



# **DURHAM COUNTY COUNCIL**

## **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

**Adopted May 2011**

<b><u>Contents</u></b>		<b><u>Page</u></b>
1.0	Introduction	3
2.0	Hackney Carriage and Private Hire Licensing	3
3.0	Transitional Arrangements for Vehicle Emission Conditions	4
4.0	Scope	4
5.0	Licensing Objectives	5
6.0	Methods	5
7.0	Partnership Working	6
8.0	Equality	6
9.0	Duties and Obligations under Disability Discrimination Act 1995 (DDA)	7
10.0	Conditions	8
11.0	Enforcement	8
12.0	Other Regulatory Regimes	8
13.0	Decision Making	8
14.0	Complaints Procedure	8
15.0	Vehicles	9
16.0	Vehicle Insurance	10
17.0	Drivers	10
18.0	Private Hire Operators	11
19.0	Licence Fees	11
20.0	Hackney Carriage Fares Policy	11
21.0	Review	11

<b><u>Appendices</u></b>		<b><u>Page</u></b>
Appendix 1	Drivers	12
Appendix 2	Determination of Applications for Driver and Operator Licences	16
Appendix 3	Vehicle Licences	23
Appendix 4	Special Vehicle Licence Conditions	30
Appendix 5	Private Hire Operator	37
Appendix 6	Glossary	40

## **1.0 Introduction**

- 1.1 The County of Durham is located in the heart of the North East of England. From its western boundary high in the Pennine Hills, to the limestone cliffs of its North Sea coastline, County Durham features a rich diversity in lifestyle and culture including a historic University, a World Heritage Site, Beamish and Bowes Museums, Durham City, Lumley and Lambton Castles, designated areas of Outstanding Natural Beauty, and historic villages and market towns. Approximately 4 million visitors are attracted to the County each year.
- 1.2 The County currently has a resident population of around 493,500 with more than half of the residents living in villages of less than 10,000 people. Many of the County's 12 main towns and 240 other small towns and villages are associated with its proud coal mining heritage.
- 1.3 The purpose of this policy is to explain how the Council undertakes its functions with respect to hackney carriage and private hire licensing.
- 1.4 The Council, in adopting the licensing policy, recognises both the needs of residents for safe, healthy convenient and effective taxi transport and the importance of this provision to the local economy and vibrancy of the County.
- 1.5 This policy has been produced in accordance with the powers conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire licensing.
- 1.6 The development, review, application and implementation will be the responsibility of the Environment, Health and Consumer Protection Service.
- 1.7 The General Licensing and Registration Committee may make decisions that change the content of this policy. The changes may have immediate effect, or may come into effect on a given date.
- 1.8 The County will be zoned up until 31st August 2011 but from 1st September 2011 the zones will be removed and will become one zone.

## **2.0 Hackney Carriage and Private Hire Licensing**

- 2.1 Durham County Council is responsible for the licensing of hackney carriage and private hire vehicles, drivers and operators.
- 2.2 A hackney carriage vehicle is a public transport vehicle with no more than 8 passenger seats, which is licensed to 'ply for hire'. This means they can

- stand at ranks or be hailed / flagged down in the street by members of the public.
- 2.3 A private hire vehicle must also have no more than 8 passenger seats however, they must be 'pre booked' in advance through an operator and may not ply for hire.
- 2.4 Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where other forms of public transport are not available in rural areas and for those with mobility difficulties.
- 2.5 The aim of licensing the hackney carriage and private hire vehicle trades is to protect and safeguard the public and to ensure that the public have reasonable access to Hackney Carriage and Private Hire services.
- 2.6 The Council recognises it is important that hackney carriage and private hire licensing powers are used appropriately to ensure that licensed vehicles of the Council are safe, comfortable, properly insured and available where and when required.

### **3.0 Transitional Arrangements for Vehicle Emission Conditions**

- 3.1 For those vehicles which currently meet Euro 2 technology will be required to meet Euro 3 and Euro 4 emission standards when the vehicle comes up for renewal on or after 1<sup>st</sup> April 2014.
- 3.2 For those vehicles which currently meet Euro 3 technology will have until the lifetime of the vehicle to meet the condition regarding Euro 4 and 5 emission standards.

### **4.0 Scope**

- 4.1 This policy shall apply throughout the administrative area of Durham County Council from the date of adoption. This policy overrides and supersedes any existing policy in relation to hackney carriage and private hire licensing in respect of applications, renewals, transfers and other areas connected to the following licences:

- Private Hire Vehicle
- Hackney Carriage Vehicle
- Private Hire Operator
- Hackney Carriage Driver
- Private Hire Driver
- Combined Hackney Carriage and Private Hire Driver

- 4.2 In developing this policy the Council has taken account of the Licensing Objectives listed below, relevant legislation and Government guidance

including the best practice guidance issued by the Department for Transport and Office of Fair Trading.

4.3 The Council has taken into account the views of the following when preparing this policy:

- Current licence holders
- Elected Members of the Council
- Durham Constabulary
- Local businesses and their representatives
- Residents and their representative bodies
- Local transport providers
- Disability Groups
- Planning Authority
- Service users

A full list of those consulted in preparing this Policy is available from the Licensing Section.

## **5.0 Licensing Objectives**

5.1 The Council will adopt and carry out its hackney carriage and private hire licensing functions with a view to protecting the public by promoting the following objectives:

- To ensure that safe, comfortable, reliable and accessible hackney carriage and private hire vehicles are available for all who require them
- To ensure that all licensed drivers and private hire operators are fit and proper persons
- To provide clarity for licensees with respect to the Council's requirements and the decision making process
- To promote a professional and respected hackney carriage and private hire trade

5.2 These objectives will be taken into account by the Council when making decisions.

## **6.0 Methods**

6.1 The methods used by this Council to promote the licensing objectives of this policy will include:

- Setting the standards for the licensing of drivers, vehicles and operators

- The licensing and routine inspections of vehicles, with appropriate follow up action
- Routine inspection of insurance policies, with appropriate follow up action
- The assessment of applicants to ensure they are 'fit and proper' persons and thereby entitled to hold a licence. This will include consideration of the persons medical suitability, criminal record (if any), driving standards and knowledge of the relevant law and locations in County Durham
- Investigation of complaints with appropriate follow up action
- Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees
- Taking enforcement and / or disciplinary action including prosecution proceedings, verbal and written warnings, written cautions, notices, suspension or revocation of licences for breaches of legislation or conditions

When considering applications and taking enforcement action the Council as the Licensing Authority will have regard to Durham County Council's Enforcement Policy.

