



DRAFT
**Private Hire And Hackney Carriage
Licensing Policy**

January 2016

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Section 1 – Introduction

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General

1. Hackney carriages (HCVs) and private hire vehicles (PHVs) play an important part in local transport. They are a flexible form of public transport that can play an increasingly important role in improving accessibility. Hackney carriages and private hire vehicles are used by all social groups.
2. The aim of local authority licensing of the hackney carriage and private hire trades is to protect the public. Stockton-on-Tees Borough Council (the Council) is aware that the public should have reasonable access to hackney carriages and private hire vehicles because of the role they play in local transport provision.
3. A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to “ply for hire”. This means that it may stand at ranks or be hailed in the street by members of the public. Private hire vehicles too must have no more than 8 passenger seats but they must be booked in advance by customers through an operator and may not ply for hire in the street.
4. Local authorities are responsible for licensing hackney carriage and private hire vehicles in their areas.
5. The Council currently licences **287** hackney carriage vehicles and **474** private hire vehicles, of these **18** are wheelchair accessible (**18** HCVs and **0** PHVs).

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Powers And Duties

6. The Council has adopted Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 as amended (Minute 2012, 20th December 1977). This legislation, together with the provisions of The Town Police Clauses Act 1847, places on the Council the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. This document sets out the policy that the

Council will apply when making decisions about new applications and licences currently in force.

Objectives

7. The objectives of this Policy are as follows:
 - a) To protect consumer's interests by:
 - Ensuring that safe, clean, reliable and accessible hackney carriage and private hire vehicles are available for all who require them.
 - Ensuring that drivers and private hire operators are fit and proper persons.
 - b) To provide clarity for licensees with respect to the Council's expectations and the decision making process.
 - c) To encourage environmental sustainability.
 - d) To encourage high standards of service and competence in the hackney carriage and private hire trade.
8. This Policy shall apply in respect of applications, renewals, transfers and any other matter connected to the following licences:
 - Private hire vehicle
 - Private hire driver
 - Private hire operator
 - Hackney carriage driver
 - Hackney carriage vehicle
 - Combined hackney carriage and private hire driver
9. This Policy shall also apply in respect of disciplinary and enforcement measures and will include a code of conduct to be followed by all persons licensed under this Policy.

Methods

10. The methods to be employed will be:
 - Setting the standards for the licensing of drivers, vehicles and operators.
 - Periodical licensing and routine inspection of vehicles, with appropriate follow up action.
 - Inspection of insurance policies and MOT certificates, with appropriate follow up action.
 - Checks of driver's right to work, medical condition, criminal record and knowledge of the Borough.
 - Investigation of complaints with appropriate follow up action.
 - Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
 - Liaison with the hackney carriage and private hire trade by way of open meetings and the issue of trade newsletters.

- Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, cautions, suspension or revocation of licences for breaches of legislation or conditions.
- Conditions attached to licences.
- The issue of guidance notes.

11. When developing policies, considering applications and taking enforcement action the Council is subject to the requirements of the Government's Regulators' Code and the Council's Regulatory Services Enforcement Policy.

Best Practice Guidance

12. In formulating this Policy consideration has been given to Best Practice Guidance issued by the Department of Transport.

Status

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

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

Implementation And Review

15. This Policy will take effect from 1 January 2016.

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16. The Council will keep this Policy under review and will consult where appropriate on proposed revisions. A full review of the Policy will be conducted every five years from the date of effect above.

Comment [JJ1]: This will bring it into line with other major policies which are reviewed every five years e.g. The Licensing Act Policy Statement.

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17. Upon implementation of this Policy, the Council requires licence holders to comply with its terms immediately. Where it is not possible to comply with part of the Policy due to outstanding action required by the Council, information will be provided as to an implementation date for that part.

18. From the effective date, this Policy will override and supersede all existing policies in relation to private hire and hackney carriage licensing.

19. The Council may monitor and review this Policy or areas of the Policy prior to the five year period when considered necessary.

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20. Subsequent to the introduction of this Policy, the Council may make decisions which change the content of this Policy. The changes may have immediate effect or be expressed as coming into effect on a given date. This Policy document will be regularly updated to reflect these changes. Amended copies of the Policy will be available from the Trading Standards and Licensing office and via the internet.

21. The Council is also aware of the Government's ongoing review of the legislation appertaining to taxi and private hire licensing and will review this Policy in line with any changes to that legislation should they be introduced during the term of the Policy.

Consultation

22. In preparing this Policy the Council has taken into account the views of:
- Licensees
 - Cleveland Police
 - Local businesses and/or representative bodies
 - Local transport providers
 - Disability groups
 - Planning Authority
 - Service users
 - Residents and/or representative bodies
 - Department of Works and Pensions
 - Other Local Authority Departments
23. The Council will also consult with other organisations when necessary.
24. The results of any consultation will be referred to the Licensing Committee and/or Cabinet.

Area And Impact

25. The Borough of Stockton-on-Tees is one of five Councils in the Tees Valley district and covers an area of 20,400 hectares and is an area of contrasts – a mixture of busy town centres, urban residential areas and picturesque villages, whilst maintaining a strong industrial presence. The population is around 193,000 living in approximately 83,000 households. The main urban areas are Stockton, Thornaby, Ingleby Barwick, Billingham and Yarm.
26. The late night economy of the Borough is principally centred around Stockton and Yarm Town Centres where a number of entertainment premises, pubs and takeaway establishments are situated. These activities support the cultural diversity of the Borough and contribute to its economy.
27. The Council recognises and welcomes the contribution that the private hire and hackney carriage trade can make to the transport and tourism industry in the area.

Partnership Working

28. The Council will work in partnership with the following agencies and individuals to promote the policy objectives:
- Local hackney carriage and private hire trade
 - Police Authority
 - Planning Authority

- Local Transport Authorities and Committees
- Local residents
- Disability groups
- Service users
- Driver and Vehicle Standards Agency (DVSA)
- HM Revenue and Customs
- Department of Work and Pensions
- Other Council Departments
- UK Border Agency
- Other Government Departments and Agencies

Comment [JJ2]: This agency has replaced VOSA.

29. The Council holds regular meetings with the hackney carriage and private hire trade to consider future licensing issues.

Related Policies And Strategies

30. This Policy will be integrated with local planning, transport, tourism, equality and cultural strategies and other plans introduced for the management of the Borough and night time economy.
31. The Council will work in partnership with other agencies, including those referred to in paragraph 28.
32. The Council, as a member of the Tees Valley Licensing Liaison Group, will work with the other council representatives to seek harmonisation of policies and conditions, where applicable, across the Tees Valley District.

Equality

33. As an employer and service provider the Council is committed to ensuring equality in employment and service delivery. In achieving appropriate standards the Council is aware of its duties under the following legislation:
- Equality Act 2010
 - Human Rights Act 1998
34. The Council will strive to ensure that all persons (including those who may have a physical or mental disability) are fully represented and have their interests protected when dealing with the licensing service and will consider appointing an advocate or appropriate adult when requested or where deemed appropriate in the circumstances.

Duties And Obligations Under Equality Act 2010

35. The Disability and Discrimination Act 1995 has been repealed by the Equality Act 2010 and those who provide transport services by way of Hackney Carriage and Private Hire vehicles are advised to contact the Equality and Human Rights Commission at www.equalityhumanrights.com for further information and advice on avoiding discrimination.

36. The Council has agreed that it will maintain a list of “designated vehicles”, (that is, a list of licensed wheelchair accessible HCVs and PHVs) under the provisions of Section 167 of the Equality Act 2010 (when implemented). The consequence of being on this list is that the driver of the vehicle must undertake the duties to assist passengers who use wheelchairs and comply with other obligations, unless an exemption has been issued by the Council.
37. Licensed drivers are also under a duty under this legislation to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the Council for an exemption from the duty on medical grounds. A medical certificate must be provided at the driver’s expense, from the driver’s own GP stating the details of their medical condition. A register will be kept of exempt drivers.
38. Persons who breach Equality Act duties may be guilty of a criminal offence.

Right To Work

39. The prevention of illegal migrant working in the UK is governed by sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006.
40. The Government’s Department of Transport (DFT) Best Practice Guidance in relation to hackney carriage and private hire licensing makes reference to local authorities obtaining specific immigration status about applicants for driver licences, including the Right to Work (RTW) in the UK and/or details of work restrictions. It states that “it is considered appropriate for licensing authorities to check on an applicant’s RTW before granting a taxi or private hire drivers licence”
41. Applicants for a private hire operator’s and private hire and hackney carriage driver’s licence will be required to prove that they have a right to work in the UK before being considered for a licence.
42. No licence will be granted until the applicant is able to prove they have a right to work in the UK.

No Smoking Policy

43. Smoking in a smoke-free place is prohibited under the Health Act 2006. In this context a ‘smoke-free place’ will include a licensed private hire and hackney carriage vehicle as well as a private hire operator’s premise which is open to the public. In the context of the Health Act 2006, smoking relates to the smoking of cigarettes and other tobacco products.
44. However, the prevalence of e-cigarettes is now on the increase. Although not tobacco products, e-cigarettes enable the inhalation of nicotine containing vapour. Whilst not all e-cigarettes contain nicotine, they are battery powered products that can often look like real cigarettes.

Comment [JJ3]: In line with the Council’s own No Smoking Policy it is recommended that e-cigarettes should not be smoked in any licenced vehicle or operator’s premise which is open to the public.

45. At the present time e-cigarettes are unlicensed and unregulated. The vapour could be an annoyance or health risk and the use of e-cigarettes helps create an impression that it is acceptable to smoke, particularly to young children. Whilst the tobacco substitute benefits of e-cigarettes are acknowledged, the public perception of perceived smoking, smoking tolerance and adverse imagery outweigh the as yet to be established benefits of smoking e-cigarettes.
46. To this end drivers should not smoke e-cigarettes whilst in a licensed vehicle. In addition e-cigarettes should not be smoked in a private hire operator's premise which is open to the public. This is in line with the requirements of the Council's own No Smoking Policy which includes e-cigarettes.

Section 2 – Vehicles – Private Hire And Hackney Carriage

- Specifications
- Private Hire Vehicles
- Hackney Carriage Vehicles
- Horse Drawn Hackney Carriages
- Meters
- Limitation of Numbers
- Accessibility – Wheelchair Accessible Vehicles
- Insurance
- Advertisements, Signs, Notices etc.
- Accident Notification
- Vehicle and Meter Testing
- Vehicle Licence Application Procedure
 - New Vehicle Application
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 - General
- Change of Address
- Transfer of Interest
- Novelty Vehicle and Stretched Limousines
- Exempted Private Hire Vehicles
- Tinted Windows
- CCTV
- Environmental Considerations
- Age Restriction and European Emission Standards
- Car Safety and Euro NCAP Ratings
- Demand Responsive Transport
- Trailers

Specifications

47. The Department for Transport Best Practice Guidance recommends that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine. Vehicle type approval is the confirmation that production samples of a design will meet specified technical, safety and performance standards. The specification of the vehicle is recorded and only that specification is approved.

Comment [JJ4]: For clarity extra detail on vehicle type approval provided.

48. All vehicles subject to new applications for hackney carriage and private hire vehicle licences, shall have M1 European Whole Vehicle Type Approval (EWVTA). EWVTA is based around EC Directives and provides for the approval of whole vehicles which is accepted throughout the EU without the need for further testing until standards or designs change. Category M1 covers vehicles designed and constructed for the carriage of passengers, comprising no more than 8 seats in addition to the driver’s seat.

Comment [JJ5]: For clarity extra detail on EWVTA and Category M1 provided.

49. Most large volume production vehicles produced in the UK and EU states after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles

or any vehicle that has been structurally modified, converted or imported from a non EU State since its original manufacture will require separate SVA and/or Department for Transport approval and such documentation must be submitted with an application.

50. Applications in respect of novelty vehicles and stretched limousines will be determined on their individual merits but should as a minimum have either:
 - British National Type approval: or
 - British Single Vehicle Approval (SVA) (before 29 April 2009) or;
 - Individual Vehicle Approval (from 29 April 2009)
51. Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles. Vehicles may also be licensed to carry fewer passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.
52. Appendix A sets out the minimum specifications which are expected in respect of vehicles licensed by the Council.
53. Vehicles that have been deemed to be an insurance "write off" (i.e. in accident damage category A,B,C or D) and/or endorsed as being "accident damaged" on their V5 document will not be licensed.

Comment [JJ6]: This is to clarify the position for accident damaged vehicles upon application.

Private Hire Vehicles

54. A private hire vehicle is a motor vehicle constructed or adapted to seat fewer than 9 passengers, which is provided for hire with the services of a driver for the purpose of carrying passengers. All hirings for a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976. In determining what vehicles fall within this definition the Council will give consideration to the guidance "Private Hire Vehicle Licensing" issued by the Department of Transport.
55. The Council must be satisfied that the following criteria is met before granting a private hire vehicle licence:
 - Suitable in type, size and design for use as a private hire vehicle.
 - Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.
 - In a suitable mechanical condition.
 - Safe.
 - Comfortable.
56. Conditions may be attached to the grant of a licence as are considered reasonably necessary.

57. In addition to the above legislative requirements this Policy also requires that vehicles be exceptionally well maintained (see Appendix M) and the Council has imposed requirements relating to the specifications of the vehicle. These are attached at Appendix A.
58. All private hire vehicles must:
- Comply with the prescribed vehicle specification.
 - Not be black in colour.
 - Be exceptionally well maintained to the standard prescribed by the Council.
 - Not be fitted with a roof sign of any description.
 - If the vehicle is fitted with a meter, it must be of a type approved by the Council.
 - Meters, after being checked for accuracy, must be sealed by an agent approved by the Council.
 - Display the Council's licence plates, which must be securely attached to the exterior front and rear of the vehicle as prescribed by a condition of the Council.
 - Display decals issued by the Council, attached centrally to both front doors of the vehicle.
 - Display any signs required by the Council.
59. General conditions are attached to a private hire vehicle licence relating to the identification of the vehicle and safety issues. These are attached at Appendix B.

Hackney Carriage Vehicles

60. A hackney carriage vehicle is a wheeled vehicle used in standing or plying for hire that is required to have a numbered plate fixed upon it. The legal definition of a hackney carriage is contained in the Town Police Clauses Act 1847.
61. A hackney carriage can ply for hire and also wait at a hackney carriage stand.
62. Conditions can be imposed upon the grant of a hackney carriage vehicle licence and the Council has byelaws to control the conduct of both proprietors and drivers. These byelaws are attached at Appendix N.
63. The Council has imposed requirements relating to the specifications of the vehicle. These are attached at Appendix A.
64. General conditions are attached to a hackney carriage vehicle licence relating to the identification of the vehicle and safety issues. These are attached at Appendix C.
65. All hackney carriage vehicles must:
- Comply with the prescribed vehicle specification.
 - Be black in colour.
 - Be exceptionally well maintained to the standards prescribed by the Council.
 - Fitted with an approved roof sign bearing the word "TAXI"

- Fitted with a meter of a type approved by the Council, calibrated with the fares charged as determined by the Council.
- Meters, after being checked for accuracy, must be sealed by an agent approved by the Council.
- Display decals issued by the Council attached centrally to both front doors of the vehicle.
- Display the Council's licence plates, which must be securely attached to the exterior front and rear of the vehicle as prescribed by a condition of the Council.
- Display any signs required by the Council.

Horse Drawn Hackney Carriages

66. Applications for horse drawn hackney carriages will be considered on their individual merits and will be subject to the general requirements of this Policy. However, it is recognised that parts of the vehicle specifications which are drafted specifically for motor vehicles will not apply and additional requirements will be needed for the carriages, the horses and their drivers.
67. The Council has therefore imposed conditions relating to the specification of the carriages, the horses and their drivers which can be found at Appendix O.
68. In applying this part of the Policy the Council will follow the Code of Practice for Horse Drawn Vehicles issued by DETR a copy of which can be obtained from www.dft.gov.uk

Meters

69. Meters, where fitted, shall be of a type approved by the Council and shall be calendar controlled and locked and sealed by the manufacturer/supplier so that tariff rates change automatically and cannot be changed or tampered with manually by the driver.
70. Meters shall be positioned so that passengers in the vehicle can easily read the display.

Trailers And Tow Bars

71. Applications to permit the use of trailers for the carriage of luggage and/or personal effects will be considered on their individual merits. It will, however, be expected that the trailer will need to be presented for test along with the vehicle that will be authorised to tow it.
72. Where tow bars are fitted, checks will be made on its condition and security to the towing vehicle.
73. Any trailer authorised for the carriage of luggage and/or personal effects must display the authorised towing vehicle registration plate and the licence plate issued by the Council.

Limitation Of Numbers

74. No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.
75. The present legal provisions on quantity restrictions for hackney carriages are set out in Section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused for the purpose of limiting the number of licensed taxis "if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet".
76. The Council has decided that it will not place a limit on the number of hackney carriages it licences but will rely on market forces to dictate the number of applications it receives.

Accessibility – Wheelchair Accessible Vehicles

77. In considering how accessible licensed taxis should be the Council has taken note that the Department of Transport recognises that some local licensing authorities will want to make progress on enhancing accessible taxi provision and encourages Councils to introduce taxi accessibility policies for their areas.
78. In the previous policy review, the Stockton Hackney Carriage Drivers Association was in favour of a mixed fleet of wheelchair accessible hackney carriages and saloon vehicles, with 55% of respondents in one of the independent surveys and 41% in the other either agreeing or strongly agreeing that a percentage of the fleet should be wheelchair accessible.
79. A specification for wheelchair accessible vehicles (WAVs) is set out at Appendix A. All new applications for hackney carriage vehicle licences shall be required to comply with this specification, until the total number of WAVs licensed reaches 25% of the total hackney carriage fleet or equates to 70 vehicles, whichever is the lower, at which time the Policy will then be reviewed. ↓
80. The private hire trade will continue to be encouraged to licence a proportion of their fleet as wheelchair accessible vehicles which will be expected to comply with the same specification set out at Appendix A.
81. The Council has also agreed that, once the requirement comes into force, it will maintain a list of "designated vehicles", being a list of licensed wheelchair accessible vehicles under the provisions of Section 167 of the Equality Act 2010. The consequence of being on this list is that the driver of the vehicle must undertake the duties to assist passengers who use wheelchairs, unless an exemption has been issued by the Council.
82. The Department of Transport has indicated that it is considering the wider legislative framework governing hackney carriages and private hire vehicles to see whether there are any further changes that could be made with the

Comment [JJ7]: Out of date information on government policy has been removed.

Comment [JJ8]: This has been added to clarify the number of WAVs required. Members may wish to review this wording.

Comment [JJ9]: As the number of WAVs has actually fallen since the last policy review removing the current wording that allows existing saloon HCVs to be replaced by another saloon vehicle, will it be hoped help to increase the number of WAVs within the licensed hackney carriage fleet.

Deleted: Existing licensed saloon hackney carriages can be replaced by another saloon vehicle until this Policy is next reviewed.

objective of enhancing provision for disabled people. The Council will review this Policy in line with any changes to that legislation or the issue of any further guidance should they be introduced during the term of the Policy.

Insurance

83. All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle. This policy must be in place before a licence can be granted.
84. Insurance certificates for private hire vehicles will not be considered acceptable if they include cover for public hire purposes, unless qualified by a statement that this is subject to the appropriate local authority licences being held.
85. Individual certificates shall be provided for each vehicle. However a fleet insurance policy will be accepted as long as it includes a schedule of all the vehicles covered. If the fleet policy covers a mixed fleet of both private hire and hackney carriage vehicles, the policy shall make it clear that cover for private and public hire services is subject to the appropriate local authority licences being held.
86. It is an offence to drive a vehicle without the appropriate insurance in place.
87. Requests to produce insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.
88. If a vehicle is off the road and uninsured at any time, the proprietor must advise the Council in writing as soon as practicable but in any event within 72 hours.

Comment [JJ10]: The requirement that the schedule had to be produced by the insurance company rather than the broker has been removed as this was difficult for operators to comply with given that they normally went through a broker and it was also proving time consuming and burdensome for Licensing Administration staff.

Deleted: are operated, or the certificate contains a requirement that the cover for private and public hire purposes is qualified by a statement that this is subject to the appropriate local authority licences being held, and will include schedules of vehicles covered produced by the insurance company and not the broker.

Advertisements, Signs, Notices etc.

89. No signs, notices, advertisements, video or audio display etc. or other marking shall be displayed on, in or from the vehicle subject to the following exceptions:
 - a. Any sign, notice or other marking required to be displayed by legislation or any condition attached to a licence.
 - b. Advertising approved by the Council.
90. Signs, notices or advertisements must not be of a content that the Council deems to be offensive or abusive. Further guidance as to the content of an advert may be sought from the Advertisement Standards Authority, www.asa.org.uk
91. No advertising on vehicles shall be allowed or affixed without prior approval of the Council and specifically shall not be:
 - a. Affixed to any window of the vehicle.
 - b. Affixed to any door or panel on which the Council issued roundel or sign is located.

