



**APPENDIX 5**

# **DURHAM COUNTY COUNCIL**

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

Draft Provision

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## **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, 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.

## **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' through a licensed private hire operator and may not ply for hire nor use appointed ranks.
- 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 Vehicle Emissions and Manufacture Criteria**

- 3.1 From the adoption of this policy applications will only be accepted for vehicles manufactured to the emissions standard "EURO 5"
- 3.2 Existing licensed vehicles will continue to be renewed but may only be replaced by vehicles meeting the criteria outlined above.

### **4.0 Scope**

- 4.1 This policy, which replaces all previous policies, shall apply throughout the administrative area of Durham County Council from the date of adoption.
- 4.2 In developing this policy the Council has taken account of the Licensing Objectives, listed within paragraph 5, 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:

- a) Current licence holders
- b) Elected Members of the Council
- c) Durham Constabulary
- d) Local businesses and their representatives
- e) Residents and their representative bodies
- f) Local transport providers
- g) Disability Groups
- h) Planning Authority
- i) Service users
- j) The Automobile Association

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

## 5.1 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:

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

## 6.1 Methods

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

- a) Setting the standards for the licensing of drivers, vehicles and operators
- b) The licensing and routine inspections of vehicles, with appropriate follow up action
- c) Routine inspection of insurance policies, with appropriate follow up action
- d) 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

- e) Investigation of complaints with appropriate follow up action
- f) Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees
- g) 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 and/or in connection with reports or incidents of poor conduct.

6.2 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:

- a) Local Hackney Carriage and Private Hire Trade
- b) Countywide Taxi Working Group
- c) Durham Constabulary
- d) Internal Council Departments
- e) Disability Groups
- f) Regional Licensing Groups (NESLiG)
- g) 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:

- a) Sex Discrimination Act 1975
- b) Race Relations Act 1976 / 2000
- c) Disability Discrimination Act 1995 / 2005
- d) 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 Licensing Enforcement Officers will undertake enforcement activities on behalf of the Council in accordance with the Council's enforcement policy.

## **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 this policy and as delegated through 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 requires high standards of conduct and behaviour from 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.
- 14.7 See appendix 7 for an outline of the procedure and escalation of complaints

## **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. In setting the standard vehicle conditions the Council has taken account of passenger needs. 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.
- 15.2 Category A and B “write offs” will not be licensed as Hackney Carriage or Private Hire Vehicles
- 15.3 All vehicles shall have an appropriate ‘type approval’ which is either:
  - a) European Whole Vehicle Type approval
  - b) British National Type approval; or
  - c) British Single Vehicle Approval (SVA)

This paragraph will specifically apply to special vehicles as identified in Appendix 4.

- 15.4 From the adoption of this policy any licensed vehicle must meet the requirements of paragraph 3.0 of this policy
- 15.5 Any advertising other than self-promotional information must be approved by the Licensing Team Leader. Examples of the advertising and its proposed placement must be forwarded to the Licensing Team Leader for their consideration and approval.

- 15.6 Any approved 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.

### *Testing*

- 15.7 Prior to being licensed all vehicles must have been successfully tested with the preceding six months. All new vehicles must be presented for an inspection at one of the Council's appointed testing stations prior to being licensed, subject to meeting all the requirements of the test a Certificate of Compliance, which lasts for one year, will be issued.

*N.B 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*

- 15.8 Six months from the date of being licensed a vehicle will be required to be presented for a further test.

- 15.9 Licence holders will receive correspondence from Licensing Services in advance of the expiry of their licence and on receipt must telephone the Licensing office to arrange an appointment to submit their renewal application and to arrange a vehicle fitness test, and upon meeting all the requirements of the test a Certificate of Compliance, which lasts for one year, will be issued.

*NB To ensure the application process is complete before the expiry of the vehicle licence, applicants are encouraged to contact the Licensing Services on receipt of their reminder to arrange appointments for both the vehicle test and to submit their renewal application.*

- 15.10 Where it is considered necessary by a vehicle examiner vehicles over 10 years old will be required to be tested more frequently than 2 times each year.

- 15.11 All tests (and retests where applicable) must be paid for prior to the vehicle being presented.

- 15.12 Where a vehicle fails its test on three occasions (whether annual, six monthly or re test) the proprietor will be referred to the Councils Licensing Committee.
- 15.13 Vehicle licence holders who fail to present their vehicles for test will have their vehicle licence suspended. In addition to this vehicle licence holders who postpone their vehicle test within 5 working days of the test date will have their vehicle licence suspended from the time of the request for the postponement.

#### *Window Tints*

- 15.14 The Council recognises that vehicles may be manufactured with glass that is darker than that specified in the standard vehicle conditions prescribed in this policy. Because of the large costs and inconvenience associated with changing glass the Council will exercise discretion in the case of vehicles manufactured with window tints outside that standard.