## **7.0 Partnership Working**

7.1 The Council will seek to work in partnership with the following agencies, groups and individuals to promote the licensing objectives:

- Local Hackney Carriage and Private Hire Trade
- Countywide and Area Taxi Working Groups
- Durham Constabulary
- Internal Council Departments
- Disability Groups
- Any other appropriate formation which may contribute to the promotion of the objectives

## **8.0 Equality**

8.1 To achieve the above standard the Council will endeavour to comply with the duties and obligations under the following legislation:

- Sex Discrimination Act 1975
- Race Relations Act 1976 / 2000
- Disability Discrimination Act 1995 / 2005
- Human Rights Act 1998

## **9.0 Duties and obligations under Disability Discrimination Act 1995 (DDA)**

- 9.1 Those who provide transport services by way of hackney carriage and private hire vehicles are now deemed to be providers of services to the public for the purposes of Part 3 DDA 1995.
- 9.2 A statutory Code of Practice: Provision and Use of Transport Vehicles - Supplement to Part 3 Code of Practice has been issued which provides guidance on specific issues (but should be read in conjunction with the Code of Practice for Part 3 of the Act: Rights of Access to Goods, Facilities, Services and Premises). Licensees should read this code and ensure they operate in accordance with it. As they are statutory codes, approved by Parliament they are admissible under the Act and Courts must take them into account where relevant.
- 9.3 Following the guidance in the Code may help transport providers avoid adverse court judgements – it includes examples of good practice – but it is not a complete or authoritative statement of the law and is not a substitute for taking appropriate advice. Ultimately the Courts will provide authoritative interpretation of the Code.
- 9.4 The Equality and Human Rights Commission web site also has a document available entitled "Avoiding Disability Discrimination in Transport: A Practical Guide for Taxi and Private Hire Services". Licensees are advised to read this guidance.
- 9.5 Where a disabled person believes they have been discriminated against contrary to Part 3 they can bring a claim against the transport provider in the County Court. The claimant may seek a declaration that they have been discriminated against, damages for injury to feelings, damages for financial loss, interest on damages, and/or an order that the service provider stops discriminating against them.
- 9.6 It is a condition of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as to be able to transport passengers in wheelchairs at all times. (The licence for a vehicle may be suspended until such time as the Council considers the vehicle is fit for purpose).
- 9.7 Licensed drivers are under a duty to carry a passenger's guide, hearing and other prescribed assistance dog in their vehicles without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided at the drivers expense, from the drivers own GP stating the details of their medical condition. A register will be kept of those drivers exempted.

- 9.8 Persons who breach Disability Discrimination duties may be guilty of a criminal offence.
- 9.9 Further information is available from the Equality and Human Rights Commission at [www.equalityhumanrights.com](http://www.equalityhumanrights.com).

## **10.0 Conditions**

- 10.1 The Council can impose such conditions as it deems necessary in relation to the grant or a renewal of any licence except a hackney carriage driver's licence.
- 10.2 Standard conditions relating to licences are included in the appendices. In addition the Council may impose additional conditions where considered necessary or appropriate in all circumstances.

## **11.0 Enforcement**

- 11.1 Enforcement of licensing matters will be undertaken by the Council.

## **12.0 Other Regulatory Regimes**

- 12.1 Other statutory requirements may apply to the provision of any regulated activities provided by a licensed vehicle or at premises, and the responsibility for compliance rests with the licence holder and / or proprietor.

## **13.0 Decision making**

- 13.1 The powers of the Council will be exercised in accordance with the Council's Constitution.
- 13.2 The Council will make all decisions in relation to licensing matters on their own merits.
- 13.3 The Council will provide reasons for all decisions that it makes.

## **14.0 Complaints Procedure**

- 14.1 Durham County Council recognises the high standards of the hackney carriage and private hire trade and expects all licence holders to maintain these standards at all times. However, it is recognised that there may be occasions when members of the public or the trade may make complaints.
- 14.2 Complaints will be dealt with in accordance with the Council's Complaints procedures.



- 14.3 Durham County Council recognises that some complaints can be frivolous, vexatious and repetitious. Such complaints may not be pursued.
- 14.4 Members of the trade will be expected to assist officers when carrying out their investigations.
- 14.5 Following completion of the investigation all parties will normally receive written confirmation of any action taken.
- 14.6 If any party is not satisfied with the outcome of the investigation the Council has a Corporate Complaints Procedure.

## **15.0 Vehicles**

- 15.1 The Council has discretion over the types of vehicle that it can licence as Hackney Carriage and Private Hire vehicles. Applicants are reminded that passengers have wide ranging needs and the Council will take account of the needs of passengers when considering any application.
- 15.2 The Council encourages the trade to put forward vehicles of their own choice that can be shown to meet basic criteria. In that way emerging designs for vehicles can be taken into account.
- 15.3 All vehicles shall have an appropriate 'type approval' which is either:
- European Whole Vehicle Type approval
  - British National Type approval; or
  - British Single Vehicle Approval (SVA)

This paragraph may not apply to special vehicles as identified in Appendix 4.

- 15.4 Any application for a new vehicle licence will only be considered if it complies with the policy and conditions set out by the Council in Appendix 3 and Appendix 4 of this policy.
- 15.5 With effect from 1st April 2011, the introduction of a colour requirement in respect of vehicles submitted for licensing as a hackney carriage or private hire as follows:
- (i) Hackney carriage vehicles shall be white.
  - (ii) Private hire vehicles shall be any colour other than white or a colour that could be mistaken for white, for example cream or ivory.
  - (iii) That the colour requirement for hackney carriage and private hire vehicles shall apply from the 1st April 2011 to all new applications for a vehicle licence. It shall not apply on the renewal of an existing vehicle licence but only when that vehicle is replaced. Nor shall the

colour policy apply to a vehicle licensed or provided for a maximum period of two months on a temporary basis to substitute for an owner's existing licensed vehicle that cannot be used as a result of an accident or breakdown.

- (iv) this policy will apply to all licensed vehicles including purpose built vehicles and minibuses, but will not apply to any special vehicles as defined within the policy which will be exempt from any colour requirement.
- 15.6 Vehicles licensed by the former District / Borough Councils within County Durham prior to 1 April 2009, will be subject to the transitional arrangements highlighted in paragraph 3.0 above and also conditions set out in Appendix 3 and 4 of this policy.
- 15.7 All vehicles shall undergo an inspection by the Council's appointed testing station(s) prior to being licensed and six months or as required thereafter.
- 15.8 For vehicles more than 10 years old from date of registration, the Council may require the vehicle to be tested up to 3 times in every 12 month period.
- 15.9 Holders of vehicle licences who have vehicles which regularly fail the Council's vehicle inspection may be referred to the Licensing Sub Committee. Under these circumstances the vehicle licence may be suspended or revoked.

## **16.0 Vehicle Insurance**

- 16.1 All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle. This insurance policy must be in place before a licence can be granted.
- 16.2 Hackney carriage vehicles must be insured under public hire. Private hire vehicles must be insured under private hire.
- 16.3 Proof of continuous vehicle insurance must be produced by the vehicle proprietor. Insurance should also be produced upon request by an authorised officer of the Council.
- 16.4 Vehicle licences may be suspended if valid insurance is not produced.

## **17.0 Drivers**

- 17.1 Following the receipt of a complete application the Council will issue a driver's licence to an applicant provided he or she has held a full driving licence for at least 12 months and is considered to be a fit and proper person.

17.2 In determining whether a driver is fit and proper the Council will consider, amongst other things: the applicant's relevant skills, knowledge, experience, qualification, medical fitness, criminal record and previous history as a licence holder in accordance with Appendix 1 and Appendix 2.

## **18.0 Private Hire Operators**

18.1 The Council will issue a private hire operator licence to an applicant provided the applicant is a fit and proper person.

18.2 In determining whether an applicant is a fit and proper person the Council will consider the applicant's criminal record and previous history as a licence holder in accordance with Appendix 2 and Appendix 5.

18.3 Upon the grant of an operator's licence the Council will specify the address from which the operator may operate. The premises must be within County Durham.

## **19.0 Licence Fees**

19.1 The Council will set fees for licences at a level that will recover the costs recoverable under statute incurred by the Council for issue, administration, control and supervision of that type of licence.

## **20.0 Hackney Carriage Fares Policy**

20.1 When setting hackney carriage fares the Council will have regard to:

- The needs of the travelling public with reference to what it is reasonable to expect people to pay
- The need of the travelling public to understand how much they will be expected to pay
- The need to give the trade sufficient incentive to provide a service at the times when it is demanded

20.2 Once a request has been approved by the Council, any other request would not normally be considered after a period of 12 months.