92. All advertisements shall be approved by the Council and any unauthorised advertisements will be required to be removed and appropriate action will be taken for failure to comply with this Policy.
93. Any queries regarding advertisements must be referred to the Council.

Accident Notification

94. It is a licence condition that the proprietor of an existing licensed vehicle shall notify the Council as soon as practicable and in any case within 72 hours of any accident that results in damage to the vehicle. The Council's 'Notification of Accident' form must be completed for each notification.
95. The proprietor must comply with any request to produce the vehicle for inspection at the Council Offices so that its roadworthiness can be assessed. Any failure to do so is an offence and the appropriate action will be taken.
96. The proprietor shall submit the vehicle for any further testing and/or examination as requested by the Council and shall be responsible for the production of any independent engineers reports considered necessary by the Council. Vehicles deemed to be an insurance "write-off" (i.e. in accident damage category A, B, C, or D) and/or have their V5 document endorsed as being 'accident damaged' will have their licence revoked.
97. In order to verify the 'accident damage' status of a vehicle, a current HPI check or similar (i.e. dated within the last 28 days) must be produced, at the applicant's own expense, when a vehicle application is first submitted and annually thereafter upon renewal.

Comment [JJ11]: This is required to ascertain whether the vehicle has been accident damaged and deemed an insurance write-off because not all accident damage categories show on the V5 document.

Vehicle And Meter Testing

98. All vehicles shall undergo an inspection by the Council's appointed vehicle examiners at initial application and thereafter every six months.
99. New applicants will be permitted to make their own arrangements to have their vehicle tested by the testing centre and produce the pass certificate with the licence application documents.
100. It shall be the proprietor's responsibility to ensure that their licensed vehicle(s) is roadworthy, maintained to the Council's standards and specifications and fit for hire and reward purposes at all times. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If in the opinion of the vehicle examiner the vehicle has not been fully prepared, the test will be terminated and the vehicle failed. Proprietors failing to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended or revoked by the Council.
101. Vehicles are to be tested in accordance with the Council's agreed test criteria and/or in respect of any issues identified by an authorised officer of the Council, for assistance see Appendix D. The Council will also give consideration to any

guidance issued by the Driver and Vehicle Standards Agency (DVSA) and the Public Authority Transport Network (PATN) regarding the testing of vehicles. Their current best practice guide "Hackney Carriage and Private Hire Vehicle National Inspection Standards" is considered to be the minimum standard acceptable to the Council.

102. Vehicle proprietors will be required to produce their vehicle for testing when requested. The fees for the testing of vehicles and meters (which are identified as a separate part of the annual licence fee) will be paid to the test centre at the time of the test.
103. Any vehicles failing this test will be required to have a retest, unless it has been agreed by an authorised officer that it is not necessary. A test failure will result in either the issuing of a Vehicle Defect Rectification Notice or if appropriate the suspension of the vehicle licence.

Vehicle Licence Application Procedure

New Vehicle Application

104. The following original documents are to be submitted in person or the post for new vehicle applications:

- Vehicle application form, this must be from a named person(s)
- Proprietorship requisition form
- Private hire certification form (for private hire vehicles only)
- Vehicle test certificate – pass (certificate of compliance). An application for a new or replacement vehicle will only be accepted with a certificate of compliance issued by the testing centre dated no more than 28 days prior to the submission of the application.
- DVLA vehicle registration document (V5C) bearing the applicant's correct name and address.
- A certificate of motor insurance, which must be valid on the commencement date of the licence.
- A current MOT certificate if applicable, depending on the age of the vehicle, which must be valid on the commencement date of the licence. Note that once a vehicle is 12 months old, a valid MOT is required.
- A current HPI check or similar, dated no more than 28 days prior to the submission of the new vehicle application form, carried out at the applicant's own expense (to be produced by the applicant unless the Council have made other arrangements).

Comment [JJ12]: Clarification on the documents needed to submit a new vehicle application and confirmation that a certificate of compliance must have been issued within the last 28 days prior to the submission of application.

Deleted: (Note the vehicle licence and plates will not be issued until this has been provided)¶

New vehicle applications submitted without all of the relevant supporting documents and the appropriate fee will be returned to the applicant, except in the case of an application submitted without the vehicle registration document. If the vehicle registration document is not available at the time of application, then the application can still be processed and the licence issued and the applicant will be given a period of 28 days from the grant of the licence in which to produce the document. The vehicle licence may be suspended if the registration document is not produced during the 28 day period. Please note

that if the application is for a replacement vehicle, the new plates will not be issued until the existing plates have been returned.

Vehicle Renewal Application

Comment [JJ13]: Clarification of the documents needed in order to submit a vehicle renewal application.

105. The following original documents are to be submitted in person or the post for annual vehicle renewal applications:

- Vehicle renewal application form in the name of the vehicle proprietor.
- Proprietorship requisition form.
- Vehicle registration document showing the correct name and address for the vehicle proprietor.
- A certificate of motor insurance, which must be valid on the commencement date of the licence.
- A current MOT certificate which must be valid on the commencement date of the licence.
- A current HPI check or similar, dated no more than 28 days prior to the submission of the renewal application form, carried out at the applicant's own expense (to be produced by the applicant unless the Council have made other arrangements).

Renewal vehicle applications submitted without all of the supporting documents and the appropriate fee will be returned to the applicant. Please note the existing rear plate and internal comment card must be returned before the new licence and plate can be issued.

106. Applications for licence renewals should be made a least 15 working days prior to the licence expiry date to ensure that the application is processed and the new licence and vehicle identification plate are available for collection during the last five working days of the month in which the current licence expires.

107. A certificate of compliance is not needed in order for a vehicle renewal application to be submitted, albeit the new licence and vehicle identification plate will not be issued until the certificate of compliance is received from the testing centre.

Comment [JJ14]: Clarification that a certificate of compliance is not needed in order for a vehicle renewal application to be submitted.

General

108. Photocopies, faxes etc. relating to the above documents will not be acceptable at any time except in the case of insurance documents that have been provided by the insurer in electronic form, when a printed copy or copy sent electronically will be deemed acceptable.

109. Although applications may be made by post, plates must be collected in person. Applicants may also wish to provide original documents in person.

110. If an application is refused the fee will be refundable minus a proportion of the charge for an administration charge. Should the refusal of the application be appealed the administration charge will be higher and will result in no refund being given.

111. The Council has the discretion to attach, amend or remove a condition of the licence.

Change Of Address

112. The proprietor must advise the Council in writing within 7 days of any change of address (that appears on the licence) during the period of the licence.

Transfer Of Interest

113. The proprietor shall notify the Council on the appropriate form within 14 days, giving the name and address of the new proprietor, if the interest or part interest in the vehicle is transferred to another person not currently named on the licence.

114. If the interest is transferred to a person currently named on the licence the Council should be advised to remove the outgoing proprietor.

115. The new proprietor shall complete the appropriate transfer application form and provide the following documents to the Council:

- Proprietorship requisition form.
- Private hire certification form (for private hire vehicles only).
- Vehicle registration document (V5C) in new proprietor's name. If this has not yet been received then, once the application has been submitted, 28 days will be given in order to produce the appropriate V5C document.
- Valid certificate of motor insurance.
- Valid MOT certificate, if appropriate given the age of the vehicle.

Comment [JJ15]: Clarification of the documents needed to submit a vehicle transfer application.

Vehicle transfer applications submitted without all of the relevant supporting documents and the appropriate fee will be returned to the applicant.

Novelty Vehicles And Stretched Limousines

116. The Council recognises the role novelty vehicles (e.g. converted fire engines) and stretched limousines have to play in the private hire trade to meet a public demand. However, the Council has not developed a separate licensing regime for such vehicles, rather it has widened the criteria of the current vehicle specifications and conditions that licensed vehicles must meet. Please see Appendices A and B. Therefore such vehicles will only be licensed as private hire vehicles.

117. It is not considered appropriate for such vehicles to be used for standard hirings and licensed operators shall only send such a vehicle when it has been specifically requested by the hirer.

118. Most novelty vehicles, in particular stretched limousines are imported for commercial purposes and are required to have undertaken a Single Vehicle Type Approval or an Individual Vehicle Approval test (from 29 April 2009). This ensures that the vehicles meet modern safety standards and environmental

standards before being used on public roads. Proof of type approval shall be submitted with the application documents.

119. Stretched limousines shall also have Qualified Vehicle Modifier or Cadillac Coach Builder approval where appropriate.
120. The operator of a novelty vehicle fitted with side facing seats shall provide a declaration that they will never be used to carry passengers under 16 years of age regardless of whether the vehicle is fitted with seatbelts.
121. There shall be no sale or provision of alcohol from any vehicle without a current premises licence under the Licensing Act 2003 being in force and if all of the occupants, save for the driver, are under the age of 18 then there shall be no alcohol at all in the vehicle for consumption or otherwise.
122. Where all the passengers in the vehicle consist of persons under the age of 14 years they must be accompanied by a responsible adult, other than the driver, who is over the age of 18.
123. There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.
124. A vehicle does not need to be licensed while it is being used in connection with a wedding.

Exemptions From Displaying Licence Plates On A Private Hire Vehicle

125. Private hire vehicles used mainly for executive hire or novelty vehicles and stretched limousines will be permitted to apply for an exemption under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate and the driver from wearing a driver's badge.
126. Any proprietor of a licensed private hire vehicle wishing to apply for this exemption should be engaged substantially (i.e. more than 80% of hirings) in the provision of a 'chauffer style' executive service or the vehicle operated should be a stretched limousine or other novelty vehicle as agreed by the Council. The applicant should satisfy the Council that the specification of the vehicle and the overall level of service provision constitute an executive hire or novelty service. This would include all drivers wearing an appropriate uniform. It is recommended that this is done by way of submission of contract specifications and/or evidence of all contract and account customers, including usage.
127. Applications are to be made in writing on the appropriate form and each application will be judged on its merits.
128. If granted then an Exemption Notice will be issued to the proprietor. The Exemption Notice shall not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence.

129. The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice. The conditions are attached at Appendix E to this Policy.
130. A private hire operator, proprietor and driver operating under the provisions of an Exemption Notice remain subject to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 with regard to the respective licences and the conditions attached in each case.
131. A proprietor of any vehicle operating under this exemption may also request in writing to be exempt from the condition limiting the tint on the rear passenger windows (rear passengers windows, back window and any rear side windows if present).
132. Any executive hire vehicle wishing to take advantage of the exemption limiting the window tint should not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (i.e. under age 18 years). The driver must not act as the accompanying adult. Further, the operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle with tinted windows will be supplied.

Tinted Windows

133. The windows (excluding the windscreen which must have a minimum light transmission of 75%) of any vehicle shall not have been treated so that less than 70% of light is transmitted through it, unless the following criteria can be met in which case there will be no minimum light transmission:
 - The vehicle is an executive hire or novelty hire vehicle or stretched limousine operating under an Exemption Notice or exceptional circumstances apply; and
 - The vehicle will not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (i.e. under age 18 years). The driver must not act as the accompanying adult; and
 - Approval has been given by the Council.
134. Existing licensed vehicles that do not meet this standard will be allowed 'grandfather rights' to be licensed until such time as the vehicle is changed or ownership of the vehicle is transferred, at which time this standard must be complied with.

CCTV In Vehicles

135. The Department for Transport Best Practice Guidance recommends licensing authorities look sympathetically on, or actively encourage, the installation of security measures such as a screen between driver and passenger or CCTV systems as a means of providing some protection for drivers.

136. It is not proposed that such measures should be required as part of the licensing regime at this time, it is considered that they are best left to the judgment of the owners and drivers themselves. The hackney carriage and private hire trades are, however, encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships. The Council will, if required, establish a working body to examine the acceptability of such equipment in licensed vehicles and determination of safeguards to ensure that such systems are effective and operate in line with Data Protection legislation.
137. The proprietor of any vehicle with CCTV must notify the Council and display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.
138. Where CCTV is in place there is an expectation that it is in working order when passengers are being carried. The CCTV system shall be installed by a registered installer approved by the National Security Inspectorate (NSI) or the Security System and Alarm Inspection Board (SSAIB) and accredited by the United Kingdom Accreditation Services (UKAS); maintained to manufacturer's standards and recordings shall be encrypted and not accessible to the driver or proprietor. It shall be the proprietor's responsibility to comply with Data Protection legislation.
139. The CCTV recording must be available for viewing by a Police Officer or an authorised officer of the Council on request. Any failure to comply with this request will be reported to the Council for consideration of the appropriate action to be taken.
140. Any reports of misuse of CCTV or recorded images may result in the immediate suspension of both the vehicle and driver's licences and/or referral to the Licensing Committee for consideration as to any disciplinary action.

Environmental Considerations

141. The DOT guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that may have been adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards or promoting cleaner fuels.
142. Hackney carriage and private hire vehicles are an essential form of transport in the Stockton-on-Tees Council area. Many people depend on such vehicles for trips that buses or other forms of public transport are incapable of making. They are able to achieve higher occupancy rates than a private car and so, to some extent, already pay their part in helping to achieve environmental improvements in the Borough. It is, however, clearly important that emissions from hackney carriage and private hire vehicles are reduced as far as possible.
143. It is therefore considered that efforts should be made to improve, as far as possible, the efficiency of licensed hackney carriage and private hire vehicles

by, in particular, reducing the levels of CO2 emitted. Liquid petroleum gas (LPG) conversions to vehicles already licensed or to be licensed are therefore acceptable. Any conversion to LPG must be done by an approved converter and the conversion certificate produced to the Council for inspection.

144. It will be conditional that any spare wheel displaced as a result of any conversion must be stored in a location that does not impinge on the passenger carrying area of the vehicle.
145. Other alternative fuel arrangements will be encouraged as technology improves e.g. hybrid vehicles.
146. Clearly emissions from hackney carriage and private hire vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks. It is, however, proposed that this aspect be tackled through education and promotion.

Age Restriction And European Emission Standards

147. A Government report suggests that, by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere. It highlights the impact European wide emission limits are having on improving air quality. In private cars, these standards are introduced for new vehicles as follows:

- Euro I became mandatory for new cars from 1993.
- Euro II became mandatory for new cars from 1997.
- Euro III became mandatory for new cars from 2001.
- Euro IV became mandatory for new cars from 2006.
- Euro V became mandatory for new cars from 2011.
- Additional standards are proposed for 2015.

148. Air quality improvements are clearly hampered through the length of time it takes for vehicles to be retired. The Council currently has no age restriction policies in place and has always relied on natural wastage of vehicles under the exceptionally well maintained requirement.

149. In the interests of improving air quality, any application for the renewal of an existing hackney carriage or private hire vehicle licence will only be granted if the vehicle can meet Euro 4 emission standards as a minimum. Vehicles that currently do not meet this standard will not be re-licensed when their licence is due for renewal in 2017. A table of existing vehicles by age is attached at Appendix F.

150. A stricter emission standard shall apply for new and replacement vehicles when they will be expected to meet Euro 5 emission standards.

151. In exceptional circumstances applications for vehicles that do not meet these requirements will be considered by Licensing Officers, e.g. for classic cars.

Comment [JJ16]: It is proposed that the renewal of existing vehicle licences will only be granted if the vehicle can meet Euro 4 emission standards as a minimum (current requirement is Euro 3). Vehicles that currently do not meet this standard will not be re-licensed when their licence is due for renewal in 2017. New and replacement vehicles will be expected to meet Euro 5 standards (current requirement is Euro 4).

Deleted: (light goods vehicles 1994)

Deleted: (light goods vehicles 1998)

Deleted: (light goods vehicle 2002)

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Deleted: (i.e. where the vehicle in question is no more than 12 years old).

Deleted: 4

Demand Responsive Transport

152. The Council welcomes initiatives such as taxi sharing schemes and taxi buses with the environmental and improved service benefits that they bring.
153. The Council recognises that these services can play a valuable role in meeting a range of transport needs and is keen to promote such services in order to increase the availability of transport to the travelling public.
154. The Council will work with service providers to bring about such schemes where there is a demand for them.
155. The main legal provisions under which flexible services can be operated are listed below:

Shared Taxis – Immediate Hirings (Section 10, Transport Act 1985):

156. The local licensing authority can develop a scheme whereby hackney carriages can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. The authority is required to set up such a scheme if 10% or more of the hackney carriage proprietors in the Borough ask for one.

Shared Taxis And Private Hire Vehicles – Advance Bookings (Section 11, Transport Act 1985):

157. Hackney carriage and private hire vehicles can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares lower than that for a single hiring.

Taxibuses (Section 12, Transport Act 1985):

158. Hackney carriage and private hire vehicle proprietors can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator's licence'. The hackney carriage proprietor can use the vehicle to run a bus service for up to eight passengers.
159. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the hackney carriage/private hire vehicle, though it can go beyond it.

Section 3 – Drivers

- Licences
- Driving Experience
- Right to Work
- Driver Knowledge/Locality Test
- Criminal Records Check
- Applicants Who Have Spent Time Abroad
- Relevance of Convictions, Cautions and Character
- Medical Assessment
- DVLA Mandate
- Drug Testing
- Application Procedure
- Term of Licence
- Conditions of Licence
- Code of Conduct
- Driver's Dress Code
- Driver Training
- Voluntary Return of Licence

Licences

160. The Council issues the following driver's licences:

- Private hire driver
- Hackney carriage driver
- Combined private hire and hackney carriage driver

161. Licences are issued subject to proof of eligibility – driving licence, driving assessment, right to work, knowledge/locality test, criminal records check and medical assessment.

162. The statutory and practical criteria and qualifications for each licence are broadly identical and therefore this chapter will apply to all driver licences, unless otherwise stated.

Driving Experience

163. A driver's licence will not be granted to anyone who has not held a full driving licence for a period of ~~three years~~. Full driving licences issued by EEA states will also count towards this qualification requirement and equal recognition can now also be given to Northern Ireland driving licences.

164. In addition new applicants are required to have passed the Driver and Vehicle Standards Agency (DVSA) Taxi Driver's Test and produce a pass certificate. If a driver does not renew his licence within 7 days of its expiry then he will be required to pass the DVSA test if he has not already done so.

165. Applicants for horse drawn hackney carriages are required to have passed an approved road driving assessment by either the British Driving Society or the Heavy Horse Training Committee and produce a pass certificate.

Comment [JJ17]: Changed from 1 year to 3 years post qualification driving experience, to bring in line with the LGA national guidelines.

Deleted: one

166. Drivers of 'designated vehicles' shall be required to have passed the DVSA enhanced test for drivers of wheelchair accessible vehicles or if they have already passed the test for saloon drivers they must complete the DVSA wheelchair exercise.

Right To Work

Comment [JJ18]: For clarity further information has been provided on right to work requirements

167. Applicants for the first grant of a private hire and hackney carriage driver's licence will be required to prove that they have a right to work (RTW) in the UK before being considered for a licence. The application will not be accepted if the applicant fails to provide evidence of their RTW in the UK.

168. The Home Office, via the UK Border Agency, have compiled a list of documents, which prove that someone has the RTW in the UK. Documents will fall into List A or List B and guidance notes on these documents are available from the Council.

169. An applicant will need to provide one document from List A, which shows an ongoing RTW in the UK. If a document from List A cannot be produced, then relevant documents from List B must be produced. These documents show a RTW in the UK for up to 12 months.

170. If an applicant produces a document from List B to prove their RTW in the UK then upon expiry of the document, they will be required to produce further documentation showing their ability to continue working. A letter reminding the licence holder of the expiry of the document will be sent 2 months prior to its expiration date. Failure to produce further evidence of RTW will lead to the revocation of the licence with immediate effect. If the licence holder states that the documentation has been applied for then the licence will be suspended with immediate effect until the documentation is produced. The licence holder will be required to produce this within 6 months.

171. All RTW documents must be original copies: photocopies, scans and faxes will not be acceptable.

172. It is illegal to discriminate on grounds of race, colour, ethnic or nationality. No presumptions about a person's RTW in the UK will be made based on a person's background, appearance or accent. Each applicant will be required to comply with the RTW policy and provide the necessary documentation.

Driver Knowledge/Locality Test

173. In order to determine the fitness of a person to hold a licence, all new applicants are required to sit and pass a test on their knowledge of the local geography, driver conduct, conditions and licensing legislation. Tests for hackney carriage and combined driver's licences include a more detailed assessment of local geography, location of hackney carriage ranks and knowledge of tariffs and charges. Tests are subject to review and will reflect the requirement to undertake NVQ and BTEC qualifications.