#### *Temporary Replacement Vehicles*

- 15.15 The Council will allow the temporary licensing of vehicles in cases where an existing licensed vehicle suffers mechanical failure or accident damage which results in it having to be taken off the road for a period of time. Temporary replacement vehicles, which will not be subject to colour conditions, may be licensed for a period not exceeding two months.
- 15.16 If a Licensed vehicle is damaged in an accident or by any other means, the licence holder must report the damage to Licensing Services as soon as reasonably practicable and in any case within 72 hours. An examination will determine whether the vehicle is roadworthy or in need of repair. An 'Accident Damage Form' will be issued and must be retained in the vehicle. If the vehicle is deemed unfit the licence will be suspended. If the vehicle is not repaired and presented for test within two months from the date of inspection the licence will automatically be revoked. Unless the Authority confirms otherwise, the vehicle may not be used as a hackney carriage or private hire vehicle from the date of first examination until it has been re-examined and passed fit for use. If the vehicle has sustained major damage then the location of the vehicle must be given and it may be inspected by an Authorised Officer

#### *Special Vehicles*

- 15.17 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.

- 15.18 Prior to any licence being issued a vehicle compliance certificate must be issued by the Council. Where the vehicle is unable to be tested at a Council test centre alternative testing arrangements must be made by the applicant. All costs associated with obtaining the relevant approvals or tests must be met by the vehicle proprietor.
- 15.19 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.

#### *Exemptions*

- 15.20 Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 allows local authorities to grant exemptions to private hire vehicles from displaying licence plates and other prescribed livery.
- 15.21 The Council has decided that for the purpose of this policy, they consider the use of a higher standard and more luxurious vehicle used exclusively for the purposes of carrying passengers under a written contract (the duration of which must be not less than 60 days) to be the minimum standard for an application not to display a licence plate and other identification livery to be considered.
- 15.22 The Council will not exercise its discretion in granting this exemption for any vehicle which is to be used for any other purpose than as described above. The booking of a vehicle regardless of its "standard" for the purposes of carrying passengers to special events, airport services, celebrations or nights out not under a written contract (the duration of which must be not less than 60 days) is considered to be routine private hire work and will not satisfy the criteria for consideration of the exemption, for the avoidance of doubt contracts issued by: the NHS, Durham County Council passenger transport team will not satisfy the criteria for exemption.
- 15.23 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.

- 15.24 Applicants for an exemption from displaying licence plates and other livery may also apply to be exempt from the Councils colour policy
- 15.25 Applications for exemptions will be determined by the duly authorised officer in consultation with the Chairman or Vice Chairman of the Licensing Committee.
- 15.25 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 Councils 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.

#### *Stretch Limousines*

- 15.26 “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 DSA before being registered and licensed (taxed) by DVLA. The DVLA 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.

### **16.0 Vehicle Insurance**

- 16.1 The proprietors of licensed vehicle must ensure that a valid insurance policy, providing the relevant level of cover, is in place throughout the period a vehicle is licensed. This insurance policy must be in place before a licence can be granted.
- 16.2 Hackney carriages must be insured for public hire purposes. Private hire vehicles must be insured for private hire purposes.
- 16.3 Proof of continuous vehicle insurance must be provided, in a clearly legible form, to Licensing Services by the vehicle proprietor. Proof of continuous insurance should also be produced upon request by an authorised officer of the Council. Where valid insurance is not provided or produced upon request vehicle licences will be suspended.

## 17.0 Drivers

- 17.1 Only on receipt of a complete application can the Council issue a hackney carriage or private hire driver's licence to an applicant, provided he or she meets the criteria for new drivers as outlined in this policy 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 various criteria which will include such things as: the applicant's relevant skills, knowledge, experience, qualifications, medical fitness, criminal record and previous history as a licence holder in accordance with Appendix 1 and Appendix 2.
- 17.3 Applicants intending to operate a wheelchair accessible vehicle must complete a course approved by the Council the course will provide instruction to 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. This training must be undertaken by new applicants prior to being licensed.

*NB Existing drivers who operate wheelchair accessible vehicles and have not undertaken the training, must do so on applying to renew their driver's licence. This must be completed within 6 months of the date of application to renew.*

- 17.4 The Council expects all drivers to behave in a civil and orderly manner, be polite, helpful and respectful to members of the public, the Police and Council employees. Failure to do so may result in a referral to the Council's Licensing Committee
- 17.5 Whilst using any licensed vehicle drivers must not engage in any sexual activity with or without their passengers, make inappropriate physical contact or make inappropriate comments of a sexual nature.
- 17.6 The Council will not normally determine a driver application where there are any outstanding legal proceedings until such proceedings are disposed of, this includes ongoing investigations, pending cases and appeals. The Council will endeavour to refer any application where there are any outstanding legal proceedings to the next available licensing committee
- 17.7 Following an appearance at committee a direction will be made in any notice of decision as to any future referral to the licensing committee following the outcome of any legal hearing this is to include occasion where an individual is completely exonerated of charges being unsubstantiated.

## **18.0 Private Hire Operators**

- 18.1 Only on receipt of a complete application can the Council issue a private hire operator's licence to an applicant, provided he or she meets the criteria outlined in this policy.
- 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 A private hire operator licence will only be granted to an address within the area administered by Durham County Council.

