carry out pre-booked work predominantly within the district of Bolsover or within 5 miles of the district boundary;

And any applicant will be expected to demonstrate a bona fide intention to comply with this requirement.

The licence holder of any vehicle subsequently found to be in breach of this requirement will be referred to Licensing Sub-Committee with a view to revoking the licence. If Members feel the applicant obtained the licence dishonestly they may also take action against any hackney carriage/private hire driver's licence held by that person.

#### **4.2 DRIVERS**

##### **4.2.1 PARALLEL PROCEDURES**

The Council will usually issue combined Hackney Carriage & Private Hire Drivers' Licences.

The sections below apply equally to private hire and hackney carriage drivers unless stated otherwise.

#### **4.2.2 AGE AND EXPERIENCE**

In order to be licensed as a hackney or private hire vehicle driver, an applicant must hold a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).

The Council also requires all hackney and private hire vehicle drivers who hold a EC/EEA driving licence to have a GB counterpart document issued to them prior to the granting of a licence.

A licence to drive a hackney carriage or private hire vehicle will not be granted to a person who is under 18 years of age or has not held a full driving licence for a period of 1 year or longer.

#### **4.2.3 DRIVER TESTS**

Hackney carriage and private hire drivers need an excellent working knowledge of the area for which they are licensed.

A licence to drive a hackney carriage or private hire vehicle will not be granted unless the Council is satisfied that the applicant is a fit and proper person.

In order to determine such fitness, applicants will be tested on various aspects of their knowledge and skills fundamental to providing a quality service for passengers.

The procedures in relation to the above are set out in Appendix G.

A non-refundable fee may be payable per test undertaken and/or retaken.

Applicants will also be required to attend Council approved training in respect of both disability access and safeguarding.

#### **4.2.4 DRIVING PROFICIENCY AND QUALIFICATIONS**

Hackney carriage and private hire drivers are expected to have a higher standard of driving competency than the average driver.

All new applicants for hackney carriage and private hire vehicle driver licences may be required to pass such practical examination as the Council determines is appropriate prior to making their application.

Licensed drivers may be required to take such an assessment either retrospectively or as part of a disciplinary process, and at their own cost, if it is felt appropriate by the Licensing Sub-Committee.

#### **4.2.5 MEDICAL EXAMINATION**

A medical examination by a GP to assess an applicant's fitness to drive a licensed vehicle is required before a licence may be granted. A DVLA Group 2 standard of medical fitness for professional drivers is required.

Existing licence holders will be required to produce a medical certificate every 5 years from the age of 45 years, however the Council reserves the right to require further medical examinations should any concerns arise and for any ongoing medical condition.

Licence holders of 65 and over must be examined annually.

The Council may reasonably require any licensed driver to provide a further, current certificate of medical fitness to drive at any time.

Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities.

Where there is any doubt as to the medical fitness of the applicant or an existing licensed driver, the Council may require the applicant to undergo and pay for a further medical examination by the Council's Occupational Health Service.

Where there remains any doubt about the fitness of any applicant or existing licensed driver, a referral will be made to an independent medical practitioner. Any decision about an individual's fitness to drive will then be made by the Licensing Committee.

#### **4.2.6 DISCLOSURE & BARRING SERVICE (DBS) DISCLOSURES**

An enhanced criminal record check on a driver is an essential safety measure.

Applicants for licences are, therefore, required to disclose all convictions, including those that would otherwise have been regarded as spent under the Rehabilitation of Offenders Act 1974 for other purposes as part of the application procedure.

Failure to declare a conviction or other material fact may result in immediate suspension of the licence pending investigation and may result in further legal action up to and including prosecution.

Before an application for a driver's licence will be granted, the applicant must provide a current Disclosure & Barring Service (DBS) check carried out via the Licensing Authority (and a certificate of good

conduct from the relevant embassy in the case of an overseas applicant where required).

Applicants must apply for the DBS check through the Council and will be charged an appropriate fee. Applicants may choose to use the DBS Update Service to provide the Council with the relevant information.

If these documents are not forthcoming within 6 months, the application will be rejected. However the Licensing Committee may extend this period in exceptional circumstances.

The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties. Disclosure will receive the disclosure report at their home address, and are required to provide it to the Council once received.

#### **4.2.7 RELEVANCE OF CONVICTIONS AND CAUTIONS**

In relation to the consideration of convictions and cautions recorded against persons, the Council will apply the policy set out in Appendix F under Relevance of Convictions.

In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. They will take account of cautions and convictions, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the DBS, officers acting under delegated powers will assess whether any cautions or convictions are capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.

The Council will have regard to the type and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application. Regard will also be given to the apparent seriousness of a convicted offence, as indicated by the penalty.

#### **4.2.8 APPLICATION PROCEDURE**

An application for a hackney carriage or private hire driver's licence must be made on the specified application form. The application procedure is set out in Appendix D.

#### **4.2.9 THE CONSIDERATION OF APPLICATIONS**

The Council will consider each application on its own merits once the application form and supporting documents are complete, in accordance with Appendix E.

#### **4.2.10 DURATION & RENEWAL OF LICENCES**

The Council will issue licences for a period of 3 years unless circumstances are such that a shorter period is appropriate.

Applications for renewal must be submitted sufficiently far in advance of the expiry of the previous licence. It is recommended that applications for renewal are submitted by return on receipt of a renewal letter, or in any event not less than 3 months prior to the current badge expiry date.

NB If no renewal letter is received. IT IS THE DRIVER'S RESPONSIBILITY TO BE AWARE OF THE DATE OF EXPIRY OF HIS LICENCE. If the driver believes he has not received his renewal letter at least TEN weeks before the expiry date they should contact the licensing department without delay. The Authority offers no guarantee that a Drivers Badge renewal letter will be received by licence holders and accepts no responsibility where this occurs.

It is the responsibility of the applicant to ensure all applications are submitted in time with all supporting documentation. Late applications cannot be guaranteed to be renewed before the previous licence expires. If the application is not submitted in time the driver will not be authorised to drive a hackney carriage or private hire vehicle, once the previous licence expires, until a new licence is granted. If the previous licence expires the applicant will have to make an application for a new licence, not a renewal. Late applications may only be accepted in exceptional circumstances, and documentary evidence to explain those circumstances will be required.

Applicants for renewal of driver's licences are required to provide a current (less than a month old) enhanced DBS check every 3 years. Applicants who are aged 65 or over must provide evidence of their medical fitness to hold a licence every year.

#### **4.2.11 CONDITIONS OF LICENCE**

It is considered that the conditions set out in Appendix H are reasonably necessary and appropriate for all licensed drivers but accepted that they may only be legally imposed in respect of private hire drivers.

#### **4.2.12 CONVICTIONS**

Where offences, leading to conviction, are committed by licensed drivers, it is important in the interests of consistency and transparency, that a procedure should be in place to consider what effect this should have on their hackney or private hire driver's licence.

Licensed drivers who are convicted of any motoring offence, including fixed penalties, must disclose the conviction and the penalty involved to the Council within 7 days.

Any other criminal convictions must be reported within 72 hours.

Breaches of the relevant legislation or licence conditions will be dealt with following the general principles set out in Appendix L.

#### **4.2.13 CODE OF GOOD CONDUCT**

The standards expected of licensed drivers are set out in the Code of Good conduct at Appendix H.

### **4.3 PRIVATE HIRE OPERATORS**

#### **4.3.1 REQUIREMENTS AND OBLIGATIONS**

Any person who operates a private hire service (except a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Council for a private hire operator's licence. The objective in licensing private hire operators is ensuring the safety of the public, who will be using operators' premises, vehicles and drivers arranged through them. "Operate" means to make provision for the invitation or acceptance of bookings for private hire vehicles in the course of business.

A private hire operator must ensure that every licensed private hire vehicle is driven by a licensed private hire driver.

Applications for operator's licences must be made on the prescribed form, together with the appropriate fee. An officer acting under delegated powers will then decide whether the applicant is a fit and proper person to hold an operator's licence.

#### **4.3.2 CRIMINAL RECORD CHECKS**

Before an application for a private hire vehicle operator's licence will be considered, the applicant must provide a current (less than one month old) Basic DBS Disclosure of Criminal Convictions and a certificate of good conduct from the relevant embassy in the case of an applicant who has lived overseas where required. The DBS check is required to be carried out by The Council and not by another organisation. Applicants may choose to use the DBS Update Service to provide the Council with the relevant information.

Where Operators have supplied a current enhanced DBS Disclosure as part of a driver's licence application, they will not be required to provide a separate Basic Disclosure under this section.

#### **4.3.3 CONDITIONS**

The conditions set out in Appendix I are considered reasonably necessary and will apply to all operators licences.

#### **4.3.4 LICENCE DURATION**

A successful applicant will normally be granted a private hire operator's licence for five years.

Operators are required to provide a further basic criminal record check every third year.

It is the licence holder's responsibility to ensure that their operator's licence is renewed appropriately.

#### **4.3.5 ADDRESS FROM WHICH AN OPERATOR MAY OPERATE**

The licence will specify the address from which the operator may operate. The operator must notify the Council in writing of any change of address (whether this is a home address or the address from which they operate) during the period of the licence, prior to changing the address. A business cannot legally operate from an address not specified on its licence.

#### **4.3.6 BASES OUTSIDE THE COUNCIL'S AREA**

The Council will not normally grant an operator's licence for an operator with an operating base that is outside the boundary of the district. This is to ensure that proper regulation and enforcement measures may be taken.

Existing private hire operators who are licensed for bases outside the Council's area at the introduction of this policy are exempt from this condition.

### **4.4 FARES**

#### **4.4.1 GENERAL**

Hackney carriage fares fixed by the Council are a maximum, and in principle, are open to downward negotiation between passenger and driver.

#### **4.4.2 PRESCRIBED RATES**

The driver of a hackney carriage vehicle, whether by agreement or otherwise, must not charge any fare greater than the rate prescribed by the Council.

There are, however, no provisions in the relevant legislation or this policy which prevent the driver of a hackney carriage or private hire vehicle from charging less than the fare shown on the meter.

#### **4.4.3 TABLE OF FARES**

A table of authorised fares will be provided to each hackney carriage proprietor which must be displayed in each vehicle so that it is easily visible to all hirers.

#### **4.4.4 REVIEW**

Fare rates would normally only be reviewed by the Council annually or on application by the Trade.

#### **4.4.5 RECEIPTS**

A driver must, if requested by the passenger, provide him/her with a written receipt for the fare paid.

#### **4.4.6 PRIVATE HIRE FARES**

Private hire fares may be determined by the private hire operator that takes the booking. The operator of a private hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.

A private hire vehicle may have a calibrated meter, in which case a table of applicable fares must be displayed..

### **4.5 DISCIPLINARY AND ENFORCEMENT MEASURES**

The Council has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to high standards. The Council will endeavour to do this in a consistent and transparent manner. These standards are defined by legislation, licence conditions, codes of practice or adopted by the Council. Together they identify what is required of the trade and help to ensure that a consistent approach is taken by the Council, Officers and Members in their application.

#### **4.5.1 ENFORCEMENT**

To encourage responsible hackney carriage/private hire businesses, the Council will operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Council will only intervene where it is necessary and proportionate to do so.



The Council will liaise with other bodies in carrying out its enforcement procedures, including officers of other Local Authorities and Police bodies.

Enforcement will be carried out in accordance with the policy and procedures set out in Appendix J.