174. No driver's licence will be issued without the applicant first gaining a knowledge test pass certificate. This certificate will stand for future renewals. If a driver does

not renew their licence and 6 months lapses before re-applying, a new test certificate will be required.

Criminal Records Check

175. A criminal record check on a driver is an important safety measure and is a requirement for all drivers. Enhanced disclosure through the Disclosure and Barring Service (DBS) is required (applied for through the Council's Licensing Office) as these disclosures include details of unprotected spent convictions, Police cautions and intelligence by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1975 as amended. Further details and guidance can be found at:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

Comment [JJ19]: The Disclosure & Barring Service (DBS) has replaced the Criminal Records Bureau (CRB). The disclosure is now only sent to the home address of the applicant, the applicant must produce the original disclosure to the Council so that a copy can be taken.

176. The Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney carriage or private hire driver's licences. Applicants are therefore required to disclose all unprotected convictions, including those that would normally be regarded as spent.

177. Before an application for a driver's licence will be considered, the applicant must, via the Council, apply to the DBS for an enhanced disclosure of criminal convictions. The application will not be determined until the results are received. DBS checks are not considered by the Council to be portable and only DBS checks applied for through Stockton Council will be accepted. In addition new DBS disclosures will only be acceptable up to six months from the date of issue.

178. The Council is a registered body with the DBS and can apply for the disclosure at the applicant's request, subject to payment of the appropriate fee. Application forms and guidance notes on proof of identity requirements are available from the Council.

179. The DBS will send the disclosure to the home address of the applicant. The applicant must produce the original disclosure to the Council so that a copy can be taken which will form part of the application. The Council is bound by rules of confidentiality.

Deleted: for a CRB Disclosure will be sent a separate disclosure report to their home address. The Council will also receive a copy of the report, which will form part of the application

180. For both new applications and the renewal of an existing driver's licence, the applicant will be required to complete a pre-licensing statutory declaration. All of the applicant's criminal convictions must be entered onto this form including spent convictions, cautions and motoring convictions. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council (Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 refers). Those drivers holding a three year licence will be required to make an annual declaration.

181. Applicants for the renewal of a driver's licence are required to have an enhanced disclosure criminal record check from the DBS every third year.

Applicants Who Have Spent Time Abroad

182. If an applicant is newly resident in the UK they must still apply for an enhanced DBS check regardless of the period of time they have spent in the UK.
183. Where an applicant has spent 3 months or more living abroad or has not lived in the UK for a continuous five year period at the time of the application, an enhanced DBS disclosure in itself will usually be insufficient to satisfy the Council that the applicant is a fit and proper person. This is because the DBS does not routinely provide criminal record information from non UK countries. These applicants will be required to provide a Certificate of Good Conduct or an equivalent document, translated into English, from each country where they have been resident/domiciled.
184. A Certificate of Good Conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to good conduct and/or to any criminal convictions recorded against the individual. The Council will take advice from the DBS in identifying the appropriate authority where available and where none exist, each case will be determined on its merits.
185. The Council may also approach the relevant Embassy or appropriate body directly to verify documents provided. Any costs involved must be met by the applicant.
186. The Council may require the applicant to submit additional information.
187. Existing licensed drivers shall notify the Council in writing when they intend to leave the country for an extended period of 3 months or more. They shall also notify the Council on their return and shall complete and submit a Statutory Declaration as provided by the Council.
188. At all times, the Council's legitimate aim is to protect members of the public and if any of the documentation produced does not satisfy the Council, the application may be refused.
189. The Trading Standards & Licensing Manager may determine such applications or refer them to the Licensing Committee.

Relevance Of Convictions, Cautions, Reprimands, Warnings, Complaints And Character

190. In assessing whether an applicant is a fit and proper person to hold a licence, the Council will consider each case on its own merits and will have regard to the adopted Guidelines on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character, a copy of which is attached at Appendix G.
191. In some cases the Council may require additional DBS checks at a cost to the licensee.

Medical Assessment

192. Under Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may require an applicant for a driver's licence to produce a certificate signed by a registered medical practitioner to the effect that they are physically fit to be the driver of a hackney carriage or private hire vehicle.
193. The Council requires a medical certificate upon an initial application for a driver's licence. In addition or in place of such a certificate the Council may require an applicant to submit to examination by a registered medical practitioner selected by the Council as to their fitness to be a driver of a hackney carriage or private hire vehicle.
194. In line with DVLA guidelines, the Council applies the DVLA Group 2 driver standards for the medical fitness of hackney carriage and private hire drivers. This is a higher medical standard than that required of drivers of other motor vehicles and is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public.
195. Upon an initial application for a driver's licence the applicant shall produce a completed medical examination report provided by the Council. This report includes a vision assessment form and a certificate of fitness that must be completed by the applicant's own G.P. or a medical practitioner with access to the applicant's medical history. The applicant is responsible for paying the fee for the examination. If necessary the G.P. may return the completed form direct to the Licensing Office. Note that these requirements do not apply if the applicant is able to provide evidence that they hold a group 2 driving entitlement on their DVLA licence e.g. a HGV driver.
196. During the application process the medical examination report will be deemed valid for a period of 6 months after which either a new medical form or a letter from the G.P. who carried out the original medical assessment, confirming that there has been no change in the medical fitness of the applicant, will be required.
197. The medical practitioner must confirm that:
- They have examined the applicant.
 - The applicant is registered with the practice and/or they have full access to the applicant's medical records.
 - The medical examination was carried out to the DVLA's Group 2 standard.
 - They consider the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle.
198. Existing licensees aged over 45 years must provide a medical examination report as evidence of their medical fitness to hold a licence every five years and after the age of 65 years, annually.
199. If a driver has a medical condition that requires notification to the DVLA e.g. sleep apnoea they shall also be required to notify the Council.

Comment [JJ20]: Clarification that a full medical examination report form must be produced, including the vision assessment form and the certificate of fitness

Comment [JJ21]: There is an exception for those applicants able to show a group 2 driving entitlement on their DVLA, such as HGV drivers, who will already meet the required medical standard.

200. In addition to the above requirements, where a driver suffers from a condition that requires monitoring but which would not prevent them from driving, they are required to provide written confirmation from their G.P. or consultant each year, as recommended by the DVLA standards, that they remain fit to carry out the duties of a licensed driver.

201. If the Council is not satisfied as to the medical fitness of a new applicant, a hackney carriage or private hire driver's licence will not be granted.

202. If the Council is not satisfied as to the medical fitness of an existing licensed hackney carriage or private hire driver, there will be reasonable cause to suspend, revoke or refuse to renew the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

DVLA Licence Check

203. The Council will conduct checks on a driver's DVLA licence to ensure that it is valid and that there are no endorsements on the licence which would make that person a risk to the public. These checks will be carried out for each new driver's licence application and at least annually thereafter.

204. This process will involve the driver obtaining a check code from the DVLA free of charge and sharing this with the Council so that checks can be carried out on-line to ascertain the status of the driver's DVLA licence and any related penalty points or disqualifications. This process replaces the paper counterpart. In order to assist drivers, instructions on how to obtain the check code can be found at <https://www.gov.uk/view-driving-licence>

205. A DVLA licence check may also involve the completion of a driving entitlement consent form, also known as a DVLA mandate form. This form gives the Council the authority to check the status of a DVLA licence. The fee for the mandate will be paid by the driver.

Comment [JJ22]: New procedures needed to complete DVLA licence checks upon application and annually thereafter. This is because the DVLA are stopping the issue of the D9 paper counterpart in June 2015.

Drug Testing

206. In view of the increase in the number of drivers receiving cautions and or convictions for drug related offences and to provide equity with drivers of other forms of public transport, the Council will conduct drug tests on drivers on an intelligence led and random basis. Selected drivers will be expected to either submit to any tests deemed appropriate by an authorised officer of the Council or to attend a medical practitioner chosen by the Council and submit to any tests deemed appropriate.

207. Positive test results or a failure to comply with a request for a test may result in the suspension of the driver's licence and referral to the Licensing Committee.

Application Procedure

208. An application for a knowledge test may be made prior to an application for the grant of a driver's licence, for which the following documents are to be submitted in person:

- Knowledge test application form.
- Two passport sized colour photographs – full face, no hats, caps, sunglasses etc.
- DVLA driving licence.
- Test fee

209. The following documents are to be submitted in person for a new application:

- Application form, including signed statutory declaration.
- Proof of right to work documentation.
- Four passport sized colour photographs – full face, no hats, caps, sunglasses etc.
- Medical examination report.
- Knowledge test pass certificate if previously undertaken.
- Disclosure and Barring Service (DBS) application form with appropriate identity documents (or alternative).
- Certificate of good conduct or equivalent where appropriate.
- DSA taxi drivers test pass certificate and/or the hackney wheelchair enhanced certificate or wheelchair exercise certificate or evidence that a test has been booked with the DSA when applicable.
- Driving licence. Note: Drivers who hold other European driving licences must register their licence with the DVLA.
- DVLA mandate form.
- British Driving Society or the Heavy Horse Training Committee pass certificate (Drivers of horse drawn hackney carriages only).
- Pass/completion certificate for safeguarding awareness training (once the course has been designed and is in place).
- Licence fee including DVLA mandate form and DBS Disclosure application fee.

Applications submitted without all of the supporting documents and the appropriate fee will be returned to the applicant. Please note that this does not apply to a fast track application procedure where the driver has previously had his licence revoked with immediate effect (paragraph 383 refers) but who has subsequently submitted a new application after being found to be a fit and proper person. In this case the documentation and fee required will be determined on a case by case basis.

210. All documents must correspond in respect of the full name and address of the applicant or the application will be rejected.

211. The statutory declaration, medical examination report, DVLA mandate form and DBS form should not be completed and signed earlier than 28 days before submission to the Licensing Office.

Comment [JJ23]: To provide a fair and quick system to re-licence those drivers who have been revoked with immediate effect under new delegated powers as a result of the R(Singh) v Cardiff City Council case, but who have later being found to be a fit and proper person

Comment [JJ24]: Clarification of current practice that the statutory declaration, medical examination report and DBS form should not be completed and signed earlier than 28 days before submission to the Licensing Office.

Deleted: <#>Where an applicant is unable to produce a DVLA D9 (paper counterpart) this will not prevent their application being processed but the licence will not be determined until it has been produced.¶

Deleted: Applications received after the expiry date will be dealt with as a new application and may require submission of a new CRB application and medical certificate.

Comment [JJ25]: This is current procedure and follows a previous Committee decision that the Council will accept driver renewal applications submitted up to seven days after the expiry date. Renewal applications received after this time will not be accepted for processing and a new driver's licence application will need to be made.

212. The application will not be determined until the DSA and knowledge test have been taken and passed and a medical examination report, a DBS disclosure and the results of a DVLA mandate check are received. Any incorrectly completed forms will be returned.
213. If the application is withdrawn or refused the fee will be refundable minus the proportion of the charge for the DBS application, the DVLA mandate form and the knowledge test fee (if undertaken) and an administration charge. Should the application be refused by the Licensing Committee or the refusal appealed to the Magistrates Court, then depending on the outcome, the administration charge will be higher and may result in no refund being given.
214. The following documents are to be submitted in person or by post (except when a DBS application is required) for a renewal application:
- Application renewal form.
 - DVLA driving licence.
 - DVLA mandate form.
 - Medical examination report, if required.
 - DBS application form with appropriate identity documents, if required.
 - Licence fee including any disclosure application fee, if required.
 - Four passport sized colour photographs – full face, no hats, caps, sunglasses etc.
215. If the renewal application is refused the fee will be refundable minus the proportion of the charge for any DBS application, the DVLA mandate form and an administration charge. Should the application be refused by the Licensing Committee or the refusal appealed, then depending on the outcome, the administration charge will be higher and may result in no refund being given.
216. Holders of existing driver's licences should apply to renew their licence in the month preceding the expiry date and ideally renewal applications should be submitted at least 15 working days prior to the expiry of the current licence so as to allow for the production of the new licence. The legislation does not allow for continuity of licence. Drivers who expect to be out of the country at the time their licence expires must contact the Council before they leave so that renewal arrangements can be made.
217. The Council will accept driver renewal applications submitted up to seven days after the expiry date. Renewal applications received after this time will not be accepted for processing and a new driver's licence application will need to be made.
218. Renewal applications will be processed and issued pending any required enhanced DBS check or DVLA mandate, unless the Council has reasonable grounds for concern. In such circumstances the renewal application will not be determined until or unless these concerns have been satisfactorily resolved and each case will be determined on its merits.
219. If details of new convictions or charges are received during the renewal process the application to renew will be dealt with on its merits according to this Policy.

220. If details of any convictions or cautions are received through the DBS [and the DVLA](#) checking process and a declaration has been signed stating that there are no new convictions or cautions, this will be treated very seriously and the appropriate action taken.
221. The Trading Standards & Licensing Manager may at any time refer a decision to grant or renew a driver's licence to the Licensing Committee.
222. If a licence is refused the decision and reasons for the decision will be sent to the licensee within 5 working days of the decision.
223. All drivers will be issued with two badges detailing their licence number, expiry date and a photograph of the licence holder. One badge must be worn at all times when the driver is working. Drivers must display the other badge in the vehicle where it is clearly visible to passengers.
224. All drivers will be issued with a licence record card that shall be given to and retained by the licensed Private Hire Operator he is currently employed by or working through, as appropriate.
225. Lost or damaged badges and/or record cards must be reported on the next working day to the Licensing Office and the Police. A fee will be charged for a replacement badge.

Term Of Licence

226. Driver licences are available for a period of one or three years. Three year licences will only be issued when the application is submitted with a DBS disclosure form.

Conditions Of Licence

227. The Council is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire driver's licence and this includes combined private hire/hackney carriage drivers as are considered necessary.
228. The conditions set out at Appendix H are considered reasonably necessary and as such may be legally imposed in respect of private hire drivers.
229. Hackney carriage drivers will be provided with Notes for Drivers, which are a summary of the legislative/byelaw/policy requirements, a copy of which is attached at Appendix I. All licence holders will be provided with a copy of the conditions/notes and the driver's file will be updated to confirm receipt.
230. This Policy also includes a driver's Code of Conduct and Dress Code which are detailed in the following paragraphs and which the Council will require all drivers to adhere to.

Code Of Conduct

231. This Policy includes a Code of Conduct for all drivers that the Council wishes drivers to operate in accordance with. This serves to promote the Council's licensing objective in respect of hackney carriage and private hire licensing. This Code of Conduct may be taken into consideration in disciplinary matters.
232. All licence holders will be provided with a copy of the Code and the driver's file will be updated to confirm receipt.
233. The Code of Conduct is attached at Appendix J to this Policy.

Driver's Dress Code

234. A Dress Code serves to enhance the image of the hackney carriage and private hire trade and promotes the concept that drivers of licensed vehicles are professional drivers.
235. In order to raise the profile of the licensed trade, drivers should operate at all times in an appropriate manner and conform to a minimum standard of dress. A Dress Code for licensed drivers is therefore included at Appendix K.
236. Failure to comply with the Dress Code may be taken into consideration in disciplinary matters.

Driver Training

237. In recent years formal training packages with related qualifications have been introduced to develop, support and enhance the skills and knowledge of prospective and existing drivers who wish to begin to develop a career in transporting passengers. These currently include:

- NVO Level 2 in Road Passenger Vehicle Driving (Hackney Carriage/Private Hire Vehicle Pathway).
- BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver.

Comment [JJ26]: Removal of outdated information and clarification of courses available.

238. In order to enhance the professional image of the private hire and hackney carriage trade and to enhance related skills and knowledge, all existing drivers and private hire operators (or a representative of the licensed company) shall be required, if they have not already done so, to successfully complete one of these level 2 courses (or equivalent) at their own expense, by the anniversary of their licence in 2017. If they have not already done so, new applicants shall have 12 months from the first grant of their licence to successfully complete, at their own expense, one of these level 2 courses. Further details regarding the courses can be found at www.edexcel.com

Comment [JJ27]: This replaces the previous wording that completion of the course was required within 3 years from the grant or renewal of next licence. This didn't take account of the fact that drivers may have a 3 year licence and would then have up to 6 years to complete the course. It is submitted that the proposed wording tightens up on the requirement and gives a fair and definite date for completion of the course.

239. It has also been recognised that licensed drivers, given their unique position within the community, have an important role to play in the safeguarding of vulnerable children and adults, including those with disabilities. For example, in carrying out their everyday work drivers may drop off a young person at an

address suspected of being used by adults for prostitution purposes; they may drop off a young person at premises suspected to be involved in drug taking activities; they may frequently pick up children from an address and they appear dishevelled or under the influence of drink/drugs or have noticeable injuries; and they may have knowledge of other taxi drivers exchanging transport for sexual favours.

240. In recognition of this unique position, all existing drivers and private hire operators (or a representative of the licensed company) shall have successfully completed safeguarding awareness training arranged by the Council, by the end of 2016. Once the safeguarding awareness training is in place, new applicants shall have successfully completed it before the issue of their first licence.

Comment [JJ28]: New requirement for drivers and operators to complete safeguarding awareness training.

Voluntary Return of Licence

241. Although there are no statutory provisions within the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 which allow for the voluntary return of a driver's licence, the Council recognises that there are many legitimate reasons why a driver may wish to return their licence. This could include, for example, changes in their medical condition, personal circumstances or the driver may simply wish to pursue another career path. In such circumstances it is likely that the Council will accept the return of the driver's licence and arrange for a pro-rata refund of the licence fee, minus any administration charges.

Comment [JJ29]: New provisions included to cover the voluntary return of a driver's licence. The Council is unlikely to accept the surrender of a driver's licence if it is being used as a means to pre-empt disciplinary action

242. Any request to return a driver's licence shall be made in writing and the Council will consider each case on its merits.

243. However, please note that the Council is unlikely to accept the voluntary return of a driver's licence, if the return is being used as a means to pre-empt disciplinary action e.g. an appearance before the Council's Licensing Committee when Members may consider whether to suspend or revoke the driver's licence. In such cases the Council is unlikely to accept the voluntary return of the licence and will continue with the proposed disciplinary action.

Section 4 – Private Hire Operators

- Requirements and Obligations
- Right to Work
- Criminal Record Checks
- Conditions
- Insurance
- Planning Consent
- Application Procedure
- Licence Duration
- Address from which an Operator may Operate
- Record Keeping
- Change of Address
- Complaints
- Material Change

Requirements And Obligations

244. Any person who operates private hire vehicles must apply to the Council for a private hire operator's licence.
245. The objective in licensing private hire operators is ensuring the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.
246. A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
247. A private hire operator must ensure that every private hire vehicle despatched by him is licensed and driven by a person who holds a private hire driver's licence issued by the Council.
248. It is a criminal offence to operate a private hire vehicle without an operator's licence.
249. Operators need to familiarise themselves with the appropriate legal requirements and licence conditions and ensure they employ suitable work methods in order to comply with the legal requirements and avoid committing licensing offences. Part of the application process will include an interview in this respect.
250. It shall be a condition that the applicant operates from a premise within the controlled district of the Council.
251. The Licensing Office may request additional information with regard to new applications.

Right To Work

252. New applicants for a private hire operator's licence will be required to prove that they have a right to work in the UK before being considered for a licence
253. No licence will be granted until the applicant is able to prove they have a right to work in the UK.
254. Further details on the right to work process can be found at paragraphs 167 – 172 above.

Criminal Record Checks

255. The Council will only grant a private hire operator's licences when it is satisfied that the applicant is a fit and proper person.
256. Guidelines on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character (Appendix G refers) will be used to help determine whether an operator is a fit and proper person to hold a licence.
257. At the present time the Council is not able to obtain any DBS disclosure on applicants for a private hire operator's licence. If the applicant is not a licensed driver, reliance has to be placed on the information requested on the application form and any additional information requested during interview with the applicant. This is a position of trust as operators gain detailed knowledge as to a person's movements, travel, arrangements etc.
258. Before an application for the grant of a private hire operator's licence will be considered the applicant must provide a certificate of search results on criminal convictions which has been issued no earlier than one calendar month before making the application. This can be either:
- A criminal conviction certificate used under the Police Act 1997; or
 - The results of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service.

259. If the applicant is a limited company, then a certificate of search results on criminal convictions must be provided by each director. If the applicant is a partnership then this certificate must be submitted by each partner.

260. If the applicant is currently licensed as a driver with the Council they will be exempt from this requirement, as they are already subject to DBS checks.
261. Applicants for renewal of an operator's licence will be required to provide a new certificate or search results every third year.
262. Any concerns highlighted during this process will be carefully considered and may be referred to the Licensing Committee for determination.

