



**Stockton-on-Tees**  
BOROUGH COUNCIL

# **Private Hire and Hackney Carriage Licensing**

## **Draft Policy For Consultation**

**October 2008**

<b>Contents</b>		<b>Page</b>
1.	<b>Introduction</b>	<b>2</b>
2.	<b>Vehicles – Hackney Carriage and Private Hire</b>	<b>7</b>
3.	<b>Drivers</b>	<b>22</b>
4.	<b>Operators</b>	<b>31</b>
5.	<b>Fares</b>	<b>34</b>
6.	<b>Fees</b>	<b>35</b>
7.	<b>Convictions, Cautions, Conduct &amp; Medical Fitness</b>	<b>36</b>
8.	<b>Enforcement, Discipline &amp; Offences</b>	<b>39</b>
9.	<b>Hackney Carriage Stands</b>	<b>47</b>
10.	<b>Complaints Procedure</b>	<b>48</b>
<b>Appendices</b>		
A.	<b>Private Hire and Hackney Carriage Vehicle Specifications</b>	<b>50</b>
B.	<b>Conditions Attached to a Private Hire Vehicle Licence</b>	<b>55</b>
C.	<b>Conditions Attached to a Hackney Carriage Vehicle Licence</b>	<b>58</b>
D.	<b>Vehicle Testing Arrangements</b>	<b>61</b>
E.	<b>Private Hire Vehicle Exemption Notice Conditions</b>	<b>64</b>
F.	<b>Table of Existing Vehicle by Age</b>	<b>65</b>
G.	<b>Guidance on the Relevance of Convictions</b>	<b>66</b>
H.	<b>Conditions of Private Hire Drivers Licence</b>	<b>71</b>
I.	<b>Notes for Drivers of Hackney Carriage Vehicles</b>	<b>74</b>
J.	<b>Code of Good Conduct For Licensed Drivers</b>	<b>77</b>
K.	<b>Drivers Dress Code</b>	<b>79</b>
L.	<b>Conditions of Private Hire Operators Licence</b>	<b>80</b>
M.	<b>Exceptionally Well Maintained Interior and Exterior</b>	<b>84</b>
N.	<b>Hackney Carriage Ranks</b>	<b>86</b>
O.	<b>Byelaws with Respect To Hackney Carriages</b>	<b>87</b>
P.	<b>Licensing Points System of Enforcement</b>	<b>91</b>
<b>How To Comment On This Draft Policy</b>		<b>96</b>

## **Introduction**

1. Hackney carriages and private hire vehicles play an important part in local transport. Hackney carriage and private hire vehicles 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 has 271 hackney carriage vehicles and 239 private hire vehicles.

## **Powers and Duties**

6. The Council has adopted Part 2 of The Local Government (Miscellaneous Provisions) Act 1976, as amended. This legislation, together with the provisions of The Town Police Clauses Act 1847, place 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 consumers 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 professionalism in the hackney carriage and private hire trade.

8. This Policy shall apply in respect of applications, renewals, transfers and other areas connected to the following licences:
- Private hire vehicle
  - Private hire driver
  - Private hire operator
  - Hackney carriage driver
  - Hackney carriage proprietor
  - Combined hackney carriage and private hire driver
9. This Policy shall also apply in respect of disciplinary and enforcement measures and will introduce 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
  - Routine inspection of insurance policies and MOT certificates, with appropriate follow up action
  - Checks of driver's 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 added to licences
  - The issue of guidance notes
11. When considering applications and taking enforcement action the Council is subject to the Regulatory Compliance Code, the Councils Enforcement Policy and the Code for Crown Prosecutors.

### **Best Practice Guidance**

12. In formulating this Policy consideration has been given to the best practice guidance issued by the Department for 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 April 2009.
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 three years from the date of effect above
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 three year review period when considered necessary.
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 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

## **Consultation**

21. In preparing this Policy the Council has taken into account the views of:
  - Licensees
  - Cleveland Police
  - Local businesses or representatives
  - Local transport providers
  - Disability Groups
  - Planning Authority
  - Service users
  - Residents or representative body
  - Department of works and pensions
  - Other Local authority departments
22. The Council will also consult with other organisations when necessary.
23. A full list of those consulted in preparing this Policy is set out at Appendix 3.

## **Area and Impact**

24. 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 187,000 living in approximately 75,000 households. The main urban areas are Stockton, Thornaby, Ingleby Barwick, Billingham and Yarm.
25. 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.

26. The Council recognise and welcomes the contribution that the Private Hire and Hackney Carriage trade make to the transport and tourism industry in the area.

### **Partnership Working**

27. 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
- Vehicle and Operator Services Agency (VOSA)
- HM Revenue and Customs
- Department of Works and Pensions
- Other council departments

28. The Council has already introduced regular meetings with the hackney carriage and private hire trade to consider future licensing issues.

### **Related Policies and Strategies**

29. 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.

30. The Council will work in partnership with other agencies including those referred to in para 27.

31. 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**

32. As an employer and service provider the Council is committed to ensuring equality in employment and service delivery. To achieve the above standard the Council is aware of its duties under the following legislation:

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

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 Disability Discrimination Act 1995 (DDA)**

33. Those who provide transport services by way of Hackney Carriage and Private Hire Vehicles are now deemed to be providers of services to the public for the purposes of Part 3 DDA 1995.
34. A statutory Code of Practice: Provision and Use of Transport Vehicles - Supplement to Part 3 Code of Practice has been issued which provides guidance on specific issues (but should be read in conjunction with the Code of Practice for Part 3 of the Act: Rights of Access to Goods, Facilities, Services and Premises). Licensees should read this Code and ensure they operate in accordance with it. As they are statutory Codes, approved by Parliament they are admissible under the Act and Courts must take them into account where relevant.
35. Following the guidance in the Code may help transport providers avoid adverse court judgements – it includes examples of good practice – but it is not a complete or authoritative statement of the law and is not a substitute for taking appropriate advice. Ultimately the Courts will provide authoritative interpretation of the Code.
36. The Equality and Human Rights Commission web site also has a document available entitled "Avoiding Disability Discrimination in Transport: A Practical Guide for Taxi and Private Hire Services". Written acknowledgement will be required that Licensees have read this guidance.
37. Where a disabled person believes they have been discriminated against contrary to Part 3 they can bring a claim against the transport provider in the County Court. The claimant may seek a declaration that they have been discriminated against, damages for injury to feelings, damages for financial loss, interest on damages, and/or an order that the service provider stops discriminating against them.
38. It is a condition of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as to transport passengers in wheelchairs at all times. Any vehicle proprietor found in breach of this condition may be disciplined.
39. Licensed drivers are under a duty 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 for an exemption from the duty on medical grounds. A medical certificate must be provided at the drivers expense, from the drivers own GP stating the details of their medical condition. A register will be kept of those drivers exempted.
40. Persons who breach Disability Discrimination duties may be guilty of a criminal offence.
41. Further information is available from the Equality and Human Rights Commission at [www.equalityhumanrights.com](http://www.equalityhumanrights.com).
42. The Council also recognises the duties and obligations under the following legislation:
  - Sex Discrimination Act 1975
  - Race Relations Act 1976/2000
  - Human Rights Act 1998