#### **4.5.2 DISCIPLINARY HEARINGS**

Disciplinary matters which could result in the revocation or suspension of a licence will be referred to the Council's Licensing Committee. The Committee will consider the fitness of an individual to hold a licence, and take the action appropriate to the circumstances. The procedures for Committee hearings are set out in Appendix L.

However, where it is deemed necessary for action to be taken for public safety, officers acting under delegated powers may suspend a driver's licence with immediate effect.

#### **4.5.3 PUBLIC PROTECTION POINTS SCHEME**

The Council has adopted a public protection points scheme. This acts as a first step in ensuring compliance with the conditions, and serves as an "early warning" system to drivers and owners or operators who ignore their responsibilities or fail to meet the requirements of their licence.

The scheme is set out in Appendix M. The scheme will not prevent the Council enforcing breaches of licence conditions or the law by other means set out in Appendix J.

#### **4.5.4 RANGE OF POWERS**

The Council may take any of the steps below where an offence or breach of the conditions has been committed:

- prosecution;
- revocation of the licence;
- suspension of the licence;
- refusal to renew a licence;
- add conditions to an existing licence;
- issuing of warnings or cautions.

This list is not exhaustive.

#### **4.5.6 OFFENCES**

Offences in relation to hackney carriages and private hire vehicles are derived from the following:

- Town Police Clauses Act 1847;
- Local Government Act 1972;
- Local Government (Miscellaneous Provisions) Act 1976;
- Transport Act 1980;
- the Hackney Carriage and Private Hire Licensing Policy;
- Road Safety Act 2005 and other subsequent appropriate legislation;
- Council byelaws;
- All Road Traffic Legislation
- Equality Act 2010

The relevant offences under the Acts are set out in Appendix P.

## **5. Responsibility for Implementation**

This Policy will be implemented by, and at the discretion of, the Director of Health & Well-Being under delegated powers.

## **6. Glossary of terms**

Throughout this document -

- "The Council" means Bolsover District Council
- "Licensed Vehicle" means both a Hackney Carriage and Private Hire Vehicle
- "Hackney Carriage" means a vehicle of any form or construction, licensed for standing or plying for hire in any street
- "Hackney Carriage Driver" means a person licensed to act as driver of any hackney carriage
- "Private Hire Vehicle" means a licensed vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers
- "Private Hire Driver" means a person licensed to act as driver of any private hire vehicle
- "Private Hire Operator" means a person licensed to make provision for the invitation or acceptance of bookings for a private hire vehicle

- "Certificate of Compliance" means a certificate confirming that a licensed vehicle has passed the Council's vehicle test
- "Suspension Notice" means a notice prohibiting further use of a licensed vehicle until such time as a defect has been remedied to the satisfaction of the Council
- "Defect Notice" means a notice identifying a defect to a licensed vehicle which must be remedied to the satisfaction of the Council (issued under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976)
- "Faresmeter" means any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both
- "The Guidance" means The Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance October 2010.

## **7. Appendices**

Appendix A to Appendix P follow.

## **APPENDIX A**

### **VEHICLE SPECIFICATIONS AND CONDITIONS OF VEHICLE LICENCES**

*In addition to the conditions set out below, any requirements set out in Part 4.1 of this Policy will form part of the Licence conditions.*

#### **1 GENERAL**

All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle (hackney carriage or private hire including stretched limousines). This is in addition to all requirements of the Road Traffic Legislation, which relates to all motor vehicles.

All vehicles shall have an appropriate “type approval” which is either a -

- European Whole Vehicle Type approval;
- British National Type approval; or
- British Single Vehicle approval.

It is also recommended that vehicles with Euro NCAP star ratings of four or more should be considered when purchasing a new vehicle.

All vehicles shall be capable of carrying not less than four passengers and be fitted with a right hand drive (an exception regarding right hand drive may be made in the case of stretched limousines).

All vehicles shall be either a purpose built hackney carriage, a four door saloon, a five door estate or a multi-passenger vehicle, except that a private hire vehicle shall not be of a purpose built hackney carriage (black cab) type.

Vehicles must have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time.

Sufficient means shall be provided by which any person in the vehicle may communicate with the driver.

Vehicles shall at all times be maintained in sound and roadworthy condition.

No vehicle must be fitted with ‘bull bars’ or other modification that increases the risk to passengers, pedestrians or other road users.

#### **2 DOORS**

All saloons, estates or purpose built hackney carriage vehicles shall have at least four side opening doors, which are capable of being opened from the inside and the outside. Minibuses, rear-loading wheelchair-accessible vehicles, and people carrier type vehicles shall have at least three doors not including any tailgate or rear doors.

All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.

All vehicles, including larger passenger vehicles (multi-purpose vehicles), must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's door.

### **3 SEATS**

Passenger seats must be at least 400 mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860 mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 180 mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.

In relation to the carriage of Child Passengers, vehicles must comply with current seatbelt legislation.

### **4 SEAT BELTS**

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British National Standards except where the law specifically provides an exemption.

### **5 PASSENGER CAPACITY**

The carrying capacity of all vehicles shall be at the discretion of the Council having regard to manufacturer's specifications and compliance with dimensions referred to previously.

The proprietor of the vehicle shall not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers.

### **6 VENTILATION**

Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.

Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available.

## **7 LUGGAGE**

Luggage carried must be secured in place and not obstruct any exit.

## **8 MAINTENANCE AND CONDITION OF THE VEHICLE**

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

Vehicles can be liable to be inspected and tested at any time. If, upon inspection, it is discovered that a vehicle is unsafe or unsuitable for the carrying of passengers a notice may be served to this effect setting out the defects to be remedied. If public safety is compromised by the defects the Council will issue a notice of suspension. Further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection at the Council's approved inspection premises.

All wheels must be roadworthy with the tyre load ratings appropriately set to the manufacturer's recommendations. Remoulds/retreads are permitted but they must comply with British Standards and be marked in accordance with British Safety Standards BSAU 144e.

A serviceable spare wheel and tyre, jacking equipment and wheel brace must be provided, securely stored in a position not liable to damage passengers' luggage.

Space savers and emergency repair kits are acceptable but a conventional wheel and tyre must be fitted at the earliest available opportunity and, in any case, prior to commencing any future bookings.

A spare bulb kit must be provided.

The owner of the licensed vehicle shall -

- cause the roof or covering to be kept water-tight;
- ensure that all opening windows can be opened and closed easily.

## **9 MODIFICATIONS**

No material alteration or change in the specification, design, condition or appearance of the vehicle may be made while the licence is in force without first complying with road traffic and insurance legislation and

secondly without the approval of an officer acting under delegated powers.

## **10 LICENCE PLATES AND STICKERS**

All plates, signs, side stickers, etc remain the property of the Council and must be surrendered to an Authorised Officer upon request following suspension of a vehicle.

Except as provided below, at all times while the vehicle is licensed as a hackney carriage or private hire vehicle, there shall be securely fixed to the exterior front and exterior rear of the vehicle the appropriate vehicle licence plates supplied by the Council.

The maximum number of persons to be carried is identified on the vehicle licence plate referred to above. A child of any age is counted as one person.

At all times while a vehicle is licensed there shall be displayed on the dashboard and rear passenger windows stickers which identify the vehicle as either a private hire or hackney carriage vehicle. On these will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

The proprietor of the vehicle shall ensure the plates are affixed to the outside and inside of the vehicle, as appropriate.

Within one week of a licence expiring the vehicle licence holder shall return the expired licence and vehicle plates to the Council.

Provided that they have received express written consent from the Council, limousines and other prestige/executive vehicles and/or vehicles carrying out prestige or executive service may, in certain circumstances, not be required to display the external vehicle licence plates but must comply with the requirements above in respect of displaying the internal plates. Where dispensation for discreet plating has been granted by the Council the notice must be carried within the vehicle at all times.

## **11 SIGNAGE**

### Hackney Vehicle Markings

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

### Private Hire Vehicle Markings

Self adhesive identification signs as approved by the Council, indicating that insurance is invalid unless the vehicle is booked by

private hire, must be affixed to the driver's door and front passenger door panels of the vehicle. These signs must not be tampered with in any way and must be displayed at all times whilst the vehicle has current private hire plates affixed.

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

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

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

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

## **12 SIGNAGE/ADVERTISING**

Any signage or advertising on the vehicle must be restricted to the name, logo or insignia, telephone number, fax number, e-mail address or website of the operator of the vehicle. Any other advertising will not include advertising of tobacco or related products, alcohol or related products, sexual entertainment venues or other hackney carriage/private hire organisations and will be limited to side panels.

No sign or advertisement shall obliterate or be confused with the vehicle's licence plate, side stickers etc or the registration plates of the vehicle.

Vehicles will be required to display the legally required no smoking signage.

## **13 DEPOSIT OF LICENCES**

Before a proprietor permits or employs any other person to drive his private hire vehicle he shall obtain a copy of the relevant driver's private hire driver's licence. The copy licence must be kept until such time as the driver ceases to be permitted or employed to drive that vehicle.

The proprietor of the vehicle will deposit a copy of the vehicle licence with the operator before taking any bookings with that operator.

The loss or theft of any vehicle licence shall be reported to the Council as soon as possible. In the case of theft, the Police must also be informed.



## **14 COMMUNICATION DEVICES**

All two-way radio equipment must be of a type currently approved by the Radio Communications Agency.

Any radio equipment fitted to the vehicle must be fitted securely and safely and in accordance with relevant guidelines.

Only one two-way radio with a single operator frequency may be operational in the vehicle at any one time and this shall be an approved radio used exclusively for the hackney carriage/private hire trade and licensed with an effective radio power (ERP) not exceeding 25 watts.

The use of a Citizen Band (CB) transmitter, radio scanner or receiver by a driver is prohibited.

## **15 METERS**

### Hackney Carriages

A faresmeter must be fitted and be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure and easily visible to passengers.

If a faresmeter can be calibrated electronically without manually adjusting the device a certification of calibration will be required.

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

The faresmeter shall be positioned so that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle. The dial of the faresmeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Vehicles Lighting Regulations 1989 and also at any time at the request of the hirer.

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

If the faresmeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the Council so that arrangements for resetting and resealing may be made and the certificate of calibration provided where an alteration has been made electronically.

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

### Private Hire

Private hire vehicles may be fitted with a faresmeter, but are not required to be fitted with meters. Any faresmeter fitted to a private hire vehicle must comply with those conditions and requirements set out in the first paragraph under hackney carriages above.

In a vehicle with a fitted meter, the current fare chart shall be clearly displayed in the vehicle or there shall be exhibited within the vehicle, so as to be plainly visible to passengers carried therein, a notice indicating that hire charges for the vehicle are not prescribed by the Council but are a matter of negotiation with the hirer.

## **16 TRAILERS**

Trailers may only be used with the prior approval of the Council and subject to the following requirements:

- trailers can only be used in connection with private hire bookings and cannot be used for plying for hire on a rank;
- the trailer must at all times comply with all requirements of Road Traffic Legislation.
- the vehicle insurance must include cover for towing a trailer;
- trailers must not be left unattended anywhere on the highway;
- a suitable lid or other means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

## **17 DISABILITY ACCESS**

Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply -

- access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus;
- wheelchair internal anchorage must be of the vehicle manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit;
- a suitable restraint must be available for the occupant of a wheelchair;

- access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper; and
- ramps and lifts must be securely stored in the vehicle before it may move off.