## **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.
- 19.2 Where refunds are due to any licence holder or applicant they will be calculated on a pro rata basis and an administration charge deducted

## **20.0 Hackney Carriage Fares Policy**

- 20.1 When setting hackney carriage fares the Council will have regard to:
- a) The needs of the travelling public and what it is reasonable to expect people to pay
  - b) The need to give the trade sufficient incentive to provide a service at the times when it is demanded
- 20.2 Once a table of fares has been approved by the Council, any request for a review of that table of fares would not normally be considered for a period of at least 12 months.

## **21.0 Review**

- 21.1 This policy will be reviewed every five years. However, the Council will make such revisions 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 only be granted subject to proof of eligibility and all other application criteria being met.

Drivers' licences will only be renewed subject to all application criteria being met and consideration of the applicants continuing suitability.

A licence, when granted, will be valid for a period of three years, (or less as the Council may decide is necessary in certain circumstances).

Upon grant a driver will be issued two identification cards (badges) these must both be displayed at all time the driver is available for hire or carrying passengers. One "badge" must be worn on the body of the driver the other being displayed in a prominent place in the vehicle and easily seen by any passenger. The Council will support additional methods of displaying "badges" such as: ...

### **1.0 Eligibility**

The Council will, in considering whether an applicant is a fit and proper person to hold a driver licence require the applicant to meet the criteria set out below.

- a) *Qualification*  
The applicant will be required to provide proof that they have held a full UK drivers licence, or equivalent, for a period of not less than 12 months prior to the application being submitted. A full DVLA driving licence showing the applicants current address must be produced.
- b) *Driver Standards Agency Test*  
The applicant will be required to provide evidence that they have passed the Driver Standards Agency Hackney Carriage and Private Hire Assessment Test.
- c) *Driver Knowledge and Locality Tests*  
Applicants for both private hire and hackney carriage driver licences will be required to pass both the Council's knowledge and locality tests. The knowledge test will include a section on basic numeracy.
- d) *Medical Fitness*  
Applicants 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 all 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.

- e) **CSE Awareness**  
Applicants will be required to attend a Child Sexual Exploitation (CSE) awareness training course.

*NB Within one year of the adoption of this policy all existing drivers must have attended a CSE awareness training course.*

- f) **Suitability**  
The Council must be satisfied that an applicant is a fit and proper person to hold a driver licence. Applicants must undergo a Driver Vehicle Licensing Agency (DVLA) check and a Disclosure & Barring Service (DBS) check. Applicants will also be required to subscribe to the DBS rolling service.

Applicants from outside the United Kingdom must obtain a certificate of good conduct from the relevant Embassy or Consulate.

The Council requires all applicants who have resided in the country for less than five years to obtain a DBS or equivalent and a Certificate of Good Conduct from their relevant Embassy or Consulate which must be authenticated, translated and sealed by the Embassy or Consulate. Any expenses incurred must be met by the applicant.

Additional information will be considered as appropriate.

## **2.0 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, or at any other time deemed necessary by the Council:

- a) Annual DVLA check
- b) Annual DBS disclosure/Rolling DBS subscription
- c) Notification of Convictions/Cautions/Arrest/Ongoing or Pending prosecutions or investigations etc. this is to include motoring fixed penalties and antisocial behavior notices
- d) Checks carried out as a result of information or intelligence received by Licensing Services.
- e) Random drug testing
- f) Periodic medical examination
- g) (Where appropriate) CSE awareness training

*NB From the adoption of this policy existing licensed drivers will be required to undergo a DBS check no later than one year from their most recent check, they must then subscribe to the rolling service*

(A valid medical certificate, together with any supporting documents which show the DVLA Group II standard is met, such as: exercise test reports, must be produced at the following times):

- a) Upon initial application
- b) With the first renewal following 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
- e) At the request of Licensing Services

*NB: Under no circumstances will a licence be issued until such time as all required checks are completed and supporting paperwork produced to licensing staff*

At each renewal the DVLA driving licence photographic card must be produced, this must be valid and must bear the correct address for the applicant, failure to produce this will result in the application not being processed

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

To avoid delays, Applicants are encouraged to contact Licensing Services at least 10 working days prior to the expiry

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

The licensed driver shall:

- a) 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:
  - (i) Change of address
  - (ii) Change of name
  - (iii) Change of office from which they operate
  - (iv) Being arrested/bailed/charged with/convicted of or otherwise investigated in connection with any criminal or motoring offence
  - (v) Accepting a fixed penalty notice or caution, or receiving an Antisocial Behaviour Order (ASBO), attendance at any speed awareness course
  - (vi) Injury sustained or illness that may alter their medical status in line with DVLA Group II standards or affect their driving ability