## Vehicles – Hackney Carriage and Private Hire

- Specifications
- Private Hire Vehicles
- Hackney Carriage Vehicles
- Meters
- Limitation of Numbers
- Accessibility
- Insurance
- Advertisements, signs, notices etc
- Accident notification
- Vehicle and meter testing
- Application Procedure
- Change of address
- Transfer of interest
- Novelty vehicles and stretched limousines
- Exempted Private Hire Vehicles
- Tinted Windows
- CCTV
- Environmental Considerations
- Age restriction and European Emission Standards
- Demand Responsive Transport

### Specifications

43. 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
44. As a general rule therefore, all vehicles subject to new applications for hackney carriage and private hire vehicle licences, shall have M1 European Whole Vehicle Type approval. 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).
45. As a guide, 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.
46. 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
47. **Appendix A** sets out the minimum specifications which are expected in respect of vehicles licensed by this Council.
48. Vehicles that have been declared an ‘insurance write off’ will not be licensed.



## Private Hire Vehicles

49. A private hire vehicle is a motor vehicle constructed or adopted 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.

50. The Council must be satisfied that the following criteria is met before granting a licence:

That the vehicle is

- 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

51. Conditions may be attached to the grant of a licence as are considered reasonably necessary.

52. 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 conditions relating to the specifications of the vehicle. These are attached at **Appendix A**.

53. 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 Councils 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.

54. 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

55. 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 Causes Act 1847

56. A hackney carriage can ply for hire and also wait at a hackney carriage stand.

57. Conditions can be imposed upon the grant of a hackney carriage proprietor's licence and the Council has byelaws to control the conduct of both the proprietors and the drivers. These byelaws are attached at **Appendix O**.
58. The Council has imposed requirements relating to the specifications of the vehicle. These are attached at **Appendix A**.
59. General conditions are attached to a hackney carriage vehicle proprietors licence relating to the identification of the vehicle and safety issues. These are attached at **Appendix C**.
60. All hackney carriages must:
  - Comply with the prescribed vehicle specification
  - Be black in colour
  - Be exceptionally well maintained to the standard 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 Councils licence plates, which must be securely attached to the exterior front and rear of the vehicle as prescribed by a condition of the Council.

## **Meters**

61. Meters, where fitted, shall 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. Remote controls shall not be permitted.
62. Meters shall be positioned so that the display can be easily read by passengers in the vehicle
63. This specification shall apply to all applications for new and replacement hackney carriage and private hire vehicle licences with immediate effect and to all existing licensed vehicles at the expiry of a period of three years from the date of implementation of this policy.

## **Limitation of Numbers**

64. No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.
65. 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 local Authority 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."

66. The Council has decided that it will not place a limit on the number of hackney carriages licences but will rely on market forces to dictate the number of applications it receives.

## **Accessibility**

### **Wheelchair Accessible Vehicles:**

67. In considering how accessible licensed taxis should be the Council has taken note that the Department of Transport is still working on mandatory proposals which would substantially improve taxi provision for people with disabilities (which includes – but is not limited to – people who need to travel in a wheelchair) and until their work is complete they encourage councils to introduce taxi accessibility policies for their areas.
68. The Council also note that the Stockton Hackney Carriage Drivers Association is in favour of a mixed fleet of wheelchair accessible hackney carriages and saloon vehicles and 55% of respondents in one of the independent surveys and 41% in the other either agreed or strongly agreed that only a percentage of the fleet should be wheelchair accessible.
69. The Department for Transport has also indicated that they have received representations making the case for a broader range of disabled peoples needs to be met in regulations, rather than restricting the requirements only to wheelchair users and this is the reason for further consultation and the delay in introducing the proposed legislation. They refer to a report by the European Conference of Ministers of Transport Taxi Group, which advocates a mixed fleet of accessible taxis and indicate that this will be one of the options to be consulted on.
70. In the report they recommend that fleets of taxis used for regular services should be composed of two types of vehicles:
71. Type One: Wheelchair accessible taxis: accessible vehicles capable of carrying the majority, but not all, passengers who travel in their wheelchair as well as people with other disabilities.
72. Type Two: Standard accessible taxis: vehicles with features designed to make use by disabled people easier, but which would be able to carry a wheelchair user who can transfer to a taxi seat.
73. The report goes on to say that the proportion of each type of vehicle in the fleet is likely to vary from place to place and this is a matter for decision by national and local governments but most probably local governments.
74. The Council has therefore agreed a revised specification for wheelchair accessible vehicles which is set out at Appendix A and has determined that all new applications and applications for replacement hackney carriage vehicle licences shall be required to comply with this specification.
75. The private hire trade will continue to be encouraged to licence a proportion of their fleet as wheelchair accessible vehicles when they will be expected to comply with the same specification.

## **Swivel Seats Fitted In Saloon Hackney Carriage Vehicles**

76. At present it is a requirement for saloon hackney carriages that the whole seat and frame have to be replaced with one provided by the swivel seat manufacturer. A lot of modern vehicles are now fitted with side impact air-bags and the Council notes that replacing the seat requires the removal of what is considered to be a safety feature. Whilst the supplier has been able to do this with some vehicles without compromising the vehicles remaining air-bags newer vehicles are being fitted with more sophisticated sensors which cannot be disabled and which therefore cannot have the seat replaced and therefore cannot be licensed.
77. The results of the accessibility consultations show that in the ad hoc survey 60% of respondents were not aware that vehicles were fitted with them but of the 51% that used them 88% found them suitable for getting in and out and 79% thought that they should be retained. In the Viewpoint survey 79% were not aware that vehicles had them, only 4% had used them, which supports the statement from the trade, but of those 94% thought them suitable and overall 75% either agreed or strongly agreed that they should be retained in saloon vehicles.
78. The Council has therefore determined that in order to maintain a mixed fleet of accessible 'taxis' existing saloon hackney carriages shall maintain the swivel seat mechanism in the vehicle but the requirement shall permit the fitting of a swivel seat base only as detailed in the specification at Appendix A.

## **Swivel Seats In Private Hire Vehicles.**

79. In the Ad hoc and Viewpoint surveys carried out on accessibility issues, 63% and 42% of respondents respectively thought that swivel seats should be fitted in private hire vehicles.
80. The Council has therefore determined that in order to maintain and improve a mixed fleet of accessible 'taxis' the requirement for the fitting of a swivel seat base as detailed in the specification at Appendix A shall be a mandatory requirement for all new applications and applications for replacement saloon private hire vehicle licences

## **Insurance**

81. 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.
82. Certificates for private hire vehicles will not be considered acceptable if they include cover for public hire purposes unless this is qualified by a statement that this subject to the appropriate local authority licences being held.
83. Individual certificates shall be provided for each vehicle. Fleet insurance policies will only be accepted for more than twenty vehicles and when either separate policies shall be provided when mixed fleets of private hire and hackney carriage vehicles are operated, or the certificate contains a requirement that the cover for private and public hire purposes is qualified by a statement that this 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.
84. It is an offence to drive a vehicle without the appropriate insurance in place.