Any equipment fitted to the vehicle for the purpose of lifting disabled persons or a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (SI 1998/2307) or any other subsequent regulations. Any such equipment must be maintained in a good working order and be available for use at all times.

Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

Subject to the provisions of Section 12 above, a sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided that the vehicle has been manufactured or properly adapted for that purpose.

## **18 VEHICLES POWERED BY LIQUID PETROLEUM GAS (LPG)**

An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice and that the vehicle is therefore considered safe.

If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be securely stowed in a location that does not impinge on the passenger carrying area of the vehicle.

## **19 TINTED WINDOWS**

The windows or windscreen of any vehicle must allow at least 70% of light to pass through it, unless the following criteria can be met -

- the vehicle is licensed only for private hire purposes;
- the vehicle is a stretched limousine or prestige type vehicle (see separate additional conditions for limousines at Appendix B);
- the vehicle will not carry children/young persons aged under 18 unless accompanied by an adult; and
- the operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle will be supplied.

## **20 VEHICLES FOR 5 TO 8 PASSENGERS**

The vehicle must have at least two unobstructed doors for passengers (either two sides or one side and one rear). If there is no direct access to a second door then the window opposite the entry point must be marked "In case of emergency, break glass" and a suitable implement provided at that point.

All seats must be adequate in size, shape and condition for passengers and must be securely fixed.

Provision must be included to ensure that luggage is stored safely and securely and must not obstruct the use of exits.

In vehicles specifically adapted to carry disabled passengers, rear door access may be provided with a tail lift system, but a visible and audible driver's warning device must be installed to alert the driver in the event of the rear door being opened or not being properly secured whilst the vehicle ignition is switched on.

The maximum vertical height acceptable between the road and first step or floor of the vehicle is 12" (300 mm). A step/steps must be provided to vehicles where this measurement is exceeded. If a fixed step is fitted to the vehicle and is capable of being extended beyond the body line, it must be designed, or have a warning device fitted so the vehicle cannot be driven away with the step extended.

The vehicle shall display signs on both sides of the vehicle as specified in Section 11 above.

## **21 ALTERATIONS**

Any of the requirements in these conditions may be waived at the discretion of the Council.

## **22 INSURANCE**

The vehicle shall be covered by a policy of insurance compliant with the requirements of Part IV of the Road Traffic Act 1972 during the period whilst the vehicle is used for hackney carriage or private hire, which covers the vehicle for such use. Private Hire Vehicles must not be insured for public hire.

If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being put, the Council shall be informed immediately and the vehicle shall not be used as a private hire vehicle until appropriate cover is obtained.

## **23 CHANGES**

Where there is a change of circumstances affecting the vehicle licence the Council must be notified in writing within 14 days of such change.

**24 INSPECTION**

The vehicle licence must be produced for inspection at all reasonable times on request by an authorised officer of the Council or any Police Officer.

**25 UNAUTHORISED USE**

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

**26 ACCIDENT REPORTING**

A proprietor or driver of a hackney carriage or private hire vehicle shall report to the Council any accident to the vehicle causing damage which affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle. Accidents must be reported within 2 working days of the occurrence.

Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected by the Council's approved inspectors (at the owner's or operator's expense) to determine its fitness for continued use. An officer acting under delegated powers may suspend the use of a licensed vehicle until it is suitably repaired.

**27 LIVERY**

Hackney Carriages

Hackney carriages will be required to be painted any single colour other than black, with the exception of the bonnet and boot/tailgate which shall be white.

Vehicles used as substitute hackney carriages for reasons of disrepair and/or accident need not comply with the standard livery above provided that the proprietor has obtained a licence for the vehicle in accordance with Section 26 for a maximum period of 1 month, to be reviewed after this period if appropriate.

Private Hire Vehicles

Private hire vehicles shall be painted **1 COLOUR ONLY**.

**28 MATERIAL USE OF HACKNEY CARRIAGES**

Hackney Carriage vehicles must be predominantly used to:

- 1) ply for hire within the district of North East Derbyshire; and/or
- 2) carry out pre-booked work predominantly within the district of Bolsover or within 5 miles of the district boundary;

The licence holder of any vehicle found to be in breach of this requirement will be referred to Licensing Sub-Committee with a view to revoking the licence. If Members feel the applicant obtained the licence dishonestly they may also take action against any hackney carriage/private hire driver's licence held by that person.

## **29 MISCELLANEOUS**

The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose whatsoever.

## **APPENDIX B**

### **ADDITIONAL CONDITIONS FOR PRIVATE HIRE LIMOUSINES**

#### **1 TYPES OF VEHICLES**

The vehicle must have one of the following:

- A UK Single Vehicle Approval Certificate;
- A European Whole Vehicle Approval Certificate;
- UK Low Volume Type Approval Certificate; or
- Limousine Declaration of Condition of Use.

And a copy must be provided at the time of application.

#### **2 VEHICLE AND SAFETY EQUIPMENT**

Stretched limousines and similar vehicles shall comply with the existing conditions of licence applicable to all licensed private hire vehicles in so far as they are not superseded by these additional conditions and the local private hire licence fee shall be the same.

The proprietor of a vehicle shall:

- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction & Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance are rectified.
- Ensure that loose luggage is not carried within the passenger compartment of the vehicle.

Vehicles may be left or right hand drive providing that they have proof of DETR vehicle type approval.

Seats do not have to be front facing.

The windows of any vehicle shall not have been treated so that less than 50% of light is transmitted through them.

Vehicles must be supplied with a safety hammer, capable of being used to break the glass of the vehicle, which is securely located in the driver's compartment.

#### **3 USE OF VEHICLES**

The proprietor/driver of the vehicle shall:

- not convey any passengers in the front compartment of the vehicle; and
- not supply, in the vehicle, any alcohol as defined in the Licensing Act 2003.

#### **4 VEHICLE IDENTIFICATION PLATES**

The vehicle will be required to comply with the same rules for display of plates and signage as other Private Hire Vehicles, unless granted an exemption in accordance with Appendix A, Paragraph 10.

#### **5 SIGNS, NOTICES, ETC**

Advertising, limited to the operator's company name, logo and telephone number along with details of fare scales or discounts offered by the owner/proprietor will be allowed on vehicles.

Any other advertising will not include advertising of tobacco or related products, alcohol or related products, sexual entertainment venues or other hackney carriage/private hire organisations and will be limited to side panels.

#### **6 INSURANCE/TEST CERTIFICATES**

The vehicle must not be used to carry passengers for hire unless there is in force for the vehicle -

- a current Certificate of Compliance and
- a policy of insurance covering the use of the vehicle for private hire where the proprietor of the vehicle is shown as the policy holder and any other licensed private hire vehicle drivers who drive the vehicle are covered.

These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

The proprietor shall deposit a valid and current copy of the Certificate of Compliance and Certificate of Insurance or cover note with the operator before the vehicle is used to accept bookings provided by the operator.

If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being put, the Council must be informed immediately and the vehicle shall not be used as a private hire vehicle until appropriate cover is obtained.

#### **7 DEPOSIT OF LICENCES**



The loss or theft of any licence shall be reported to the Council as soon as possible. In the case of theft, the Police should also be informed.

## APPENDIX C

### VEHICLE LICENCE APPLICATION PROCEDURES (HACKNEY CARRIAGE AND PRIVATE HIRE)

1. The Council will not issue a licence until they are satisfied that the vehicle has passed a test at its testing station.
2. When presenting an application, the following documents **MUST** accompany the application form -
  - **REGISTRATION DOCUMENT** - which must show the registered keeper(s), or a bill of sale which clearly states details of the vehicle, the vendor and purchaser;
  - **INSURANCE CERTIFICATE OR COVER NOTE** - applicants may be required to produce further evidence on or before the expiry of the cover note;
3. In every application, the full name and address shall be given of -
  - the person applying for a licence;
  - every owner or part owner of the vehicle;
  - any person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of the vehicle.
4. Any person who knowingly omits the name of any person who is a proprietor or part proprietor of such vehicle, or who is concerned in the keeping, employing or letting to hire of such vehicle may be liable to further action by the Council.
5. The names that appear on the declaration of ownership will be entered on to the hackney carriage/private hire vehicle licence and in every such licence shall be specified the name and surname and place of abode of every person who is a proprietor or part proprietor of the hackney carriage/private hire vehicle in respect of which such licence is granted.

Where an owner is an incorporated body the full name, company number and registered office address shall be specified.

## APPENDIX D

### DRIVERS LICENCE APPLICATION PROCEDURES (HACKNEY CARRIAGE AND PRIVATE HIRE)

1. These procedures are in place so that the applicant can demonstrate they have the necessary skills and knowledge to show they are a fit and proper person to operate as a licensed hackney carriage or private hire driver.
2. Applications for hackney carriage and private hire drivers' licences may be made at any time of the year. However, a licence will not be granted to a person who is under 18 years of age or a person who has not held a full relevant DVLA driving licence for a minimum of 1 year.
3. Applications are to be made on the prescribed form.
4. In support of a completed application form, the applicant must provide the following -
  - a current full EU driving licence;
  - a signed mandate to allow the Council to check driving licence details with DVLA;
  - enhanced disclosure from the DBS, which shall be obtained through the Council, or a Certificate of Good Conduct where required;
  - a completed Disclosure of Convictions form;
  - evidence that they have passed such assessment of their private hire/hackney carriage driving skills as may be required;;
  - the required fee;
  - a medical certificate (see Section 4.5) (Group 2);
  - a recent photograph;
  - completed satisfactory Safeguarding training; and
  - attended a Council approved disability training course.
5. In addition the applicant will be required to have passed the relevant examinations as set out in Appendix G.
6. For applicants who do not possess a UK passport, documentary evidence confirming their right to live and work in the UK is required. The provision of a National Insurance number in isolation is not sufficient for the purposes of establishing the right to live and work in the UK. Checks may be made with the UK Border Agency or other relevant organisations.

## APPENDIX E

### THE CONSIDERATION OF APPLICATIONS

1. Upon receipt of a properly made application form, an officer of the Licensing Section of the Council shall consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied.
2. An applicant who has not passed all relevant tests will be deemed not a fit and proper person.
3. If satisfied from the information available that the applicant is a fit and proper person to hold a hackney carriage and/or private hire licence, an officer acting under delegated powers has the power to grant or renew a licence.
4. Successful applicants will be notified in writing and issued with the appropriate licence. Those who are granted drivers' licences shall be issued with a driver's badge, which shall remain the property of the Council and must be surrendered when the driver ceases employment as a driver. It must be worn at all times whilst the driver is at work.
5. Where the officer acting under delegated powers is not satisfied, on the information before him/her, that the applicant should be granted a licence, the matter must be referred to the Licensing Committee for a decision. The applicant will be advised of the date, time and venue of the Committee at which the application will be considered and invited to attend, accompanied by a representative if desired.
6. At the Licensing Committee meeting, the Council members present will receive a report from a representative of the Licensing Team, and shall then hear representations from the applicant and may ask any questions of the applicant or Council officers before deciding upon whether a licence should be granted. The applicant will be told of the outcome immediately and this will be confirmed in writing within 7 working days.
7. Unsuccessful applicants will be informed of their right to appeal against the decision to the Magistrates' Court within 21 days of receipt of the formal notice of refusal of the application.

## **APPENDIX F**

### **RELEVANCE OF CONVICTIONS**

#### **1. GENERAL POLICY**

This Appendix will act as guidance for the Council when considering the fitness and propriety of license-holders and applicants.