## **21.0 Review**

21.1 The policy will be reviewed every three years. In addition, the Council will make such revisions to the policy as it considers appropriate and publish it accordingly.

## Drivers

An application for a driver licence must be made on the specified form.

Drivers' licences will be issued subject to proof of eligibility.

A licence will be valid for a period of one year subject to continuing suitability. It may be renewed following approval of a valid renewal application.

### **1.1 Eligibility**

The Council will establish whether an applicant is a fit and proper person to hold a driver licence by requiring the applicant to meet the criteria set out below.

#### **(i) Qualification**

The applicant will be required to provide proof that they hold a full UK drivers licence or equivalent for a period of not less than 12 months prior to the application being submitted.

#### **(ii) Driving Proficiency Test**

The applicant will be required to provide evidence that they have passed the DSA Hackney Carriage and Private Hire Assessment Test.

#### **(iii) Driver Knowledge and Locality Tests**

The applicant will be required to pass the Council's knowledge and locality test.

#### **(iv) Accessible Vehicle Training**

For those applicants who will be operating a wheelchair accessible vehicle they must complete a course organised by the Council. This course will be delivered by trainers approved by the Council and will train drivers on the correct procedures of clamping and restraining a wheelchair and other relevant aspects of carrying passengers with a disability. The cost of the training will be met by the applicant. The training would have to be undertaken by new applicants prior to being licensed.

Existing driver's who operate wheelchair accessible vehicles and have not undergone the training, must undertake the training upon the renewal application of a driver's licence.

**(v) Medical Fitness**

Applicants for the grant of driver licence are required to provide evidence, in the form of a prescribed certificate available from the Council, signed by a medical practitioner with access to the applicant's medical records, stating that the applicant satisfies the requirements of the DVLA Group II medical standards of fitness to drive. All costs associated with obtaining the medical certificate are to be met by the applicant.

**(vi) Suitability**

The Council will need to be satisfied that the applicant is a suitable person to hold a driver licence. This will be determined by the applicant obtaining a Criminal Records Bureau (CRB) disclosure and Driver Vehicle Licensing Agency (DVLA) check and the Council conducting such other checks as it deems appropriate.

Applicants from outside the United Kingdom must obtain a certificate of good conduct from the relevant Embassy. The Council requires all such applicants who have resided in the country for less than five years to obtain a CRB or equivalent and a Certificate of Good Conduct from their relevant Embassy or Consulate, at the applicant's expense, authenticated, translated and sealed by the Embassy or Consulate.

Additional information will be considered as appropriate.

## **1.2 Continuing Suitability / Renewal Process**

The ongoing suitability of a licence holder will be monitored. In addition the following specific checks will be carried out upon renewal:

- Annual DVLA check
- Three-yearly CRB disclosure
- Periodic medical examination
- Conduct and compliance

The outcome of these checks will allow the Council to determine whether a licence holder continues to be a fit and proper person.

Renewal applicants will receive a reminder letter in advance of the expiry of the licence and must telephone the Licensing office to arrange a suitable appointment to submit a complete renewal application.

Applicants are encouraged to contact the Licensing Section 10 working days prior to the expiry to avoid any delays.

### **1.3 Standard Conditions of a Private Hire Driver Licence**

The licensed driver shall:

- (i) Notify the Council as soon as possible, and also confirm in writing within seven days, of any alteration to their circumstances or material particulars including but not limited to:
  - a) Change of address.
  - b) Change of office from which he / she operates.
  - c) Being charged with / convicted of or investigated in connection with any criminal offence.
  - d) Accepting a fixed penalty notice or caution, or receiving an ASBO.
  - e) Injury or illness sustained that may affect their driving ability.
  - f) The licence holder shall further inform the Council of any motoring fixed penalty endorsements received, in writing within 7 days of receiving the endorsement.
  - g) The licence holder shall inform the Council of any road traffic incident in which they are involved as a driver.
- (ii) Provide a copy of their full DVLA driving licence or equivalent upon reasonable request.
- (iii) Produce a valid medical certificate:
  - a) Upon initial application
  - b) Upon reasonable request
  - c) On their 45<sup>th</sup> birthday
  - d) Every fifth year after the 45<sup>th</sup> birthday
  - e) On their 65<sup>th</sup> birthday and then annually
- (iv) Behave in a professional manner at all times.
- (v) Maintain their vehicles in a safe and satisfactory condition at all times.
- (vi) Keep their vehicles clean and suitable for hire to the public at all times.
- (vii) Assist, where necessary, passengers into and out of vehicles.
- (viii) Offer passengers reasonable assistance with luggage.

- (ix) To make passengers aware to be cautious when they are entering and alighting to and from the vehicle to ensure they are not put at risk by oncoming traffic
- (x) Take whatever additional action is necessary to avoid creating a disturbance.
- (xi) Behave in a civil and orderly manner and be polite, helpful and respectful to passengers.
- (xii) Aggressive, abusive or otherwise inappropriate behaviour towards Council employees will not be tolerated. Such behaviour may result in a referral to the Council's Licensing Sub Committee.
- (xiii) Not tamper with, or permit any person to tamper with, any taximeter or its fittings.
- (xiv) Wear the driver's badge supplied to him / her in a manner that is plainly visible. An additional copy of the badge shall be displayed prominently within the vehicle.
- (xv) Report the loss of their licensed badge to the Council and the Police immediately.
- (xvi) Ensure the vehicle they are driving complies with the conditions attached to that vehicle's licence.
- (xvii) Ensure they check the vehicle they are driving, in accordance with the recommendations of the Department for Transport.

N.B. Conditions cannot be applied to drivers of Hackney Carriage vehicles. (see *Wathan v Neath Port Talbot County Borough Council*)

## **Determination of Applications for Driver and Operator Licences**

### **1.1 *Guidelines on the Relevance of Convictions, Cautions or any relevant information including complaints***

Applicants for driver and operator licences are required to disclose all convictions, fixed penalty notices and cautions, including those that would in other circumstances be regarded as spent under the Rehabilitation of Offenders Act 1974.

The disclosure of a criminal record or other information will not automatically prevent an applicant from obtaining a licence, unless the Council considers the conviction renders the applicant unsuitable.

In making its decision the Council will consider the relevance of any offence, the seriousness of the offence, the length of time since the offence occurred and any pattern of offending behaviour or other complaints.

The Council considers all offences to be relevant offences when considering the suitability of a person to hold or retain a licence, but the following will be viewed most seriously (in no particular order):

- Dishonesty
- Violence (including Criminal Damage & Sexual Offences)
- Alcohol Related Offences
- Public Order Offences
- Motoring Offences
- Substance Abuse (which includes the possession or distribution of unlawful substances)
- Obscene Materials (which includes the retention or distribution of unlawful obscene images / materials on computer or the internet)
- Discrimination
- Offences involving Indecency or other offences of a Sexual Nature
- Contravention of Licensing Laws or Conditions
- Disqualification from driving a motor vehicle at any time in the five years prior to applying for a licence (the time to run from the expiry of the disqualification)
- The applicant has been banned by a Governing Body



## 1.2 ***Application for a Drivers / Operators Licence following a Conviction***

If an applicant has been convicted of a criminal offence within the time period specified below the Council would not normally grant a licence:

### **Minor traffic offences**

One year from the date of the most recent conviction where two or more convictions occur within any one year period.