Comment [JJ30]: Clarification on current practice that a certificate of search results on criminal convictions is needed for all directors if the operator is a limited company and for all partners if the operator is a partnership.

Conditions

263. The Council has power to impose such conditions on an operator's licence as it considers reasonably necessary.
264. Appendix L sets out the conditions to be attached to an operator's licence which covers the standards of service expected. Applicants wishing to depart from any of these conditions must submit their reasons in writing to the Council when each request will be determined on its merits.
265. Additional conditions may be imposed depending upon individual circumstances.

Insurance

266. Applicants are required to ensure that the appropriate public liability insurance has been taken out for premises that are open to the public and may be required to produce evidence of the same on request.

Planning Consent

267. Applicants are required to obtain planning consent, where necessary, for the premise they intend to operator from.
268. If the planning consent is time restricted, it is the operator's responsibility to ensure that a new permission is applied for prior to the current planning permission expiring.
269. Planning conditions will be included on the licence.

Application Procedure

270. The following documents are to be submitted in person or by post for a new or renewal application:
- Application form, including signed statutory declaration.
 - Certificate or search results on criminal convictions (if not currently licensed as a driver) which has been issued no earlier than one calendar month before making the application.
 - Licence fee appropriate to the number of vehicles to be operated.
271. Officers may require a site visit prior to the determination of the licence application.
272. Applicants will be interviewed regarding their knowledge of the legislation and conditions appertaining to private hire work.

Licence Duration

273. Licences will be issued for a period of **up to five years**.

Comment [JJ31]: Deregulation Act 2015 allows operator licences to remain in force for up to 5 years.

Deleted: one

Deleted: year.

Address From Which An Operator May Operate

274. Upon the grant of an operator's licence the Council will specify the address from which the operator may operate. These premises must be in the controlled district of the Council, and will be expected to have planning consent for use as a private hire office when deemed applicable.
275. If an operator wishes to change the base from which they operate they shall seek written approval from the Council prior to any change taking place.
276. Operators shall also be required to identify specific locations as bases where they will park their vehicles when waiting for bookings if adequate off street parking is not available at the premise identified on the licence.

Record Keeping

277. Operators are required to keep records, in a format approved by the Council, of each booking. This can be in paper format or by use of a computer data base. Applicants are required to seek Council's prior approval for use of a computerised record system to ensure compliance with these requirements (Appendix L refers).
278. Records should be preserved for a period of at least 1 year and be available for inspection at the request of a Police or Council Officer.

Change Of Address

279. The operator must advise the Council in writing of a change of any address that appears on the licence, within 7 days of such a change taking place.

Complaints

280. Operators must advise the Council within 48 hours of receipt of any complaints received concerning a contract for hire or purported contract for hire relating to or arising from their business and the action, if any, that the operator proposes to take. These details will be kept on file (Appendix L refers).

Material Change

281. A private hire operator's licence is not transferable and operators must notify any proposed changes, substitution or removal of the person(s) authorised to operate under the terms of the licence to the Council immediately in writing prior to the changes taking place.

Section 5 – Fares

- General
- Table of Fares
- Receipts
- Overcharging

General

282. Councils have the powers to set hackney carriage fares for journeys within their area.
283. Hackney carriage fares, set by the Council, are the maximum and can be negotiated downwards by the hirer.
284. The Council will review the table of fares when requested by the trade. When determining the level of fares consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service at all times it is needed. The current table of fares in not part of this Policy as it is subject to its own review.
285. A notice of any proposed variation to the maximum fares will be advertised in a local newspaper with a date set not less than 14 days from publication for making objections to the proposed variation.
286. If no objections are received the fare variation will have immediate effect at the end of the statutory period set for objections to be made. If any objections are received the matter will be referred to the Licensing Committee for consideration and/or modification and a further implementation date will be set.
287. The Council is not empowered to set fares for private hire operators. It is a matter for negotiation between the hirer and operator at the time of booking and the operator should make this clear. When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages.
288. When a journey ends outside the Council's area a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. Failure to comply is an offence.

Table Of Fares

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

Receipts

290. A driver must, if requested by the hirer, provide a written receipt for the fare paid.

291. It is a condition of a private hire driver's licence that the driver shall provide the hirer with a written receipt of the fare paid if requested. Conditions cannot be attached to a hackney carriage driver's licence but in the notes given to drivers a similarly worded recommendation is made.

292. It shall be a requirement that any receipt when requested, should show:

- Date of issue
- Time of issue
- Vehicle licence plate number
- Driver name and licence number
- Metered fare (when applicable)
- Metered extras (when applicable)
- Total fare

Overcharging

293. All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter or agreed at the time of hiring with certain exceptions.

Section 6 – Fees

- Fee Structure
- Variation to Fee Structure
- Payments
- Payment Refunds

Fee Structure

294. The legislation provides that the fees charged may be sufficient to cover the reasonable costs of the issue and administration of driver licences, inspecting vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles and operators.

295. The current fees payable for the grant and renewal of hackney carriage and private hire licence are available from the Licensing Office and the Council's website at:-
<https://www.stockton.gov.uk/community-safety/trading-standards-and-licensing/>

Variation To Fee Structure

296. The fee structure is reviewed as part of the budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.

297. A notice of any variation to the maximum fees in respect of vehicles and operators will be advertised in a local newspaper with a date set not less than 28 days from publication for making objections to the proposed variation of fees.

298. If no objections are received the fee variation will have immediate effect at the end of the 28 day consultation period. If any objections are received they will be considered by the Council and the variations confirmed or varied accordingly.

Payments

299. Payments can be made in the form of either cash or cheque, cheques should be made payable to Stockton-on-Tees Borough Council. Please do not send cash with postal applications.

Payment Refunds

300. Fees paid in relation to hackney carriage and private hire vehicle licences and private hire operator licences are subject to a partial refund on the unexpired portion of the licence should the proprietor choose to surrender their licence during the period of the licence. Refunds shall be determined by the Council and an administration fee may also be levied.

Section 7 – Convictions, Cautions, Conduct and Medical Fitness

- Hackney Carriage and Private Hire Drivers
- Rehabilitation of Offenders Act 1976
- Operators
- Guidelines on the Relevance of Convictions, Cautions, Reprimands, Warnings and Complaints and Character
- Simple Cautions and Endorsable Fixed Penalties
- Conduct and Character

Hackney Carriage and Private Hire Drivers

301. When an application is made for a hackney carriage or private hire driver licence the Council must be satisfied that the applicant is a fit and proper person before issuing the licence. By law the council shall not grant a drivers licence unless they are satisfied of this (S.51 & S.59 Local Government (Miscellaneous Provisions) Act 1976 refer).
302. The legislation is worded in such a way as to put the onus on the applicant to provide evidence that they are a fit and proper person, rather than for the Council to prove that they are not.
303. The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there are grounds to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.
304. In addition, the Council may:
- Suspend;
 - Revoke; or
 - Refuse to renew
- a hackney carriage or private hire driver licence if the licensee has since the grant of the licence:
- Been convicted of an offence involving dishonesty, indecency or violence; or
 - Been convicted of a private hire/hackney carriage licensing offence; or
 - For any other reasonable cause (S.61 LG(MP) Act 1976 refers).
305. Reasonable cause encompasses a wide variety of issues, including other convictions, cautions, medical fitness and conduct.
306. If it appears to be in the interests of public safety to do so then a suspension or revocation will have immediate effect and the driver will be given notice of that decision. The effect of this decision will mean that a driver cannot continue to drive licensed vehicles should an appeal be made against the decision.

Rehabilitation Of Offenders Act 1974

307. Hackney carriage and private hire drivers as an occupation are excluded from the provisions of the Rehabilitation of Offenders Act 1974. All relevant convictions, including spent convictions, may therefore be considered.

Operators

308. The Council must also be satisfied that applicants for operator licences are fit and proper persons before issuing a licence. These guidelines will therefore be referred to when considering an operator's licence application.

309. It is accepted that an operator does not have the same level of direct contact with the public as they will not drive the customer (unless they also hold a driver's licence). However, it is acknowledged that the operator will be in possession of information about people's whereabouts and movements and will deal with the public either face to face or over the telephone and as such there is a need for them to be fit and proper persons.

Guidelines On The Relevance Of Convictions, Cautions, Reprimands, Warnings, Complaints And Character

310. The overriding consideration of the licensing regime is the safety of the public. The Council has a duty to ensure that, as far as possible, those licensed to drive the public in hackney carriage or private hire vehicles are suitable persons to do so, that they are safe drivers with a good driving record and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who might take advantage of their position to abuse or assault customers.

311. The Council has Guidelines on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character (see Appendix G). These guidelines are intended to assist Licensing Officers and the Committee in making decisions and to ensure a consistent approach is maintained. However, each case is to be decided upon its own merits and Officers and the Committee may decide not to adhere rigidly to the guidelines if there are exceptional circumstances. Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence. Applicants should also demonstrate evidence of good character.

312. It may be appropriate to depart from the general policy in some cases, for example situations where the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. Where there has been a conviction for a sexual offence, murder or manslaughter, a licence will normally be refused. Where an applicant has served a custodial sentence the Council will consider the number of years since their release and the period for which they have been free to conviction when determining their fitness to be licensed. Time spent in custody will generally be discounted from the conviction free period.

313. The guidelines should also assist applicants and licensees and those that represent them by clearly setting out the expectations the Council have in relation to the behaviour of applicants/licensees. This should also minimise the time (and associated costs) incurred by both the Council and applicants/licensees.
314. The guidelines will be taken into account and in general will be followed, when dealing with a new application, a renewal application and when considering whether to issue a warning, suspend or revoke an existing licence.
315. The aim of the guidelines is not to punish the applicant/licensee twice for a conviction or caution but to ensure that public safety is not compromised and to protect the public from those who have demonstrated a propensity towards wrongdoing.
316. In considering evidence of an applicant's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal matters are disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant. However, where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction (Nottingham City Council v Mohammed Farooq (1998) refers).
317. The guidelines are not an attempt to define what is a fit and proper person.
318. The guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

Simple Cautions And Endorsable Fixed Penalties

319. For the purpose of the guidelines simple cautions, endorsable fixed penalties and public order fixed penalties shall be treated as though they were convictions and they shall be disclosed to the Council accordingly.

Conduct and Character

320. Criminal convictions are not the only criteria used when considering whether an individual is a fit and proper person to be licensed. Other factors, including the applicant or licensee's demeanour and appearance (dress) may be taken into account in determining fitness and propriety.
321. The Council may require an applicant to submit additional information it reasonably considers necessary to enable it to determine whether a licence should be granted or whether conditions should be attached (S.57 LG(MP)Act 1976 refers).
322. The Courts have found that one purpose of licensing powers is to prevent licences being given to, or used by, those who are not suitable, taking into

account their driving records, driving experience, sobriety, mental and physical fitness, honesty and ensuring that they would not take advantage of their employment to abuse or assault passengers (Leeds City Council v Hussain (2002) refers).

323. When determining the fitness and propriety of drivers, Council Officers and Members may consider whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a vehicle with the applicant/licensee alone.
324. If the answer to this question is an unqualified yes, then the test is probably satisfied. If the Officers or Members have doubts then further consideration will need be given as to whether the individual is a fit and proper person.
325. The Council can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.
326. The Council's focus is the impact of the applicant or licence holder upon members of the public. This does not require any consideration of the personal circumstances of the applicant or licensee, which are irrelevant, except perhaps in very rare cases to explain or excuse some conduct of the driver.

Section 8 – Enforcement, Discipline And Offences

- Council Officers
- The Licensing Committee
 - Introduction
 - Determination of Appeals, Disciplinary or Related Matters Concerning Individual Licensees/Applicants by the Licensing Committee
 - Disciplinary or Referred Matters
 - Licensing Committee – Procedure Note
 - Before the Hearing
 - Absence of the Licensee/Applicant
 - At the Hearing
 - Appeal to Court
 - Who is Who?
- Enforcement/Disciplinary Options
- Informal Action
- Vehicle Defect Rectification Notice
- Suspension, Revocation or Refusal to Renew a Licence
 - Suspension of Vehicle Licence – Section 68 Notice
 - Suspension of Vehicle Licence – Section 60 Notice
 - Driver’s Licence – Section 61
 - Operator’s Licence – Section 62
- Requests for Insurance and MOTs
- Simple Caution
- Prosecution
- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
 - Hackney Carriage Provisions
 - Private Hire Provisions
- Transport Act 1980 – Private Hire Provisions
- Road Traffic Act 1988, S.143 – Using a Vehicle Without Insurance
- Criminal Justice and Public Order Act 1994, S.167 – Touting for Hire
- Health Act 2006 – Smoking in Vehicles
- Hackney Carriage Byelaws
- Equality Act 2010

327. This section provides an overview of enforcement and disciplinary action and the main offences concerned with the private hire and hackney carriage trade. It is not intended to be an exhaustive list and does not constitute legal advice. All enforcement action will be carried out having due regard to the requirements of the Council’s Regulatory Services Enforcement Policy.

Council Officers

328. Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service.

329. Enforcement of hackney carriage and private hire matters is undertaken by the Council. The Police may also take action in certain circumstances.
330. Council officers can be authorised to undertake enforcement work and may take appropriate disciplinary action against licensees. In undertaking such work, officers will abide by this Policy and the appropriate Regulatory Services Enforcement Policy. Enforcement work includes routine checks and inspections, investigating complaints made about drivers, vehicles and operators, in addition to matters observed by officers e.g. vehicle defects. The Council can consider all circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.
331. Authorised officers may refuse to grant or renew licences and may suspend licences. Officers also have delegated powers, in consultation with the Licensing Committee Chair and Vice Chair, to grant licence applications where such applications do not comply with this Policy and it is considered that sufficient reasons have been submitted as to why the Council should depart from the Policy.

Comment [JJ32]: This delegated power was given to officers by Members at a Licensing Committee meeting held on 11 December 2012, minute L60/12 refers.

The Licensing Committee

Introduction

332. The Council's Licensing Committee exercises the Council's functions in relation to the licensing of hackney carriage vehicle, hackney carriage drivers, private hire vehicle, private hire operators and private hire drivers under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.
333. When considering any matter Licensing Committee will have regard to the Council's Private Hire and Hackney Carriage Licensing Policy.

Determination Of Appeals, Disciplinary Or Referred Matters Concerning Individual Licensees/Applicants By The Licensing Committee

334. Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the licensee/applicant and the possible risks to the safety and comfort of the public.
335. When the Committee considers such matters concerning a licensee/applicant it is operating in a quasi-judicial capacity and the rules of natural justice must be observed. The licensee/applicant must be treated fairly and be seen to be treated fairly. The Committee must be impartial, unbiased and act in good faith.
336. The Committee is required to make judgements based on the evidence submitted to it. It is not the Members' role to sit as advocates of either Council Officers, the Police or the licensee/applicant but to weigh the merits of the case as presented – ensuring that the proper considerations are taken into account and irrelevant factors are ignored, thereby reaching a balanced decision. The Committee must also state the reasons for its decisions.

337. Only Committee Members who have heard the entire application, appeal, or disciplinary matter are able to take part in the decision making process.
338. Committee Members should not participate in the hearing of a matter if there is apparent bias. This can arise where a Member's outside connections make it appear that there is a real danger of bias or a Member has a prejudicial interest. Personal interest in a matter under consideration must be declared. Where a prejudicial interest exists the Member must withdraw from the meeting room.
339. A prejudicial interest exists where a Member has a personal interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest and it either:
- Affects the financial position of the relevant person or body; or
 - Relates to the determination for any approval, consent, licence, permission or registration in relation to that person or body.

Disciplinary Or Referred Matters

340. In accordance with Council's constitution, the Committee is authorised to:
- Determine the appropriate disciplinary action (if any) to take against licensees referred to it by officers.
 - Determine any licensing application or other matter concerning individual licensees referred to it by officers.
341. When considering a referred matter e.g. an application for a licence, the Committee will have regard to the appropriate section of this Policy.
342. Appropriate disciplinary action can take a number of forms, for example:
- Revocation of a licence.
 - Refusal to renew a licence.
 - A warning letter expressing the Council's dissatisfaction with the licensee's behaviour, whilst also advising that future conduct incompatible with that expected of a licensee could lead to a revocation or refusal to renew.
 - Additional conditions if considered reasonably necessary may be attached to a licence when it is renewed. It is noted that conditions cannot be attached to a hackney carriage driver's licence.
343. The action to be taken in any particular case will depend on the seriousness of the conduct/conviction/medical condition etc. concerned.

Licensing Committee – Procedure Note

344. The Licensing Committee hearing aims to ensure that the licensee/applicant and complainant (where applicable) have the fullest opportunity to present all of the information they wish. The Committee is required to give full and fair consideration to the cases presented by the officers and the licensee/applicant

and must reach a decision based on all of the relevant information presented to it at the hearing. To achieve this, the following procedure is adopted:

Before The Hearing

345. Where the a matter is referred to the Licensing Committee for determination, officers shall inform the licensee/applicant of this and submit a report to the Committee.
346. A full copy of the report to Committee and the procedure to be followed at the hearing is supplied to the licensee/applicant prior to the hearing. Copies of the Private Hire and Hackney Carriage Licensing Policy are available on the internet or upon request from the Council. Licensees/applicants are strongly advised to read this document when preparing for the hearing.
347. The licensee/applicant will be given notice in writing at least seven days in advance of the time and place of the hearing and of his right to be accompanied by a friend or other person, including a solicitor, and shall be allowed to call witnesses.
348. The licensee/applicant shall also be given the opportunity to submit a written statement of their case or other supporting documents prior to the hearing. Documentation should be provided to the Council in advance of the hearing, if it is not, or if the Committee has not had sufficient time to consider the documentation, the Committee may refuse to accept the documentation or may deem it necessary to defer consideration of the case to a later date.

Absence Of The Licensee/Applicant

349. The meeting may proceed in the absence of the licensee/applicant if they have informed the Licensing Authority or the Democratic Support Officer that they do not wish to attend or be represented at the hearing. If the licensee/applicant would like the meeting to be adjourned to enable them to attend then they must make this clear and provide reasons for the request.
350. If the licensee/applicant fails to attend or be represented at a meeting without notifying the Licensing Authority or Democratic Support Officer, the Committee may adjourn the hearing to a specific date if it considers it to be appropriate to do so, alternatively it may proceed with the meeting in their absence.
351. Where it is decided to proceed in the absence of the licensee/applicant the Committee will consider the information they have supplied along with the report from Council Officers.
352. If a decision is made to adjourn a hearing the licensee/applicant will be advised of the new date, time and venue.

At The Hearing

353. Members of the Committee may ask questions at all stages.

354. Council Officers or their representative shall present the report in the presence of the licensee/applicant and his/her representative and may call witnesses.
355. The licensee/applicant and/or representative shall have the opportunity to ask questions of the information provided by the officers and any witnesses called.
356. The licensee/applicant and/or representative shall then put forward their case and may call witnesses.
357. The Licensing Committee as well as the officers and witnesses shall have the opportunity to ask questions of the licensee/applicant and/or representative and any witnesses called by or on behalf of the licensee/applicant.
358. The officer presenting the report and the licensee/applicant and/or representative shall have the opportunity to sum up their case if they so wish. If all parties opt to sum up, the licensee/applicant or representative may speak last.
359. The licensee/applicant, officers, representatives and any witnesses shall then withdraw from the meeting. Officers from Legal and Democratic Services will remain in the meeting to provide procedural and legal advice.
360. The Licensing Committee shall deliberate in private, only recalling the licensee/applicant or representative and officers to clear points of uncertainty. If this occurs all parties will be invited back into the hearing together. If the Committee has no additional queries than all parties will be called back into the meeting when the Chairman of the Committee will announce the decision of the Committee.
361. The licensee/applicant will be notified of the Committee's decision and the reasons for it, in writing, usually within five working days. Where a licence has been revoked or a renewal has been refused written notice must be given within fourteen days.

Appeal To Court

362. There is a statutory right of appeal to the Magistrates Court in relation to:
 - A refusal to grant a private hire or hackney carriage driver's licence.
 - Any conditions attached to a private hire driver's licence.
 - A decision to suspend, revoke or refuse to renew a private hire or hackney carriage driver's licence.
 - A refusal to grant a private hire vehicle licence or against any conditions specified in the licence.
 - A refusal to grant an operator's licence or any conditions attached to the grant of an operator's licence.
 - A decision to suspend, revoke or refuse to renew an operator's licence.
363. An appeal against a refusal to grant a hackney carriage vehicle licence lies straight to the Crown Court.