Each application will be determined on its own merits.

A person with a conviction for serious crime need not be permanently barred from obtaining a licence but will be expected to remain free of conviction for 5 years, according to the circumstances of the offence, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However the overriding consideration should be the protection of the public.

Listed below are some general principles relating to the determination of applications for drivers and operators which will generally be followed where convictions are admitted or otherwise identified.

#### **2. LESS SERIOUS TRAFFIC OFFENCES**

Convictions for minor traffic offences will not prevent a person from proceeding with an application. Multiple occurrences of similar current offences however, merit the issue of a warning as to future driving standards. If sufficient penalty points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire vehicle driver's licence may be granted after the restoration of the DVLA driving licence, but only after a period of 12 months has elapsed since the expiry of the disqualification or from the date of any subsequent conviction. A warning will, however, be given about future driving standards.

In circumstances where a driver acquires 12 or more penalty points on his DVLA driving licence but is not disqualified from driving because of the mitigating circumstances put before the Magistrates' Court, the driver's hackney carriage or private hire licence may still be refused. Such a matter will always be dealt with by way of the Licensing Committee.

#### **3. MAJOR TRAFFIC OFFENCES**

More than one conviction for a major traffic offence within the last 2 years will normally merit refusal with no further application then being considered until a period of three years free from convictions has passed.

A single conviction for causing death by careless driving or by dangerous driving will be reported to the Licensing Committee for determination on the merit of the case, but would normally merit refusal.

**4. APPLICATIONS WHERE TRAFFIC OFFENCES ARE NOT DECLARED**

Where an applicant has failed to disclose one or more of the offences mentioned above on their application form but such offences are subsequently uncovered during a DVLA check or by any other means, officers may, if they think fit, still issue the licence subject to a warning regarding future conduct. If, however, they consider that there was a premeditated intent to deceive, the matter will normally be referred to the Licensing Committee and the Council may take legal action if a non-declaration has been made with intent. It is an offence to make a false declaration on an application form. This includes failing to declare relevant information.

**5. DRINK/DRUGS**

With a Motor Vehicle

A serious view will be taken of convictions for driving or being in charge of a vehicle whilst under the influence of drink or drugs. An isolated incident may not necessarily debar an applicant but strict warnings will be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicant's fitness to hold a licence. If there is any suggestion that the applicant is an alcoholic or a drug addict, a special medical examination may be arranged and consideration will be given to this report before an application is refused or approved. Any such case will be referred to the Licensing Committee.

Not in a Motor Vehicle

An isolated conviction for drunkenness or possession of drugs need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see above).

**6. SEXUAL OR INDECENCY OFFENCES**

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with convictions for sexual offences will generally be refused. It is unlikely that anyone convicted of a sexual offence would be considered a fit and proper person.

**7. VIOLENCE**

As hackney carriage and private hire drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for bodily harm, wounding or assault. At least 5 years free of such convictions must be shown before a licence will be granted, and even then a strict warning will be administered.

Applications for a person who has a conviction for manslaughter or murder will generally be refused.

**8. DISHONESTY**

Hackney carriage and private hire vehicle drivers are expected to be persons of trust. For these reasons a serious view will be taken of any convictions involving dishonesty. In general a period of 5 years free of convictions will be required before a licence will be granted.

**9. OTHER OFFENCES AND SPECIAL CIRCUMSTANCES**

If the applicant has declared any other offences not listed above or the circumstances of the case justify, an officer acting under delegated powers will, if he/she considers it appropriate, refer the application to the Licensing Committee for determination.

## **APPENDIX G**

### **THE TESTING OF APPLICANTS FOR DRIVER'S LICENCE**

#### **NEW DRIVER TESTS**

##### **1. INTRODUCTION**

In order to maintain the standards that the Council expects of its drivers, applicants for a hackney carriage or a private hire driver's licence will be required to pass various tests as part of the process of satisfying the Council that they are suitable persons to hold such a licence. These tests will consist of:

##### **Driving Standards**

Applicants will be required to pass such test of their taxi driving standards as the Council sees fit to require before a hackney carriage or private hire driver licence will be issued.

##### **Knowledge Tests**

Applicants will be tested on their knowledge of matters such as local geography, licensing law, Council rules and policy, numeracy and literacy etc. The format, content and score required of these tests will be determined by the Council and reviewed as the need arises.

##### **2. DRIVER TEST FAILURE**

Applicants who fail to achieve the required score shall be invited to take a different test on another occasion. They shall not be considered fit and proper to hold a licence unless or until they have achieved the requisite pass rate in all elements of the tests.

For the test, the applicant will receive a paper and will be required to sit in a room and will have a preset time in which to answer the questions unaided.



## **APPENDIX H**

### **PRIVATE HIRE DRIVER'S LICENCE CONDITIONS**

*In addition to the conditions set out below, any requirements set out in Part 4.2 of this Policy will form part of the Licence conditions.*

#### **1. CONDUCT OF DRIVER**

- 1.1 The holder of a private hire driver's licence shall comply with the following conditions, which should be read in conjunction with the Code of Good Conduct.
- 1.2 The driver shall at all times, when acting in accordance with the driver's licence granted to him, wear such badge as supplied by the Council in a manner as to be clearly visible at all times. He shall not lend the badge to any other person or cause or permit any other person to wear it and on termination or surrender of a driver's licence, he shall return the badge to the Council immediately.
- 1.3 The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 1.4 The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from view or allow the licence plate to be so defaced as to make any part of it illegible.
- 1.5 The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with vehicle at the appointed time and place.
- 1.6 The driver, when hired to drive to a particular destination, shall proceed to that destination by the shortest available route unless a different route has been agreed with the hirer.
- 1.7 The driver shall not carry in a vehicle more persons than the number specified on the vehicle licence.
- 1.8 The driver shall carry a reasonable amount of luggage if required, and afford reasonable assistance in loading and unloading luggage.
- 1.9 The driver must not solicit, by calling out or by any other means, any person to hire or be carried for hire. The driver will only carry passengers who have booked through a licensed Operator.
- 1.10 The vehicle shall be presented in a suitable condition for each journey.

- 1.11 The private hire vehicle must only be driven with the consent of the proprietor of the vehicle.
- 1.12 The driver must comply with any hirer's request not to drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the business. The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any person, whether inside or outside the vehicle.
- 1.13 Smoking is prohibited in the vehicle at any time due to the Health Act 2006.
- 1.14 The driver shall not get the hirer's attention, as a means of signalling that the vehicle has arrived, by operating the horn or shouting.
- 1.15 The driver must not cause or permit the vehicle to stand on a road or in a public place as to suggest that it is available for immediate hire, or use any hackney carriage stand.
- 1.16 Drivers must not use a hand-held mobile telephone or other hand-held interactive communications device at any time the vehicle is in motion or stopped at traffic lights etc. A vehicle must be correctly parked before such equipment is used.

## **2 FITNESS OF DRIVER**

- 2.1 The driver must cease driving any private hire vehicle and contact the Council immediately, if they know of any medical condition which may affect their driving ability and the health and safety of themselves and/or any passengers.

## **3 FARES AND JOURNEYS**

- 3.1 The driver shall, if requested by the hirer, provide the hirer with a written receipt for the fare paid.
- 3.2 If the private hire vehicle is fitted with a faresmeter, then the driver of a private hire vehicle shall:
  - unless the hirer wishes to engage by time, bring the meter into operation at the commencement of the journey;
  - bring the machinery of the faresmeter into action by activating the device, so that the word 'HIRED' is legible on the face of the faresmeter, before beginning a journey for which a fare is charged for distance and time;
  - keep the machinery of the faresmeter in action until the termination of the hiring;

- when waiting for hire, keep the key, flag or other device fitted for that purpose locked in the position in which no fare is recorded on the face of the meter;
- cause the display of the faresmeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness (as defined for the purposes of the Road Traffic Act 1972), and also at any other time at the request of the hirer; and
- not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the meter.

#### **4 DUTIES OF LICENCE HOLDER**

- 4.1 The Council must be notified of any change in circumstances affecting this licence, within 7 days of that change in circumstances.
- 4.2 The private hire driver's licence must be made available for inspection, on request, by any authorised officer of the Council or any Police Officer.
- 4.3 The driver must notify the Council, within 7 days of joining or leaving an operator, of the name and address of the operator concerned.
- 4.4 The private hire driver's licence must be presented to the operator concerned, before commencing work with that operator.
- 4.5 All licences, badges, plates, side stickers etc issued remain the property of the Council at all times. They must be returned immediately when the licence expires and is not renewed or where the licence is suspended or revoked.
- 4.6 The driver must notify the Council of any change of address within 7 days.
- 4.7 The driver must notify the Council, within 7 days, of any conviction for an offence or of any receipt of a fixed penalty imposed on him/her whilst the licence is in force. Failure to disclose a conviction may result in an immediate licence suspension, pending investigation.
- 4.8 The loss or theft of any driver's licence shall be reported to the Council as soon as possible. In the case of theft, the Police must also be informed.

#### **5 LOST PROPERTY**

- 5.1 A driver of a private hire vehicle shall immediately, after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein

and report it as soon as possible (and in any event within 48 hours) to an appropriate police station and leave it in the Police's custody. If the police decline to accept the property they should follow any police advice given. If in any doubt a driver should contact the Council for further advice.

## **6 ACCIDENT REPORTING**

- 6.1 A driver of a private hire vehicle shall report to the Council, within 48 hours, any accident to a private hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle.

## **7 THE CARRIAGE OF ANIMALS**

- 7.1 A driver must not carry in a private hire vehicle any animal whilst it is being used as a private hire vehicle, except as provided for below.
- 7.2 Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.
- 7.3 A driver must carry assistance dogs if required. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing and other assistance dogs which assist disabled people with a physical impairment.
- 7.4 Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. A certificate of exemption is supplied on production of suitable medical evidence.

## **8 WHEELCHAIR ACCESSIBLE VEHICLES**

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

## **9 WORKING HOURS**

Drivers will fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.

## **10 PROVISION OF INFORMATION**

Where requested to do so by an Authorised Officer of the Council, the driver will provide a criminal record check, certificate of good conduct, medical report, DVLA licence report or other information, at his own expense, so as to enable the Council to assess if the licence holder remains 'fit and proper' to hold a driver licence with the authority.

Failure to comply with such a request will result in the licence holder being referred to the Licensing Committee for consideration of whether they remain fit and proper to hold a licence. If they cannot demonstrate that they remain fit and proper the usual outcome will be revocation of the Private Hire Driver's Licence.

## **CODE OF GOOD CONDUCT FOR LICENSED DRIVERS**

In order to promote its licensing objectives the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

### **1 RESPONSIBILITY OF THE TRADE**

Licence holders shall promote the image of the hackney carriage and private hire trade by:

- complying with this Code of Good Conduct;
- complying with all the Conditions of their Licence and the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy; and
- behaving in a civil, orderly and responsible manner at all times.

### **2 RESPONSIBILITY TO CUSTOMERS**

Licence holders shall:

- maintain their vehicles in a safe and satisfactory condition at all times;
- keep their vehicles clean and suitable for hire to the public at all times;
- attend punctually when undertaking pre-booked hiring unless delayed by unavoidable circumstances. If delays are lengthy, the driver/operator should attempt to contact the hirer to inform them;
- assist, where necessary, passengers into and out of vehicles; and
- offer passengers reasonable assistance with luggage.