Minor traffic offences would include:

- **CU80** - Using a mobile phone while driving a motor vehicle
- **MS10** - Leaving a vehicle in a dangerous position
- **MS20** - Unlawful pillion riding
- **MS30** - Play street offences
- **MS40** - Driving with uncorrected defective eyesight or refusing to submit a test
- **MS60** – Offences not covered by other codes
- **MS70** – Driving with uncorrected defective eyesight
- **MS80** – Refusing to submit to an eyesight test
- **MS90** - Failure to give information as to identity of driver etc
- **MW10** - Contravention of Special Road Regulations (excluding speed limits)
- **PC10** – Undefined contravention of pedestrian crossing regulations
- **PC20** - Contravention of pedestrian crossing regulations with moving vehicle
- **PC30** - Contravention of pedestrian crossing regulations with stationary vehicle
- **SP10** – Exceeding goods vehicle speed limits
- **SP20** – Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- **SP30** – Exceeding statutory speed limit on a public road
- **SP40** – Exceeding passenger vehicle speed limit
- **SP50** – Exceeding speed limit on a motorway
- **SP60** – Undefined speed limit offence
- **TS10** - Failing to comply with traffic light signals
- **TS20** - Failing to comply with double white lines
- **TS30** - Failing to comply with a Stop sign
- **TS40** - Failing to comply with direction of a constable or traffic warden
- **TS50** - Failing to comply with traffic sign (excluding Stop sign, traffic lights or double white lines)
- **TS60** - Failing to comply with school crossing patrol sign
- **TS70** - Undefined failure to comply with a traffic direction sign
- Aiding, abetting, counseling or procuring any of the above offences

- Inciting any of the above offences
- Or similar offences or offences which replace the above offences

### **Major traffic offences**

A licence may not normally be granted for a period of 2 years in a case involving a period of disqualification, that period running from the date of conviction rather than expiration of period of disqualification.

Major traffic offences would include:

- **AC10** - Failing to stop after an accident
- **AC20** - Failing to give particulars or to report an accident within 24 hours
- **AC30** – Undefined accident offences
- **BA10** - Driving while disqualified by order of Court
- **BA30** - Attempting to drive while disqualified by order of Court
- **CD10** - Driving without due care and attention
- **CD20** - Driving without reasonable consideration for other road users
- **CD30** - Driving without due care and attention or without reasonable consideration for other road users
- **CD40** – Causing death through careless driving when unfit through drink
- **CD50** - Causing death through careless driving when unfit through drugs
- **CD60** – Causing death by careless driving with alcohol level above the limit
- **CD70** – Causing death by careless driving then failing to supply a specimen for analysis
- **CU10** – Using a vehicle with defective brakes
- **CU20** – Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- **CU30** – Using a vehicle with defective tyre(s)
- **CU40** – Using a vehicle with defective steering
- **CU50** – Causing or likely to cause danger by reason of load or passengers
- **DD40** – Dangerous driving
- **DD60** – Manslaughter or culpable homicide while driving a vehicle
- **DD80** – Causing death by dangerous driving
- **DR10** - Driving or attempting to drive with alcohol level above limit
- **DR20** - Driving or attempting to drive while unfit through drink
- **DR30** - Driving or attempting to drive then failing to supply a specimen for analysis
- **DR40** - In charge of a vehicle while alcohol level above limit

- **DR50** - In charge of a vehicle while unfit through drink
- **DR60** - Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- **DR70** - Failing to provide specimen for breath test
- **DR80** - Driving or attempting to drive while unfit through drugs
- **DR90** - In charge of a vehicle when unfit through drugs
- **IN10** - Using a vehicle uninsured against third party risks
- **LC20** - Driving otherwise than in accordance with a licence
- **LC30** - Driving after making a false declaration about fitness when applying for a licence
- **LC40** - Driving a vehicle having failed to notify a disability
- **LC50** - Driving after a licence has been revoked or refused on medical grounds
- **MS50** - Motor racing on the highway
- **TT99** – To signify disqualification under totting-up procedure. If the total of penalty points reached 12 or more within 3 years, the driver is liable to be disqualified
- **UT50** - Aggravated taking of a vehicle
- Aiding, abetting, counseling or procuring any of the above offences
- Causing or permitting any of the above offences
- Inciting any of the above offences
- Or similar offences or offences which replace the above offences

**Town Police Clauses Act 1847 and Part Two of the Local Government (Miscellaneous Provisions) Act 1976**

- Six months where there is one conviction
- Two years where there is more than one conviction
- Five years where a licence has been revoked by any Council

**Offences involving drugs**

- Three years of the date of conviction

**Indecency and sexual offences**

- Soliciting: five years
- Any other indecency offence: ten years
- More than one conviction for any indecency offence will mean that no licence will normally be granted

## Violence

As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involving the following, a licence will normally be refused:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Or similar offences or offences which replace the above offences

In other cases a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be granted.

An application will normally be refused unless at least 3-5 years has elapsed since the applicant was convicted of an offence of:

- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Racially aggravated common assault (s.29(1)(c) Crime and Disorder Act 1998)
- Common assault
- Affray
- Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- Riot
- Obstruction
- Criminal damage
- Violent disorder
- Resisting arrest
- Or similar offences or offences which replace the above offences

An application will normally be refused unless at least 5 to 10 years has elapsed since the applicant was convicted of an offence of:

- Arson
- Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- Grievous bodily harm (s.20 Offences Against the Person Act)
- Robbery

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
- Assault Police
- Possession of offensive weapon
- Possession of firearm
- Or similar offences or offences which replace the above offences

### **Dishonesty offences**

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the appropriate fare and in other ways. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include especially vulnerable people. For these reasons a serious view is taken of any convictions involving dishonesty.

In general if a period of 3-5 years free of conviction cannot be evidenced an application is unlikely to be granted.

In particular, an application will normally be refused unless a period of at least 3 years has elapsed since the applicant was convicted of an offence of:

- Theft
- Burglary
- Fraud
- Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Or similar offences or offences which replace the above offences

After 3 years have elapsed since the date of conviction, regard will be had to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

### 1.3 ***Other Relevant Factors***

Applicants are reminded that it is for the Council to determine if they are a fit and proper person on the balance of probability. The Council may take into account any matter that may affect whether an applicant is a fit and proper person, including but not limited to:

- Mental Health Act Order
- Inclusion on any register maintained for the purposes of safeguarding the public
- Known association
- Detoxification
- Other relevant information disclosed
- Any complaints

Where offences are not disclosed on the application form, this may be considered as deception, especially as the warnings given in this regard are very clear and that this could be a reason for a rejection of the application.

## Vehicle Licences

An application for a vehicle licence must be made on the specified form. The Council will, providing all requirements are met, issue a licence for a period of twelve months.

Renewal applicants will receive a reminder letter in advance of the expiry of the licence and must telephone the Licensing office to arrange a suitable appointment to submit a complete renewal application.

Applicants are encouraged to contact the Licensing Section 10 working days prior to the expiry to avoid any delays.

The following conditions will apply to all vehicles (Hackney Carriage and Private Hire) licensed by the Council.