- (vii) Details of any motoring fixed penalty endorsements received
- b) Notify the Council as soon as possible, and also confirm in writing within 72 hours, of any traffic accident they are involved in whilst driving a licensed vehicle.
  - c) Provide a DBS disclosure upon request.
  - d) Provide a copy of their DVLA driving licence or equivalent upon reasonable request.
  - e) Produce a valid medical certificate, upon request (Failure to do so will result in the licence being suspended)
  - f) Behave in a professional manner at all times when working.
  - g) Keep their vehicles clean and suitable for use by members of the public at all times.
  - h) Where necessary, assist passengers into and out of vehicles.
  - (i) Offer passengers reasonable assistance with luggage.
  - (ii) Bring to the attention of passengers any dangers associated with egress from the vehicle
  - i) Ensure that the manner in which they carry out their business is such that no disturbance is caused to other road users, businesses and local residents.
  - j) Behave in a civil and orderly manner and be polite, helpful and respectful to members of the public, the Police and Council employees. Failure to do so may result in a referral to the Council's Licensing Committee.
  - k) Not tamper with, or permit any person to tamper with, any taximeter or its fittings.
  - l) Display the identification badges issued to them in the manner prescribed within this policy.
  - m) Report the loss of their private hire driver identification badge to the Council immediately.
  - n) Ensure that they charge passengers only the fare previously agreed between the operator and passenger, if a taximeter is used only the fare displayed on the taxi meter at the end of the journey can be charged, unless a lower fare is previously agreed with the passenger.

- o) Provide a receipt to a passenger upon request, the receipt shall include:
  - (i) The fare
  - (ii) Pick up location
  - (iii) Destination
  - (iv) Operator Name
  - (v) Driver/Vehicle number
  - (vi) Date
  - (vii) Time

Draft Revision

## Determination of Applications for Driver and Operator Licences

### **1.0 Guidelines on the relevance of arrest, conviction, caution or any other relevant information including complaints and intelligence**

Licence holders and 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.

Licence holders and applicants must also disclose details of any ongoing investigations and any pending prosecutions. This is to include any arrest and subsequent bail where charges have not been laid.

Where an ongoing investigation or pending prosecution is disclosed the Council will not determine an application until such time as it has been finally disposed of.

The disclosure of a criminal record or other information will normally prevent an applicant from obtaining a licence until such time, in accordance with the following paragraphs, has elapsed since the conviction.

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.

The following types of offence will be viewed as serious (in no particular order):

- a) Dishonesty
- b) Violence (including Criminal Damage & Sexual Offences)
- c) Alcohol Related Offences
- d) Public Order Offences
- e) Motoring Offences
- f) Possession of or Possession with the Intent to Supply controlled substances
- g) Obscenity (which includes the possession, making or distribution of unlawful obscene images / materials on computer or the internet)
- h) Racially or Religiously aggravated offences
- i) Offences involving Indecency or other offences of a Sexual Nature
- j) Contravention of Licensing Laws or Conditions

- k) Disqualification from driving a motor vehicle at any time in the three years prior to applying for a licence (the time to run from the expiry of the disqualification)
- l) Offences involving animal cruelty
- m) Anti Social Behaviour Orders

## **2.0 Application for a Drivers / Operators Licence following a Conviction/Caution**

If an applicant has been convicted of a criminal or motoring offence within the time periods specified below the Council will normally refuse an application:

### **Minor traffic offences**

Where two or more convictions for the following offences within any one year period are disclosed an application will normally be refused unless one year from the date of the most recent conviction has elapsed.

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
- **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
- **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**

Where a conviction for one or more of the following offences is disclosed, an application will normally be refused unless one year from the date of the most recent conviction has elapsed.

In cases resulting in a period of disqualification an application will be refused unless three years from the date of the most recent conviction has elapsed.

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
- **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
- **DD10** - Causing serious injury by dangerous driving
- **DD40** – Dangerous driving
- **DD60** – Manslaughter or culpable homicide while driving a vehicle
- **DD90** - Furious 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

- **DR31** - Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
- **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
- **DR61** - Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity 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

An application will normally be refused following a conviction for:

- **CD80** - Causing death by careless, or inconsiderate driving
- **CD90** - Causing death by driving: unlicensed, disqualified or uninsured drivers
- **DD80** – Causing death by dangerous driving
- **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

**Town Police Clauses Act 1847, Part Two of the Local Government (Miscellaneous Provisions) Act 1976 & Criminal Justice & Public Order Act 1994**

An application will normally be refused where:

- a) Less than one year has elapsed where there is one conviction
- b) Less than two years have elapsed since the date of the most recent conviction where there is more than one conviction
- c) Less than five years has elapsed since a licence has been revoked by any Council

**Offences involving the possession drugs**

An application will normally be refused where:

- a) Less than one year has elapsed since the date of the conviction where there is one conviction
- b) Less than three years have elapsed since the date of the most recent conviction where there is more than one conviction

**Offences involving the possession drugs with the intent to supply**

An application will normally be refused where:

- a) Less than five years has elapsed where there is one conviction
- b) An application will be refused where there is more than one conviction

**Indecency and sexual offences**

An application will normally be refused where:

There is a conviction for any sexual or indecency offence, including the possession of images:

**Soliciting**

An application will be refused where:

- a) Less than one year has elapsed since the date of the conviction where there is one conviction
- b) Less than two years have elapsed since the date of the most recent conviction where there is more than one conviction

Where a person declares they are on the sex offenders register for an indefinite period an application will be refused.

Where a person declares that they are on or have been on the sex offenders register an application will normally be refused until three years have elapsed since they are or have been removed from the register.