In the event of a passenger who requires to be carried seated in a wheelchair presenting themselves at a taxi rank, or hailing a hackney carriage on the street and the hackney carriage which the passenger has presented themselves to or hailed is not wheelchair accessible, drivers must either:

- divert the passenger to a wheelchair accessible vehicle on the rank if one is available; or
- use their phone or radio to contact an operator of a wheelchair accessible hackney carriage to arrange to collect the passenger as soon as possible.

### **3 RESPONSIBILITY TO RESIDENTS**

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- not sound the vehicle's horn illegally including to get the hirer's attention;
- not get the hirer's attention by shouting;
- keep the volume of entertainment devices to a minimum;
- switch off the engine if required to wait; and
- shall not leave litter behind.
- take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- rank in an orderly manner and proceed along the rank in order and promptly; and
- remain in the vehicle.

At a private hire operator's premises, a licence holder shall -

- not undertake servicing or repairs of vehicles;
- not allow their entertainment devices to cause disturbance to residents of the neighbourhood; and
- take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

### **4 DRESS CODE**

Acceptable Standard of Dress:

- As a minimum standard, males should wear either long legged trousers or knee length shorts and T shirts which have a full body and short sleeves. Females should wear either long legged

trousers or knee length shorts or skirt or dress and T shirts which have a full body and short sleeves.

#### Footwear

- Footwear for all drivers shall fit around the heel of the foot.

#### Unacceptable Standard of Dress

- The following are deemed to be unacceptable:
  - (a) Clothing that is not kept in a clean condition, free from holes and rips.
  - (b) Words or graphics on any clothing that is of an offensive or suggestive nature or which might offend.
  - (c) Sportswear (eg football/rugby kits, track suits, beach wear etc).
  - (d) Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
  - (e) Drivers not having either the top or bottom half of their bodies suitably clothed.

## 5 **GENERAL**

Drivers shall -

- pay attention to personal hygiene;
- not have any signage or material in or on the vehicle that is likely to cause offence;
- ensure any tattoos or body art which may cause offence are properly covered;
- be polite, helpful and fair to passengers;
- drive with care and due consideration for other road users and pedestrians

**PLEASE NOTE -**

**ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGEMENT.**

**THE COUNCIL WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE CONSUMED ANY ALCOHOL OR HAVING MISUSED ANY DRUGS WHILST IN CHARGE OF A LICENSED VEHICLE.**

## **APPENDIX I**

### **PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS**

*In addition to the conditions set out below, any requirements set out in Part 4.3 of this Policy will form part of the Licence conditions.*

#### **1 STANDARDS OF SERVICE**

The operator shall:

- Provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- Ensure that staff, employed by the operator, act in a civil and orderly manner at all times.
- Ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unavoidable circumstances beyond their control. If delays are lengthy, the driver/operator should contact the hirer to inform them.
- Ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated.
- Ensure that any waiting area provided has adequate seating facilities.
- Fulfil his/her responsibilities and ensure compliance with legislation regarding the length of working hours.

#### **2 RECORDS**

The records which must be kept by operators under the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a non erasable form in a suitable log/book or a computerised record system. If kept as a book the pages must be numbered consecutively, and any amendments should be initialled and dated. Correction fluid or similar substances are not to be used.

Computerised record systems must be designed to prevent deletion or amendment following the taking of a booking, and may only be used with the prior consent of the Council.

All records maintained by the operator shall be kept for at least 12 months and shall be produced for inspection, on request, by an authorised officer of the Council or Police Officer.

##### **2.1 BOOKINGS**

Prior to each journey, the operator shall enter the following details of every booking of a private hire vehicle accepted:



- the date and time of the booking
- the name of the hirer
- the time of pick up
- the address of the point of pick up
- the destination
- the time at which a driver was allocated to the booking
- the plate number (or other identification) of the vehicle allocated
- the fare quoted

## **2.2 VEHICLES**

The operator shall keep records of the details of all private hire vehicles operated by him, including:

- type, make, model, colour and engine size of vehicles
- the year when the vehicle was first licensed for private hire
- vehicle registration numbers
- the number of seats for passengers
- owners
- insurance details of vehicles
- whether a meter is fitted
- private hire vehicle plate numbers
- identification name (call signs) if different to plate number
- expiry date of private hire vehicle licence

## **2.3 DRIVERS**

The operator shall keep records of all drivers of private hire vehicles operated by him/her, including:

- details as to the drivers of the vehicles and their call signs
- details of when any driver's service begins
- details of when any driver's service ceases
- details of any change of address of any driver in service
- if he/she becomes aware that any driver is suffering from any illness, disability or conditions which may affect the driver's ability to safely carry out his/her duties, details of that information
- expiry dates of driver's badges

## **3 COMPLAINTS**

The operator shall immediately notify the Council in writing of any complaints received concerning any booking and confirm what action, if any, has been taken or proposed as a result.

## **4 CHANGE OF ADDRESS OUTSIDE THE LICENSED AREA**

An operator notifying the Council's Licensing Team that they are changing to an address [*more than five miles*] outside the district boundary may be referred to the Council's Licensing Committee.

## **5 DISCLOSURE OF CONVICTIONS**

The operator shall, within 7 days, notify the Council in writing of any conviction, caution or fixed penalty imposed on him. If the operator is a company or partnership, this requirement applies if any of the directors or partners receive a conviction, caution or fixed penalty.

## **6 INSURANCE**

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

If the operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.

## **7 PRIVATE HIRE DRIVER'S LICENCES**

The operator shall satisfy himself that every driver engaged by him holds a current private hire driver's licence and has a badge issued by the Licensing Team.

## **8 DISPLAY OF TERMS AND CONDITIONS**

The operator shall, at all times, keep a copy of these conditions at any premises used by him/her for a private hire business and shall make the same available for inspection by fare paying passengers.

## **9 INSPECTION OF LICENCE**

The Operator's Licence shall be displayed at the licensed address and be made available for inspection on request by any authorised officer of the Council or any Police Officer.

## **10 NUISANCE**

An operator shall not allow the use of their nominated premises to cause a nuisance to nearby residents or businesses.

## **11 SUPPLYING INFORMATION**

Where requested to do so by an Authorised Officer of the Council the private hire operator (or a Director of a company where the Ltd company is the licensed operator) will provide a criminal record check, certificate of good conduct or other information, at his own expense, so as to enable the Council to assess if the operator remains 'fit and proper' to hold a licence with the authority.

Failure to comply with such a request will result in the licence holder being referred to the Licensing Committee for consideration of whether they remain fit and proper to hold a licence. If they cannot demonstrate that they remain fit and proper the usual outcome will be revocation of the Private Hire Operator's Licence.

## **APPENDIX J**

### **ENFORCEMENT POLICY AND PRACTICE**

This Appendix is to be read in conjunction with any corporate enforcement policy of the Council.

#### **1 ENFORCEMENT POLICY STATEMENT**

It is the policy of the Council to ensure that drivers and operators are licensed correctly and carry out their trade in accordance with the relevant legislation and the conditions attached to the licences.

All enforcement action will be proportionate to the seriousness of the breach and the possible consequences arising out of it.

Specific advice on the issue of licences and enforcement actions is contained elsewhere in this Policy which sets out the general principles to be followed in taking enforcement decisions.

Achieving and maintaining a consistency of approach to making all enforcement decisions is vital. Authorised officers, when making such decisions, will abide by this policy and any applicable corporate enforcement policies. Any departure from the policy will be fully considered and endorsed by an officer acting under delegated powers (unless it is considered that there is significant risk to the public in delaying the decision).

Authorised officers and Members must be fully acquainted with the requirements of the policy and appropriate training will be provided where required.

Officers will be authorised by the Council's Constitution to take enforcement action.

#### **2 ENFORCEMENT OPTIONS**

Licence application and enforcement decision must always be consistent, balanced, fair and relate to common standards which ensure that the public is adequately protected. In reaching any decision the following must be considered:

- seriousness of any offences;
- driver or operator's past history;
- consequence of non-compliance;
- likely effectiveness of the various enforcement options;
- blatant disregard of law or Council instruction
- the promotion of public safety; and

- any other relevant factors.

Having considered all relevant information and evidence, the options available to the Council are:

#### Licence Applications

- grant the licence subject to the Council's Standard Conditions;
- refer the application for consideration by the Council's Licensing Committee.

#### Enforcement Action

- take no action;
- informal action or warning;
- use statutory notices (suspension notices etc);
- suspend a licence;
- revoke a licence;
- use simple cautions;
- prosecute.

This policy document provides detailed guidance applicable to the various options for enforcement action.

### **3 INFORMAL ACTION**

Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action and the use of letters.

Informal enforcement action may be appropriate where:

- the act or omission is not serious enough to warrant more formal action;
- it can be reasonably expected that informal action will achieve compliance; or
- confidence in the operator's management is high;

Even where some of the above criteria are not met, there may be circumstances in which informal action will be more appropriate than a formal approach.

### **4 APPEARANCE BEFORE THE LICENSING COMMITTEE**

An individual or company may be invited before the Licensing Committee to answer allegations of breaches of relevant legislation or conditions attached to licences.

The criteria for bringing applicants for licences, and existing licence-holders, before the Committee are set out elsewhere in this Policy.

The Committee may decide to take one or more of the following measures:

- no action;
- a written warning;
- require the licence holder to retake one, some or all of the required tests
- present the vehicle for testing;
- require the production of driving licences or other specified documentation to the Licensing Team;
- propose further conditions on the licence
- suspend a licence;
- revoke a licence;
- recommend prosecution action.

This list is not exhaustive.

## **5 SUSPENSION NOTICES**

An authorised officer may serve notice in writing for a hackney carriage or private hire vehicle or the faresmeter affixed to such vehicle to be examined at the Council's appointed garage at a time specified in the notice. This notice must only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the faresmeter.

An authorised officer may inspect a vehicle and, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he/she is satisfied with the condition of the hackney carriage or private hire vehicle. This action will only be taken when he/she has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passenger and/or other road users.

## **6 APPEALS**

Appeals against decisions of the Licensing Committee may be made to the Magistrates' Court, with the exception of decisions made regarding hackney carriage vehicle licences which are made to the Crown Court.

Any notifications of enforcement actions will include written information on how to appeal. This will explain how, where and within what period an appeal may be brought and on what grounds and may confirm that the enforcement action is suspended pending the outcome of the appeal.

## **7 PROSECUTION**

The decision to prosecute is a very significant one. Prosecution will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and/or the public is put at serious risk. It is important that the decisions to prosecute are made using consistent reasons.

Each case will be considered on its merits, but the circumstances which are likely to warrant prosecution may be characterised by one or more of the following:

- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it;
- when there appears to have been reckless disregard for the safety of passengers, other road users or pedestrians;
- where there have been repeated breaches of legal requirements;
- where a particular type of offence is prevalent;
- where a particular contravention has caused serious public alarm.

When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.

Before referring a matter for prosecution, the Solicitor to the Council must be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by identifiable person(s) or company. There must be a realistic prospect of conviction; a bare prima facie case is not enough.

In addition to being satisfied that there is sufficient evidence to provide a realistic prospect of conviction, there must be a positive decision, based on the relevant criteria that it is in the public interest to prosecute.

The Code for Crown Prosecutors, issued by the Crown Prosecution Service, provides guidance which will be considered when assessing both evidence and the public interest.