364. Any appeal must be lodged with the appropriate Court within 21 days of notification of the decision in writing.
365. Costs may be awarded by the Court against an unsuccessful appellant and therefore a licensee may wish to take independent legal advice with regard to the merits of an appeal.
366. Usually, when an appeal has been lodged, any action against the licence is stayed pending the outcome of the court appeal (S.77(2) LG(MP) Act 1976 refers) and the driver, operator or vehicle can still work. However, in cases where, in the interests of public safety, a decision has been made that a suspension or revocation of a driver's licence should take immediate effect S.77(2) shall not apply and a driver is not allowed to continue driving pending the outcome of the appeal. In such cases the driver must be notified in writing, with an explanation as to why such action has been taken.
367. Decisions may also be challenged by way of judicial review in the High Court. Independent legal advice should be sought.

Who Is Who?

The Licensee or Applicant	The licensee or applicant (accompanied by a friend or representative if required) is invited to attend and make representations to the Licensing Committee.
Trading Standards & Licensing Officers	Trading Standards & Licensing Officers will submit information to the Committee to enable it to consider what action should be taken. On occasions a representative from the Police Authority, another body or a witness may attend to provide relevant information.
The Licensing Committee	The Licensing Committee is the body which has the delegated authority from the Council to determine licence applications and to decide upon disciplinary and other matters referred to it. The Committee is composed of elected Members from across all political parties and comprises a Chairman, Vice-Chairman and twelve members.
Legal & Democratic Services Officers	Officers representing Legal and Democratic Services advise the Committee on the relevant law and procedures. They do not take part in the decision making process.

Enforcement/Disciplinary Options

368. There are various options to take depending upon the circumstances including:

- Take no action
- Take informal action
- Use statutory and other notices/requests
- Suspend a licence
- Revoke a licence
- Refuse to renew a licence
- issue a simple caution
- Prosecute
- Obtain an injunction

369. An Authorised Officer may refuse to grant or renew licences and may suspend licences. Officers also have delegated powers in consultation with the Licensing Committee Chair and Vice Chair, to grant licence applications where such applications do not comply with this Policy and it is considered that sufficient reasons have been submitted as to why the Council should depart from the Policy. However, only the Licensing Committee can revoke a licence, except in the case of vehicle licences deemed revoked under the provisions of S.68 LG(MP) Act 1976. Where revocation of a licence may be appropriate, the matter will be referred to Committee. Where appropriate, the licence may be suspended pending the Committee hearing.

Informal Action

370. Informal action to secure compliance with legislation and policy includes giving verbal and written advice and warnings or requiring attendance at a Driver Improvement Scheme.

371. Informal action may be appropriate where:

- The act or omission is not serious enough to warrant more formal action.
- From the individual licensee's history it can be reasonably expected that informal action will achieve compliance.
- The consequences of non-compliance will not pose a significant risk to the safety of the public.

372. Even where the above criteria are not met, there may be circumstances in which informal action will be more effective than more formal action.

373. Repeated incidents of licence infringements, complaints etc. are likely to lead to action being taken against the licensee by officers or a referral to the Licensing Committee.

374. Existing licensed drivers who incur 9 penalty points on their DVLA drivers licence for offences relating to their standard of driving will be offered the opportunity to attend the Council's Driver Improvement Scheme at their own expense, as an alternative to being referred to the Licensing Committee.

Vehicle Defect Rectification Notices (VDR)

375. In situations where there is non-compliance with vehicle licence conditions contravention of the legislation or byelaws, or when a vehicle has failed its Council test, officers may issue a vehicle defect rectification notice to the proprietor. Such notices are appropriate where the immediate suspension of the vehicle licence is not required. The notice will require the proprietor to remedy the defect and present the vehicle for further inspection within a specified time period, usually 14 days. If the defect has been remedied then usually no further action will be taken. If the defect is not remedied or the vehicle is not presented for inspection, the vehicle licence may be suspended and/or the proprietor may be prosecuted.

Suspension, Revocation or Refusal To Renew A Licence

Suspension Of Vehicle Licence – Section 68 Notice

376. An authorised officer (or Police officer) has the power at all reasonable times to inspect and test any hackney carriage or private hire vehicle (or taximeter affixed to such a vehicle) licensed by the Council to ascertain its fitness. If the officer is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter, s/he may by a written notice require the proprietor to make the vehicle or taximeter available for further inspection and testing at a reasonable time and place specified in the notice. The officer may suspend the vehicle licence until such time as they are satisfied as to fitness/accuracy (S.68 Local Government (Miscellaneous Provisions) Act 1976 refers). **Suspension under Section 68 takes immediate effect. There is no right of appeal against such a suspension.**

377. If the officer is not satisfied of the fitness/accuracy of the vehicle within 2 months from the issue of the suspension notice, the vehicle licence is deemed to be revoked. Such matters therefore do not need to be referred to the Licensing Committee. The proprietor will be given written notice of the revocation. There is a right of appeal against the revocation of the licence and any appeal must be lodged within 21 days of notification of the decision.

Suspension Of Vehicle Licence – Section 60 Notice

378. In accordance with S.60 Local Government (Miscellaneous Provisions) Act 1976, the Council, through its authorised officers and/or Licensing Committee, may suspend, revoke, or refuse to renew a private hire or hackney carriage vehicle licence on any of the following grounds:

- That the vehicle is unfit for use.
- The operator or driver has committed any offence under, or has not complied with, the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- Any other reasonable cause.

379. Where the Council suspends, revokes or refuses to renew a vehicle licence under S.60 LG(MP)Act 1976 it shall give the proprietor written notice of the grounds for

Comment [JJ33]: The requirement that this suspension will only be followed when there is an immediate risk of danger has been removed because recent case law has confirmed that this action can be used for a wide range of non-compliances and is not restricted to instances where there is an immediate risk of danger.

Deleted: Therefore, this action will only be taken when an officer has reasonable grounds to suspect that the condition of the vehicle/taximeter poses an immediate risk to passengers and/or other road users.

the decision within fourteen days. The proprietor may appeal to a Magistrates Court within 21 days of notification of the decision.

Driver's Licence – Section 61

380. The Council may suspend, revoke or refuse to renew a driver's licence (private hire or hackney carriage) on any of the following grounds:

- That since the grant of the licence, the driver has been convicted of an offence involving dishonesty, indecency or violence.
- That since the grant of the licence the licensee has been convicted of an offence under, or has failed to comply with, the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- Any other reasonable cause.

381. Action to suspend a driver will ~~not be used as an interim measure pending further investigations or enquiries.~~

Comment [JJ34]: This clarifies the position of suspensions following the case of R(Singh) v Cardiff C.C.

382. In addition the following revisions to Section 61 were introduced under the Road Safety Act 2006:

Deleted: usually be made by an authorised officer pending further action or enquiries. Suspension of a licence will

(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver under subsection (2)(a) of this section.

Deleted: enforcement penalty against a driver

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

383. Action to suspend a driver with immediate effect will only be taken after consultation and agreement with the Director of Law and Democracy. Action to revoke a driver with immediate effect will only be taken after consultation and agreement with the Chair or Vice Chair of the Licensing Committee and the Director of Law and Democracy.

384. Where the Council suspends, revokes or refuses to renew a driver licence under s.61 LG(MP) Act 1976, it shall give the driver written notice of the grounds for the decision within fourteen days. The driver must, on demand, return to the Council the driver's badge. The driver may appeal to a Magistrates Court. Any appeal must be lodged within 21 days of notification of the decision.

Operator's Licence – Section 62

385. The Council may suspend or revoke or refuse to renew an operator's licence on any of the following grounds:

- Any offence under or non-compliance with Part II of the Local Government (Miscellaneous Provisions) Act 1976.

- Any conduct on the part of the operator which appears to render him unfit to hold an operator's licence.
- Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted.
- Any other reasonable cause.

386. Where the Council suspends, revokes or refuses to renew an operator's licence under S.62 LG(MP) Act 1976, it shall give the operator written notice of the grounds for the decision within fourteen days. The operator may appeal to a Magistrates Court within 21 days of notification of the decision.

Stay Of Action Pending Outcome Of Court Appeal

387. S.77(2) LG(MP) Act 1976 – stays any action against a licence pending the outcome of the Court appeal. This means that if a driver, operator or proprietor appeals against a decision to refuse to renew, suspend, or revoke his licence, the licence is deemed to remain in force until the appeal has been determined.

388. The licensee has 21 days from receipt of written notification of the decision to lodge an appeal with the Court. The licensee can continue to use the licence during that period and once an appeal is lodged, can continue to use it until the appeal has been dealt with. If the Magistrates dismiss the appeal the licensee has 21 days within which to lodge an appeal in the Crown Court and again, can continue to use the licence until the appeal is determined.

389. The Council may decide that a suspension or revocation of a driver's licence should take immediate effect where they consider it is in the interests of public safety to do so. In such cases the notice given to the driver must include a statement that it is an immediate suspension/revocation and an explanation why. In this case the suspension or revocation takes effect when the notice is given to the driver and the driver will not be able to continue working pending an appeal.

390. When a licensee's Court appeal is unsuccessful the Court may order them to pay the Council's costs.

Requests For Production Of Insurance And MOT Certificates

391. The Council has a monthly programme whereby reminder requests to produce renewed insurance and/or MOTs may be sent to proprietors before they are due to expire. If a valid insurance and/or MOT is then not produced the vehicle licence will be suspended and the proprietor may be prosecuted (S.50 LG(MP) Act 1976).

392. In addition, anyone driving an uninsured vehicle may be prosecuted (S.143 Road Traffic Act 1988).

Simple Caution

393. A simple caution may be issued as an alternative to a prosecution in appropriate circumstances, where the criteria for prosecution are satisfied but an offence is of

a less serious nature. The Council will have regard to Home Office Guidance and other relevant guidance. It is necessary for the offence to be admitted prior to administering a simple caution.

394. A simple caution may be used to:

- To deal quickly and simply with less serious offences.
- To divert less serious offences away from the Courts.
- To reduce the chances of repeat offences.

Prosecution

395. In certain cases the Council will prosecute offenders. Due regard to the Council's Regulatory Services Enforcement Policy will be taken when determining if legal proceedings should be instituted.

396. In addition to prosecution, the licensee may be referred to the Licensing Committee for consideration of further disciplinary action (e.g. warning, suspension, revocation, refusal to renew).

Town Police Clauses Act 1847 (TPCA)

397. The following offences under the TPCA 1847 relate to hackney carriages:

Section	Offence	Maximum Penalty
40	Giving false information on an application for a HC proprietor's licence	Level 1
44	Failure of HC proprietor to notify of change of address	Level 1
45	Plying for hire without HC proprietor's licence	Level 4
47	Driving a HC without HC driver's licence	Level 3
47	Lending or parting with HC driver's licence	Level 3
47	HC proprietor employing unlicensed driver	Level 3
48	Failure of HC proprietor to hold HC driver's licence of person employed/permitted to drive his/her HC	Level 1
48	Failure of HC proprietor to produce HC driver's licence of person employed/permitted to drive his/her HC	Level 1
52	Failure to display HC plate	Level 1
53	Refusal to take a fare	Level 2
54	Charging more than agreed fare	Level 1
55	Obtaining more than the legal fare	Level 3 and 1 months imprisonment until the excess is refunded
56	Travelling less than the lawful distance for an agree fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying person other than the hirer without consent	Level 1
60	Allowing another to driver HC without proprietor's consent	Level 1
61	Drunken driving of HC	Level 1
61	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1
62	Driver leaving HC unattended	Level 1
64	HC driver obstructing other HCs	Level 1

Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A 1976)

398. Offences under the LG(MP)A 1976 relate to hackney carriage and private hire vehicle proprietors, drivers and operators, as follows:

LG(MP)A 1976 – Hackney Carriage Provisions

Section	Offence	Maximum Penalty
49	Failure of proprietor to notify Council of transfer of HC proprietor's licence	Level 3
50(1)	Failure of proprietor to present HC for inspection as requested	Level 3
50(2)	Failure of proprietor to inform Council where HC is stored if requested	Level 3
50(3)	Failure of proprietor to report an accident to the Council	Level 3
50(4)	Failure of proprietor to produce HC proprietors licence and insurance certificate	Level 3
53(3)	Failure of driver to produce HC driver's licence	Level 3
57	Making false statement or omitting information to obtain a HC proprietor's licence	Level 3
58(2)	Failure of proprietor to return plate after notice given after expiry, revocation or suspension of HC proprietor's licence	Level 3
61(2)	Failure to surrender drivers licence after suspension, revocation or refusal to renew	Level 3
64	Cause or permit any vehicle other than HC to wait on a HC stand	Level 3
66	Charging more than metered fare for a journey ending outside the district, without prior agreement	Level 3
67	Charging more than metered fare when HC used as PH vehicle	Level 3
69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Wilful obstruction of authorised officer or constable	Level 3
73(1)(b)	Failure to comply with requirement of authorised officer or constable without reasonable excuse	Level 3
73(1)(c)	Failure to give information or assistance to authorised officer or constable without reasonable cause	Level 3

LG(MP)A 1976 – Private Hire Provisions

Section	Offence	Maximum Penalty
46(1)(a)	Proprietor using or permitting use of an unlicensed PH vehicle	Level 3
46(1)(b)	Driving a PH vehicle without a PH driver's licence	Level 3
46(1)(c)	Proprietor of PH vehicle using an unlicensed driver	Level 3
46(1)(d)	Operating a PH vehicle without a PH operator's licence	Level 3

46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle	Level 3
46(1)(e)	Operating a vehicle as a PH vehicle when the driver is not licensed as a PH driver	Level 3
48(6)	Failure to display PH vehicle plate when using or permitting use of PH vehicle	Level 3
49	Failure to notify the Council of transfer of PH vehicle licence	Level 3
50(1)	Failure of proprietor to present PH vehicle for inspection and testing as required	Level 3
50(2)	Failure of proprietor to inform Council where PH vehicle is stored if requested	Level 3
50(3)	Failure of proprietor to report an accident to the Council	Level 3
50(4)	Failure of proprietor to produce PH vehicle licence and insurance certificate	Level 3
53(3)	Failure to produce PH driver's licence	Level 3
54(2)	Failure to wear PH drivers' badge	Level 3
56(2)	Failure of PH operator to keep records of bookings	Level 3
56(3)	Failure by PH operator to keep records of PH vehicles operated by him	Level 3
56(4)	Failure to produce PH operator's licence on request	Level 3
57	Making false statement or omitting information to obtain PH driver's or operator's licence	Level 3
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence	Level 3 (plus daily fine of £10)
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3
67	Charging more than the metered fare when HC used as PH vehicle	Level 3
69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Obstruction of authorised officer or constable	Level 3
73(1)(b)	Failure to comply with requirement of authorised officer or constable	Level 3
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3

Transport Act 1980 – Private Hire Provisions

Section	Offence	Maximum Penalty
64(2)(a)	Driving a PH vehicle with a roof sign which contravenes s.64(1)	Level 3
64(2)(b)	Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s.64(1)	Level 3

Road Traffic Act 1988, S.143 – Using A Vehicle Without Insurance

399. Drivers may be prosecuted by the Police or the Council in relation to driving without insurance.
400. The maximum penalty is a level 5 fine. The driver's licence must be endorsed with between 6-8 penalty points and the Court has discretion to disqualify the driver. The Court may impose a curfew or community rehabilitation order.
401. When sentencing the Court will consider aggravating and mitigating factors. If the vehicle concerned is a hackney carriage or private hire vehicle this will be an aggravating factor.

Criminal Justice And Public Order Act 1994, S.167 – Touting For Hire

402. It is an offence in a public place, to solicit persons to hire vehicles to carry them as passengers. The penalty is a level 4 fine.

Health Act 2006, S.6-8 – Smoke-Free Places

403. It is an offence for anyone to smoke in a 'smoke-free place' which would include a licensed vehicle and an operator's premise which is open to the public. The maximum penalty is a level 1 fine. In addition, it is an offence for anyone in control of a smoke-free place e.g. the driver or operator, to fail to prevent someone from smoking in such a place. The penalty is a level 4 fine.
404. It is also an offence to fail to display appropriate no-smoking signs in the smoke-free place.

Hackney Carriage Byelaws

405. Prosecutions may be brought against hackney carriage proprietors and drivers for breach of the Council's Byelaws.

Equality Act 2010

Section	Offence	Maximum Penalty
165(7)	Driver of a designated taxi who fails to comply with the duty: <ul style="list-style-type: none"> a) to carry the passenger in the wheelchair b) not to make any additional charge for doing so c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonably comfort e) to give the passenger such mobility assistance as is reasonably required 	Level 3
168(3)	Hackney carriage driver who fails to comply with the duty to: <ul style="list-style-type: none"> a. carry disabled passengers guide or hearing dog and allow it to remain with the passenger; and b. not make any additional charge for doing so. 	Level 3
170(1)	Private hire operator failing or refusing to accept a booking made by or on behalf of a disable person on the basis that they will be accompanied by an assistance dog.	Level 3
170(2)	Private hire operator making an additional charge for carrying an assistance dog which is accompanying a disabled person.	Level 3
170(3)	Driver of private hire vehicle failing or refusing to carry out a booking made by or on behalf of a disable person on the basis that they will be accompanied by an assistance dog.	Level 3

Section 9 – Hackney Carriage Stands

- Appointed Stands
- Creation of a Stand
- Waiting on Stands
- Hackney Carriage Hailing Points

Appointed Stands

406. The purpose of hackney carriage stands (also known as hackney carriage ranks) is to provide the public with a set location where they can hire a licensed hackney carriage. The stand is the only situation where a hackney carriage may ply for hire in a stationary position and should be situated in locations where the public most need hackney carriages, for example adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands should be sited so that passengers can board or alight from the vehicle safely. Stands can be for continual or part-time use.
407. The Council will review the provision of hackney carriage stands in the Borough from time to time. In this respect officers will work closely with the Stockton Hackney Carriage Drivers Association.
408. As stands can be regularly reviewed please contact the Council for a list of current stands.

Creation Of A Stand

409. A new hackney carriage stand can be appointed under s.63 Local Government (Miscellaneous Provisions) Act 1976. This allows new stands to be created on public highways or private land with the appropriate consent of the land owner and they can be for continual or part-time use.
410. Prior to a new stand being created, or the maximum number of vehicles that can use a stand being varied, a notice will be given to the Chief Officer of Police and a public notice published in a local newspaper.
411. New stands are subject to approval by the Council's Officer Traffic Group and will not normally be approved where they may lead to obstruction or road safety issues.

Waiting On Stands

412. It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any hackney carriage stand.
413. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare.
414. Drivers who park on a stand and leave their hackney carriage vehicle unattended commit an offence.

Hackney Carriage Hailing Points

415. Hackney carriage hailing points are an alternative to a stand either where there is insufficient space for a stand or the location does not justify the creation of a stand. It is a specific point where the public know they will be able to hail a hackney carriage and the theory is that the drivers know where they are and will ensure that they pass them on a regular basis. There is no provision for hackney carriages to wait at such points.
416. The provision of hailing points within the Borough will be considered by the Council on their individual merits.

Section 10 – Complaints Procedure

417. The Council is proud of its private hire and hackney carriage trade and expects them to uphold high standards at all times. However, it is recognised that there may be occasions for transport users and other members of the trade to make complaints. Any complaints will be considered and appropriate action will be taken in accordance with the Council's Regulatory Services Enforcement Policy.
418. All complaints received will be considered.
419. Complainants may be asked to put their complaint in writing or provide a witness statement if the complaint is such that formal action may result.
420. The Council recognises that some complaints can be frivolous or vexatious. These complaints will not be taken further.
421. Licensees are expected to assist officers in their investigations and make themselves available for interview when reasonable requests have been made.
422. At the conclusion of the investigation all parties concerned will receive confirmation of the result and action to be taken (if any).
423. If any party is not satisfied as to the outcome of the complaint investigation the Council has a corporate complaints procedure in place to deal with these issues.

Appendix A

Private Hire And Hackney Carriage Vehicle Specifications

All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle. This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles.

All vehicles must comply with the requirements of Section A. In addition, Private Hire vehicles must comply with the requirements of Section B and F as appropriate, Novelty Vehicles and Stretched Limousines must comply with Sections B and C, and Hackney Carriage vehicles must comply with the requirements of Section D and E as appropriate.

All vehicles must be 'exceptionally well maintained'.

All vehicles must be 'type approved'.

The vehicle specification shall be complied with during the licence period unless any changes have been given prior approval by the Council.

It must be understood that, although the requirements set out in this document have been complied with, each application will be dealt on its merits and approval will be withheld if the Council is of the opinion that a vehicle is unsuitable for public use.