### **Violence**

An application will be refused following a conviction for:

- a) Murder
- b) Manslaughter
- c) Or similar offences or offences which replace the above offences

An application will normally be refused unless five years has elapsed since the date of a conviction for any of the following offences:

- a) Assault occasioning actual bodily harm
- b) Racially aggravated common assault
- c) Common assault
- d) Harassment (Protection from Harassment Act 1997)
- e) Battery
- f) Affray
- g) s.2 Protection from Harassment Act 1997 offence
- h) s.2 Public Order Act 1986 (violent disorder)
- i) s.4 Public Order Act 1986 (fear of provocation of violence)
- j) s.4A Public Order Act 1986 (intentional harassment, alarm or distress)
- k) s.5 Public Order Act 1986 (harassment, alarm or distress)
- l) Riot
- m) Obstruction
- n) Criminal damage
- o) Violent disorder
- p) Resisting arrest
- q) Or similar offences or offences which replace the above offences

An application will normally be refused unless ten years has elapsed since the date of a conviction for any of the following offences:

- a) Arson
- b) 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)
- c) Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
- d) Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- e) Grievous bodily harm (s.20 Offences Against the Person Act)
- f) Robbery
- g) Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- h) Racially-aggravated s.4 Public Order Act 1986 (fear of provocation of violence)

- i) Racially-aggravated s.4A Public Order Act 1986 (intentional harassment, alarm or distress)
- j) Racially-aggravated s.5 Public Order Act 1986 (harassment, alarm or distress)
- k) Racially-aggravated s.2 Protection from Harassment Act 1997 (harassment)
- l) Racially-aggravated s.2 Protection from Harassment Act 1997 (putting people in fear of violence)
- m) Assault Police
- n) Possession of offensive weapon
- o) Possession of firearm
- p) Or similar offences or offences which replace the above offences

### **Dishonesty offences**

An application will normally be refused unless 3 years has elapsed since the date of a conviction for any of the following offences:

- a) Theft
- b) Burglary
- c) Fraud
- d) Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- e) Handling or receiving stolen goods
- f) Forgery
- g) Conspiracy to defraud
- h) Obtaining money or property by deception
- i) Other deception
- j) Failing to declare convictions etc. on application
- k) Or similar offences or offences which replace the above offences

### **3.0 Other Relevant Factors**

The Council may take into account any other matter or matters that may affect whether an applicant is a fit and proper person, such factors include but are not limited to:

- a) Mental Health Act Orders
- b) Inclusion on any register maintained for the purposes of safeguarding the public
- c) Police intelligence/information
- d) Drug/Alcohol use and Detoxification
- e) Other relevant information disclosed
- f) Any complaints or the accumulation of complaints regarding a licence holders conduct
- g) Matters contrary to the requirements of this policy

Failure to disclose all arrest/bail/convictions, fixed penalty notices, cautions ongoing investigations and/or pending prosecutions may affect the grant of a licence

Draft Revision

## Vehicle Licences

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

Vehicle licences will only be granted subject to all application criteria being met and will be valid for a period of one year.

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

### **1. Standard Conditions**

- 1.1 The vehicle shall be right-hand drive and the body must be a fixed head type (hard top).
- 1.2 Notwithstanding condition (FOLD DOWN SEATS) the vehicle will only be licensed to carry the number of passengers specified on the V5 registration document.
- 1.3 The design condition or appearance of a licensed vehicle must not be changed without first obtaining written consent from the Council any changes may require an additional vehicle inspection to be carried out.
- 1.4 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.
- 1.5 Occasional (tip-up) seats must be arranged to rise automatically when not in use.
- 1.6 A fully operational heating and ventilation system must be fitted and maintained for the driver and passengers. All body parts and trimmings must be fitted and maintained in good working order both internally and externally.
- 1.7 Journeys must not be commenced using temporary tyres or tyres that have been subject to a temporary repair.
- 1.8 Reasonable efforts should be made that in the event of mechanical failure a passenger's journey can be completed in a safe and reasonable manner in an alternative licensed vehicle.
- 1.9 The vehicle licence plate must be displayed and securely attached with bolts or screws on the outside rear of the vehicle. (attachment by adhesive tape and/or magnets is not acceptable) The plate remains the property of the Council and must be returned upon expiry, surrender or suspension of the vehicle licence
- 1.10 The vehicle must display the internal plate, internal driver I.D. door crests and complaint information stickers, as supplied and required by the Council, at all times. The door crests shall be fixed to the front nearside and offside doors of the vehicle in a central position

(attachment by magnets is not acceptable). All vehicles must display no smoking signs as required by law.

- 1.11 Advertising may be displayed inside the vehicle and on the rear doors, panels and boot, subject to an application being made by the vehicle proprietor and subsequently approved by the Council. It should not obscure the Council signage or vehicle top sign.
- 1.12 All vehicles shall undergo an inspection by the Council's appointed testing station(s) six months from grant or as required.
- 1.13 Vehicle proprietors 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.
- 1.14 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.
- 1.15 Vehicle proprietors shall notify the Council in writing within seven days of any change of address.
- 1.16 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.
- 1.17 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.
- 1.18 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.
- 1.19 If carrying a child the driver MUST ask a responsible adult if they would like the child locks activated. The child locks must not be activated in any other circumstances

*NB Under no circumstances must any passenger be locked in a licensed vehicle against their will.*

- 1.20 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 hackney carriage or private hire vehicle licence number.