When a decision is being taken on whether to prosecute, the factors to be considered may include -

- the seriousness of the alleged offence;
- the risk of harm to the public;
- identifiable victims;
- failure to comply with a statutory notice served for a significant breach of legislation;

- disregard of safety for financial reward;
- dishonesty;
- the previous history of the party(ies) concerned;
- offences following a history of similar offences;
- failure to respond positively to past warnings or Council instructions;
- the ability of any important witnesses and their willingness to co-operate;
- the willingness of the party to prevent a recurrence of the problem;
- the probable public benefit of a prosecution and the importance of the case eg whether it might establish a legal precedent. (As indicated above, advice on the public interest is contained in the Code for Crown Prosecutors. The general thrust of the advice contained therein is that, the graver the offence, the less likelihood there will be that the public interest will allow anything other than a prosecution);
- whether other action, such as issuing a caution in accordance with the Home Office Circular 16/2008 would be more appropriate or effective. See Section 8 of this appendix for advice in respect of simple cautions.

Once a decision that prosecution is the most appropriate course of action has been taken, the matter will be referred, without delay, to the Solicitor to the Council.

## **8 SIMPLE CAUTIONS**

A simple caution (previously known as a formal caution) may be used as an alternative to a prosecution in certain circumstances.

Simple cautions are a non-statutory disposal and the Council may exercise discretion in deciding to use them. Decisions to issue a caution will depend whether it is appropriate to the offence and the offender and whether it is likely to be effective in the circumstances.

When considering the issuing of a caution officers will have regard to guidance in Home Office Circular 16/2008.

The following conditions should be fulfilled before a caution is administered:

- There must be sufficient evidence of the suspected offender's guilt to give a realistic prospect of conviction if a prosecution was brought.
- The suspected offender must have made a clear and reliable admission of the offence.
- It must be in the public interest to use a simple caution as the appropriate means of disposal. .



Simple cautions may only be issued in accordance with the Council's Constitution.

Where a person declines the offer of a simple caution, it will be necessary to consider taking alternative enforcement action.

A caution may be used as evidence in future prosecutions.

## **9 TRANSPARENCY**

Following receipt of a notification of a conviction or an adverse vehicle inspection, the licence holder will be informed of the action intended to be taken as soon as possible.

Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.

Any written documentation issued or sent will -

- contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;
- indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen; and
- clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.

## **APPENDIX K**

### **POLICY GUIDELINES FOR DEALING WITH OFFENCES COMMITTED DURING THE TERM OF A LICENCE**

#### **1 GENERAL POLICY**

Although each case will be determined on its own merits, listed below are some general principles relating to the commission of offences by licence holders.

The holders of both hackney carriage and private hire vehicle driver's licences must report all criminal convictions and driving convictions, cautions or acceptance of fixed penalty notices to the Council within two working days. In addition, breaches of the relevant legislation or conditions attached to driver, operator and vehicle licences may come to light following complaints, enforcement action and/or investigations

In addition to the principles set out below, the Public Protection Points Scheme may be applied in all cases.

#### **2 MATTERS NORMALLY TO BE DEALT WITH BY AUTHORISED OFFICERS UNDER DELEGATED POWERS**

An officer acting under delegated powers may deal directly with less serious first offences without referring the matter to the Licensing Committee. They may choose to take no action or may issue warnings as to future conduct.

## **2.1 CONVICTIONS FOR MINOR TRAFFIC OFFENCES**

In the case of a single conviction a warning as to future driving standards will normally be issued, however if more than one offence is committed the matter may be referred to the Licensing Committee.

## **2.2 DISQUALIFICATION FROM DRIVING**

If the driver ceases to have a valid DVLA driving licence, his hackney carriage or private hire driver's licence will be revoked. An application for a new licence may be made once the DVLA licence is restored and this will be treated in accordance with the Policy for new applications.

## **2.3 FAILURE TO REPORT A CONVICTION**

The failure to report a conviction, caution or fixed penalty notice within seven working days will normally be dealt with by issuing a written warning in addition to any further actions that may be warranted by the nature of the offence.

## **2.4 FAILURE TO REPORT AN ACCIDENT**

The failure to report an accident to the Council will normally be dealt with, in the first instance, by issuing a written warning.

## **2.5 DEFECTIVE VEHICLES**

Where a defect is identified on a licensed vehicle that could affect safety or suitability to carry passengers, authorised officers of the Council will issue a suspension notice with immediate effect. This will stop the vehicle being used as a hackney carriage or private hire vehicle, as appropriate, until the defect is remedied and the repair certified by the Council's appointed garage to ensure the vehicle is safe to carry passengers in comfort.

If a minor defect is identified, an officer acting under delegated powers may instead issue a notice giving seven or more days to repair the defect.

## **2.6 REFUSAL TO CARRY A PASSENGER IN A HACKNEY CARRIAGE**

The driver will be invited to state the reasons for his actions. If an officer is satisfied that the driver had a justifiable reason, then no action will be taken. If there appears to be no acceptable justification for the refusal, the matter will normally be dealt with on the first occasion by the issue of a written warning. Subsequent offences would, however, result in immediate referral to the Licensing Committee.

## **2.7 UNAUTHORISED RANKING**

This will normally result in the issue of a written warning. Subsequent contraventions will result in referral to the Licensing Committee.

**2.8 PRIVATE HIRE DRIVER PLYING FOR HIRE**

This will normally result in referral to the Licensing Committee.

**2.9 EXCEEDING THE ALLOWED NUMBER OF PASSENGERS**

This will normally result in, at least, the issue of a written warning. Subsequent contraventions will result in referral to the Licensing Committee.

**2.10 UNAUTHORISED OR ILLEGAL ADVERTISING ON VEHICLE**

This will normally result in the issue of a written warning. Subsequent contraventions will result in referral to the Licensing Committee. The advertising must be immediately removed.

**2.11 FAILURE TO DISPLAY PLATES OR BADGES**

This will result in, at least, a written warning. Subsequent contraventions will result in referral to the Licensing Committee.

**2.12 CONFIRMED COMPLAINTS OF RUDE OR AGGRESSIVE BEHAVIOUR**

In less serious cases, a warning as to future conduct will be given. However, if the nature or level of aggression leads to concerns about public safety, the matter will be brought before the Licensing Committee.

**2.13 PLYING FOR HIRE OUTSIDE THE DISTRICT (HACKNEY CARRIAGES)**

This will result in referral to the Licensing Committee.

**2.14 PRESENCE IN THE VEHICLE OF UNAUTHORISED TELECOMMUNICATION APPARATUS**

This will normally result in the issue of a written warning. Subsequent contraventions will result in referral to the Licensing Committee.

**2.15 FAILURE TO COMPLY WITH A LAWFUL REQUIREMENT OR INSTRUCTION FROM AN AUTHORISED OFFICER OF THE COUNCIL OR A POLICE CONSTABLE**

The holders of licences are legally obliged, under the relevant legislation, to comply with a number of requirements or instructions

given to them by an authorised officer of the Council or a Police Constable.

Where the licensee has failed to comply with such an instruction it will normally merit a written warning on the first occasion. Where, however, they continue to fail to comply the matter will be referred to the Licensing Committee.

However, where a driver or proprietor has failed to return a licence or plates following a revocation of a licence, the only sanction available is to institute a prosecution.

## **2.16 OBSTRUCTING AN AUTHORISED OFFICER OF THE COUNCIL OR A POLICE CONSTABLE IN THE EXECUTION OF HIS DUTY**

If the holder of a licence has obstructed an authorised officer of the Council or a Police Constable carrying out their duties it will be considered a very serious matter and will normally result in a prosecution, if the evidence supports it.

## **2.17 PROSECUTIONS**

Where appropriate the Council may institute proceedings to prosecute offenders without first referring the matter to the Licensing Committee. In all such cases officers will subsequently report such action to the Licensing Committee.

## **3 MATTERS TO BE DEALT WITH BY THE LICENSING COMMITTEE**

The Licensing Committee will be asked to deal with the more serious offences and/or to determine the most appropriate action where further offences occur following a warning or other informal action.

The Licensing Committee has the same options available as an officer acting under delegated powers. Listed below are some of the matters which will always be referred to the Committee. The Committee will decide the most appropriate course of action based on the merits of each particular case. However, below are some general suggestions as to appropriate sanctions to be imposed in certain cases. The intention where licences are suspended or revoked is to ensure public protection.

### **3.1 CONVICTIONS FOR MAJOR TRAFFIC OFFENCE OR INSURANCE OFFENCES**

The actions taken will be dependent on the facts of the case and the representations made. In principle the Committee will take measures to ensure that the licensee is aware of the importance of maintaining a high standard of driving. A warning will generally be an appropriate decision. However, if the offence is particularly serious or the

circumstances warrant it, a suspension or revocation of the licence may be imposed.

### **3.2 CONVICTION FOR DRUNKENNESS NOT IN A MOTOR VEHICLE**

A single isolated offence may be dealt with by a warning. However, if the circumstances of the case establish that violence has been involved or that the licensee drinks excessively, a suspension of the licence may be considered along with a recommendation that some help be obtained to deal with the problem. If the Committee is not satisfied with the response of the licensee to this suggestion, it may consider revocation of the licence appropriate.

### **3.3 CONVICTION FOR DRUG RELATED OFFENCES AND FOR INDECENCY**

The nature of such offences is such that public safety is always going to be of concern. Whilst any decision will be made having regard to the facts of the case, such a conviction may result in the licence being revoked.

### **3.4 CONVICTIONS FOR VIOLENCE**

The Committee will carefully consider the facts of the case and decide whether the offender's actions are likely to be repeated or whether the offence was out of character.

If it is thought that there is a possibility of further offences being committed then revocation of the licence may be justified. On the other hand, if the offence was thought to be isolated and out of character a lesser penalty may be imposed.

### **3.5 CONVICTIONS FOR DISHONESTY**

The penalty imposed for such contraventions must be proportionate to the seriousness of the offence. The purpose is to ensure that the license-holder is absolutely clear about the level of trust expected of them. In serious cases, a lengthy suspension or revocation may be justified, particularly if the offence was connected with the business of carrying passengers for hire or reward. If the offence was less serious or isolated a lesser penalty may be appropriate.

### **3.6 OVERCHARGING A PASSENGER**

Overcharging will be considered a serious breach of trust which should be dealt with by imposing a significant penalty.

A suspension or even revocation of a licence may therefore be justified.

**3.7 PERSISTENT FAILURE TO COMPLY WITH A LAWFUL REQUIREMENT OR INSTRUCTION FROM AN AUTHORISED OFFICER OF THE COUNCIL OR A POLICE CONSTABLE**

In circumstances where an offender has failed to comply with a lawful requirement of an officer, despite all reasonable attempts to make him do so, the Committee will decide what action to take having regard to the circumstances. Suspension or revocation may be appropriate in serious or repeated cases.

**3.8 BREACHES OF HACKNEY CARRIAGE AND PRIVATE HIRE LEGISLATION**

In circumstances where an offender has failed to comply with hackney carriage and private hire legislation, the Licensing Committee will decide what action to take depending on the severity of the offence. This may involve either a suspension or revocation of the licence.

**3.9 OTHER CONTRAVENTIONS**

Any offence which, in the opinion of a Licensing Officer, is best dealt with by the Committee may be brought before them. Such cases, which may include those where requirements have been persistently breached and where warnings have not been heeded, will be decided on the facts of the case. Any action taken must be proportionate to the seriousness of the offence and the overriding requirement to ensure public safety.