85. 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.
86. If a vehicle is off the road and uninsured the proprietor must advise the Licensing Team in writing immediately or in any event within 72 hours.

### **Advertisements, Signs, Notices etc**

87. No signs, notices, advertisements, video or audio display etc or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:
  - Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence.
  - Advertising approved by the Council
88. 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 the advert may be sought from the Advertisement Standards Authority, [www.asa.org.uk](http://www.asa.org.uk).
89. No advertising on vehicles shall be allowed or affixed without prior approval of the Council and specifically shall not:
  - Be affixed to any window of the vehicle and
  - Be affixed to any door or panel on which the Council issued roundel or sign is located
90. 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.
91. Any queries regarding advertisements must be referred to the Council

### **Accident Notification**

92. It is a legal requirement that the proprietor of an existing licensed vehicle shall notify the Council in writing within 72 hours of any accident that results in damage to the vehicle. (Section 50 (3) The Local Government (Miscellaneous Provisions) Act 1976)
93. The proprietor must comply with any request to produce the vehicle for inspection at the Council offices so that it's roadworthiness can be assessed. Any failure to do so is an offence and the appropriate action will be taken.
94. 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 a 'write off' will have their licence revoked.* **Note** this requirement will apply in respect of any new application where the vehicle has been identified as being accident damaged at any time.

### **Vehicle and Meter Testing**

95. All vehicles shall undergo an inspection by the Councils appointed vehicle examiners at initial application and then every six months.

96. New applicants will be permitted to make their own arrangements to have their vehicle tested with the testing centre and produce the pass certificate with the licence application documents.
97. 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.
98. 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**.
99. 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.
100. 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. Test failure will result in either the issue of a Vehicle Defect Rectification Notice or if appropriate the suspension of the vehicle licence.

### **Application Procedure**

101. The following original documents are to be submitted in person or by post for new and replacement applications:
  - Application form. This must be from a named person(s).
  - Vehicle test certificate – pass
  - If available the Vehicle registration document (V5C) in applicant's name (or proof of purchase identifying applicant as purchaser if newly purchased vehicle). (**Note** the vehicle licence and identification plates will not normally be issued, unless there are exceptional circumstances, until the V5C document is produced showing the named applicant as being the registered keeper.)
  - If available appropriate valid certificate of motor insurance (**Note** the vehicle licence and plates will not be issued until this has been provided)
  - A current MOT certificate if applicable to the vehicle
  - Swivel seat installation certificate or proof of purchase (when applicable)
  - In the case of a wheelchair accessible vehicle Certification from the Vehicle Certification Agency (VCA) confirming that the vehicle meets the European Community Whole Vehicle Type Approval Standards in the M1 Category
  - The appropriate fee (Please note the fee differs depending on the type of application and the date submitted).
102. Photocopies, faxes etc relating to the above documents will not be acceptable at any time.
103. Although applications may be made by post, plates must be picked up in person. Applicants may also wish to provide original documents in person.
104. Postal applications for licence renewals should be made at least 7 days prior to licence expiry date to allow for the application to be processed.
105. Applications will be processed within 5 working days but applications will not be determined until the Council receives all documents listed in para 101. Only then will the application process be completed and the vehicle licence and plates will then be produced within three working days

106. If the application is refused the fee will be refundable minus the proportion of the charge for an admin charge. Should the application be appealed the admin charge will be higher and will result in no refund being given.
107. The Council has the discretion to attach, amend or remove a condition of licence.

### **Change Of Address**

108. The proprietor must advise the Council in writing within 7 days of a change of address during the period of the licence.

### **Transfer Of Interest**

109. The proprietor shall notify the Council on the appropriate form, giving the name and address of the new proprietor, within 14 days if the interest in the vehicle is transferred to another person not currently named on the licence.
110. If the interest is transferred to a person currently named on the licence the Council should be advised to remove the outgoing proprietor.
111. The new proprietor shall provide the following documents to the Council:
  - Vehicle registration document in new proprietors name within 28 days
  - Appropriate valid certificate of motor insurance
  - Swivel seat installation certificate if the original seat is not transferred with the vehicle

### **Novelty Vehicles and Stretched Limousines**

112. 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 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.
113. It is also **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.
114. Most novelty vehicles, in particular stretched limousines are imported for commercial purposes and are required to have undertaken a single vehicle type approval (SVA) test. This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads. Proof of this approval shall be submitted with the application documents.
115. Stretched limousines shall also have Qualified Vehicle Modifier or Cadillac Coach builder approval where appropriate.
116. 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.

117. Where the passengers in the vehicle consist of persons under the age of 14 years it is proposed that they must be accompanied by a responsible adult, other than the driver, who is over the age of 18.
118. 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.
119. A vehicle does not need to be licensed while it is being used in connection with a wedding.

### **Exempted Private Hire Vehicles**

120. Private hire vehicles used mainly for executive hire or novelty vehicles or stretched limousines will be permitted to apply for exemption under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate and the driver from wearing a driver's badge.
121. Any proprietor of a licensed private hire vehicle wishing to apply for this exemption should be engaged substantially (i.e. more than 80% of the vehicles work) in the provision of an 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. 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.
122. Applications are to be made in writing.
123. If granted 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.
124. 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.
125. The private hire operator, proprietor and driver operating under the provisions of an executive 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.
126. 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 (two rear passenger windows, back window and any rear side windows if present)
127. 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 (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.



128. Any vehicle operating under this exemption may also request in writing to be exempt from the requirement for a swivel seat base to be fitted to the front nearside passenger seat.

### **Tinted Windows**

129. 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 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 (under age 18 years). The driver must not act as the accompanying adult; and
  - Approval has been given by the Council
130. The Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle will be supplied.
131. Existing licensed vehicles that do not meet this standard will be allowed until their next renewal date to comply.

### **CCTV In Vehicles**

132. The Department for Transport Draft Best Practice Guidance recommends licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.
133. It is not proposed that such measures should be required, as part of the licensing regime at this time, and 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.
134. 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.
135. Where CCTV is in place there is an expectation that it is in working order when passengers are being carried. The CCTV system should be installed by a registered installer, maintained to manufacturers standards and recordings should be encrypted and not accessible to the driver or proprietor.
136. 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.
137. Any reports of misuse of CCTV or recorded images may result in the immediate suspension of both the vehicle and drivers licences and referral to the Licensing Committee for disciplinary action.