### 1. **Standard Conditions**

- (i) The vehicle shall be right-hand drive and the body must be a fixed head type (hard top).
- (ii) The vehicle will only be licensed to carry the number of passengers able to travel. Seatbelts shall be fitted in accordance with manufacturers recommendations and legal requirements.
- (iii) In the event that the vehicle's seating arrangements are modified after the vehicle is licensed, the number of passengers permitted to be carried for that journey will be amended accordingly, provided that number is less than the vehicle is licensed for. Any modification after licensing which increases the number of passengers able to be carried will require an additional vehicle inspection to be carried out prior to the necessary amendment of the licence.
- (iv) Where the seats are placed facing each other there must be a clear space of 38cm subject to a 2cm tolerance between any part of the front of a seat and any part of any other seat that faces it.
- (v) Occasional (tip-up) seats must be arranged to rise automatically when not in use.
- (vi) Suitable means must be provided to assist persons to rise from all seats.
- (vii) The front seat of a vehicle may be utilised for the use of fare paying passengers, provided the seat has been originally fitted or

subsequently fitted by a suitably qualified person, and that the seatbelt is fitted in accordance with manufacturers recommendations and legal requirements. For example London Cab type vehicles.

- (viii) The number of persons the vehicle is licensed to carry shall be permanently fixed and exhibited at all times on the outside of the vehicle in the form of the vehicle licence plates as issued by the Council.
- (ix) A fully operational internal lighting, heating and ventilation system must be fitted and maintained for the driver and passengers.
- (x) All body parts and trimmings must be fitted and maintained in good working order both internally and externally.
- (xi) Tyres must have a minimum tread depth of 1.6mm and must be kept in good order and at the correct pressures. Journeys must not be commenced using temporary tyres or tyres that have been subject to a temporary repair.
- (xii) Appropriate arrangements must be in place to ensure that, in the event of mechanical failure, the passenger's journey can be completed in a safe and reasonable manner.
- (xiii) Any vehicle to be licensed must have a maximum height from a flat road surface to the first step of no more than 43cm or an automatic or semi automatic step.
- (xiv) Vehicles using automatic or semi-automatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a DRIVE or REVERSE position.
- (xv) The vehicle must display the licence plates, internal driver I.D. and door crests as required, and supplied by the Council, at all times. The vehicle licence plate must be displayed and securely attached on the outside rear of the vehicle. The door crests shall be fixed to the front nearside and offside doors of the vehicle in a central position. These items remain the property of the Council and must be returned to the Council upon termination or suspension of the vehicle licence.
- (xvi) Advertising may be displayed inside the vehicle and on the rear doors, panels and boot, subject to prior written approval from the Council. It should not obscure the Council signage. Any advertising should not conflict with the Licensing Objectives and should comply with the requirements of the Advertising Standards Agency. Advertising in this context does not include such



information as the name and contact details that relate to the private hire or hackney carriage company or proprietor that owns or operates the vehicle. Such details are to be regarded as self-promotional information. Self promotional information does not lend itself to any other interests outside the owner or operator's private hire or hackney carriage company. If self-promotional information is displayed on the vehicle it must not obscure the Council signage or adversely interfere with the driver's or the passenger's visibility.

- (xvii) The vehicle shall be tested by a designated vehicle examiner prior to being licensed when a Certificate of Compliance shall be obtained.
- (xviii) All vehicles shall undergo an inspection by the Council's appointed testing station(s) prior to being licensed and six months or as required thereafter.
- (xix) For vehicles more than 10 years old from date of registration, the Council may require the vehicle to be tested up to 3 times in every 12 month period.
- (xx) The Certificate of Compliance exempts a licensed vehicle from requiring an MOT test certificate. However, proprietors must be aware if the vehicle licence is surrendered, suspended, revoked or not renewed the vehicle must have an MOT certificate in place.
- (xxi) The licence holder must inform the Council at the earliest opportunity, and in writing within 72 hours, if any licensed vehicle has been involved in an accident or sustained damage.
- (xxii) No fittings, devices or lights may be attached or carried inside or outside the vehicle that could injure or harm any passenger or other person either inside or outside of the vehicle. No lights or other fittings shall be permitted on the vehicle that would obscure any licence plates or obscure the driver's or passengers' view out of the vehicle.
- (xxiii) Vehicle proprietors shall notify the Council in writing within seven days of any change of address.
- (xxiv) Video camera monitoring devices, for the purpose of assisting driver, or passenger safety, shall be permitted. If such devices are fitted within the vehicle, adequate signage must be displayed in the passenger compartment advising passengers that they are being monitored / recorded. It will be the driver / proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

- (xxv) No animals other than those owned by fare paying passengers shall be carried in or on any licensed vehicle whilst the vehicle is so engaged under the terms of its licence.
- (xxvi) Subject to the transitional arrangements highlighted in paragraph 3.1 and 3.2 of the policy all vehicles shall meet the Euro 4 technology standard. Any passenger vehicle manufactured after 1<sup>st</sup> January 2005 will meet this standard.
- (xxvii) Window tints shall comply with the following:
- a) The front windscreen shall allow 75% of light to be transmitted through
  - b) The front side windows shall allow at least 70% of light to be transmitted through them
  - c) Other windows shall allow at least 70% of light to be transmitted through them. However, the Council recognises that vehicles may be manufactured with glass that is darker than 70% fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. Therefore, because of the large costs and inconvenience associated with changing glass that conforms to both type approval and construction and use regulations, the Council may exercise discretion for those vehicles which have manufactured window tints.
- (xxviii) Only where one of the passengers is a child may the child-locks be activated.
- (xxix) The vehicle must carry a suitable fire extinguisher sited in a readily accessible place known to the driver. The appliance shall have a minimum content of 1 kilogram, conform to BSEN3 1996 and be of the dry powder or foam type, be kept in good condition and be fitted with a gauge which indicates the condition of its contents. Every fire extinguisher to be permanently marked with the vehicle's licence number.
- (xxx) The vehicle must carry first-aid facilities in accordance with the Health & Safety Executive Employment Medical Advisory Service recommendations. This shall be suitable in size for the number of passengers for which the vehicle is licensed. The container shall be permanently marked with the vehicle's licence number and replenished as necessary.

- (xxxix) The vehicle must be able to carry a reasonable amount of baggage (safe from inclement weather). Baggage should be stored securely and not stored in such a way as to hinder access to a door.
- (xxxii) There must be at least four doors. All doors must be capable of being opened from the inside.
- (xxxiii) The interior of the passenger compartment must be maintained in a clean condition and in good repair.
- (xxxiv) The flooring of the passenger compartment must be covered with a non-slip material.
- (xxxv) A vehicle which runs on LPG must have a tank that is either fitted as standard or has been fitted by an LPGA approved installer as recommended by the Liquid Petroleum Gas Association. If a conversion has been undertaken a certificate of compliance by an approved LPGA installer must be produced.
- (xxxvi) Any LPG tank must be fitted with a multi-valve tank. The multi-valve block shall be securely covered and sealed and vented to the atmosphere.
- (xxxvii) A vehicle using LPG must display stickers stating that the vehicle has been fitted with an LPG tank, so that the emergency services are aware of this if the vehicle is involved in an accident.
- (xxxviii) The vehicle should be serviced in accordance with the manufacturers servicing schedule by a competent person.
- (xxxix) If a trailer is to be used a trailer plate, issued by the Council, must be displayed on the trailer.

## **2. Hackney Carriage Vehicles**

In addition to the standard conditions, the following conditions will apply to Hackney Carriage vehicles.

- (i) An illuminated taximeter of an approved type must be fitted in an approved position.
- (ii) The taximeter shall be securely fitted, maintained in full working order, sealed and calibrated within the Council's approved hackney carriage fare scale and shall not be tampered with.
- (iii) A current fare table must be displayed in a position that is clearly visible in the passenger compartment.

- (iv) Display a “taxi” top sign or roof sign of a design approved by the Council that is illuminated when the vehicle is available for hire.
- (v) Display a “for hire” sign in the front passenger side of the windscreen that is illuminated when the vehicle is available for hire.