**4 IMMEDIATE SUSPENSION OR REVOCATION OF DRIVER'S LICENCES**

If it appears that it is in the interests of public safety an officer acting under delegated powers, or the Licensing Committee, may require the suspension or revocation of a driver's licence to have immediate effect.

Notice will be given to the driver including a statement that the suspension or revocation is immediate and an explanation as to why. The suspension or revocation takes effect when the notice is served upon the driver.

## **APPENDIX L**

### **LICENSING COMMITTEE HEARINGS**

#### **1 INTRODUCTION**

Meetings of the Licensing Committee may consider appropriate disciplinary measures involving proprietors, operators and drivers where such matters are referred for their consideration. The purpose of such meetings shall be for the Committee to consider which, if any, of the options available should be implemented and to satisfy themselves that the person remains fit and proper to hold the relevant licence.

#### **2 OPTIONS AVAILABLE**

The Licensing Committee will hear the details of the case outlined by officers and the licence holder will be given the opportunity to address the Members. After hearing the evidence and any representations the Committee may resolve to:

- suspend the licence;
- revoke the licence;
- refuse to renew a licence;
- impose additional licence conditions;
- issue a formal warning; or
- take no further action.

This list is not exhaustive. In addition to the above, the Committee may resolve to impose points under the Public Protection Points scheme.

The Committee may also recommend the cautioning or prosecution of licence holders, in circumstances where there are persistent or serious breaches of conditions, which have not been dealt with otherwise.

#### **3 PUBLIC PROTECTION POINTS SCHEME**

Subject to the general discretion of the Licensing Committee to take whatever action it deems appropriate, the 'public protection points scheme' detailed at Appendix M shall act as a framework for the Committee's decision making. The fundamental principle of the scheme is that, if a licence holder accumulates 15 or more public protection points in any 2 year period, his or her licence shall be revoked on the basis that he or she has ceased to be a fit and proper person to hold such a licence.

The offences and/or breaches of conditions that will usually give rise to the Licensing Committee attaching public protection points to a licence



holder's record are listed at Appendix P. The list is not exhaustive and offences or breaches not on the list may nonetheless give rise to the consideration of public protection points if deemed appropriate. The Committee shall decide on the number of points merited by the offence, taking account of the circumstances of the offence and any sentence imposed by a Court.

#### **4 REPRESENTATION**

A driver may be represented at any meeting of the Council's Licensing Committee, either legally or otherwise, and will be entitled to put forward such reasonable and relevant evidence as he/she deems necessary.

## **APPENDIX M**

### **PUBLIC PROTECTION POINTS SCHEME**

The Public Protection Points Scheme will operate as follows -

- 1 Appendix K (Policy guidelines for dealing with offences committed during the term of a licence) will be taken into consideration by the reporting officer when determining the manner in which any offence or breach of licence conditions is dealt with. Where it is decided that the use of the public protection points scheme is appropriate, the points will be decided on a scale of 1 to 12, dependent upon the type of offence or breach of licence conditions, by an officer acting under delegated powers. Prior to the issue of the public protection points to a license-holder, the contravention(s) will be reviewed by an officer acting under delegated powers in order to ensure that the appropriate action is being taken and then, if approved, the points will be issued by the Solicitor to the Council.
- 2 Before public protection points are issued an officer, or the Licensing Committee, must be satisfied that an offence or breach of condition has been committed.
- 3 A maximum of 15 points will be issued on any one occasion even where a licence holder has committed more than one offence or breach of conditions.
- 4 Points issued to either a proprietor or driver will be confirmed in writing within 10 working days from the date the points are issued.
- 5 When issued points will remain “live” for a period of 2 years from the date they are imposed. If a driver, proprietor or operator accumulates 15 or more points within a rolling 24-month period, he/she will be referred to the Council’s Licensing Committee for the appropriate action to be taken.
- 6 Where a driver is brought before the Committee, the Members may take any course of action open to them as set out in Appendix L but will generally consider whether it is appropriate to suspend or revoke the licence.
- 7 Periods of suspension of a licence will be dependent on the nature of the offence/breach and the history of the licence-holder.
- 8 Any person aggrieved by the issue of points by an officer acting under delegated powers may appeal, within 14 days of the issue of the Points Notice, to the Council’s Licensing Committee.

- 9 The scheme will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation and regulations.

General guidance to the level of public protection points to be imposed can be found in Appendix P. Appendix P is not exhaustive and the Council will judge all cases on their merits.

Assessing whether there has been an offence or breach of condition the Committee and/or authorised officers of the Council will make a decision on the balance of probability.

## **APPENDIX N**

### **SPECIFICATION FOR CLOSED CIRCUIT TELEVISION CAMERAS IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

Image recording systems may be used in hackney carriage and private hire vehicles licensed by the Council only where the equipment and systems comply with the specification below and where consent in writing has been issued to the licensee of the vehicle.

Any vehicle licensee wishing to install image recording equipment must apply in writing to the Licensing Team providing such information as to determine the application.

#### **1 DATA PROTECTION**

All image recording equipment must comply with the requirements of current Data Protection Legislation. Documentary evidence of compliance must be provided with any application for consent to use such equipment.

#### **2 INSTALLATION**

Equipment must be installed in such a way that will not cause injury to the driver or the passengers.

Equipment must be secure and not interfere with the safe operation of the vehicle.

All wiring must be fused at source and appropriately routed.

#### **3 OPERATION AND IMAGE SECURITY**

Images captured must remain secure at all times and be accessible only to authorised officers of the Council, Police Officers and other bodies specifically approved by the Council.

Some form of encryption and access code will be required to ensure permanent security of images.

Recorded images must show the date and time the image was captured, and identify the vehicle to which the equipment is installed.

#### 4 **SIGNAGE**

There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. The recommended wording on the sign is as follows -

##### ***PASSENGER NOTICE***

*This hackney carriage/private hire vehicle is protected by a **digital surveillance camera.***

*Any images recorded are held in a secure format and can only be viewed by the Police and the Licensing Authority.*

##### **SYSTEM PROVIDER'S DETAILS**

Signs shall not be less than 88 sq cm (11 x 8 cm) and must be submitted to the Licensing Team for approval prior to installation of the CCTV.

The signs shall be located on each passenger door window and clearly visible from outside the vehicle.

No signage that is likely to cause offence will be permitted.

## **APPENDIX O**

### **MOTORBIKES LICENSED AS A PRIVATE HIRE VEHICLE**

1. Motorbikes must be approved for road use and comply with the Road Vehicles (Construction and Use) Regulations S.I.986 and No 1078 as amended, and the Road Vehicles Lighting Regulations 1989 S.I. 1989 No 1796 as amended.
2. The passenger should never be expected to hold any luggage whilst riding pillion. All luggage carried must be secured in purpose-built containers and must not affect the stability of the vehicle or the visibility of the driver.
3. The motorbike should have footrests suitable for pillion passengers. Standard footrests are likely to be suitable for the majority of passengers.
4. The vehicle must have private hire and reward insurance. Additional fittings and modifications to the vehicle for its use as a private hire vehicle such as backrests, luggage racks, containers or driver information systems must be declared and must comply with manufacturer's specifications for such additional equipment.
5. Anti-lock brakes must be fitted.
6. The applicant must hold a current, valid motorbike driving licence issued by the DVLA for the type of vehicle being used and have passed the Council's requirements for Private Hire Vehicle Drivers. Applicants will be exempt from the Driving Standards Agency assessment. As regards competence, in accordance with the Department of Transport guidance, applicants for a motorbike Private Hire Vehicle Driver's licence must have successfully completed one of the Institute of Advanced Motorist or Royal Society for the Prevention of Accident's advanced rider schemes. Successful completion of one of these courses is a good indicator of an individual's ability to ride safely and competently in terms of awareness, anticipation, vehicle handling and general roadcraft.
7. Persons licensed to ride motorbikes as a Private Hire Vehicle must provide evidence that they have five concurrent years experience of riding experience for the size of the vehicle that will be ridden.
8. Department of Transport recommends that Licensing Authorities should test motorbike Private Hire Vehicles three times per year, as permitted in the legislation, and therefore the Council will issue a Private Hire Vehicle Licence for no longer than four months. Upon renewal the motorbike will be required to be tested at the Council's nominated test centre. This does not include inspections carried out by authorised officers carrying out their routine duties.

9. The display of the licence disc, and any permitted signage, must not interfere with the safety or operation of the vehicle but will otherwise be displayed in a prominent position.
10. The driver and passenger must comply with the requirement to wear a safety helmet. The helmet must fit properly the individual user and be securely fastened or it will be less effective and possibly dangerous. Operators should have a selection of helmets and determine at the time of the booking which size helmet the rider should bring with them. If a passenger supplies their own helmet, it is the licensed driver's responsibility to ensure that it meets the BSI standards and fits appropriately.
11. The driver should wear protective clothing to guard them in the event of an accident. They must, as a minimum, offer passengers gloves, jackets and trousers which must be CE marked to indicate compliance with recognised safety standards. Guidance about protective clothing can be found at <http://think.direct.gov.uk/motorcycles.html>. If passengers provide their own protective clothing, it is the licensed driver's responsibility to ensure that this is satisfactory.
12. Communication between the rider and the passenger is an essential component of a safe journey. The driver and passenger should be linked through the safety helmets via a driver/pillion intercom system. The rider must instruct the passenger on how to use the system and ensure that they are familiar with the operation of the system.
13. It must be borne in mind that some passengers might never have ridden on a motorcycle. The driver should, at the point of pick-up, determine whether a passenger is experienced on a motorbike. If not, the driver should deliver a basic briefing to passengers before commencing a journey instructing them how to react to driving conditions such as cornering etc and to remind them they are choosing to accept that there are some risks involved in travelling by motorbikes that do not arise when travelling by cars. The driver must remind passengers that they need to co-operate with the driver to assist in keeping the vehicle stable, for example on corners.
14. The driver must refuse to carry any passenger who can not be carried safely e.g. because they cannot be properly equipped with appropriate helmet or safety clothing, appear to be under the influence of alcohol or drugs, can not reach the footrests or are not able to understand the safety instructions.
15. The driver must ride safely at all times giving regard to the safety of his/her passenger, environmental factors, traffic conditions and other road users.

- 16.** The operator's website (if any) should display an image of the Private Hire Vehicle Operator's licence, and operators should provide a copy of the licence to a Police Constable and/or authorised officer of the Council on reasonable request.
- 17.** Operators must indicate how they propose to meet the requirements for drivers on their circuits to ensure that passengers have properly fitting and secured helmets and adequate protective clothing, including gloves and jackets.
- 18.** Operators must advise passengers, at the time of booking, that they should wear sturdy boots which cover their ankles.
- 19.** Operators must provide a written statement to the Council setting out how they intend to assess any riders who want to join their organisation.
- 20.** If helmets are to be shared between drivers and/or passengers, operators must indicate how they will ensure adequate hygiene and fitment between users. It is recommended that operators should offer disposable helmet inserts/balaclavas for passengers to wear.
- 21.** Operators must implement and ensure compliance with a health and safety policy.
- 22.** Operators must ensure that suitable maintenance plans are in place for the motorbikes on their circuits and they should hold the service records for these vehicles. These must be produced to Police Constables and/or authorised officers of the Council on request.
- 23.** Due to the risks involved and the fact that the rider is dependent on the passenger being sufficiently co-operative, operators should not accept bookings which involve carrying a passenger who is under 16 years of age.