## Environmental Considerations

138. The DOT guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they may have 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, perhaps by promoting cleaner fuels.
139. 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 cars are incapable of making. They are able to achieve higher occupancy rates than a private car and so, to some extent, already play 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.
140. 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 CO<sub>2</sub> emitted. Liquid petroleum gas (LPG) conversions to vehicles 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.
141. 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.
142. It is further proposed that the possibility of reducing licensing fees for fuel-efficient vehicles is investigated. If considered suitable, the Council could promote the uptake initially of LPG, petrol-electric or compressed natural gas by offering a reduction of 20 – 25% in private hire and hackney carriage vehicle licence fees upon conversion to LPG fuel. Other alternative fuels could then be considered to qualify for a reduction in the licence fee as technology improves. This will not be considered until after the implementation of the policy.
143. 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

144. Local licensing authorities are advised by The Department for Transport to consider how far their vehicle licensing policies can and should support any local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels.
145. A further 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 (light goods vehicles 1994)
  - **Euro II** – became mandatory for new cars from 1997 (light goods vehicles 1998)
  - **Euro III** – became mandatory for new cars from 2001 (light goods vehicles 2002)
  - **Euro IV** – became mandatory for new vehicles from 2006
  - Additional standards are proposed for 2010 and 2015

146. 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..
147. 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 II emission standards as a minimum (i.e. where the vehicle in question is no more than 12 years old).
148. A stricter emission standard shall apply for new or replacement vehicles when they will be expected to meet Euro IV emission standards, which will require vehicles to be no more than 3 years old.
149. In exceptional circumstances applications from proprietors of vehicles older than 12 years will be considered by the Licensing Office, for example for classic vehicles.

### **Demand Responsive Transport**

150. The Council welcomes initiative such as taxi sharing schemes and taxi buses and the environmental and improved service benefits that they bring.
151. 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
152. The Council will work with service providers to bring about such schemes where there is a demand for them.
153. The main legal provisions under which flexible services can be operated are listed below:

### **Shared Taxis - Immediate Hirings (Section 10, Transport Act 1985):**

154. 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 holders of 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):**

155. 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):**

156. Hackney carriage proprietors can apply to the Traffic Commissioner for a 'restricted public service vehicle PSV operator licence'. The hackney carriage proprietor can use the vehicle to run a bus service for up to eight passengers.
157. 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, though it can go beyond it.

## **Drivers**

- Licences
- Driving Experience
- Driver Knowledge/Locality Test
- Criminal Records Check
- Independent Safeguarding Authority
- Relevance of Convictions and Cautions
- Medical Assessment
- Drug Testing
- Application Procedure
- Term of Licence
- Conditions of Licence
- Code of Good Conduct
- Driver's Dress Code
- Driver Training

## **Licences**

158. The Council issues the following driver's licences:
- Private hire driver
  - Hackney carriage driver
  - Combined private hire/hackney carriage driver
159. Licences are issued subject to proof of eligibility – driving licence, driving assessment, knowledge/locality test, criminal records check and medical assessment.
160. The statutory and practical criteria and qualifications for each licence are broadly identical and therefore this chapter will apply to all driver licences. However where differences exist between the licensing regimes reference will be made to it in this policy.

## **Driving Experience**

161. A driver's licence will not be granted to anyone who has not held a full driving licence for a period of one year. This is a legal requirement under section 51 the Local Government (Miscellaneous Provisions) Act 1976
162. In addition new applicants are required to have passed the Driving Standards Agency (DSA) Taxi Drivers 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 DSA test if he has not already done so.
163. All new applicants for hackney carriage and combined hackney carriage drivers licence shall be required to have passed the DSA enhanced test for drivers of wheelchair accessible vehicles or if they have already passed the taxi test for saloon drivers they must complete the wheelchair exercise.

## **Driver Knowledge/Locality Test**

164. In order to determine the fitness of a person to hold a licence, all applicants are required to sit and pass a test on their knowledge of the local geography, driver conduct/conditions, licensing legislation and the use of an A to Z. Tests for hackney

carriage and combined drivers licences include a more detailed assessment of local geography, location of hackney carriage ranks and knowledge of tariffs and charges.

165. 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**

166. A criminal record check on a driver is an important safety measure for all drivers. Enhanced Disclosure through the Criminal Records Bureau (CRB) is required (applied for through the Councils Licensing Office) as these disclosures include details of both spent convictions, police cautions and intelligence by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1977.
167. The Rehabilitation of Offenders Act 1974 does not apply to applicants for hackney carriage or private hire driving licences. Applicants are required therefore to disclose all convictions, including those that would normally be regarded as spent.
168. Before an application for a driver's licence will be considered, the applicant must apply for an Enhanced Disclosure of criminal convictions through the Council. The application will not be determined until the results are received. CRB checks are not portable and only CRB checks applied for through Stockton Council will be accepted. In addition new CRB disclosures will only be acceptable up to one month from the date of issue.
169. The Council is a Body registered with the CRB and can apply for the Disclosure at the applicant's request subject to the appropriate fee. Application forms and guidance notes on proof of identity requirements are available from the Licensing Office.
170. The Council is bound by rules of confidentiality. The applicant 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.
171. Any applicant for a new or renewal of licence will be required to complete a pre-licensing statutory declaration. All of the applicants criminal convictions must be entered onto this form including spent convictions and cautions. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council (s.57 Local Government (Miscellaneous Provisions) Act 1976).
172. Applicants for renewal of a driver's licence are required to have an enhanced disclosure criminal record check from the CRB every third year.

### **Applicants Who Have Spent Time Abroad**

173. If an applicant is newly resident in the UK they must still apply for an enhanced CRB check regardless of the period of time they have spent in the UK.
174. Where an applicant has spent 3 months or more living abroad usually an enhanced CRB disclosure in itself will be insufficient to satisfy the Council that the applicant is a fit and proper person, as the CRB does not routinely provide criminal record information from non-UK countries. Such applicants will be required to provide a Certificate of Good Conduct or equivalent document from each country where they have been resident/domiciled, translated into English.