Section A - General specification for all vehicles

General Construction

1. The vehicle shall comply fully with all relevant statutory provisions relating to the construction of motor vehicles and including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. No modification may be carried out on a vehicle (e.g. alteration of the original seat configuration or any other 'adaptation') without prior approval from the Council and/or the appropriate certificate produced.
3. No fittings, other than those approved by the Council, may be attached to, or carried on the inside or outside of, the vehicle
4. The steering must be on the offside of the vehicle (unless exempted by the Council).
5. All tyres must comply with the relevant legislation and tyres must be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer. Retreaded tyres must be marked accordingly.
6. The vehicle shall be capable of carrying in reasonable comfort a minimum of four passengers unless the Council approves a smaller number.
7. The body shall be of the fixed head type.

Passenger Comfort

8. The rear seat dimensions must be adequate to carry the appropriate number of passengers and must provide a minimum:
 - Seat width of 44cm for each person
 - Headroom measured from centre of seat to underside of roof – 75cm
9. The vehicle shall have an adequate heating and ventilation system for the comfort of all passengers.
10. The vehicle shall have interior lighting fitted in the passenger compartment sufficient to illuminate the whole of that compartment. The light(s) shall be switched such that they may be turned on and off both from the driving and passenger compartments and shall operate automatically when a door is opened.

Passenger Safety

11. The windows should maximise passenger visibility into and out of the vehicle. If tinted glass is fitted, it shall have minimum light transmittance of 75% for the front windscreen, and 70% for all other vehicle window glass (unless previously exempted by the Council)

A proportion of the window area in the passenger compartment must be available for opening by the seated passenger.

12. The vehicle shall have at least 4 doors which open sufficiently wide so as to allow safe and easy access and egress and provide the following minimum opening measurements:
 - Door width 712mm (28")
 - Door height 875mm (33")

Each passenger, other than a front-seated passenger, must have access to at least two doors.

13. Lap and diagonal seatbelts must be fitted to all seats.
14. Head restraints must be fitted for all (forward and rear facing) seats. The design of headrests should maximise rear sightlines for the driver when any of the passenger seats are not occupied.

Luggage Capacity

15. Suitable dedicated provision for the secure carriage of luggage must be made separated from the passenger compartment. Estate models of vehicles must provide a fixed grill between the luggage and passenger compartments. Each vehicle model will be determined on its merits.

Age/Emission Standards

16. Vehicles in respect of applications for new and replacement hackney carriage and private hire vehicle licences shall meet Euro 5 emission standards (this became mandatory for vehicles manufactured from 2011).

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Existing licensed hackney carriages and private hire vehicles will be expected to meet Euro 4 emission standards as a minimum (this became mandatory for vehicles manufactured from 2006). Vehicles that currently do not meet this standard will not be re-licensed when their licence is due for renewal in 2017.

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Section B - Specification For New and Replacement Saloon Private Hire Vehicles

17. The vehicle must have M1 European Whole Vehicle Type Approval and be of an approved type and which is not black in colour.
18. If the private hire vehicle is fitted with a meter, it must comply with the requirements of this Policy in relation to meters.
19. Private hire vehicles must not have a roof sign.

Section C - Additional Specifications For Novelty Vehicles And Stretched Limousines Private Hire Vehicles

20. The vehicle must have passed the Single Vehicle Approval (SVA) (before 29 April 2009) or the Individual Vehicle Approval (from 29 April 2009) scheme test requirements.
21. The vehicle shall have Qualified Vehicle Modifier or Cadillac Coach Builder approval where appropriate.

Section D - Specification For Saloon Hackney Carriage Vehicles

22. Hackney carriage vehicles must be of an approved type and be black in colour.
23. Hackney carriage vehicles must have fitted on the roof, an internally illuminated TAXI top sign meeting a specification in relation to size approved by the Council (min. width of 60cm).
24. Hackney carriage vehicles must be fitted with an approved calendar controlled taximeter in accordance with the requirements of this Policy and the Byelaws with Respect to Hackney Carriages.

Section E - Specification For New Hackney Carriages

General Construction

25. The vehicle shall accommodate a passenger with a disability confined to a wheelchair and shall have been tested, or retested after any modification, to meet the European Community Whole Vehicle Type Approval standards in the M1 category.
26. Certification from the Vehicle Certification Agency (VCA) shall be required in all instances. This must bear the VCA authentication stamp.
27. The vehicle must comply fully with Section A and the applicable parts of Section D of the preceding specifications.

Passenger Safety And Comfort

28. The vehicle must be capable of accommodating one or more wheelchairs in either a forward or rear facing position allowing adequate space to ensure the safety and comfort of the wheelchair user, without interfering with the safety and comfort of any other passengers.
29. Approved anchorages must be provided for wheelchair tie-downs and the wheelchair passenger restraint. These anchorages must either be chassis or floor linked and shall comply with the strength requirements for M1 standards and any current European directives. Restraints for wheelchair and occupant must be independent of each other. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
30. The design of the vehicle must allow safe access and egress of passengers including elderly and disabled passengers.
31. The door and doorway must be constructed as to permit an unrestricted opening across the doorway of at least 75cm.
32. The clear height of the doorway must not be less than 1.2 metres.
33. Wheelchair access **may be from the rear or the side** of the vehicle.
34. Grab handles must be placed at one or more passenger door entrances as appropriate, to assist the elderly and disabled. Grab handles must be in a contrasting colour.
35. At the main access door into the passenger area of the vehicle, steps shall be provided to aid ingress/egress as follows:
 - where the internal floor height of the vehicle exceeds 300mm an intermediate step shall be fitted every 250mm from road level up to the internal floor height. All steps must be capable of supporting a minimum weight of 150kg.
 - The tread area of all steps must have a minimum depth of 150mm and shall have a slip resistant surface. All steps, both internally and externally shall have all open edges highlighted in a contrasting high-visibility colour.
 - Not be capable of operation when the vehicle is in motion
 - If automatic powered, be fitted with a safety device which stops the motion of the step if that motion could cause injury to the passenger
 - Can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.
36. A means of illuminating the entrance step at all access doors shall be fitted and switched such that they operate automatically when a door is opened.

Comment [JJ35]: This allows for both rear and side loading WAVs

37. The vertical distance between the highest part of the floor and the roof in the wheelchair passenger area must be no less than 1.3 metres.
38. A ramp for the loading of a wheelchair and occupant must be available at all times for use at either the nearside or offside passenger door. The ramp must have a safety lip, be at least 70cm wide as a minimum, and comprise a single non-slip surface. The ramp shall have a visible reference to safe working load of 250 kgs and certified to BS 6109. Provision must be made for the ramp to be stowed safely when not in use.
39. Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front seat and any part of any other seat which faces it, provided there is adequate leg room.
40. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.
41. When fitted occasional seats must be at least 40cm in width and the distance from the back of the upholstery to the front edge of the seat must not be less than 35.5cm
42. Occasional seats must be so arranged as to rise automatically when not in use. They must be placed at least 4cm apart. When not in use, they must not obstruct doorways.
43. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.
44. Colour contrasting sight patches are required on all passenger seats.
45. An induction loop system or (equivalent) must be fitted and clearly signed.
46. A swivel facility may be fitted to the nearside rear tip seat to assist disabled passengers.

Driver's Compartment

47. Every vehicle must be provided with an approved means of communication between the passenger and the driver. If a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 12cm.
48. Where a single-piece glazed partition is fitted, a facility must be provided for making payment to the driver

Section F – Specification For New And/Or Replacement Wheelchair Accessible Private Hire Vehicles

49. The vehicle must comply fully with Section A and E and the applicable parts of Section B of the preceding specifications.

Appendix B

Conditions Of Private Hire Vehicle Licence

1. **Maintenance Of Vehicles**

The vehicle and all its fitting and equipment shall at all times when the vehicle is in use or available for hire be kept in an exceptionally well maintained condition and all relevant statutory requirements shall be fully complied with.

2. **Alteration Of Vehicle**

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

3. **Safety Equipment**

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances. Such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

Where a ramp or ramps are used to facilitate access into the vehicle, they must be fitted/carried in the vehicle at all times and must be identified with the vehicle registration number.

4. **Interior Identification Marking**

The proprietor shall cause to be clearly displayed inside the vehicle in such a position as to be visible at all times to persons conveyed therein, the internal comment card and at the top of each rear passenger door window a window sticker as supplied by the Council indicating the vehicle identification number and contact details for the Council.

5. **Interior Lighting**

There shall be maintained in the vehicle adequate internal lighting to enable passengers to enter and leave the vehicle with safety.

6. **Convictions**

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

7. **Change Of Address**

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

8. **Identification Plate**

The plate, loaned by the Council, identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant of Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall unless exempted in writing be securely fixed to the rear of the vehicle in a conspicuous position duly approved by the Council and in such manner using the fixings supplied by the Council so as to be easily removable by an authorised officer of the Council or a Constable.

9. **Signs, Notices Etc.**

- 1) No signs, notices, advertisements, video or audio display, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taxi meter fitted to the vehicle.
- 2) The proprietor shall unless exempted in writing cause to be affixed and maintained in or on the vehicle in a conspicuous position in accordance with the directions of the Council any roundel, sign or notice relating to private hire vehicles, which the Council may from time to time require.
- 3) Without prejudice to the generality of the foregoing, the proprietor shall unless exempted in writing cause to be affixed and maintained on the outside of the vehicle:-
 - i) A door sign of such design and appearance as may be approved and supplied by the Council to be located on the nearside and offside front doors of the vehicle.
 - ii) A front identification sign as may be approved and supplied by the Council.

Note: The use of magnetised signs is only permitted when the vehicle has been exempted in writing from the general requirement to display the roundel or sign in i) above but the proprietor wishes to display such signs on occasional basis.

- 4) Without prejudice to the generality of the foregoing condition any advertisement shall not be allowed or affixed without the prior approval of the Council and specifically shall not:
 - a) be affixed to any window of the vehicle; and
 - b) be affixed to any door or panel on which the door sign referred to in paragraph 9 3)i) of these conditions, is located.
- 5) The proprietor or such person in charge of the vehicle when requested to do so by an authorised officer of the Council shall return to them, any identification plate, sign, door sign, badge, emblem or device.
 - a) If any proprietor or such person in charge of the vehicle fails without reasonable excuse to comply, an authorised officer of the Council shall be entitled to remove and retain any identification plate, sign, door sign, badge, emblem or device.
- 6) There may be displayed within the vehicle for the information of passengers a table of fares in a form and printing previously submitted to and approved by the Council.
- 7) The proprietor shall notify the Council of the loss or theft of any identification plate, door sign, sign, or notice relating to the private hire vehicle as soon as the loss becomes known and in any case within two working days. The loss or theft must also be notified to the Police.

10. **Deposit Of Drivers Licence**
If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him his private hire driver's licence record card for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.
11. **Transfer Of Interest**
The proprietor shall notify the Council in writing, giving the name and address of the new proprietor, within 14 days if he transfers his interest in the vehicle to another person.
12. **Accident Notification**
The proprietor shall notify the Council as soon as practicable, or in any case within 72 hours of any accident which results in damage to the vehicle. The Council's 'Notification of Accident' form must be completed for each notification.
13. **Insurance**
The vehicle shall have a current valid policy of insurance at all times appropriate to the use authorised by this licence.

If the vehicle is off the road and uninsured at any time, the proprietor must inform the Council in writing as soon as practicable but in any event with 72 hours.
14. **Change Of Engine**
The proprietor must notify the Council, in writing, within 7 days if the vehicle engine is changed. Such notification shall include details of the new engine number.
15. **Change Of Private Hire Operator**
This vehicle may only be operated under the provisions of one private hire operator's licence at any moment in time and the proprietor shall notify the Council of any change to the licensed operator during the period of this licence within 72 hours.
16. **Letting/Leasing Of Vehicles**
The proprietor shall not let or hire the vehicle identified in this licence to any other person, other than a fare paying passenger, without first notifying the Council in writing. Note: the proprietor will still be jointly responsible for the vehicle should a leasing arrangement be entered into.

Additional Conditions To Be Applied To Novelty Vehicles And Stretched Limousines
17. Vehicles must not carry front seat passengers
18. All passengers must remain seated at all times and must wear seat belts and any other safety restraint when the vehicle is in motion.
19. Where passengers in the vehicle consist of any persons under the age of 14 years they must be accompanied by a responsible adult, other than the driver, who must be over the age of 18 years.
20. No more than eight passengers may be carried in the vehicle.

21. If all the occupants of the vehicle, save for the driver and responsible adult, are under the age of 18, then there shall be no alcohol at all in the vehicle for consumption or otherwise.
22. Advertisements will not be allowed on the vehicle's windows.
23. The operator of a novelty vehicle fitted with side facing seats shall provide a declaration that they will never be used to carry passengers under 16 years of age regardless of whether the vehicle is fitted with or without seatbelts.
24. Notices forbidding children to be carried in side facing seats must be clearly displayed in prominent positions and be visible at all times on entrance doors to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment.

Appendix C

Conditions Of Hackney Carriage Vehicle Licence

1. **Maintenance Of Vehicles**

The vehicle and all its fitting and equipment shall at all times when the vehicle is in use or available for hire be kept in an exceptionally well maintained condition and all relevant statutory requirements shall be fully complied with.

2. **Alteration Of Vehicle**

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

3. **Safety Equipment**

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances. Such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.

Where a ramp or ramps are used to facilitate access into the vehicle, they must be fitted/carried in the vehicle at all times and must be identified with the vehicle registration number.

4. **Interior Identification Marking**

The proprietor shall cause to be clearly displayed inside the vehicle in such a position as to be visible at all times to persons conveyed therein the internal comment card and at the top of each rear passenger door window a window sticker as supplied by the Council indicating the vehicle identification number and contact details for the Council.

5. **Interior Lighting**

There shall be maintained in the vehicle adequate internal lighting to enable passengers to enter and leave the vehicle with safety.

6. **Convictions**

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

7. **Change Of Address**

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

8. **Identification Plate**

The plate, loaned by the Council, identifying the vehicle as a hackney carriage and required to be exhibited on the vehicle pursuant to the Byelaws With Respect To Hackney Carriages shall be securely fixed to the rear of the vehicle in a conspicuous position duly approved by the Council and in such manner, using the fixings supplied by the Council, unless the vehicle has a purpose built plate

display/fixing location, so as to be easily removable by an authorised officer of the Council or a Constable.

9. **Signs, Notices Etc.**

- i) No signs, notices, advertisements, video or audio display, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision (including byelaws) or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign, approved and located in accordance with the directions of the Council which is displayed in, on, or from the vehicle.
- ii) Without prejudice to the generality of the foregoing, the proprietor shall unless exempted in writing cause to be affixed and maintained on the outside of the vehicle:-
 - a) A door sign of such design and appearance as may be approved and supplied by the Council to be located on the nearside and offside front doors of the vehicle.
 - b) A roof sign displaying the word TAXI in letters of a minimum height of 79mm (standard vehicle number plate lettering) shall be fixed to the roof of the vehicle and shall be maintained and connected to the taxi meter and "for hire" sign and capable of being illuminated in such a manner as to indicate clearly to persons outside the vehicle whether or not the vehicle is for hire. The roof sign shall be of a minimum width of 60cms (24") except in the case of vehicles where the roof sign is incorporated into the design and structure of the vehicle.
 - c) A front identification sign as may be approved and supplied by the Council.

Note: The use of magnetised signs is not permitted

- iii) Without prejudice to the generality of the foregoing condition any advertisement shall not be allowed or affixed without the prior approval of the Council and specifically shall not:
 - a) be affixed to any window of the vehicle; and
 - b) be affixed to any door or panel on which the roundel or sign referred to in paragraph 9 ii)a) of these conditions is located.
- iv) The proprietor or such person in charge of the vehicle when requested to do so by an authorised officer of the Council shall return to them, any identification plate, sign, door sign, badge, emblem or device.
 - a) If any proprietor or such person in charge of the vehicle fails without reasonable excuse to comply, an authorised officer of the council shall be entitled to remove and retain any identification plate, sign, roundel, badge, emblem or device.
- v) The proprietor shall notify the Council of the loss or theft of any identification plate, door sign, sign, or notice relating to the hackney carriage vehicle as soon

as the loss becomes known and in any case within two working days. The loss or theft must also be notified to the Police.

10. **Table Of Fares**

There shall be displayed within the vehicle for the information of passengers a current table of fares approved and supplied by the Council and kept in such a position as to be easily visible to passengers.

11. **Transfer Of Interest**

The proprietor shall notify the Council in writing, giving the name and address of the new proprietor, within 14 days if he transfers his interest in the vehicle to another person.

12. **Accident Notification**

The proprietor shall notify the Council as soon as practicable, or in any case within 72 hours of any accident which results in damage to the vehicle. The Council's 'Notification of Accident' form must be completed for each notification.

13. **Insurance**

The vehicle shall have a current valid policy of insurance at all times appropriate to the use authorised by this licence.

If the vehicle is off the road and uninsured at any time, the proprietor must inform the Council in writing as soon as practicable but in any event within 72 hours.

14. **Change Of Engine**

The proprietor must notify the Council, in writing, within 7 days if the vehicle engine is changed. Such notification shall include details of the new engine number.

15. **Letting/Leasing Of Vehicles**

The proprietor shall not let or hire the vehicle identified in this licence to any other person, other than a fare paying passenger, without first notifying the Council in writing. Note: the proprietor will still be jointly responsible for the vehicle should a leasing arrangement be entered into.

Appendix D

Vehicle Testing Arrangements

Note: This document is for guidance only and should be read together with the current policy and vehicle conditions and the Driver and Vehicle Standards Agency (DVSA) publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing'.

It shall be the proprietor's responsibility to ensure that their licensed vehicle(s) is roadworthy, maintained to the Council's standards and specifications and is fit for hire and reward purposes at all times. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If in the opinion of the vehicle examiner the vehicle has not been fully prepared, the test will be terminated and the vehicle failed. Proprietors failing to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended or revoked by the Council.

The following parts of the vehicle will be examined and records made:

Vehicle Identification Number

Not more than one different identification number should be present on a vehicle first used on or after 1st August 1980. However, the same number may be displayed in more than one place.

Engine Number

Recorded.

Registration Plate

Condition, security, legibility and format of letters/numbers.

Lighting And Signalling Equipment

Condition, operation, security and correct colour. Aim of headlamps correct.

Steering and Suspension

Correct condition and operation.

Wipers/Washers

Operate to give the driver a clear view of the road.

Windscreen

Condition and driver's view of the road.

Horn

Correct operation and type.

Seatbelts

All seatbelts installed are checked for type, condition, operation and security. All compulsory seatbelts must be in place.

Seats (including any swivel seat when fitted)

Security and condition. Front and rear backseats can be secured in the upright position. Clean, free from rips or tears. Colour match.

Fuel System

No leaks, fuel cap fastens correctly and seals securely. The fuel cap will need to be opened so make sure the key is available.

Exhaust Emissions

Vehicle meets the requirement for exhaust emissions. These vary on the age and fuel type of the vehicle.

Exhaust System

Complete, secure, without serious leaks and silences effectively.

Vehicle Body And Structure

Free from corrosion or damage. No sharp edges. Exceptionally well maintained.

Doors

Open and close. Latch securely in closed position. Front doors should open from inside and outside the vehicle. Rear doors may need to be opened to gain access to testable items.

Mirrors

Presence, condition and security.

Wheels and Tyres (includes spare)

Condition, security, tyre size/type and tread depth.

Brakes

Condition, operation and performance (efficiency test). Wheels are not removed during the test. The tester only examines what they can see, reach or feel.

Vehicle Interior

Clean and exceptionally well maintained.

Vehicle Exterior

Uniform colour. No sharp edges. Exceptionally well maintained.

Glass

Windscreen - minimum 75% light transmittance.

All other glass - minimum 70% light transmittance (unless exemption certificate issued).

Fire Extinguisher

Present, correct type, gauge fitted, BS / EN number present. Identification mark.

First Aid Kit

Present, complete and suitable identification mark.

Meter (if fitted)

Must be sealed. Meter number is recorded. Accuracy is checked.

Spare Wheel

Present, above legal limit. Same tyre size as other tyres. Space-saver of approved type.

Wheel-brace & Jack

Present.

Luggage Accommodation

Compartment clean, empty.

Interior Trim

Clean, free from rips or tears.

Floor Covering

Clean. No obstructions.

Licence Plates

Present. Securely attached to vehicle. Correct location on vehicle. In satisfactory condition.

Signs

Present. Fitted correctly. In satisfactory condition, information legible.

For Hire Sign

Present. Works in conjunction with meter and roof-sign

Roof Sign (Saloon hackney carriages only)

Present. Correct type and size for type of vehicle. Lettering correct size. Works in conjunction with meter and for-hire sign.

Roof Sign (Wheelchair accessible vehicles only)

Present. Correct type and size for type of vehicle. Lettering correct size. Works in conjunction with meter and for-hire sign.

Advertising

Must be approved. Present on body panels other than front doors only.

