

Appendix 4

# **DURHAM COUNTY COUNCIL**

## **HACKNEY CARRIAGE AND PRIVATE HIRE**

### **DRAFT LICENSING POLICY**

**NOVEMBER 2008**

**VERSION 11**

	<b><u>Contents</u></b>	<b><u>Page</u></b>
1.0	Introduction	3
2.0	Transitional Arrangements	3
3.0	Scope	4
4.0	Licensing Objectives	4
5.0	Conditions	4
6.0	Enforcement	5
7.0	Other Regulatory Regimes	5
8.0	Decision making	5
9.0	Vehicles	5
10.0	Drivers	6
11.0	Private Hire Operators	6
12.0	Fees	6
13.0	Fares Policy	6
14.0	Review	6

	<b><u>Appendices</u></b>	<b><u>Page</u></b>
Appendix 1	Drivers	7
Appendix 2	Determination of Applications for Driver Licences	11
Appendix 3	Vehicle Licences	13
Appendix 4	Special Vehicle Licence Conditions	20
Appendix 5	Private Hire Operator	26
Appendix 6	Glossary	28

## **1.0 Introduction**

- 1.1 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. Because of the part they play in local transport provision it is important that the authority's Hackney Carriage and Private Hire licensing powers are used appropriately to ensure that licensed vehicles in the administrative district of the Council are safe, comfortable, properly insured and available where and when required.
- 1.2 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.
- 1.3 This policy has been produced in accordance with the powers conferred by the Town Police Clauses Act 1847 and 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.
- 1.4 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.
- 1.5 The purpose of this policy is to explain how the Council will undertake its licensing functions.
- 1.6 Following the introduction of this policy, the Licensing Committee may make decisions that change the content. The changes may have immediate effect, or come into effect on a given date.

## **2.0 Transitional Arrangements**

- 2.1 The Council recognises that licences have been issued by preceding Councils and acknowledges that the requirements of this policy may differ from those formerly used. In order to minimise the impact of any changes introduced by this policy, it is proposed that the following transitional arrangements will apply:
  - (i) All drivers' licences issued prior to 1<sup>st</sup> April 2009 will continue subject to their existing conditions until due for renewal.
  - (ii) All drivers' licences renewed on or after 1<sup>st</sup> April 2009 will be subject to the conditions set out in Appendix 1 apart from the eligibility criteria in paragraph 1.1 of Appendix 1.

- (iii) All the conditions set out in Appendix 1 will apply to new licence applications received on or after 1<sup>st</sup> April 2009.
- (iv) For all vehicle renewals occurring on or after 1<sup>st</sup> April 2012 applicants will be required to comply with the colour and emission conditions.

2.2 The Council acknowledges that, at present, there are seven hackney carriage licensing zones and in some areas they are regulated. Consultation is being undertaken as to whether these arrangements are to continue.

### **3.0 Scope**

3.1 This policy shall apply throughout the administrative area of Durham County Council from 1<sup>st</sup> April 2009 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

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

### **4.0 Licensing Objectives**

4.1 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

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

### **5.0 Conditions**

5.1 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. 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.

## **6.0 Enforcement**

6.1 Enforcement of licensing matters will be undertaken by the Council.

## **7.0 Other Legal Requirements**

7.1 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 lies with the licence holder and / or proprietor.

## **8.0 Decision making**

8.1 The powers of the Council will be exercised in accordance with the Council's Constitution.

8.2 The Council will make all decisions in relation to licensing matters on their own merits.

8.3 The Council will provide reasons for all decisions that it makes.

## **9.0 Vehicles**

9.1 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.

9.2 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.

9.3 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.

9.4 Any vehicle will only be licensed if it complies with the conditions set out by the Council in Appendix 3 and Appendix 4 subject to transitional arrangements.

9.5 All vehicles shall undergo an inspection by the Council's appointed testing station(s) prior to being licensed and as required thereafter.

## **10.0 Drivers**

10.1 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.