175. 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 CRB in identifying the appropriate authority where available.
176. The Council may approach the relevant Embassy or appropriate body directly to verify documents provided. Any costs involved must be met by the applicant.
177. The applicant is advised to submit additional information with the application e.g. verifiable references from former employers and persons in positions of trust, which may demonstrate that they are a fit and proper person.
178. The Council may require the applicant to submit additional information.
179. Existing licensed drivers shall notify the Council in writing when they have spent more than 3 months out of the country. Such notification shall include details of the country visited, relevant dates and a statutory declaration.
180. At all times, the Council's legitimate aim is to protect members of the public who are using vehicles and drivers licensed by the Council and thus if the documentation produced does not satisfy the Council then the application will be refused.
181. The Trading Standards and Licensing Manager may determine such applications or refer them to the Licensing Committee

#### **Independent Safeguarding Authority**

182. The Independent Safeguarding Authority (ISA) was created following the Richard Inquiry into the murders of Jessica Chapman and Holly Wells and which recognised the need for a single agency to vet all individuals who want to work or volunteer with vulnerable people.
183. The role of the ISA will be to assess every person who wants to work or volunteer with vulnerable people and all potential employees and volunteers will need to apply to register with the ISA.
184. Applicants will be assessed using data gathered from the CRB, including relevant criminal convictions, cautions, police intelligence and other sources.
185. Only applicants who are judged not to pose a risk to vulnerable people can be ISA registered. Once the scheme has been fully rolled out, employers who work with vulnerable people will only be allowed to recruit people who are ISA registered.
186. Those persons who are deemed unsuitable to work with vulnerable people or have committed certain offences will be put on an ISA Barred List and it will be an offence for such a person to apply for a job with children or vulnerable adults.
187. The Safeguarding Vulnerable Groups Act 2006 defines the scope of the Vetting and Barring Scheme. It provides that certain activities in relation to children and vulnerable adults are regulated. This is known as "regulated activity" and includes any activity of a specified nature that involves contact with children or vulnerable adults frequently, intensively, and/or overnight. (Such activities include teaching, training, care, supervision, advice, treatment and transportation.)
188. "Regulated activity" is when the activity is infrequent (once a month or more) or intensive (takes place on 3 or more days in a 30 day period).

189. It is considered therefore that all hackney carriage and private hire drivers will need to be ISA Registered and the Council will have a duty to check an applicants status.
190. The ISA propose to introduce the vetting service in managed phases from October 2009
- New job applicants will need to apply for ISA registration
  - Employers and voluntary organisations working with children and vulnerable adults cannot recruit workers who are not ISA registered.

From 2010

- Existing employees and volunteers with no CRB check must apply for ISA registration.
  - Existing employees and volunteers with CRB checks will also need to apply for ISA registration, starting with staff where CRB checks are the oldest.
191. It is proposed therefore to introduce a requirement to all new applicants for hackney carriage and/or private hire drivers with effect from October 2009 to produce evidence of their ISA Registration and existing drivers to produce the same in 2010 as indicated by the ISA. This will be in the form of identifying their ISA Registration number.
192. It is also proposed that any person who fails to produce such evidence or who is in the ISA Barred List will be deemed to be not a fit and proper person to hold a private hire and/or hackney carriage drivers licence.

### **Relevance Of Convictions, Cautions And Conduct**

193. In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on it's own merits and will have regard to the adopted guidelines on the relevance of convictions a copy of which is attached at **Appendix G**.
194. In some cases the Council may require additional CRB checks at a cost to the licensee.

### **Medical Assessment**

195. Under s.57 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may require an applicant for a hackney carriage or private hire drivers licence to produce a certificate signed by a registered medical practitioner to the effect that s/he is physically fit to be a driver of such a vehicle. The Council requires a medical certificate upon an initial application for a licence.
196. 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 his/her fitness to be a driver of a hackney carriage or private hire vehicle.
197. In line with DVLA recommendations, the Council applies the DVLA Group 2 driver standard for 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 wheel and the responsibility they have for the safety of their passengers and the public
198. Upon an initial application for a driver's licence the applicant shall produce a completed Medical Certificate provided by the Council. This must be completed by the applicants

own G.P or a medical practitioner with access to the applicants 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 Section.

199. The medical certificate will be valid for a period of 6 months after which either a new medical form or a letter from the GP who carried out the original medical confirming that there has been no change in the medical fitness of the applicant will be required.
200. The medical practitioner must confirm that
  - they have examined the applicant
  - the applicant is registered with the practice and/or
  - they have had full access to the applicant's medical records
  - the medical examination was carried out to the Group 2 standard
  - s/he considers the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle.
201. Applicants aged over 45 years must provide evidence of their medical fitness to hold a licence every five years and after the age of 65 years annually.
202. In addition to the above requirements where a driver suffers from a condition that requires monitoring but would not prevent him/her from driving he is required to provide written confirmation from his GP or consultant, as recommended by the DVLA standards, each year that s/he remains fit to carry out the duties of a driver.
203. If the Licensing Authority is not satisfied as to the medical fitness of an applicant a hackney carriage or private hire drivers licence will not be granted.
204. If the Licensing Authority is not satisfied as to the medical fitness of a licensed hackney carriage or private hire driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under s.61 Local Government (Miscellaneous Provisions) Act 1976.

### **Drug Testing**

205. In view of the increase in the number of drivers receiving cautions and or convictions for drug related offences and allegations that some drivers take drugs it is proposed that the Council will conduct drug tests on drivers on a random basis. When selected drivers will be expected to attend a medical practitioner chosen by the Council and submit to any tests deemed appropriate.
206. Failure to comply with such a request may result in the suspension of the drivers licence and referral to the Licensing Committee.

### **Application Procedure**

207. An application for a driver's licence is to be made prior to the applicant taking the required knowledge test
208. The following documents are to be submitted in person for a **new** application:
  - Application form
  - Medical Certificate Form
  - Criminal Records Bureau application form with appropriate identity documents (or alternative)
  - ISA Registration details (When applicable)



- DSA Taxi Drivers Test pass certificate and/or the Hackney Wheelchair Enhanced Certificate or Wheelchair Exercise Certificate or evidence that a test date has been booked with the DSA when applicable.
  - Driving Licence (including part D9 paper counterpart) **Note:** Drivers who hold other European driving licences must register their licence with the DVLA and apply for the issue of the GB paper counterpart.
  - Licence fee including disclosure application fee.
209. All documents must correspond in respect of the full name and address of the applicant or the application will be rejected.
210. The application will not be determined until the DSA and knowledge tests have been taken and passed and a Medical Certificate and CRB/ISA checks are received. Any incorrectly completed forms will be returned.
211. Where an applicant is unable to produce D9 (paper counterpart) this will not prevent their application being processed but the licence will not be determined until it has been produced
212. If the application is withdrawn or refused the fee will be refundable minus the proportion of the charge for the CRB and knowledge test fee (if not sat) and an admin charge. Should the application be appealed the admin charge will be higher and will result in no refund being given
213. The following documents are to be submitted in person or by post for a **renewal** application:
- Application renewal form
  - Medical Certificate if required
  - Driving licence (including Part D9)
  - Licence fee including disclosure application fee if required.
214. If the application is refused the fee will be refundable minus the proportion of the charge for any CRB application and knowledge test fee and an admin charge. Should the application be appealed the admin charge will be higher and will result in no refund being given.
215. Holders of existing driver's licences must apply to renew their licence in the month preceding the expiry date and ideally should be submitted at least 7 days prior to the expiry of the previous licence to allow for the production of the new licence, as the legislation does not allow for continuity of licence. **Applications received after the expiry date will dealt with as a new application and will require submission of a new CRB application and medical certificate..**
216. Renewal applications will be processed and issued pending any required enhanced CRB check unless the Council has reasonable grounds for concern. In this situation the renewal application will not be determined until or unless these concerns have been alleviated.
217. 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.
218. If details of any convictions or cautions are received through the CRB check 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.