### **3. *Private Hire Vehicles***

In addition to the standard conditions, the following conditions will apply to Private Hire vehicles.

- (i) Any taximeter fitted to a Private Hire vehicle must be of an approved type and must be fitted in an approved position.
- (ii) Any taximeter fitted to a Private Hire vehicle shall be securely fitted, maintained in full working order and shall not be tampered with.
- (iii) Shall not display on the vehicle the words “taxi”, “cab”, “for hire” or anything that may suggest that the vehicle is a Hackney Carriage.
- (iv) An operator consent form must be completed by the vehicle proprietor and operator on grant or renewal of the vehicle licence. An operator consent form must also be completed when there is a change in operator during the life of the licence.

### **4. *Wheelchair Accessible Vehicles***

In addition to the standard conditions and those applying to Hackney Carriage and Private Hire vehicles, special conditions apply to wheelchair accessible vehicles as set out in this section. Where the conditions for wheelchair accessible vehicles conflict with the standard conditions, these special conditions will apply.

- (i) The vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.
- (ii) Either the rear or a nearside door must be used for wheelchair access. The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 780mm (30¾”). The minimum angle of the door when opened must be 90 degrees (the minimum angle will not be relevant in the case of a sliding door).
- (iii) The floor to ceiling height where the disabled passenger will sit must be a minimum of 1350mm (54¾”).

- (iv) All wheelchairs must be carried facing forwards or rearwards. Where a wheelchair is carried facing the rear of the vehicle, the wheelchair, in addition to standard restraints must be positioned such that it is reversed against a bulkhead to provide further stability.
- (v) Facilities for the loading of a wheelchair and occupant must be available at all times for use at the nearside or rear passenger doors. This ramp must comply with all DDA recommendations as to design and installation.
- (vi) An adequate locating device must be fitted to ensure that the ramp does not slip or tilt when in use. Provision must be made for the ramp to be stowed and secured safely when not in use. The storage of the ramp when not in use must not impede access or egress of passengers. Ramps must be rigid when in use. There must be a slip resistant surface on the ramp with outer edges coloured.
- (vii) Suitable anchorages must be provided for the wheelchair. Restraints for the wheelchair and occupant must be independent of each other. Belts attached to a wheelchair, in order to assist a person to remain in it whilst travelling, will not be acceptable.
- (viii) Vehicles must be capable of transporting a folded wheelchair as luggage. Anchorages must also be provided for the safe storage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment.
- (ix) All anchorages and restraints must not cause danger to any passenger.
- (x) The provision of a step for assisted entry is required. The step must be covered with a slip resistant surface.

### **Special Vehicle Licence Conditions**

The Council may licence a motorised special vehicle as a private hire for the carriage of up to eight passengers provided that such a vehicle has been issued with at least a Single Vehicle Approval (SVA) certificate and that the requirements in these specifications can be satisfied. Only an original SVA certificate will be accepted by the Council as proof of the vehicle satisfying the requirements to obtain that approval.

Prior to any licence being issued by the Council, a vehicle compliance pass certificate must be obtained from one of the testing stations appointed by the Council for that purpose. All costs associated with obtaining the relevant approvals or tests must be met by the vehicle proprietor.

When imported into this country the importer must produce a declaration from the testing authority (VOSA) that the vehicle will never carry more than eight passengers.

Renewal applicants will receive a reminder letter in advance of the expiry of the licence and must telephone the Licensing office to arrange a suitable appointment to submit a complete renewal application.

Applicants are encouraged to contact the Licensing Section 10 working days prior to the expiry to avoid any delays.

#### **1. *Standard Conditions for Special Vehicles***

- (i) Occasional (tip-up) seats must be so arranged as to rise automatically when not in use.
- (ii) Forward and rear facing seats must be fitted with a 3-point, inertia reel seatbelt.
- (iii) Suitable means must be provided to assist persons to rise from all seats.
- (iv) The front seat of a vehicle may be utilised for the use of conveying fare paying passengers, provided such seat is fitted by a suitably qualified mechanic.
- (v) Appropriate lighting, heating and ventilation system must be fitted for the driver and passengers.

- (vi) The door to the offside of a vehicle fitted with sliding doors must be capable of being opened only in the case of an emergency, unless that vehicle has an illuminated sign, clearly visible by day and by night, mounted on the rear of the vehicle in such a position so as to be readily seen by following traffic, but not so as to obscure the driver's vision, indicating that the doors are opening. The sign must be automatically linked to the passenger doors in order that when either door handle is activated to open the door, the sign is illuminated. A warning notice must be fixed securely to the inside of the door so as to be easily seen, advising passengers to exercise caution when alighting from the vehicle.
- (vii) All body parts and trimmings must be fitted and maintained in good working order.
- (viii) Tyres must have a minimum tread depth of 1.6mm and must be kept in good order and at the correct pressures. Journeys must not be commenced using temporary tyres or tyres that have been subject to a temporary repair.
- (ix) Appropriate arrangements must be in place to ensure that, in the event of mechanical failure, the passenger's journey can be completed in a safe and reasonable manner.
- (x) Proof of a current valid certificate of insurance for the vehicle must be carried at all times.
- (xi) Any vehicle to be licensed must have a maximum step height of 43cm or an automatic step.
- (xii) Vehicles using automatic or semi-automatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a DRIVE or REVERSE position.
- (xiii) The vehicle must display the licence plates, internal driver I.D. and door crests as required and supplied by the Council at all times. The licence plates and door crests shall be fixed to the vehicle in a manner approved by the Council. These items remain the property of the Council and must be returned to the Council immediately upon termination or suspension of the vehicle licence.
- (xiv) Advertising may be displayed inside the vehicle and on the rear doors, panels and boot and should not be pornographic, obscene, offensive or of a political nature. It should not obscure the Council signage. Any advertising should not conflict with the Licensing Objectives and should comply with the requirements of the Advertising Standards Agency. Advertising in this context does not include such information as the name and contact details that relate

to the private hire or hackney carriage company or proprietor that owns or operates the vehicle. Such details are to be regarded as self-promotional information. If self-promotional information is displayed on the vehicle it must not obscure the Council signage or adversely interfere with the driver's or the passenger's visibility.

- (xv) The vehicle shall be tested by a designated vehicle examiner prior to being licensed and at least twice during the period of the licence, and at any other time at the request of the Council.
- (xvi) The Council may require the vehicle to undertake a MOT test on an annual basis.
- (xvii) The licence holder must inform the Council immediately and in writing within 72 hours if any licensed vehicle has been involved in an accident or sustained damage.
- (xviii) No fittings, devices or lights may be attached or carried inside or outside the vehicle that could injure or harm any passenger or other person either inside or outside of the vehicle. No lights or other fittings shall be permitted on the vehicle that would obscure any licence plates or obscure the drivers or passengers view out of the vehicle.
- (xix) Vehicle proprietors shall notify the Council in writing within seven days of any change of address.
- (xx) If a roof carrier is to be used for luggage or goods it must be of a type fitted to the guttering or to the roof rails provided by the manufacturer.
- (xxi) If a trailer is to be used a trailer plate, issued by the Council, must be displayed on the trailer.
- (xxii) Video camera monitoring devices, for the purpose of assisting driver, or passenger safety, shall be permitted. If such devices are fitted within the vehicle, adequate signage must be displayed in the passenger compartment advising passengers that they are being monitored / recorded. It will be the driver / proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.
- (xxiii) No animals other than those owned by fare paying passengers shall be carried in or on any licensed vehicle whilst the vehicle is so engaged under the terms of its licence.
- (xxiv) Excluding the windscreen and front seat driver and passenger windows (minimum light transmission of 70% is required), tinting of



less than 70% light transmission to other vehicle windows will only be permitted if:

- The vehicle is an executive or novelty hire vehicle, or stretched limousine, operating under an Exemption Notice, and
- The vehicle is not used in any contract or provision for carrying school children or any unaccompanied children under the age of 18 years (the driver may not act as an accompanying adult); and
- Written approval has been granted by the Council.