10.2 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.

## **11.0 Private Hire Operators**

11.1 The Council will issue a Private Hire operator licence to an applicant provided the applicant is a fit and proper person.

11.2 In determining whether an applicant is a fit and proper person the Council may consider the applicant's criminal record and previous history as a licence holder in accordance with Appendix 1 and Appendix 2.

## **12.0 Licence Fees**

12.1 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.

## **13.0 Hackney Carriage Fares Policy**

13.1 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 taxi drivers sufficient incentive to provide a service at the times when it is demanded

## **14.0 Review**

14.1 The policy will be reviewed after one year of its adoption and every three years thereafter. 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) 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.

#### **(v) 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 an enhanced 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**

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

- 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.

## **1.3 Standard Conditions of 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 reasonable request
  - b) On their 45<sup>th</sup> birthday
  - c) Every fifth year after the 45<sup>th</sup> birthday
  - d) 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) Switch off the engine if required to wait.
- (x) Take whatever additional action is necessary to avoid creating a disturbance.
- (xi) Pay attention to personal hygiene and dress appropriately.
- (xii) Behave in a civil and orderly manner and be polite, helpful and respectful to passengers.
- (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) Upon termination or suspension of the driver's licence, the badges must be returned to the Council immediately as badges remain the property of the Council.
- (xvi) Report the loss of their licensed badge to the Council and the Police immediately.

- (xvii) Ensure the vehicle they are driving complies with the conditions attached to that vehicle's licence.
- (xviii) Ensure they check the vehicle they are driving, in accordance with the recommendations of the Department for Transport.

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

### **1.1 *Guidelines on the Relevance of Convictions***

Applicants for driver 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)

### **1.2 *Application for a Drivers 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
- **Major traffic offences:**
  - Two years where the offence did not result in a period of disqualification
  - Two years from the expiration of a period of disqualification
- **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 from 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:** three years
- **Dishonesty offences:** two years

### 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

## 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. The Council will produce a list of vehicle makes and models that it considers suitable to be licensed. Any vehicle not on this list and without European Whole Vehicle Certification will be considered on an individual basis and the Council will specify the examination and certification it deems appropriate for the particular vehicle.

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 using a separate 3-point, inertia reel seatbelt.
- (iii) In the event that the vehicle's seating arrangements are modified from the arrangement when the vehicle was licensed, the number of passengers permitted to be carried for that journey will be amended accordingly.
- (iv) The vertical distance between the highest point of the seat cushion and the top of the floor covering must not be less than 35cm.
- (v) Where the seats are placed facing each other there must be a clear space of 38cm between any part of the front of a seat and any part of any other seat that faces it.
- (vi) Occasional (tip-up) seats must be so arranged as to rise automatically when not in use.
- (vii) Suitable means must be provided to assist persons to rise from all seats.
- (viii) 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 person, and provided the seat is fitted with a 3-point, inertia reel seatbelt.

- (ix) 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.
- (x) An adequate lighting, heating and ventilation system must be fitted for the driver and passengers.
- (xi) 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.
- (xii) All body parts and trimmings must be fitted and maintained in good working order.
- (xiii) Tyres must have a minimum tread depth of 2mm 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.
- (xiv) 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.
- (xv) Proof of a current valid certificate of insurance for the vehicle must be carried at all times.
- (xvi) Any vehicle to be licensed must have a maximum step height of 43cm or an automatic step.
- (xvii) 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.
- (xviii) 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 upon termination or suspension of the vehicle licence.

- (xix) 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.
- (xx) The vehicle shall be tested by a designated vehicle examiner prior to being licensed and at least once during the period of the licence, and at any other time at the request of the Council, and a Certificate of Compliance shall be obtained.
- (xxi) 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.
- (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) All vehicles shall meet:
  - a) The Euro 4 Technology standard in respect of passenger cars.
  - b) The Euro 3 Technology standard in respect of light commercial vehicles.