219. The Trading Standards and Licensing Manager may at any time refer a decision to grant or renew a drivers licence to the Licensing Committee.
220. 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.
221. 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.
222. 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.
223. Lost or damaged badges and/or record cards must be reported on the next working day to the licensing Section and the Police. A fee will be charged for a replacement badge.

### **Term of Licence**

224. Currently all driver licences are valid for a period of one year.

### **Conditions of Licence**

225. 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.
226. The conditions set out at **Appendix H** are considered reasonably necessary and as such may be legally imposed in respect of private hire drivers.
227. Hackney Carriage Drivers will be provided with Notes for Drivers 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.

228. This policy however also introduces a driver's code of good conduct and a dress code which are detailed in the following paragraphs and which the Council will require all drivers to adhere to.

### **Code of Good Conduct**

229. This policy introduces a Code of Good 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 Good Conduct will be taken into consideration in disciplinary matters
230. All licence holders will be provided with a copy of the Code and the driver's file will be updated to confirm receipt.
231. The Code of Conduct is attached at **Appendix J** to this policy

## Driver's Dress Code

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

## Driver Training

235. In recent years formal training packages have been developed for people in job roles that provide a passenger transport service by road
- The BTEC Intermediate Award – Transporting Passengers by Taxi and Private Hire Trade
  - NVQ Level 2 in Road Passenger Vehicle Driving
236. The BTEC covers all aspects of passenger transport using hackney carriage and private hire and consists of seven compulsory units
1. Customer Service for passenger transport
  2. Passenger transport and equal opportunities
  3. Passenger transport and disability awareness
  4. Taxi and Private Hire Regulations (UK) **or**
  5. Taxi and Private Hire Regulations (London)
  6. Taxi and Private Hire Safety
  7. Taxi and Private Hire Carriage of luggage and parcels
  8. Basic topography and route planning
237. The courses are designed to be work related and develop a specific set of practical skills and associated knowledge through a short programme of study followed by an external test.
238. It is considered that the course prepares learners to enter their chosen area of work and subsequently gain a relevant NVQ.
239. The NVQ Level 2 Road Passenger Vehicle Driving is a qualification aimed at improving the skills, knowledge and overall performance of individuals who are employed in providing a passenger transport service by road.
240. Candidates who undertake the programme will be assessed on their ability to:
- Achieve effective working relationships with colleagues
  - Ensure health and safety in your work environment
  - Provide professional customer service
  - Assist passengers with special requirements
  - Deal effectively with difficult passengers
  - Drive passenger carrying vehicles safely
  - Process fares
  - Deal with emergencies and incidents during a journey

241. It is understood that the best option is for candidates is to undertake both courses as the BTEC training underpins the NVQ assessment and it is usual for them to be run side by side.
242. In order to enhance the professional image of the private hire and hackney carriage trade and to enhance driver skills, all drivers and private hire operators (or a representative of the licensed company) shall be required to undertake both courses within one year from the grant or renewal of their next licence

### **Private Hire Operators**

- Requirements and obligations
- Criminal Record Checks
- Conditions
- Insurance
- Planning Consent
- Application Procedure
- Licence Duration
- Address from which an operator may operate
- Record Keeping
- Change of Address
- Convictions
- Complaints
- Material Change

### **Requirements and Obligations**

243. Any person who operates private hire vehicles must apply to the Council for a private hire operator's licence.
244. 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.
245. 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.
246. 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.
247. It is a criminal offence to operate a private hire vehicle without an operator's licence.
248. Operators need to familiarise themselves with the law and ensure they employ suitable work methods in order to comply with the law and avoid committing licensing offences.
249. It shall be a condition that the applicant operates from a premise within the controlled district of the Council
250. The Licensing Office may require sight of a business plan or request additional information for new applications.

## **Criminal Record Checks**

251. Private hire operators licences will only be granted to persons that the Council are satisfied are fit and proper.
252. At the present time the Council is not able to obtain a CRB disclosure on applicants for Private Hire Operator licences and 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 if requested and during interview with the applicant. This is a position of trust as operators gain detailed knowledge as to a persons movements, travel arrangements etc.
253. Before an application for the grant of a private hire operators licence will be considered the applicant must provide a certificate or search results on criminal convictions obtained within the last month which can be either –
  - i. a criminal conviction certificate issued under The Police Act 1997 or
  - ii. the results of a subject access search under Data Protection Act 1998 of the Police National Computer by the National Identification Service
254. Existing licensed operators will be required to provide such a certificate with their next renewal application.
255. If the applicant is currently licensed as a driver with the Council they will be exempt from this requirement as they will have already undergone a CRB check
256. Applicants for renewal of an operators licence will be required to provide a new certificate or search results every third year.
257. Any concerns highlighted during this process will be carefully considered and may be referred to the Licensing Committee for determination.

## **Conditions**

258. The Council has power to impose such conditions on an operator's licence as it considers reasonably necessary.
259. **Appendix L** sets out the conditions to be attached to an operators licence which cover the standards of service expected

## **Insurance**

260. Applicants are required to ensure that the appropriate public liability insurance has been taken out for premises that are open to the public.

## **Planning Consent**

261. Applicants are required to obtain planning consent, where necessary, for the premises they intend to operate from
262. If the planning consent is time restricted it is the operators responsibility to ensure that a new permission is applied for prior to the current planning permission expiring.

## **Application Procedure**

263. The following documents are to be submitted in person or by post for a new or renewal application:
- Application form
  - Certificate or search results on criminal convictions (if not currently licensed as a driver) obtained within the last month
  - Licence fee appropriate to the number of vehicles to be operated
264. Officers may require a site visit prior to the determination of the licence

## **Licence Duration**

265. Licences will be issued for a period of one year.

## **Address From Which An Operator May Operate**

266. Upon 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.
267. If an operator wishes to change the base from which they operator they should notify the Licensing Office prior to any change
268. Operators shall also be required to identify specific locations as bases where they would park their vehicles when waiting for bookings if adequate off-street parking is not available at the premises identified on the license.

## **Record Keeping**

269. Operators are required to keep records, in a format approved by the Council, of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. **Appendix L** refers
270. To assist in enforcement operators shall submit, to the Council, in writing before the 7<sup>th</sup> day of each month, the names of all drivers and desk clerks employed by him during the previous month, together with the dates they commenced and ceased employment if this occurred during the month and the licence numbers and registration numbers of all vehicles operated by him/her.
271. Records should be preserved for a period of not less than 2 years and be available for inspection at the request of an Officer of the Council or Police.

## **Change of Home Address**

272. The operator must advise the Council in writing of any change of his home address within 7 days of such a change taking place

## **Convictions/Cautions**

273. The operator shall disclose to the Council within 7 days in writing of any conviction/caution.

## Complaints

274. Operators must advise the Council within 7 days of any complaints received concerning a contract for hire or purported contract for hire relating to or arising from his business and the action that the operator proposes to take. These details will be kept on file.