- 1.21 The vehicle must carry a "first aid" kit which must contain:  
A leaflet giving general advice on first aid, for example HSE  
basic advice on first aid at work  
20 individually wrapped sterile plasters  
2 sterile eye pads  
4 individually wrapped triangular bandages  
6 safety pins  
2 large and 6 medium sized, individually wrapped sterile unmedicated wound dressings  
2 pairs of disposable gloves
- NB. The first aid kit to be permanently marked with the vehicle's hackney carriage or private hire vehicle licence number.*
- 1.22 The vehicle must be able to carry a reasonable amount of luggage which must be able to be stored securely. Where a vehicle is fitted with a removable parcel shelf it must remain in place when carrying luggage. The luggage compartment or any attached roof rack/box must be free from the proprietors or drivers personal property so it is available to store passenger's luggage. Luggage should be stored securely and not stored in such a way as to hinder access to a door.
- 1.23 There must be at least four doors. All doors must be capable of being opened from the inside.
- 1.24 The interior of the passenger compartment must be maintained in a clean condition and in good repair.
- 1.25 The flooring of the passenger compartment must be covered with a non-slip material.
- 1.26 If a trailer is to be used a trailer plate, issued by the Council, must be displayed on the trailer.
- 1.27 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 and must not obscure any top sign.

- 1.28 All vehicles must carry within, a vehicle check book which must be dated and signed by the driver to the effect that they have taken reasonable steps to ensure that the vehicle they are driving is roadworthy and complies with this policy. The book must record the mileage at the time the check is carried out.
- 1.29 No licensed vehicle may be used for the unaccompanied carriage, for delivery, of any age restricted product.

## **2. Hackney Carriage Vehicles**

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

- 2.1 Only white vehicles will be licensed as Hackney Carriage Vehicles. (Vehicles licensed before 1 April 2011 are exempt from this colour condition, however such vehicles may only be replaced by white vehicles)
- 2.2 An illuminated taximeter must be fitted in a position where it is not obstructed by other fixtures or fittings within the vehicle and in a place where it is clearly visible to all passengers carried in the vehicle.
- 2.3 The taximeter shall be securely fitted, maintained in full working order, sealed and calibrated by an approved agent within the Council's approved hackney carriage fare scale and shall not be tampered with. (Licensing services hold a list of approved agents)
- 2.4 All taximeters must be re calibrated and sealed every two years upon the renewal of the vehicle licence.
- 2.5 A current fare table must be displayed in a position that is clearly visible in the passenger compartment.
- 2.6 Display a roof sign, of a design approved by the Council, this sign must include the word TAXI and must be clearly illuminated (during both daylight and at night time) when the vehicle is available for hire. An exception to this condition will be afforded to purpose built taxi vehicles bearing a pre fitted sign.
- 2.7 Display a "for hire" sign in the front passenger side of the windscreen that is illuminated when the vehicle is available for hire. An exception to this being purpose built vehicles where the 'for hire' sign is pre fitted.

## **3. Private Hire Vehicles**

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

- 3.1 Private hire vehicles may be any colour other than white or a colour that could be mistaken for white, for example cream or ivory.

- 3.2 Any taximeter fitted in a private hire vehicle must be fitted in a position where it is not obstructed by other fixtures or fittings within the vehicle and in a place where it is clearly visible to all passengers carried in the vehicle.
- 3.3 Any taximeter fitted to a private hire vehicle shall be securely fitted, maintained in full working order and table of fares must be displayed in a position that is clearly visible in the passenger compartment displayed in the vehicle.
- 3.4 The words "taxi", "cab", "for hire" or anything that may suggest that the vehicle is a Hackney Carriage must not be displayed on any part of any private hire vehicle.
- 3.5 From the adoption of this policy no new licensed private hire vehicle will be permitted to display a top sign.
- 3.6 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, further 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 conditions will apply.

- 4.1 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.
- 4.2 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).
- 4.3 The floor to ceiling height where the disabled passenger will sit must be a minimum of 1350mm (54<sup>3</sup>/<sub>4</sub>" ).
- 4.4 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.
- 4.5 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.

- 4.6 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.
- 4.7 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.
- 4.8 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.
- 4.9 All anchorages and restraints must not cause danger to any passenger.
- 4.10 The provision of a step for assisted entry is required. The step must be covered with a slip resistant surface.

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## **Special Vehicle Licence Conditions**

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

In addition to the standard conditions, the following extra conditions apply to special vehicles. Where the conditions for special vehicles conflict with the standard conditions, the conditions for special vehicles will apply

- 1.1 Forward and rear facing seats must be fitted with a 3-point, inertia reel seatbelt.
- 1.2 Efforts 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.
- 1.3 The Council will require the vehicle to undertake a MOT test Twice yearly

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

In addition to the standard conditions and conditions for special vehicles, the following extra conditions apply to stretch vehicles. Where the conditions for stretch vehicles conflict with the standard conditions or conditions for special vehicles, the conditions for stretch vehicles will apply

- 2.1 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.
- 2.2 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.
- 2.3 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)
- 2.4 The Council's exemption disc will at all times be displayed on the front windscreen.
- 2.5 The private hire vehicle licence plate must be securely fixed in a visible position inside the luggage compartment.
- 2.6 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.
- 2.7 The driver of such vehicles must wear a shirt and tie.