Fare Table (Dashboard/Partition)

Present. In satisfactory condition. Most recent issue.

Interior Door Locks (Purpose built cabs only)

Work in conjunction with foot-brake.

Ramps

Present. Stored securely. Marked with vehicle identification.

Odometer

Connected. Working. Reading recorded.

Oil And Water Leaks

No oil or water leaks.

Towbars and Trailers

Conditions and Suitability.

Deleted: Road Fund Licence
Present and valid. Securely attached to windscreen. In satisfactory condition.

Appendix E

Private Hire Vehicle Exemption Notice Conditions

General Conditions

1. The proprietor shall be exempt from the requirement to display the private hire vehicle identification plates and door signs issued by the Council during the period of exemption.
2. Any driver of the private hire vehicle subject to this exemption notice shall be exempt from the requirement to wear the private hire driver's badge issued by the Council whilst acting as the driver of the vehicle.
3. The private hire drivers badge shall be carried on the driver's person at all times and be produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
4. The proprietor shall ensure that the small private hire vehicle licence identification plate issued by the council is displayed within the nearside of the front windscreen at all times.
5. The 'Exemption Notice' issued by the Council in respect of the licensed private hire vehicle shall be carried within the vehicle at all times, and presented for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
6. Other than the Council's small licence identification plate, internal comment card and driver identification badge; the proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicles' status as a licensed private hire vehicle, without the prior written approval of the Council.
7. The private hire vehicle licence identification plate issued by the Council shall be carried in the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
8. No taximeter shall be displayed within the vehicle at any time.
9. No table of fares/tariff cards shall be displayed in the vehicle at any time.
10. The proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or 'business type' suit when the vehicle is hired.
11. The proprietor shall inform the hirer that an exempted vehicle will be used for each individual booking.
12. The proprietor shall notify the Council within 7 days in writing if there is any material change in the nature of the use of the vehicle during the period of exemption.

Additional Conditions

The proprietor of any executive hire vehicle wishing to take advantage of the exemption limiting the window tint should not be engaged in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult. Further, the operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle with tinted windows will be supplied.

Appendix F

Table Of Existing Vehicles By Age

Year	HCV Saloon	HCV Wheelchair	PHV Saloon	PHV Wheelchair	Grand Total
2001	<u>0</u>	2	<u>0</u>	<u>0</u>	<u>2</u>
2002	<u>4</u>	0	<u>0</u>	<u>0</u>	<u>4</u>
2003	<u>10</u>	1	<u>7</u>	<u>0</u>	<u>18</u>
2004	<u>17</u>	<u>3</u>	<u>16</u>	<u>0</u>	<u>36</u>
2005	<u>35</u>	2	<u>16</u>	<u>0</u>	<u>53</u>
2006	<u>39</u>	2	<u>43</u>	<u>0</u>	<u>84</u>
2007	<u>50</u>	1	<u>76</u>	<u>0</u>	<u>127</u>
2008	<u>49</u>	4	<u>82</u>	<u>0</u>	<u>135</u>
2009	<u>25</u>	2	<u>79</u>	<u>0</u>	<u>106</u>
2010	<u>27</u>	0	<u>67</u>	<u>0</u>	<u>94</u>
2011	<u>5</u>	1	<u>38</u>	<u>0</u>	<u>44</u>
2012	1	<u>0</u>	<u>16</u>	<u>0</u>	<u>17</u>
2013	0	<u>0</u>	<u>10</u>	<u>0</u>	<u>10</u>
2014	<u>5</u>	0	<u>17</u>	<u>0</u>	<u>22</u>
2015	<u>2</u>	<u>0</u>	<u>7</u>	<u>0</u>	<u>9</u>
Grand Total	26 <u>9</u>	<u>18</u>	47 <u>4</u>	<u>0</u>	<u>761</u>

Appendix G

Guidelines On The Relevance Of Convictions, Cautions, Reprimands, Warnings, Complaints And Character

Stockton-on-Tees Borough Council use the following guidelines to make fair and consistent decisions when considering criminal convictions, cautions, reprimands, warnings, information or complaints received which result in disciplinary action against licensed private hire or hackney carriage proprietors, drivers and operators, or which are disclosed at the time of new applications, renewal applications or on notification of conviction during the period of licence.

The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

These guidelines also apply to existing licence holders. It should be noted that the Council will consider it extremely serious when existing licence holders receive criminal convictions, cautions, reprimands, or warnings or receive complaints which result in disciplinary action.

The issuing and holding of a licence is a privilege not a right and persons who hold a licence are expected to conduct themselves in a manner that does not bring their profession or the Council into disrepute.

Existing licence holders who commit criminal offences or receive complaints about their behaviour which result in disciplinary action may expect the Council to consider revoking their licence or refusing their renewal application.

[These guidelines will be taken into account and in general will be followed, when dealing with a new application, a renewal application and when considering whether to issue a warning, suspend or revoke an existing licence.](#)

The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.

The Council uses the enhanced disclosure service from the Disclosure and Barring Service (DBS) and will use their vetting and barring scheme, when appropriate, to determine the suitability of applicants for hackney carriage and private hire driver's licences. Any information disclosed as being considered relevant by the Police on the DBS disclosure will be considered on its merits. However, any person on the DBS Barred List will normally be refused a licence.

The Council will comply fully with the DBS's Code of Practice and the requirements of the Data Protection Act 1998. Disclosure information will be used fairly, stored securely and only be handled by authorised persons. Please see guidance on the DBS website for further information:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/143669/handling-dbs-cert.pdf

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

It is an offence for any person to knowingly or recklessly make a false declaration or to omit any material particular in giving information required in the application process. Where an applicant has made a false statement or given a false declaration on their application, the licence will normally be refused.

For the purpose of these guidelines, simple cautions, endorsable fixed penalties and public order fixed penalties shall be treated as though they were convictions and they shall be disclosed to the Council accordingly.

GENERAL

Each case will be decided on its merits. The Council will endeavour to make consistent decisions but is not bound by or obliged to follow previous decisions made by them in relation to applications or existing licence holders.

It may be appropriate to depart from the general guidelines in some cases, for example, situations where the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time, which when taken individually may meet these guidelines, are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account.

In considering evidence of an applicant's good character and fitness to hold a licence, where previous convictions or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, when it was committed, the applicant's age when the offence was committed and any other factors which might be relevant. However where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v Mohammed Farooq (1998)].

Where an applicant has served a custodial sentence, the Council will consider the number of years since their release and the period for which they have been free of conviction when determining their fitness to be licensed. Time spent in custody will generally be discounted from the conviction free period.

A person with a current conviction, caution, reprimand or final warning need not be permanently barred from obtaining a licence but should be expected to remain free from conviction for an appropriate period, according to the circumstances, before an application is entertained. The onus is on the applicant to produce adequate evidence that he or she is a fit and proper person to hold a licence and simply remaining conviction free may not generally be regarded as adequate evidence that an applicant is a fit and person to hold a licence. Applicants should also demonstrate evidence of good character.

Deleted: three to five years

However, whilst, the Council may exercise its discretion, the overriding consideration should be the protection of the public and someone who has committed an offence and has to wait before being accepted as a driver is more likely to value their licence and act accordingly.

The guidelines are not an attempt to define what is a fit and proper person.

The guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences, though perhaps differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

The following examples afford a general guide on the action to be taken where convictions, cautions, reprimands or final warnings are disclosed.

(a) Minor Traffic Offences

Convictions, cautions, reprimands or final warnings for minor traffic offences will not normally prevent a person from being considered for a licence. If an applicant has up to six "live" penalty points on their driving licence for such offences then the application may be granted subject to a written warning. If an applicant has between 7 and 9 live points on their licence for such offences then the application will be referred to the Licensing Committee who may decide to refuse the application. At the very least a severe warning will be given that further offences will result in revocation of the licence. Where an applicant has more than 9 live penalty points for such convictions, they must normally show a period of 12 months free from conviction, caution, reprimand or final warning before their application is considered. Even then the application will be referred to the Licensing Committee and may be refused. In this context 'live' means live for the purposes of the totting up procedure, which for most minor traffic offences means a period of 3 years from the date of the offence.

(b) Major Traffic Offences

Major traffic offences include those on the attached list of offences given overleaf that have the associated codes. Please note that the Council appreciates there is a difference in the level of seriousness of these offences and will consider each on its merits.

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. Unless there are exceptional circumstances, a licence will normally be refused where the applicant has a conviction for an offence such as:-

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving whilst unlicensed, disqualified or uninsured

Otherwise if an applicant has an endorsement in respect of a major traffic offence then the application will normally be refused until at least four years after the most recent conviction, caution, reprimand, final warning or if the person was disqualified, after the restoration of their driving licence, whichever is the later.

Even if the Courts decide not to disqualify a driver under the totting up procedure, the Council may still consider that the driver is not a fit and proper person and may consider revocation of their private hire and/or hackney carriage driver's licence.

DVLA CODE	DESCRIPTION OF OFFENCE
AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
BA10	Driving whilst disqualified by order of court
BA30	Attempting to drive while disqualified by order of court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by 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
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
IN14	Causing or permitting the use of a vehicle uninsured against third party risks
UT50	Aggravated taking of a vehicle
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified

(c) Alcohol Related Offences

A person who has been disqualified from driving as a result of a drink driving offence must show at least four years free from conviction after the restoration of their driving licence before their application will be considered.

A licence will normally be refused if an applicant has more than one conviction for driving under the influence of alcohol.

A person with a conviction, caution, reprimand or final warning for an alcohol related non-driving offence would be required to show a period of at least three years free from such conviction, caution, reprimand or final warning or three years from completion of any custodial sentence imposed.

If there is evidence of persistent alcohol misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant has been alcohol dependent then they would normally be required to show evidence of at least five years free from alcohol use after successfully completing an approved treatment programme.

(d) Drug Related Offences

An applicant with a conviction, caution, reprimand or final warning for a drug-driving related offence should be required to show a period of five years free of such conviction, caution, reprimand or final warning before an application is considered or, if the person was disqualified from driving, five years after the restoration of their driving licence, whichever is the later.

An applicant with a conviction, caution, reprimand or final warning for a drug related non-driving offence should be required to show a period of at least five years free of conviction, caution, reprimand or final warning before an application is considered or five years from completion of any custodial sentence imposed, whichever is the later.

If the conviction, caution, reprimand or final warning relates to the supply of prohibited drugs then it is unlikely that even after this period the application will be granted.

In addition, a licence will normally be refused if an applicant has more than one conviction for drugs related offences.

If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant has been an addict then they would normally be required to show evidence of five years free from drug taking after successfully completing detoxification treatment.

(e) Sexual And Indecency Offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least ten years) free of conviction for such offences before a licence will be granted and even then the application may be referred to the Licensing Committee for Members to look at the individual circumstances of the case.

Comment [JJ36]: The conviction free period given here was previously 3 years, but this did not fit in with the 4 years specified above for major traffic offences and so has been increased to 4 years.

Deleted: Applicants with a conviction, caution, reprimand or final warning for indecent exposure, indecent assault, importuning or any sexual offence, will normally be refused a licence.

Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:-

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc.
- Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

Before an application is allowed, an applicant should be free of conviction for at least ten years since the completion of the sentence, if he/she has a conviction for an offence such as:

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit).

However a licence will normally be refused if an applicant has more than one conviction for such sexual or indecency offences as mentioned in the paragraph above.

In addition to the above the Council will normally refuse a licence to any applicant who is currently on the Sex Offenders Register.

(f) Violence

Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

In other cases anyone of a violent disposition will normally be refused to be licensed until at least three years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.

Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:-

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the below offences, until a period of at least ten years free of such conviction has elapsed:-

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent

- Robbery
- Possession of firearm
- Possession of a weapon
- Riot
- Assault on Police
- Common assault which is racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the below offences, until a period of at least five years free of such conviction has elapsed:-

- Racially-aggravated criminal damage
- Other racially-aggravated offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will normally be refused where the applicant has a conviction for an offence or similar offence(s) which replace the below offences, until a period of at least three years free of such conviction has elapsed:-

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will normally be refused if an applicant has more than one conviction in the last ten years for an offence of a violent nature.

Please note that the Council deems incidents of domestic violence to be extremely serious because if an individual is prepared to assault an individual in a domestic or home environment, then they would have concerns over the person's ability to maintain their temper when working in an environment dealing with members of the public.

(g) Dishonesty

A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

In general, for offences involving dishonesty, a minimum period of three years free from conviction is required before granting a licence. Offences involving dishonesty include:-

- theft
- burglary

- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- and any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will normally be refused if an applicant has more than one conviction for a dishonesty offence in the last ten years.

(h) Licensing Offences Or Any Breach Of The Conditions Or Byelaws Made Under The Relevant Legislation

The following examples afford a general guide as to what action the Council may take in relation to existing licence holders:-

Proprietor Offences

Any person convicted, cautioned, reprimanded or given a final warning of an offence relating to a hackney carriage or private hire vehicle of which they are the proprietor may have their licence(s) suspended or revoked.

Driver Offences

Any person convicted, cautioned, reprimanded or given a final warning of an offence whilst acting as the driver of a Hackney Carriage or Private Hire vehicle may have their driver licence suspended/suspended with immediate effect or revoked.

Operator Offences

Any person convicted, cautioned, reprimanded or given a final warning for an offence relating to their operation of private hire vehicles or drivers may have their private hire operator's licence suspended or revoked.

Should the Council chose to take action short of revocation then more than one such conviction, caution, reprimand or final warning will normally lead to the licence being revoked.

If a driver's or operator's licence is revoked as the result of breaches of licensing legislation, then that person would normally be expected to show a period of at least three years free from conviction, caution, reprimand or final warning before a new application is considered.

OUTSTANDING CHARGES OR SUMMONSES

If the applicant is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

Comment [JJ37]: The section on public order offences has been taken out because it is essentially covered by the section on violence as outlined above.

Deleted: (h) Public Order Offences ¶

Deleted: ¶
Applicants with a conviction, caution, reprimand or final warning involving public order offences such as affray, fear of provocation of violence, criminal damage, will normally be refused a licence. An application may be considered where the applicant can show at least 2 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 2 years from completion of any custodial sentence imposed, whichever is the later.¶

If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

NON-CONVICTION INFORMATION

Criminal convictions are not the only criteria used when considering whether an individual is a fit and proper person to be licensed. Other factors, including the applicant's demeanour and appearance (dress) may be taken into account in determining fitness and propriety.

The Council may require an applicant to submit additional information it reasonably considers necessary to enable it to determine whether a licence should be granted or whether conditions should be attached [S.57 LG(MP)Act 1976 refers].

The Courts have found that one purpose of licensing powers is to prevent licences being given to, or used by, those who are not suitable, taking into account their driving records, driving experience, sobriety, mental and physical fitness, honesty and ensuring that they would not take advantage of their employment to abuse or assault passengers [Leeds City Council v Hussain (2002) refers].

The Council can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.

The Council's focus is the impact of the applicant or licence holder upon members of the public. This does not require any consideration of the personal circumstances of the applicant or licensee, which are irrelevant, except perhaps in very rare cases to explain or excuse some conduct of the driver.

If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application.

In assessing the action to take, the safety of the travelling public must be the paramount concern.

ONCE A LICENCE HAS BEEN GRANTED

If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

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

Appendix H

Conditions Of Private Hire Driver's Licence

1. Conduct Of Driver

The driver shall at all times when acting as a driver of a licensed vehicle:-

- a) unless exempted in writing, display the dash display badge issued to him by the Council inside the vehicle in such a position as to be visible at all times to persons conveyed therein;
- b) afford all reasonable assistance with passenger's luggage;
- c) comply with the Council's Dress Code and Code of Conduct;
- d) behave in a civil and orderly manner at all times and in particular shall not engage in any activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council;
- e) when requested by the Council attend a medical practitioner and/or submit to any drugs tests deemed appropriate;
- f) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- g) not without the express consent of the hirer drink or eat whilst driving the vehicle;
- h) not without the express consent of the hirer play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- i) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle; and
- j) apply for the renewal of licence in advance to ensure continuity, there is no automatic period of grace.

2. Passengers

- a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- b) The driver shall not allow there to be conveyed in the front of a private hire vehicle
 - i) any child below the age of ten years; or
 - ii) more than one person above that age (except where separate seats are provided).
- c) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in the vehicle, other than a person permitted by the licensed proprietor of the vehicle.

3. **Lost Property**

- a) The driver shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- b) If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver the property shall be returned to the owner if known or handed in at a Police Station as soon as possible.

4. **Written Receipts**

The driver shall if required by the hirer of a private hire vehicle provide him with a written receipt for the fare paid. The receipt shall contain the relevant information as specified by the Council.

5. **Animals**

- a) The driver shall not whilst hired, carry in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.
- b) Any animal belonging to or in the custody of any passenger may at the driver's discretion be conveyed in the vehicle but shall only be conveyed in the rear of the vehicle.

Note:

This discretion does not apply to a disable person's guide, hearing or assistance dog which must be carried in a private hire vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under the Equality Act 2010.

6. **Prompt Attendance**

The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at any appointed time and place punctually attend at the appointed time and place, unless unavoidably delayed or prevented from doing so when he shall inform the Operator of his delay.

7. **Copy Of Conditions**

The driver shall at all times when driving a private hire vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.

8. **Deposit Of Licence Record Card**

If the driver is permitted or employed to drive a private hire vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit the licence record card with the licensed private hire operator for retention by him, until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

9. **Taximeter**

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

10. Fare To Be Demanded

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator (unless a deviation of the route is requested by the hirer) or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

11. Change Of Address

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

12. Conviction

The driver shall within seven days of conviction or caution disclose to the Council in writing details of any conviction or caution (including motoring offences or otherwise) imposed on him during the period of the licence.

13. Return Of Badges

The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the driver's badges and record card issued to him by the Council when granting his licence.

14. Loss/Theft Of Identification Badges

Loss or theft of the driver's licence or identification badges must be reported to the Council and the Police as soon as the loss becomes known and in any case within two working days. The driver must obtain a lost property/crime number from the Police.

15. Medical Fitness

You must inform the Licensing Office immediately if you suffer from a medical condition or disability or a condition or disability previously notified worsens that may alter your ability to drive a vehicle.

A driver who receives medical treatment or medical consultation shall confirm with their medical attendant whether they are at that time fit to undertake the duties of a private hire vehicle driver in accordance with the DVLA's Guide to Medical Standards of Fitness for a Group 2 licence holder. Where any medical attendant specifies that a driver or prospective driver should not drive for a determinate or indeterminate period, the driver or prospective driver shall notify the Council immediately in writing of such medical opinion.

The requirement will not apply to any temporary incapacity or treatment for the duration of which the driver or prospective driver does not intend to drive a private hire vehicle.

16. Time Spent Abroad

Drivers shall notify the Council in writing when they intend to spend more than 3 months out of the country. Such notification shall include details of the country to be visited and relevant dates of departure and anticipated return. On return the driver shall complete and submit to the Council a statutory declaration.

Appendix I

Notes For Drivers Of Hackney Carriage Vehicles

(Please Refer To The Conditions Of Hackney Carriage Vehicle Licence, The Byelaws With Respect To Hackney Carriages And The Council's Private Hire And Hackney Carriage Licensing Policy)

1. Conduct Of Driver

The driver shall:-

- a) at all times when acting as a driver of a licensed vehicle display the dash display badge issued to him by the Council inside the vehicle in such a position as to be visible at all times to persons conveyed therein;
- b) the holder of a hackney carriage driver's licence shall at all times when a vehicle is standing, plying for hire or being driven by him, carry on him the badge associated with the licence, which should be worn in such a manner as to be clearly visible by passengers at all times;
- c) the holder of a hackney carriage driver's licence shall produce the badge on request, to an Authorised Officer of the Council or a Police Constable;
- d) afford all reasonable assistance with passenger's luggage;
- e) at all times be clean and respectable in his dress and person and comply with the Council's Dress Code;
- f) behave in a civil and orderly manner and comply with the Council's Code of Conduct;
- g) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- h) not without the express consent of the hirer, drink or eat whilst driving the vehicle;
- i) not without the express consent of the hirer, play any radio or sound reproducing instruments or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- j) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle; and
- k) apply for the renewal of licence in advance to ensure continuity, there is no automatic period of grace.

2. Passengers

- a) The driver shall not convey or permit to be conveyed in a hackney carriage vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- b) The driver shall not allow there to be conveyed in the front of a hackney carriage vehicle,
 - i) any child below the age of ten years; or
 - ii) more than one person above that age.

3. **Lost Property**

- a) The driver shall immediately after the termination of any hiring of a hackney carriage vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- b) If any property accidentally left in a hackney carriage vehicle by any person who may have been conveyed therein is found by or handed to the driver the property shall be returned to the owner if known or handed in at a Police Station as soon as possible.