## Material Change

275. A Private Hire Operators Licence is not transferable and operators must notify any proposed changes to the person(s) authorised to operate under the terms of the licence to the Council immediately in writing.

## Fares

- General
- Table of Fares
- Receipts
- Overcharging

## General

276. Councils have the power to set hackney carriage fares for journeys within their area.
277. Hackney carriage fares, set by the Council, are a maximum and can be negotiated downwards by the hirer.
278. 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 is not part of this policy as it subject to its own review.
279. A Notice of any variation to the maximum fare will be advertised in the Evening Gazette or similar newspaper with a date set 14 days from publication for making objections to the proposed variation.
280. If no objections are received the fare variation will have immediate effect at the end of the 14 day consultation period. If any objections are received the matter will be referred to the Licensing Committee for consideration and a further implementation date will be set.
281. The Council is **not** able to set fares for private hire vehicles. 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.
282. When a journey ends outside of 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**

283. 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**

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

285. It is a condition of a Private Hire Drivers 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 drivers licence but in the notes given to drivers a similarly worded recommendation is made.

286. 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
- Metered extras
- Total fare

## **Overcharging**

287. 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.

## **Fees**

- Fee Structure
- Variations to fee structure
- Payments
- Payment Refunds

## **Fee Structure**

288. The legislation provides that the fees charged should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles.

289. The current fees payable for the grant and renewal of hackney carriage and private hire licences are available from the Licensing Office and the Councils website [www.tradingstandards.gov.uk/stockton](http://www.tradingstandards.gov.uk/stockton)

## **Variations to Fee Structure**

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

291. A Notice of any variation to the maximum fees in respect of vehicles and operators will be advertised in the Evening Gazette newspaper or similar newspaper with a date set 28 days from publication for making objections to the variation of fees.



292. 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 the matter will be considered by the Council.

### **Payments**

293. Payments can be made in the form of cash in person (at Municipal Buildings only at present), or cheques made payable to Stockton-on-Tees Borough Council, which can be accepted at the Licensing Office.

### **Payment Refunds**

294. Fees paid in relation to hackney carriage and private hire vehicle 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 are payable on a full monthly basis only and an administration fee will be levied.

### **Convictions, Cautions, Conduct & Medical Fitness**

- Hackney Carriage & Private Hire Drivers
- Rehabilitation of Offenders Act 1976
- Operators
- Section A - Guidance as to the Relevance of Convictions, Cautions & Endorsable Fixed Penalties
- General Policy
- Formal Cautions & Endorsable Fixed Penalties
- Section B – Conduct

### **Hackney Carriage & Private Hire Drivers**

295. 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 licence drivers unless they are satisfied of this. (s.51 & s.59 Local Government (Miscellaneous Provisions) Act 1976).
296. The legislation is worded in such a way as to put the onus on the applicant to prove they are a fit and proper person, rather than for the Council to prove that they are not.
297. 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.
298. In addition, the Council may:
- suspend; or
  - revoke; or
  - refuse to renew

a hackney carriage or private hire driver licence if the licensee:

- has been convicted of an offence involving dishonesty, indecency or violence; or
- has been convicted of a private hire/hackney carriage licensing offence; or
- for any other reasonable cause. (s.61 LG(MP) Act 1976)

299. Reasonable cause will encompass other convictions, cautions, medical fitness and conduct.
300. If it appears 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 should an appeal be made against the decision.

#### **Rehabilitation of Offenders Act 1974**

301. Hackney Carriage and Private Hire drivers are excluded from the effects of the Rehabilitation of Offenders Act 1974. All relevant convictions, including spent convictions, may therefore be considered.

#### **Operators**

302. The Council must also be satisfied that Applicants for operator licences are fit and proper before issuing a licence. These guidelines will therefore be referred to when considering an Operator Licence Application.
303. It is accepted that the Operator does not have the same level of direct contact with the public as they will not drive the customer (unless s/he also holds a private hire 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 therefore there is a need for them to fit and proper people.

#### **Section A – Guidance as to the Relevance of Convictions, Cautions & Endorsable Fixed Penalties**

##### **General Policy**

304. One of the main objectives of the licensing regime is 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, mentally and physically fit, honest and not persons who would take advantage of their position to abuse or assault customers.
305. The Council has Guidelines on the Relevance of Convictions (see Appendix G) These are intended to assist Licensing Officers and the Committee in decision making 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 not adhere rigidly to the guidelines if there are exceptional circumstances, which warrant a departure. 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.
306. 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 of conviction when determining their fitness to be licensed. Time spent in custody will generally be discounted from the conviction free period.

307. The guidelines should also assist applicants and licensees and those that represent them by clearly setting out the expectations the Council has in relation to the behaviour of applicants/licensees. This should also minimise the time (and associated costs) spent by both the Council and applicants/licensees
308. 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.
309. The aim of these 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 toward wrongdoing.
310. 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 is 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)].
311. The guidelines are not an attempt to define what is a fit and proper person.
312. 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

### **Formal Cautions and Endorsable Fixed Penalties**

313. For the purpose of the guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

### **Section B – Conduct**

314. 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, appearance and behaviour may be taken into account in determining fitness and propriety.
315. 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).
316. 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 record, 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]).
317. When determining the fitness and propriety of drivers Council Officers and members will 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.

318. 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 be given as to whether the individual is a fit and proper person.
319. 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.
320. The Council's focus is upon 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.

## Enforcement, Discipline & Offences

### Enforcement & Discipline:

- Council Officers
  - The Licensing Committee
  - Enforcement/Disciplinary Options
  - Informal Action
  - Vehicle Defect Rectification Notice
  - Suspension, Revocation or Refusal to renew a licence
    1. Vehicle Licences
    2. Driver licences
    3. Operator licences
  - Requests for Insurance and MOTs
  - Cautions
  - Prosecution
  - Town Police Clauses Act 1847
  - Local Government (Miscellaneous Provisions) Act 1976
  - Hackney Carriage Provisions
  - Private Hire Provisions
  - Transport Act 1980
  - Road Traffic Act 1988 (No Insurance)
  - Criminal Justice and Public Order Act 1994 (Touting)
  - Health Act 2006 (Smoking)
  - Hackney Carriage Byelaws
321. Please note: This chapter 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. **It does not constitute legal advice.**

## Enforcement & Discipline

### Council Officers

322. 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 instill confidence in the travelling public who wish to use the service.
323. Enforcement of hackney carriage and private hire matters is undertaken by the Council. The police may also take action in certain circumstances.
324. Officers of the Council (usually Licensing Enforcement Officers) can be authorised by the Council to undertake enforcement work. The Head of Community Safety may authorise such officers. In undertaking such work the Officers will abide by the appropriate Enforcement Policy Statement. 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 circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.
325. The Head of Community Safety may take appropriate disciplinary action against licensees in accordance with this policy.