### **3. 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.

- 3.1 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.
- 3.2 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
- 3.3 Proprietors must arrange for animals to be checked at least annually, and at any other time 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.
- 3.4 Proprietors must arrange for testing of the carriage on an annual basis and at the request of the Council.

## **Private Hire Operator**

An application for a private hire operator licence must be made on the specified form.

Private hire operator licences will be issued subject to proof of eligibility.

A licence will be valid for a period of five years (or less as the Council may decide is necessary in certain circumstances) subject to continuing suitability. It may be renewed following approval of a valid renewal application.

Operators will receive a correspondence in advance of the expiry of their licence and on receipt must telephone the Licensing office to arrange a suitable appointment to submit their renewal application.

To avoid delays, Applicants are encouraged to contact the Licensing Services at least 10 working days prior to the expiry

### **1. Standard Conditions**

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

- 1.1 Operators must keep legible, hand written or computerised records of each booking. Records 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
- 1.2 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
- 1.3 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
- 1.4 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.
- 1.5 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.
- 1.6 The operator shall retain a copy of all vehicle licences in respect of vehicles used in his business.
- 1.7 The operator shall ensure that the vehicle fulfils bookings at the appointed time and place unless delayed or prevented by some justifiable cause.
- 1.8 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.
- 1.9 The operator shall provide a copy of the public liability insurance to the Licensing Authority where the premises are open to the public.
- 1.10 Behave in a civil and orderly manner and be polite, helpful and respectful to passengers and Council employees, failure to behave in such a manner may result in a referral to the Council's Licensing Sub Committee.

1.11 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 name
- c) Change of office from which they operate.
- d) Being arrested/bailed/charged with/convicted of or otherwise investigated in connection with any criminal or motoring offence.
- e) Accepting a fixed penalty notice or caution, or receiving an Antisocial Behaviour Order (ASBO), attendance at any speed awareness course.
- f) Injury sustained or illness that may alter their medical status in line with DVLA Group II standards or affect their driving ability.
- g) Details of any motoring fixed penalty endorsements received.

Draft Revision

## Glossary

1. “Hackney Carriage Vehicle” means a vehicle licensed to carry passengers for hire or reward. It can be hailed by a prospective customer, wait on the rank and “ply for hire” where no other restrictions exist that would prevent them doing so.
2. “Private Hire Vehicle” means a vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, which is licensed to be provided for hire with the services of a driver for the purpose of carrying passengers. Private hire vehicles may only be pre booked through a licensed private hire operator.
3. “Private Hire Operator” means a person licensed to make provision for the invitation or acceptance of bookings for private hire vehicles.
4. “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.
5. “Integrated Transport System” means complete / total transport is available.
6. “Licensing Committee” means elected Members appointed to consider circumstances and make decisions in accordance with the Council’s constitution.
7. “The Council” means the Authority responsible for the administration and regulation of taxi legislation and regulation.
8. “DSA” means Driving Standard Agency.
9. “Livery” means a distinctive pattern or design on a vehicle providing identification, for instance door crests / Council signage.
10. “Enforcement Policies” mean specific details of regulatory non-compliance and the action taken to deal with non-compliance.
11. “Licensing Authorities Constitution” means the body of fundamental principles or established precedents by which the organisation is governed.

12. "Stakeholder" means a person with an interest or concern in something.
13. "Driver Proficiency Test" means drivers expert test as laid down by The Driving Standards Agency for taxi drivers.
14. "DBS" means the Disclosure and Barring Service, 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.
15. "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.
16. "DVLA Check" means a standard check with the Driver and Vehicle Licensing Agency revealing penalty points or traffic related convictions.
17. "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.
18. "Relevance of Convictions" means convictions that may be taken into consideration when assessing matters.
19. "Relevant Offences" mean criminal matters of a nature that may be taken into account when applications are being assessed.
20. "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.
21. "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.
22. "LPG" means Liquefied Petroleum Gas.
23. "Certificate of Compliance" means a certificate confirming that a licensed vehicle has passed the Council's vehicle test. A certificate of compliance acts in lieu of a MOT certificate whilst the vehicle remains licensed, should a vehicle be suspended for any reason an MOT certificate must be in place before the vehicle can be used for social, domestic and pleasure purposes.

24. "Taximeter" means a mechanical or electronic device installed in licensed vehicles that calculates passenger fares based on a combination of distance travelled and waiting time.
25. "Vehicle Compliance Pass Certificate" means the Council's compliance test confirming the vehicle meets the standards required by the Local Authority.
26. "Appointed Testing Station" means an appointed garage where the vehicle tests are carried out.
27. "Vehicle Exemption Certificate Notice" means a notice granting exception from the liability or obligation imposed on others.
28. "Authorised Officer" means a person who has the power or right to enforce.
29. "Ply for Hire" means when a vehicle is made available for immediate hire. Only licensed hackney carriages may ply for hire and may only do so within the district in which they are licensed.
30. "The Guidance" means the Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance March 2010.
31. "Licensed Vehicle" means both a Hackney Carriage and Private Hire Vehicle.
32. "DDA" means the Disability Discrimination Act 1995.
33. "Fit & Proper" will mean an individual will be deemed to be of the greatest integrity, safe (i.e. no risk to the public), honest and trustworthy in every respect. Whilst no definitive interpretation exists in law the accepted test of "Fit & Proper" is "whether one would allow a loved one (parent, spouse, child etc.) to travel alone with the individual. In order to provide greater reassurance to the residents of and visitors to County Durham, Durham County Council wish to extend this test beyond mere safety.
34. "Age Restricted Products" means: Alcohol, Cigarettes,