## APPENDIX P

### LIST OF OFFENCES/BREACH OF LICENCE CONDITIONS/ETC

<b>HACKNEY CARRIAGES</b>		
<b>Town Police Clauses Act 1847</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
40	Giving false information on application of a hackney carriage proprietor's licence.	<b>10</b>
44	Failure to notify change of address of a hackney carriage proprietor.	<b>4</b>
47	Lending or parting with hackney carriage driver's licence.	<b>4</b>
47	Hackney carriage proprietor employing unlicensed driver.	<b>8</b>
48	Failure by hackney carriage proprietor to hold hackney carriage driver's licence.	<b>6</b>
48	Failure by hackney carriage proprietor to produce hackney carriage driver's licence.	<b>4</b>
52	Failure to display hackney carriage plate, without an exemption.	<b>6</b>
53	Refusal to take a fare without reasonable excuse.	<b>4</b>
54	Charging more than the agreed fare.	<b>9</b>
55	Obtaining more than the legal fare (failure to refund).	<b>9</b>
56	Travelling less than the lawful distance for an agreed fare.	<b>6</b>
57	Failure to wait after a deposit to wait has been paid.	<b>9</b>
58	Charging more than the legal fare.	<b>9</b>
59	Carrying other person(s) than the hirer without consent of hirer.	<b>4</b>
60	Driving hackney carriage without proprietor's consent.	<b>4</b>
60	Allowing another to drive hackney carriage without proprietor's consent.	<b>4</b>
62	Driver leaving hackney carriage unattended.	<b>4</b>
64	Hackney carriage driver obstructing other carriages.	<b>4</b>

<b>Local Government (Miscellaneous Provision) Act 1976</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
49	Failure to notify the transfer of a hackney carriage.	<b>4</b>
50 (1)	Failure to present a hackney carriage for inspection, as required.	<b>4</b>
50 (2)	Failure to inform the Council where the hackney carriage is stored.	<b>4</b>
50 (3)	Failure to report an accident to the Council within 72 hours.	<b>4</b>
50 (4)	Failure to produce the hackney carriage proprietor's licence or an insurance certificate.	<b>6</b>
53 (3)	Failure to produce a hackney carriage driver's licence.	<b>4</b>
57	Making a false statement or withholding information to	<b>10</b>

	obtain a hackney carriage driver's licence.	
58 (2)	Failure to return a plate after notice given following expiry, revocation or suspension of a hackney carriage proprietor's licence.	6
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage stand.	9
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	9
67	Charging more than the meter fare when hackney carriage used as private hire vehicle.	9
69	Unnecessarily prolonging a journey.	9
71	Interfering with a faresmeter with intent to mislead.	12
73 (1)(a)	Obstruction of an authorised officer or Constable.	12
73 (1) (b)	Failure to comply with a requirement of an authorised officer or Constable.	8
73 (1) (c)	Failure to give information or assistance to an authorised officer or Constable.	6
<b>Equality Act 2010</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
168	Refusal to carry a guide, hearing or other assistance dog in a hackney carriage.	9

<b>PRIVATE HIRE</b>		
<b>Local Government (Miscellaneous Provision) Act 1976</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
46 (1) (a)	Using an unlicensed vehicle.	12
46 (1) (b)	Driving a private hire vehicle without a private hire driver's licence.	12
46 (1) (c)	Proprietor of a private hire vehicle using an unlicensed driver.	8
46 (1) (d)	Operating a private hire vehicle without a private hire operator's licence.	8
46 (1) (e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle.	12
46 (1) (e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver.	8
48 (6)	Failure to display a private hire vehicle plate.	6
49	Failure to notify transfer of a private hire vehicle.	4
50 (1)	Failure to present private hire vehicle for an inspection, as required.	4
50 (2)	Failure to inform the Council where the private hire vehicle is stored, if requested.	4
50 (3)	Failure to report an accident to the Council within 72 hours.	4
50 (4)	Failure to produce a private hire vehicle licence or an insurance certificate	6

53 (3)	Failure to produce a private hire driver's licence.	4
54 (2)	Failure to wear a private hire driver's badge.	4
57	Making false statement or withholding information to obtain a private hire driver or operator's licence.	10
58 (2)	Failure to return plate after notice given following expiry, revocation or suspension of a private hire vehicle licence.	6
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting vehicle to wait on a hackney stand.	9
67	Charging more than the meter fare.	9
69	Unnecessarily prolonging a journey.	9
71	Interfering with a faresmeter with intent to mislead.	12
73 (1) (a)	Obstruction of an authorised officer or Constable.	12
73 (1) (b)	Failure to comply with a requirement of an authorised officer or Constable.	8
73 (1) (c)	Failure to give information or assistance to an authorised officer or Constable.	6
<b>Private Hire Equality Act 2012</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
170(1)	Refusal to accept a booking to carry a guide, hearing or other assistance dog in a private hire vehicle.	9
170(2)	making an additional charge for carrying an assistance dog which is accompanying a disabled person	9
170(3)	failing or refusing to carry out a booking accepted by the operator where a disabled person is accompanied by an assistance dog	9

<b>Private Hire Driver's Licence Conditions - Appendix H</b>	
<b>Breach</b>	<b>Points</b>
Failure to wear a badge.	4
Failure to behave in a civil, polite and orderly manner.	4
Failure to ensure the safety of passengers.	4
Concealing or defacing a licence plate.	6
Failure to attend on time for pre-arranged booking without sufficient cause.	4
Failure to proceed to a destination by the shortest available, pre arranged or agreed route	6
Conveying a greater number of passengers than permitted.	6
Failure to give assistance with passenger's luggage.	4
Soliciting to hire or accepting hire not pre-booked.	9
Driving without the consent of the proprietor.	5
Drinking or eating in the vehicle without permission of passenger when stationary.	4
Drinking or eating in the vehicle when the vehicle is in motion.	6
Smoking in the vehicle at any time.	6

Cause excessive noise from any radio or sound-reproducing instrument, which causes nuisance to anyone in or outside the vehicle.	4
Operating the horn and/or shouting as a means of signalling that the vehicle has arrived.	4
Allowing the vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand.	4
Using a non-hands free mobile communications device whilst driving.	12
Failure to provide medical certificate.	4
Not notifying of a medical condition.	6
Failure to provide a receipt when requested.	4
Failure to operate the meter from commencement of the journey and charging more than the fixed charge for hire of hackney carriages.	9
Failure to notify changes within 7 days.	4
Failure to produce the licence.	4
Failure to notify within 7 days of starting or terminating employment, the name and address of the operator and the date when the employment either started or ended.	4
Failure to show the private hire driver's licence to the proprietor at the beginning of an employment.	4
Failure to surrender a driver's licence, badge or plate on cessation of employment.	4
Failing to notify of change of address within 7 days.	4
Failing to disclose convictions within 7 days.	12
Failure to search vehicle after journey	4
Failure to take found property to a Police Station within 48 hours of finding.	6
Failure to report an accident within 2 working days.	4
Carrying an animal other than one with passenger.	4
Carrying an animal not safely restrained.	4
Failure to carry an assistance dog without exemption certificate.	5
Failure to comply with wheelchair carriage requirements.	5
Failure to display 'no smoking' signs.	4

<b>Vehicle Specifications and Conditions of Licence - Appendix A</b>	
<b>Breach</b>	<b>Points</b>
Operating a vehicle which does not comply with the Council's Vehicle Specification in circumstances not otherwise specified below.	6
Operating a vehicle which is not maintained in a sound and roadworthy condition.	5
Operating a vehicle which is not maintained in a clean, suitable and safe condition inside and out.	4
Modifying a vehicle without the consent of the Council.	4
Failure to display or maintain external licence plates which indicate the maximum number of passengers who may be conveyed.	6

Failure to display the internal vehicle licence stickers on the dashboard and on the rear passenger windows.	4
Vehicle signage not in accordance with Council requirements.	4
Fail to display Council required signs on two side doors of a private hire vehicle	4
Affixing or displaying on a private hire vehicle any roof sign.	4
Displaying on a private hire vehicle any sign or notice which consists of or includes the word TAXI or CAB or FOR HIRE or similar.	4
Displaying a sign or advertisement that does not comply with Council requirements or is not authorised by the Council.	4
Radio equipment not in accordance with Council requirements.	4
Faresmeter which does not comply with the Council's requirements.	5
Trailer which does not comply the Council's Vehicle Specification	4
Operating a vehicle which does not comply with the Council's requirements in respect of disability provision.	4
Operating a vehicle which does not comply the Council's Vehicle Specification in respect of LPG.	4
Operating a vehicle which does not comply the Council's Vehicle Specification in respect of window tint.	4
Vehicle uninsured for private hire use.	12
Failing to notify change or transfer within 14 days.	4
Failing to make the vehicle licence available for inspection.	4
Allowing a vehicle to be used for hire by a person who does not hold a current private hire or hackney carriage driver's licence.	8
Failure to report an accident to the Council.	4
Permitting the vehicle to be used for any illegal or immoral purposes.	9
Carrying more than the maximum number of passengers.	6

### **PRIVATE HIRE OPERATORS**

#### **Local Government (Miscellaneous Provisions) Act 1976**

<b>Section</b>	<b>Breach</b>	<b>Points</b>
56 (2)	Failure to keep proper records of all bookings or failing to produce them on request by an officer acting under delegated powers or a Police Officer (also see breach of conditions below).	6
56 (3)	Failure to keep records of private hire vehicles or failing to produce them on request by an officer acting under delegated powers for the Council or a Police Officer (also see breach of conditions below).	6
56 (4)	Failing to produce a private hire operator's licence on request (also see breach of conditions below).	4
46 (1) (e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver.	12
73 (1) (c)	Failure to give information or assistance to an authorised officer or Constable.	5
<b>Conditions attached to Operator's Licence</b>		
<b>Breach</b>		
Failure to provide a prompt, efficient and reliable service at all reasonable times.		4

Failure to ensure that office staff employed by an operator act in a civil and orderly manner at all times.	4
Failure to ensure that a vehicle attends punctually at the appointed time and place unless prevented by some sufficient cause.	4
Failure to keep the premises clean, adequately heated, ventilated, lit, and in accordance with the requirements of licence conditions.	4
Failure to properly keep or produce records of private hire bookings, vehicles, drivers or other documents required to be kept or produced (see Local Government (Miscellaneous Provisions) Act 1976 S.56 (2) & (3) above).	6
Failure to act properly upon the receipt of a complaint or to notify the Licensing Team immediately.	4
Failure to notify the Council of any changes, including change of address from where the business operates within 14 days.	4
Failure to disclose in writing within 7 days details of any conviction or Police caution imposed on him to the Licensing Team.	12
Failure to ensure that an appropriate certificate of motor insurance covers every vehicle operated by him under the licence.	12
Failure to obtain appropriate public liability insurance for the premises or to produce the same.	12
Failure to ensure that every driver has a private hire licence and badge.	4
Failure to keep a copy of the conditions at the premises or to make the same available for inspection by passengers.	4
Failure to make the Operator's licence available for inspection (see Local Government (Miscellaneous Provisions) Act 1976 s56 (4) above).	4

**WHERE A BREACH OF CONDITION IS ALSO AN OFFENCE, POINTS WILL NOT BE ISSUED TWICE.**