- (xxvii) Window tints shall comply with the following:
  - a) Front windscreen and front side windows shall allow at least 75% of light to be transmitted through them.
  - b) Other windows will allow at least 70% of light to be transmitted through them.
- (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. 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.
- (xxx) The vehicle must carry first-aid facilities in accordance with the Health & Safety Executive Employment Medical Advisory Service recommendations.
- (xxxi) 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 and be fitted with a sealed tank box made from aluminium 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.

## **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, 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) Vehicles must be white.
- (v) 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.
- (vi) Display a "for hire" sign 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) Private Hire vehicles may be any colour other than white.
- (iv) Shall not display on the vehicle the words "taxi", "cab", "for hire" or anything that may suggest that the vehicle is a Hackney Carriage.

## **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 (30<sup>3</sup>/<sub>4</sub>" ). 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 (54<sup>3</sup>/<sub>4</sub>" ).
- (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) A single ramp, 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 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.

#### **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 2mm 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.
- (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) Window tints shall allow at least 75% of light to be transmitted through them.
- (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***

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

- (i) The vehicle must be an executive style car, such determination to be made by the Council.
- (ii) The chauffeur must be dressed in an appropriate uniform or business suit.
- (iii) The vehicle's Exemption Certificate/Notice is 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 twelve months subject to ongoing suitability. It may be renewed upon approval of a valid application. 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 toilet facilities within the premises.

### 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.
- (v) “Integrated Transport System” means complete / total transport is available.
- (vi) “Licensing Committee” means elected Members appointed to consider circumstances and make decisions in accordance with the Council’s constitution.
- (vii) “The Council” means the Authority responsible for the administration and regulation of taxi legislation and regulation.

- (viii) "Transitional Arrangements" mean a specific period of time accommodating the move from individual District / Borough Councils to one single Unitary system.
- (ix) "DSA" means Driving Standard Agency.
- (x) "Livery" means a distinctive pattern or design on a vehicle providing identification, for instance door crests / Council signage.
- (xi) "Enforcement Policies" mean specific details of regulatory non-compliance and the action taken to deal with non-compliance.
- (xii) "Licensing Authorities Constitution" means the body of fundamental principles or established precedents by which the organisation is governed.
- (xiii) "Stakeholder" means a person with an interest or concern in something.
- (xiv) "Driver Proficiency Test" means drivers expert test as laid down by The Driving Standards Agency for taxi drivers.
- (xv) "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.
- (xvi) "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.
- (xvii) "DVLA Check" means a standard check with the Driver and Vehicle Licensing Agency revealing penalty points or traffic related convictions.
- (xviii) "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.
- (xix) "Relevance of Convictions" means convictions that may be taken into consideration when assessing matters.
- (xx) "Relevant Offences" mean criminal matters of a nature that may be taken into account when applications are being assessed.

- (xxi) "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.
- (xxii) "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.
- (xxiii) "LPG" means Liquefied Petroleum Gas.
- (xxiv) "Certificate of Compliance" means a certificate confirming that a licensed vehicle has passed the Council's vehicle test.
- (xxv) "Taximeter" means a mechanical or electronic device installed in taxicabs that calculates passenger fares based on a combination of distance travelled and waiting time.
- (xxvi) "Vehicle Compliance Pass Certificate" means the Council's compliance test confirming the vehicle meets the standards required by the Local Authority.
- (xxvii) "Appointed Testing Station" means an appointed garage where the vehicle tests are carried out.
- (xxviii) "Vehicle Exemption Certificate Notice" means a notice granting exception from the liability or obligation imposed on others.
- (xxix) "Authorised Officer" means a person who has the power or right to enforce.
- (xxx) "Ply for Hire" means when a licensed Hackney Carriage vehicle is moving but not actually hired at that time.
- (xxxi) "The Guidance" means the Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance October 2006.
- (xxxii) "Licensed Vehicle" means both a Hackney Carriage and Private Hire Vehicle.
- (xxxiii) "DDA" means the Disability Discrimination Act 1995.