- (xxv) Only where one of the passengers is a child may the child-locks be activated.
- (xxvi) Motorised vehicles must carry a suitable fire extinguisher sited in a readily accessible place known to the driver. A notice shall be posted in the vehicle within sight of passengers indicating its location. The appliance shall have a minimum content of 1 kilogram, conform to BSEN3 1996 and be of the dry powder or foam type, be kept in good condition and be fitted with a gauge which indicates the condition of its contents.
- (xxvii) The vehicle must carry first-aid facilities in accordance with the Health & Safety Executive Employment Medical Advisory Service recommendations.
- (xxviii) Access to every seat must be unobstructed without the need for seats to be folded or removed.
- (xxix) The interior of the passenger compartment must be maintained in a clean condition and in good repair.
- (xxx) The flooring of the passenger compartment must be covered with a non-slip material.
- (xxxi) Motor vehicles will only be licensed to carry the number of passengers able to travel using a separate 3-point, inertia reel seatbelt.
- (xxxii) A vehicle which runs on LPG must have a tank that is either fitted as standard or has been fitted by an LPGA approved installer as recommended by the Liquid Petroleum Gas Association. If a conversion has been undertaken a certificate of compliance by an approved LPGA installer must be produced.

(xxxiii) Any LPG tank must be fitted with a multi-valve tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere.

(xxxiv) A vehicle using LPG must display stickers stating that the vehicle has been fitted with an LPG tank, so that the emergency services are aware if this if the vehicle is involved in an accident.

(xxxv) The vehicle must be serviced by a competent person.

## **2. Conditions for Stretch Vehicles**

In addition to the standard conditions for special vehicles, extra conditions apply to stretch vehicles as set out in this section. Where the conditions for stretch vehicles conflict with the standard conditions, these extra conditions will apply.

- (i) The maximum length of the vehicle “stretch” must not exceed 3048mm. Each passenger seating area must be at least 400mm wide with a flat area in front of each seat of 300mm x 300mm.
- (ii) The vehicle must be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres must be of an approved rating as specified by the manufacturer, meet legal requirements and have a minimum tread depth of 2mm.

## **3. Executive Vehicles - Exemption from Displaying Licence Plates and Door Stickers**

Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 allows local authorities to specify certain occasions when a licence plate and other livery do not have to be displayed on a private hire vehicle. The Council have decided that where private hire vehicles are used exclusively for chauffeur services or executive hire, it may be appropriate to consider a request not to display a licence plate and other identification livery.

For the purpose of this policy, the Council consider executive hire to be the use of a higher standard and more luxurious vehicle.

The Council will not exercise its discretion in granting the exemption for any vehicle which is to be used on regular private hire bookings. The booking of a high standard vehicle by private individuals for transportation to special events, celebrations or nights out is considered to be regular private hire work.

If the owner of a vehicle wishes to ask the Council to exercise its discretion to exempt the vehicle from displaying a licence plate and other

identification livery they must apply to the Council in writing, providing evidence to support the application.

Applications for exemptions will be determined by the duly authorised officer in consultation with the Chairman or Vice Chairman of the Licensing Committee.

An exemption from displaying a plate and other identification livery is a privilege rather than a right and the benefit of the exemption will be granted at the Council's discretion. The Council has the power to withdraw the exemption if the related conditions are not complied. Council Officers will periodically check booking records to ensure compliance with the policy.

Where such an exemption is granted, the following additional vehicle licence conditions will apply:

- (i) The vehicle will operate only in accordance with contracts entered into for a chauffeur type executive level of service.
- (ii) The chauffeur must wear a suit, shirt and tie.
- (iii) Excluding the windscreen and front seat driver and passenger windows (minimum light transmission of 70% is required), tinting of less than 70% light transmission to other vehicle windows will only be permitted if:
  - a. The vehicle is an executive or novelty hire vehicle, or stretched limousine, and
  - b. The vehicle is not used in any contract or provision for carrying school children or any unaccompanied children under the age of 18 years (the driver may not act as an accompanying adult)
- (iv) No advertising or identification (including company logos) may be displayed on or in the vehicle at any time
- (v) The Council's exemption disc will at all times be displayed on the front windscreen.
- (vi) The private hire vehicle licence plate must be securely fixed in a visible position inside the luggage compartment.
- (vii) The vehicle's Exemption Certificate/Notice must be carried in the vehicle at all times and produced on request to any Police Officer or Authorised Officer of the Council.

#### **4. Licence Conditions for Horse-Drawn Vehicles**

In addition to the standard conditions for special vehicles, extra conditions apply to horse-drawn vehicles as set out in this section. Where the conditions for horse-drawn vehicles conflict with the standard conditions, these extra conditions will apply.

- (i) The driver must ensure every part of the harness of the animal or animals drawing the carriage is kept in order, so that the animal or animals are properly and securely attached to the carriage and under control.
- (ii) The driver must not feed or allow any animal harnessed or otherwise attached to a carriage to be fed, except with food contained in a proper bag or other receptacle
- (iii) Proprietors must arrange for animals to be checked at least annually and at the request of the Council by an approved veterinary surgeon. The licensee shall meet any costs involved. Where an animal is found to be unfit its use in the operation of a hackney carriage shall be discontinued until such time as a certificate of fitness signed by the veterinary surgeon is produced to the Council's authorised officer.
- (iv) Proprietors must arrange for testing of the carriage on an annual basis and at the request of the Council.

## **5. Other Vehicles**

Consideration may be given to alternative forms of transport being licensed, however the Council will expect applications to be accompanied by information regarding the safety of the proposed operation, any proposed routes and pick up points, the times and area of operation, details of the vehicle and public liability insurance.

Vehicles must be fitted with seat belts that at all times meet BSI standards and in particular forward and rear facing seats fitted with a separate 3-point, inertia reel seatbelt.

The Council will undertake consultation with anybody it considers appropriate with such an application and may attach such conditions as it thinks reasonable and proportionate. These may include conditions not usually applied to conventional Hackney Carriages or Private Hire vehicles, such as limitations on their hours or area of operation.

### Private Hire Operator

An application for an operator's licence must be made on the specified form. The Council will, providing all requirements are met, issue an Operator licence for a period of 12 months subject to ongoing suitability. It may be renewed upon approval of a valid application.

Renewal applicants will receive a reminder letter in advance of the expiry of the licence and must telephone the Licensing office to arrange a suitable appointment to submit a complete renewal application.

Applicants are encouraged to contact the Licensing Section 10 working days prior to the expiry to avoid any delays.

The operator's licence will be subject to the following conditions:

- (i) The Council requires operators to keep legible, hand written or computerised records of each booking. Information must include:
  - a) The date and time of the booking and if different the time and date of the proposed journey.
  - b) The name and address or telephone number of the hirer.
  - c) The agreed time and place of the proposed pick up.
  - d) The destination including address or street name.
  - e) The name of the driver.
  - f) The licence number of the vehicle allocated for the booking.
  - g) Any agreed fare.
  