**Immediate Suspensions and Revocations**

Where the holder of a licence to drive a hackney carriage or private hire vehicle (or a joint driver) discloses to the Council that they have a medical condition which affects their compliance with the DVLA Group II standard the Licensing Enforcement Team Leader will suspend their licence until such time as a valid medical certificate, together with any supporting documents, which show the DVLA Group II standard is met, has been received. Only on receipt of such information will the suspension will be lifted.

Where information is received that the holder of a hackney carriage or private hire licence has behaved in a manner or has been arrested, bailed, charged convicted or cautioned for a serious criminal offence the nature of which causes the Council to have concerns regarding the safety of the public that licence holder will have their licence suspended/revoked with immediate effect. This suspension/revocation can be appealed however the appellant may not drive any licensed vehicles until any such appeal has been fully disposed of. Where an appeal is successful the licence will be reinstated. Similarly where a licence holder is not prosecuted or is found not guilty on any offence a new application will be required although this application may (dependant on certain circumstances) not require completion of all tests **SUBJECT TO CHANGE IN DELEGATIONS**

- Knowledge and Locality
  - DSA
  - Medical
  - CSE
- } If already taken on initial application

However any such application may only be determined by members (Licensing Committee)

## **Enforcement Procedures and Escalation**

This appendix has been produced to provide details and guidelines on the processes which may be used by Licensing Services in support of the main policy when dealing with complaints regarding driver conduct not amounting to offences for which prosecution action can be taken.

### **1. Enforcement Aims**

The aim of any sanctions and penalties is to:

- a) Change the behaviour of an offender
- b) Eliminate financial gain or benefit from non-compliance
- c) Be proportionate to the nature of the offence, past history of the offender
- d) Act to deter future non-compliance

Verbal/written advice and warnings

*In all cases licence holders will be interviewed by a Licensing Enforcement Officer.*

Licensing services can, at any time, issue warnings based on the various options below:

Written Warning – This option may be considered for a single breach of conditions or an isolated and non-serious incident of questionable conduct observed by officers, police or members of the public. A copy of the warning will be recorded and held on the drivers file, the warning will remain on file for the lifetime of the licence and may be referred to in any future enforcement actions including referrals to the Licensing Committee.

Final Written Warning – This option may be considered for subsequent breaches of conditions or further incidents of non-serious questionable conduct observed by officers, police or members of the public. A final written warning will also be considered for serious breaches of conditions or more serious conduct of a questionable nature. A copy of the final written warning will remain on file for the lifetime of the licence and will be referred to in any future enforcement actions including referrals to the Licensing Committee.

Committee Referral – This option will be considered for repeated breaches of conditions or questionable conduct. This option will also be considered for the most serious breaches of conditions and conduct raising significant concern. Previous warnings may be referred to following referrals to the Licensing Committee.

## 1.1 Committee Referrals

The review of a licence by the Councils Licensing Committee will be sought following persistent breaches of conditions or poor conduct, similarly a review will be sought in response to the most serious breaches and poorest conduct.

On referral to the Licensing Committee elected members will have the following options:

- a) To take no further action
- b) To issue a written warning
- c) To require a driver to sit/resit the Councils Knowledge and Locality test(s)
- d) To require a driver to undertake training in a subject appropriate to the reason(s) for their referral.
- e) To suspend a licence to drive hackney carriages, private hire vehicles or (joint driver)
- f) To revoke a licence to drive hackney carriages, private hire vehicles or (joint driver)

We will exercise our regulatory activities in a way which is:

**Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence,

**Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,

**Consistent** – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities,

**Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and

**Targeted** – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

**C.C.T.V Installed in any Licensed Vehicle**

Where a CCTV system is installed in any vehicle the following conditions will apply.

1. Notices informing of the CCTV must be displayed inside the vehicle in a prominent position where it can be easily read by persons both inside and outside of the vehicle. These notices shall be maintained in a clean and legible condition.
2. The licence holder shall ensure that the system is properly maintained in accordance with the manufacturer's instructions.
3. On request of an officer of the council or a police officer the licence holder shall ensure that the CCTV system is made available within a reasonable time, and in any event within 7 days of the request.
4. The licence holder shall take all reasonable steps to ensure that any driver of the vehicle is aware of the conditions relating to CCTV and that adequate instruction has been given in both the operation of the system and retrieving images.
5. The licence holder shall ensure that notification is lodged with the Information Commissioner to cover the purposes for which the CCTV system is used.
6. The licence holder shall take all reasonable steps to ensure that no other person keeps uses or attempts to use any equipment to access the data and images stored on the system.