4. **Written Receipts**

The driver should if required by the hirer of the hackney carriage vehicle provide him with a written receipt for the fare paid. The receipt shall contain the relevant information as specified by the Council.

5. **Animals**

- a) The driver shall not carry in a hackney carriage vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.
- b) Any animal belonging to or in the custody of any passenger may at the driver's discretion be conveyed in the vehicle but shall only be conveyed in the rear of the vehicle.

Note:

This discretion does not apply to a disabled persons' guide, hearing or assistance dog which must be carried in a hackney carriage vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under the Equality Act 2010.

6. **Prompt Attendance**

The driver of a licensed vehicle shall ensure that if he has arranged to be in attendance at an appointed time and place, he shall attend punctually at the appointed time and place, unless unavoidably delayed or prevented from doing so when the hirer should be informed.

7. **Deposit Of Licence**

If the driver is permitted or employed to drive a hackney carriage vehicle he shall before commencing to drive that vehicle, deposit the licence record card with the proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

8. **Taximeter**

Drivers of hackney carriage vehicles must use the taximeter as prescribed in the Byelaws at all times. Hackney carriage vehicles used for private hire purposes must always use the meter for journeys within the district.

9. **Fare To Be Demanded**

Drivers of hackney carriage vehicles must use the taximeter as prescribed in the Byelaws at all times. No fare greater than appears on the meter can be charged, this includes private hire use.

10. **Change Of Address**

The driver should notify the Council in writing of any change of his address that appears on the licence during the period of the licence.

11. **Conviction**

The driver should within seven days of conviction or caution disclose to the Council in writing details of any conviction or caution (including motoring offences or otherwise) imposed on him during the period of the licence.

12. **Return Of Badges**

The driver should upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the driver's badges issued to him by the Council when granting this licence.

13. **Loss/Theft Of Identification Badges**

Loss or theft of the driver's licence or identification badges must be reported to the Council as soon as the loss becomes known and in any case within two working days. The driver must obtain a lost property/crime number from the Police.

14. **Medical Fitness**

You must inform the Licensing Office immediately if you suffer from a medical condition or disability or if a condition or disability previously notified worsens, that may alter your ability to drive a vehicle.

A driver who receives medical treatment or medical consultation shall confirm with their medical attendant whether they are, at that time, fit to undertake the duties of a hackney carriage driver in accordance with the DVLA's Guide to Medical Standards of Fitness for a Group 2 licence holder. Where any medical attendant specifies that a driver or prospective driver should not drive for a determinate or indeterminate period, that the driver or prospective driver should notify the Council immediately in writing of such medical opinion.

15. **Time Spent Abroad**

Drivers shall notify the Council in writing when they intend to spend more than 3 months out of the country. Such notification shall include details of the country to be visited and relevant dates of departure and anticipated return. On return the driver shall complete and submit to the Council a statutory declaration.

Appendix J

Code Of Conduct For Licensed Drivers

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

1. Responsibility To The Trade

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

- a) complying with this Code of Conduct;
- b) complying with all the conditions of their licence and the Council's Hackney Carriage and Private Hire Licensing Policy;
- c) behaving in a professional manner at all times.

2. Responsibility To Clients

Licence holders shall:

- a) maintain their vehicles in a safe and satisfactory conditions at all times;
- b) keep their vehicles clean and suitable for hire to the public at all times;
- c) attend punctually when undertaking pre-booked hiring;
- d) assist, where necessary, passengers into and out of vehicles (unless medically exempt); and
- e) offer passengers reasonable assistance with luggage.

3. Responsibility To Residents

To avoid nuisance or disturbance to residents when picking up or waiting for a fare, or waiting to be allocated a booking, a driver shall;

- a) not sound the vehicle's horn;
- b) keep the volume of radio/cassette/cd player and VHF/digital radios low;
- c) switch off the engine if required to wait;
- d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood;
- e) not deposit any litter; and
- f) not urinate in the street.

At hackney carriage ranks, drivers shall, in addition to the requirements above:

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

At private hire offices a licence holder shall;

- a) not allow their radio/cassette/cd players or VHF/digital radios to cause disturbance to residents of the neighbourhood; and
- b) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

4. **General**

Drivers shall:

- a) pay attention to personal hygiene and dress in accordance with the Dress Code;
- b) be polite, helpful and respectful to passengers;
- c) drive with care and due consideration for other road users and pedestrians;
- d) obey all Traffic Regulation Orders and directions at all times;
- e) ensure that they do not smell of alcohol or consume alcohol at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- f) not drive while having misused legal or illegal drugs;
- g) behave in a civil and orderly manner at all times; and
- h) when requested by the Council attend a medical practitioner and/or submit to any drugs tests deemed appropriate.

Please Note:

Any amount of alcohol or drugs can affect a driver's judgment.

The Council will take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.

Appendix K

Driver's Dress Code

The purpose of the Driver's Dress Code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Stockton-on-Tees, to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

Acceptable Standards Of Dress

Tops

- Shirts, blouses, t-shirts or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses may be worn with a tie or open necked.

Footwear

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

Unacceptable Standard Of Dress

The following are deemed unacceptable:

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

Appendix L

Conditions Of Private Hire Operator's Licence

1. Planning Approval

The Operator shall ensure that any premise from which he intends to operate has been granted the appropriate planning approval for such operation prior to commencing business.

2. Records

The record required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall either be kept in a suitable book duly approved by the Council, the pages of which shall be numbered consecutively and dated, or on a suitable computerised record system previously approved by the Council, and the Operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him, such entries to be made in strict chronological order with each entry immediately following the preceding entry;

- (a) The time and date of the booking and how made (i.e. telephone, personal call etc.).
- (b) The name and address of the hirer (if given), date and time of pick-up.
- (c) The point of pick-up.
- (d) The destination.
- (e) The time at which a driver was allocated and the registration number of the vehicle allocated for the booking and the name of the driver.
- (f) Number of passengers to be carried (when known).
- (g) Amount to be charged for hiring where requested or agreed.
- (h) Any variation in the original contract must be recorded

The Operator shall also keep records of the particulars of all private hire vehicles operated by him, which particulars shall include details of the proprietors, registration numbers and drivers of such vehicles, together with any radio call sign used. The Operator shall also keep records of all desk clerks employed by him/her.

The Operator shall notify the Licensing Section within two working days when any vehicle ceases to be in his/her employ, or any vehicle commences in his/her employ.

All records kept by the Operator shall be preserved for a period of not less than one year following the date of the last entry.

3. Standard Of Service

The Operator shall provide a prompt, efficient and reliable service to members of the public and for this purpose shall in particular:

- (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.
- (b) Keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting.

(c) It is not considered appropriate for novelty vehicles and/or stretched limousines to be used for standard hirings and Operators shall only send such a vehicle when it has been specifically requested by the hirer.

4. Fares

The fare to be charged and/or the method of determining the same by Private Hire Operators shall be agreed with the hirer at the time of booking.

The method of calculation of fares shall not consist of the "round trip" or "office to office" method. The Council expects Operators to charge a reasonable fare for each hiring.

When taximeters are to be used the Operator must notify the Council of the fare rate and any subsequent changes made to that fare rate during the period of this licence.

5. Taximeters

Where any vehicle operated by him/her is fitted with an approved taximeter, the Operator shall ensure that the taximeter is set to the fare rate notified to the Council and properly sealed in accordance with Council policy.

6. Facilities For Passengers

The Operator shall ensure that where any passenger waiting area or room is provided, it is kept physically separate from any driver rest area and operations room.

The Operator shall, where a waiting area or room is provided for the use of passengers or prospective passengers:

- Provide adequate seating for the use of those passengers or prospective passengers.
- Ensure that such a room or area is kept clean, adequately heated, ventilated and lit.
- Ensure that the interior and exterior of the premises is kept in good repair, to the satisfaction of the Council.

7. Animals

(a) The Operator shall ensure that a driver shall not carry in a private hire vehicle any animal belonging to, or in the custody of, himself or the proprietor or operator of the vehicle.

(b) The Operator shall advise the driver that any animal belonging to or in the custody of any passenger may, at the driver's discretion, be conveyed in the rear of the vehicle.

NOTE:

This discretion does not apply to a disabled persons' guide, hearing or assistance dog which must be carried in a private hire vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under the Equality Act 2010.

8. Complaints

The Operator shall immediately upon receipt, notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the Operator has taken or proposes to take in respect thereof. The Operator shall also notify the complainant of his/her right to forward the complaint to the Council.

All complaints shall be investigated immediately by the Operator, and the complainant notified of the outcome within a reasonable time.

Where a complaint is investigated by an Authorised Officer of the Council, the Operator shall conform to any reasonable directions of the Officer in respect of that complaint.

9. Change Of Address

The Operator shall advise the Council in writing of any change of any correspondence address that appears on the licence within 7 days of such a change taking place.

If an Operator wishes to change the base from which they operate they shall obtain written approval from the Council prior to any change taking place.

10. Convictions And Cautions

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

11. Vehicle And Driver Licences

The Operator shall not operate any private hire vehicle if a current licence issued by the Council is not,

- a) in force for the vehicle under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976; or
- b) held by the driver under Section 51 of the said Act.

12. Touting Etc.

The Operator shall not:-

- (a) tout or solicit on a road or other public place any person to hire or be carried out for hire in any private hire vehicle; or
- (b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.

In this condition, road means any highway and any other road to which the public has access, including bridges over which a road passes.

13. Parking

Where adequate off street parking is not available at the address identified on this licence the Operator shall identify in writing to the Council specific locations as bases where they would park their vehicles when waiting for bookings.

14. Operators Licence

Operators shall operate wholly from those premises specified in this licence.

The Operator shall display a copy of this licence in a conspicuous position at the licensed premises.

This licence is not transferable and any proposed changes to the persons authorised to operate under the terms of the licence must be notified to the Council in writing immediately.

Appendix M

Exceptionally Well Maintained Interior

1. All seats to be of manufacturer's original design (unless a rotating seat is fitted) should all match and be securely fitted no dirt, stains, holes or tears. No loose covers allowed.
2. Front and rear (where fitted) seat belts should be clean and in good working order and condition. All anchorage point covers should be properly fitted and match original trim.
3. All panels should be clean, properly fitted and match original trim.
4. Carpets should be as manufacturer's original, clean with no stains or holes and securely fitted.
5. All instrument and accessory covers to be securely fitted and match original trim.
6. Headlining to be clean, free from stains, holes and tears and be as originally fitted.
7. All window winder handles to be as originally fitted, clean and easy to operate.
8. All door handles and arm rests to be secure, clean and as originally fitted.
9. Brake, clutch and accelerator pedal rubbers to be fitted and in good condition.
10. The inside of the vehicle should be free from loose or trailing wires.
11. The boot should be tidy with a clean, unstained carpet/cover to manufacturer's specification. All panelling should be secure, clean and in good condition.
12. In hatchback vehicles the boot cover should be to original specifications, in good condition with both lifting straps fitted. A cargo guard should also be fitted in estate vehicles.
13. Gear lever gaiters (where fitted) should be to manufacturer's specifications, in good condition and properly fitted.
14. A rear view mirror must be properly fitted and in good condition.
15. All manufacturers fittings should be as original (i.e. speaker covers, etc.).
16. All lights should be in proper working order with appropriate covers securely fitted.
17. Window locks and handles, where provided by the manufacturer, should be in good working order.

Exceptionally Well Maintained Exterior

1. All bodywork to be clean and sound, free from rust, dents, scrapes, significant scratches or loose panels.
2. All paintwork to be in first class condition - no "egg-shell" finish, or different shades or colours on either external or interior areas which are visible to the public.
3. All wheel trims to be fitted according to manufacturer's specifications and to match.
4. Aerials where fitted to be in good condition and free from rust.
5. Door or wing mirrors to be in good condition, no broken glass or surrounds.
6. Front and rear number plates to be clean, clear and unbroken.
7. Front and rear bumpers to be in first class condition, no rust, dents, scrapes (including any over-riders and end surrounds) and should be securely fitted.
8. Mud flaps (if fitted) should be maintained.
9. No broken or missing glass or surrounds on all front and rear lights and indicators (including repeater indicators where fitted).
10. Radiator grills should be secure and of original specification.
11. Front and rear (where fitted) windscreen wiper heads and arms should be in good condition, free from rust and properly fitted.
12. Door and boot locks should be fitted and in good working order.
13. Doors should be easily opened and closed from the outside and inside.
14. All door handles should be properly fitted, easily operated and of original colour specification.
15. A spare wheel, which conforms to legal requirements, should be provided and properly fitted in the vehicle.
16. All tyres should conform to legal requirements.
17. All road wheels to be clean and free from rust (where trims are not fitted).

Appendix N

Byelaws With Respect To Hackney Carriages

BYELAWS made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, by the Council of the Borough of Stockton-on-Tees with respect to hackney carriages in the Borough of Stockton-on-Tees.

Interpretation

1. Throughout these byelaws "the Council" means the Council of the Borough of Stockton-on-Tees and "the district" means the Borough of Stockton-on-Tees.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

2. (a) The proprietor of a hackney carriage shall cause plates displaying the number of the licence granted to him in respect of the carriage to be affixed on the inside of the carriage and at the rear on the outside thereof.

(b) A proprietor or driver of a hackney carriage shall:
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall provide an efficient fire extinguisher, which shall be carried in such a position as to be readily available for use.
4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached, and maintained as to comply with the following requirements, that in to say
 - (a) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word. "HIRED" to appear on the face of the taximeter;
 - (b) such key or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof

are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.

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

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

5. The driver of a hackney carriage provided with a taximeter shall:-
 - (a) when standing or plying for hire, keep the key or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,
 - (a) proceed with reasonable speed to one of the stands appointed by the Council under the provisions of Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

9. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than specified on the plate affixed to the outside of the carriage.
11. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
12. The driver of a hackney carriage shall:
 - (a) afford all reasonable assistance with the luggage of any person hiring or seeking to hire the carriage;
 - (b) at all times behave in a civil and orderly manner;
 - (c) take all reasonable steps to ensure the safety of persons conveyed in, entering or alighting from the carriage driven by him;
 - (d) not without the express consent of the hirer, smoke, drink or eat whilst driving the carriage;
 - (e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the carriage other than for the purpose of sending or receiving messages in connection with the operation of the carriage;
 - (f) at no time cause or permit the noise emitted by any radio or other said instrument or equipment in the carriage which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the carriage, and
 - (g) not convey in the carriage any animal belonging to him or in his custody or in the custody of the proprietor of the carriage.

Provisions concerning the rates or fares to be paid for hackney carriage within the district and securing the due publication of such fares

13. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council under the said provisions which it may not be possible to record on the face of the taximeter.

14. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the Council under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in a hackney carriage

15. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
16. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner to a Police Station in the District.

Penalties

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

Repeal of Byelaws

18. The byelaws relating to hackney carriages which were made by the Mayor Aldermen and Burgesses of the Borough of Teesside on the 14th day, of January 1969 and which were confirmed by one of Her Majesty's Principal Secretaries of State on the 12th day of March 1969 are hereby repealed.

This is a true copy of the byelaws with respect to Hackney Carriages made by the Council of the Borough of Stockton-on-Tees and confirmed by the Secretary of State for the Home Department on 13th February 1981 and that the date fixed by him for the coming into operation of the byelaws was 1st April 1981.

Appendix O

Conditions Relating To The Licensing Of Horse Drawn Carriages (Landaus) And Their Drivers

Making an Application - Essential Requirements

- 1) Prior to a vehicle licence being issued the applicant, being the proprietor of the vehicle, shall: -
 - a) Complete and submit to the Council an application on the prescribed form together with the required licence fee.
 - b) Pay the required licence and associated inspection/vets fees. (NOTE: fees for carriage driving tests and the inspection of carriages and horses are the responsibility of the applicant.) If payment is made by cheque which is subsequently dishonoured any licence issued shall be null and void. Licence fees are non-refundable.

Conditions of Licence

- 2) The proprietor of any licensed carriage shall ensure that the Conditions of Hackney Carriage Vehicle Licence are complied with together with the following additional conditions: -

The Vehicle - External Construction and Markings

- 3) The vehicle shall be purpose built and suitable for the carriage of passengers.
- 4) The vehicle and tack shall be inspected and approved as appropriate for use as a hackney carriage prior to licensing and then at six monthly intervals by an examiner approved by the Council.
- 5) Licensed carriages including all its fittings and equipment must at all times be maintained in a good condition and be kept clean and tidy. This includes the following examples which are for reference only and does not constitute a definitive list of matters that may be considered to evaluate whether a carriage is in a good condition:
 - a) Body shell/paintwork – free from rust, broken metal and other visible damage.
 - b) Door hinges – shall be in good working order and to be seated correctly when closed.
 - c) The carriage/horse must be fitted with such equipment as to be able to collect and retain horse manure, water and feed for the animal.
 - d) All tack and fixtures must be kept in good order and be available for inspection by authorised officers.

The Vehicle - Internal construction and markings

- 6) The carriage shall meet the following minimum measurements:-
 - a) Seats (length) – the shortest distance between the front and back of a seat (i.e. from the back rest to the front edge) must not be less than 450mm.
 - b) In the case of rear facing seats, the distance between the backs of facing seats shall not be less than 1520mm. In all other cases the distance between the back rest of the seat and any facing obstruction must not be less than 760mm.
 - c) Seats (width) – The shortest distance between the edges of a seat shall be no less than 400 mm. Where the rear passenger seating area is divided into individual seats by way of formed cushions or other similar divide and, in the opinion of an authorised officer, affect the comfort of a passenger, the above measurement shall be ascertained by measuring the distance between seatbelt anchorages (if applicable).
- 7) Floor and seat coverings shall be kept in good condition and be free of holes, stains or other damage at all times.
- 8) A safe means of access and egress from the vehicle (e.g. a step and secure hand holds) shall be provided
- 9) Blankets shall be provided for the comfort of passengers.

The Vehicle - Additional Conditions

- 10) A vehicle licence applies solely to the vehicle specified on the licence and will be valid for a period of one year.
- 11) Each carriage shall be fitted with a tag, mark or similar device carrying a unique identification number.
- 12) The licensed carriage shall display a front and rear licence plate as instructed by the Council.
- 13) The licence and associated plates shall remain the property of the Council at all times.
- 14) The proprietor of a licensed vehicle shall:
 - i) Produce the licensed vehicle for inspection at the request of any authorised officer or police constable.
 - ii) Comply with any reasonable request made by an authorised officer or police constable in respect of that vehicle.
 - iii) The carriage must have a valid policy of insurance in respect of use as a hackney carriage; third party risks and a minimum of £5,000,000 public liability insurance.
 - iv) The carriage may only be used on previously approved routes and waiting and pick up locations will be subject to approval by the Council.

The Horse

- 15) The horse(s) must be a minimum of three years old.
- 16) A Veterinary Certificate signed by an Veterinary Surgeon approved by the Council stating that each horse is fit to carry out the work required of it, shall be submitted to the Council as part of the application process.
- 17) Horses must be appropriately shod at all times.
- 18) If a horse is considered to be lame, or in any other way unwell so as to affect the ability of the horse to carry out the function, it shall be removed from service immediately.
- 19) Horses must be provided with regular access to drinking water and food.
- 20) The horse(s), and its associated tack, must be examined and passed as fit for the task involved, by a Council appointed qualified veterinary surgeon who may also advise the authority on the maximum number of hours that a horse may work.
- 21) The local authority shall require the horse(s) to be examined by a Council appointed qualified veterinary surgeon on an annual basis, at time of renewal of the licence and at the licence holder's expense.
- 22) Certified horses should be easily identified by means of microchip or permanent marking.
- 23) The horse(s) must have a current passport.
- 24) The horse(s) should be stabled in appropriate accommodation with access for inspection at all reasonable times.
- 25) Any horse used in any one day as a horse drawn carriage horse shall not be used during that day for any other purpose.
- 26) No horse(s) shall be used for drawing a carriage during the hours of darkness.
- 27) Sufficient horses must be provided to draw the licensed carriage for the period of intended use.

The Driver

- 28) The driver of the carriage must be a licensed hackney carriage driver and produce the following additional certificates before driving the carriage:
 - i) Suitable qualification demonstrating a knowledge of the most common horse ailments and basic knowledge of the horses general needs/requirements.
 - ii) Road Driving Certificate issued by either the British Driving Society or the Heavy Horse Training Committee, passing the driver as capable of handling the horse and carriage under highway conditions.

Fares

- 29) The Council must be notified of and agree the fares to be charged for each approved route.
- 30) Fares shall not be varied without prior approval of the Council.
- 31) A table of authorised maximum fares shall be displayed in each carriage so that it is easily visible to the hirer.