- (ii) The operator shall keep legible, hand-written or computerised records of the particulars of all Private Hire vehicles operated by him which shall include:
  - a) Vehicle make, model and colour.
  - b) Vehicle registration mark.
  - c) Number of passenger seats.
  - d) The vehicle licence number.
  - e) The company call-sign for the vehicle.
  - f) The vehicle proprietor's name and address.
  - g) Insurance particulars of all vehicles working on behalf of the operator.
  - h) The date the vehicle was added to the operator's fleet.
  - i) The date the vehicle was withdrawn from the operator's fleet.
  - j) Name and address of the owner.
  - k) Name, address and the licence number of drivers of such vehicles.
  
- (iii) The operator shall keep legible, hand-written or computerised records of the particulars of all drivers employed or otherwise engaged by him which shall include:

- a) The name and address of the driver and any change of address of a driver during the course of his service with the operator.
  - b) The name, address and company call-sign assigned to the driver.
  - c) The date the driver commences working for the operator.
  - d) The date the driver ceases working for the operator.
- (iv) The operator shall permit an authorised officer of the Council or a Police officer access to records required by their licence at all reasonable times.
  - (v) The operator shall retain from every licensed driver employed or otherwise engaged by him, a copy of that driver's licence, and shall retain it for the period of such employment or engagement. The operator shall record the overall period or periods for which such employment or engagement continues.
  - (vi) The operator shall retain a copy of all vehicle licences in respect of vehicles used in his business.
  - (vii) The operator shall ensure that the vehicle fulfils bookings at the appointed time and place unless delayed or prevented by some justifiable cause.
  - (viii) If provision is made by the operator for the reception of members of the public proposing to hire a vehicle, adequate arrangements shall be made for the seating of customers and it is recommended that toilet facilities within the premises be provided for public use.
  - (ix) The operator shall provide a copy of the public liability insurance to the Licensing Authority where the premises are open to the public.
  - (x) The applicant is required to complete a basic disclosure upon grant of application and every 3 years however, if the applicant is already a licensed driver with Durham County Council the Enhanced Criminal Record Bureau Disclosure will suffice.
  - (xi) Aggressive, abusive or otherwise inappropriate behaviour towards Council employees will not be tolerated. Such behaviour may result in a referral to the Council's Licensing Sub Committee.
  - (xii) Notify the Council as soon as possible, and also confirm in writing within seven days, of any alteration to their circumstances or material particulars including but not limited to:
    - a) Change of address.
    - b) Change of office from which he / she operates.
    - c) Being charged with / convicted of or investigated in connection with any criminal offence.
    - d) Accepting a fixed penalty notice or caution, or receiving an ASBO.

- e) Injury or illness sustained that may affect their driving ability.
- f) The licence holder shall further inform the Council of any motoring fixed penalty endorsements received, in writing within 7 days of receiving the endorsement.
- g) The licence holder shall inform the Council of any road traffic incident in which they are involved as a driver.

### Glossary

- (i) “Hackney Carriage Vehicle” means a licensed vehicle that can carry passengers for hire or reward. It can also be hailed by a prospective customer, and wait on the rank to await the approach of passengers.
- (ii) “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.
- (iii) “Private Hire Operator” means a person licensed to make provision for the invitation or acceptance of bookings for a private hire vehicle.
- (iv) “Limousine” means a vehicle which has an engine capacity of 2800 c.c. or more, produced by a manufacturer as a luxury/high end vehicle. It will generally be obvious that a vehicle has been produced for this purpose and it will have a selection of extras that one would expect to be fitted. If doubt/contention exists then the final arbiter shall be the manufacturer. Seating arrangements will consist of forward and/or rear facing seats only.
- (v) “Stretched Limousines” Imported Stretched Limousines are normally checked for compliance with British regulations under the Single Vehicle Approval (SVA) inspection regime, before they are registered. The Authority will request sight of the SVA certificate to ensure that the vehicle was tested by VOSA before being registered and licensed (taxed) by DVLA. The SVA test verifies that the converted vehicle is built to certain safety and environmental standards. Stretched Limousines that clearly have more than eight passenger seats will not be licensed as PHV’s because they are outside the licensing regime for PHV’s.
- (vi) “Integrated Transport System” means complete / total transport is available.
- (vii) “Licensing Committee” means elected Members appointed to consider circumstances and make decisions in accordance with the Council’s constitution.
- (viii) “The Council” means the Authority responsible for the administration and regulation of taxi legislation and regulation.



- (ix) “Transitional Arrangements” mean a specific period of time accommodating the move from individual District / Borough Councils to one single Unitary system.
- (x) “DSA” means Driving Standard Agency.
- (xi) “Livery” means a distinctive pattern or design on a vehicle providing identification, for instance door crests / Council signage.
- (xii) “Enforcement Policies” mean specific details of regulatory non-compliance and the action taken to deal with non-compliance.
- (xiii) “Licensing Authorities Constitution” means the body of fundamental principles or established precedents by which the organisation is governed.
- (xiv) “Stakeholder” means a person with an interest or concern in something.
- (xv) “Driver Proficiency Test” means drivers expert test as laid down by The Driving Standards Agency for taxi drivers.
- (xvi) “CRB” means the Criminal Records Bureau, an executive agency of the Home Office that provides access to criminal record and other relevant information to organisations in England and Wales and who carries out checks forming a disclosure.
- (xvii) “Certificate of Good Conduct” means a certificate of good conduct relating to a Police records check. For example, if an applicant has lived abroad, on their return to the UK, a licensing application may need confirmation that the applicant has no criminal record. This certificate will suffice the requirement.
- (xviii) “DVLA Check” means a standard check with the Driver and Vehicle Licensing Agency revealing penalty points or traffic related convictions.
- (xix) “Department for Transport” means the central government ministry which provides leadership across the Transport Sector to achieve its objectives, working with regional, local and private sector partners to deliver many of the services.
- (xx) “Relevance of Convictions” means convictions that may be taken into consideration when assessing matters.
- (xxi) “Relevant Offences” mean criminal matters of a nature that may be taken into account when applications are being assessed.

- (xxii) "Inertia Reel Seatbelt" means a reel that allows a vehicle seat belt to unwind freely but which locks under force of impact or rapid deceleration.
- (xxiii) "MOT" means the Ministry of Transport Test which is an annual test of older vehicle safety and road worthiness. MOT test certificates are currently issued by the Vehicle and Operator Services Agency (VOSA) an agency within the Department for Transport.
- (xxiv) "LPG" means Liquefied Petroleum Gas.
- (xxv) "Certificate of Compliance" means a certificate confirming that a licensed vehicle has passed the Council's vehicle test.
- (xxvi) "Taximeter" means a mechanical or electronic device installed in taxicabs that calculates passenger fares based on a combination of distance travelled and waiting time.
- (xxvii) "Vehicle Compliance Pass Certificate" means the Council's compliance test confirming the vehicle meets the standards required by the Local Authority.
- (xxviii) "Appointed Testing Station" means an appointed garage where the vehicle tests are carried out.
- (xxix) "Vehicle Exemption Certificate Notice" means a notice granting exception from the liability or obligation imposed on others.
- (xxx) "Authorised Officer" means a person who has the power or right to enforce.
- (xxxii) "Ply for Hire" means when a licensed Hackney Carriage vehicle is moving but not actually hired at that time.
- (xxxiii) "The Guidance" means the Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance March 2010.
- (xxxiiii) "Licensed Vehicle" means both a Hackney Carriage and Private Hire Vehicle.
- (xxxv) "DDA" means the Disability Discrimination Act 1995.