## **The Licensing Committee**

### **Introduction**

326. The Council's Licensing Committee exercises the Council's functions in relation to the licensing of Hackney Carriage vehicles, Hackney Carriage drivers, Private Hire vehicles, 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
327. When considering any matter Licensing Officers and the Licensing Committee will have regard to the Council's Private Hire and Hackney Carriage Policy

### **Determination Of Appeals, Disciplinary Or Referred Matters Concerning Individual Licensees/Applicants By The Regulation And Review Committee**

328. Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the Licensee/Applicant and the risks to the safety and comfort of the public.
329. 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
330. 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 the Head of Community Safety /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.
331. Only Committee members who have heard the entire application/appeal/disciplinary are able to take part in the decision making process.
332. 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.
333. 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
- a. affects the financial position of the relevant person or body; or
  - b. relates to the determination of any approval, consent, licence, permission or registration in relation to that person or body

### **Disciplinary Or Referred Matters**

334. In accordance with the Council's constitution, the Committee is authorised to:-
- "determine the appropriate disciplinary action (if any) to take against licensees referred to it by the Head of Community Safety"

- “determine the appropriate disciplinary action (if any) to take against licensees referred to it by the Head of Community Safety”

and to

- “determine any licensing application or other matter concerning individual licensees referred to it by the Head of Community Safety”

335. When considering a referred matter e.g an application for a licence, the Committee will have regard to the appropriate section of the policy.

336. 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 (note: conditions cannot be attached to a Hackney Carriage Driver’s Licence)

337. The action to be taken in any particular case will depend on the seriousness of the conduct/conviction/medical condition concerned.

### **Licensing Committee - Procedure Note**

338. 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**

339. Where the Head of Community Safety refers a matter to the Licensing Committee for determination he shall inform the Licensee/Applicant of this and will submit a report to the Committee.

340. A full copy of the report to Committee and the procedure to be followed at the hearing is supplied to the Licensee/Applicant by Democratic Services. Copies of the Private Hire and Hackney Carriage Policy are available on the internet or upon request from the Licensing Office. Licensees/ Applicants are strongly advised to read this document when preparing for the hearing

341. The Licensee/Applicant shall 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

342. The Licensee/Applicant shall also be given the opportunity to submit a written statement of his/her case or other supporting documents prior to the hearing. Documentation should be provided to Democratic Services 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 it may be necessary for consideration of the case to be deferred.

## **Absence Of The Licensee/Applicant**

343. 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.
344. 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.
345. 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.
346. 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 the Head of Community Safety.
347. 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**

348. Members of the Committee may ask questions at all stages
349. The Head of Community Safety or his representative shall present a report in the presence of the Licensee/Applicant and his/her representative and may call witnesses.
350. The Licensee/Applicant and/or his/her representative shall have the opportunity to ask questions of the information provided by the officers and any witnesses called.
351. The Licensee/Applicant and/or his/her representative shall have the opportunity to ask questions of the information provided by the officers and any witnesses called.
352. The Licensee/Applicant and/or his/her representative shall then put his/her case and shall call such witnesses as he/she wishes
353. The Licensing Committee and the officers and witnesses shall have the opportunity to ask questions of the Licensee/Applicant and/or his/her representative and any witnesses called by or on behalf of the Licensee/Applicant
354. The officer presenting the report and the Licensee/Applicant and his/her 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 his/her representative may speak last
355. The Licensee/Applicant and his/her representative, officers and any witnesses shall withdraw from the meeting. Officers from Legal and Democratic Services will remain in the meeting to provide procedural and legal advice.
356. The Licensing Committee shall deliberate in private, only recalling the Licensee/Applicant or his/her 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 then all parties will be called back into the meeting when the Chairman of the Committee will announce the decision of the Committee.

357. 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 The Court**

358. 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 licence
  - any conditions attached to a private hire driver licence
  - a decision to suspend, revoke or refuse to renew a private hire of hackney carriage driver 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.
359. An appeal against a refusal to grant a Hackney Carriage vehicle/proprietors licence lies straight to the Crown Court
360. Any appeal must be lodged with the appropriate Court within 21 days of notification of the decision.
361. 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.
362. 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) and the driver, operator and 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 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 the action has been taken.
363. 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 so wished) is invited to attend and make representations to the Committee

Officers of Trading Standards & Licensing

Officers representing the Head of Community Safety will submit information to the Committee to enable it to consider whether and what action should be taken.

On occasions a representative from the Police Authority, other 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 by the Head of Community Safety. The Committee is composed of elected Members from across all political parties and comprises a Chairman, Vice-Chairman and twelve members.

Officers of Legal & Democratic Services

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**

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

- take no action
- take informal action, including the issue of licensing penalty points
- use statutory and other notices/requests
- suspend a licence
- revoke a licence
- refuse to renew a licence
- use formal cautions
- prosecute
- obtain an injunction

365. The Head of Community Safety may refuse to grant or renew licences and may suspend licences, however, only the Licensing Committee can revoke a licence. Where the Head Community Safety considers that revocation of a licence is appropriate he will refer the matter to Committee. Where appropriate, the licence may be suspended pending the Committee decision.

### **Informal Action**

366. Informal action to secure compliance with the legislation and policy includes offering advice, verbal and written warnings and requests for action, requiring a driver attend a Driver improvement Scheme and the issue of licensing penalty points (see **Appendix P**)

367. Informal action may be appropriate where:

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

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

369. Repeated incidents of licence infringements, complaints etc are likely to lead to action being taken against the licensee by the Head of Community Safety or a referral to the Licensing Committee.
370. Existing licensed drivers who attain 9 penalty points on their DVLA drivers licence for offences relating to their standard of driving will be offered the opportunity to attend the Councils Driver Improvement Scheme, at their expense, as an alternative to being referred to the Licensing Committee.

### **Vehicle Defect Rectification Notices (VDR)**

371. In situations where non-compliance with the conditions of vehicle licence or contravention of the legislation or byelaws are noted or when a vehicle fails 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 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. A proprietor may only appeal against a s.60 vehicle suspension notice.

### **Suspension, Revocation or Refusal to Renew a Licence**

#### **Suspension of Vehicle Licence - Section 68 Notices**

372. 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 s/he 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). Suspension under s.68 takes immediate effect. **There is no right of appeal against such a suspension.** Therefore, this action will only 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.
372. 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 Licences - Section 60 Notices**

373. The Council, through its authorised officers, may suspend or revoke or refuse to renew a vehicle licence (private hire or hackney carriage) 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; or
  - any other reasonable cause

374. 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 the decision within fourteen days. The proprietor may appeal to a Magistrates Court. Any appeal must be lodged within 21 days of notification of the decision.

### **Driver Licences - Section 61**

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

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

376. Action to suspend a driver will usually be made by an authorised officer pending further action or enquiries. Suspension of a licence will not be used as an enforcement penalty against a driver.

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

(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

(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 that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

378. Action to suspend a driver with immediate effect will only be taken after consultation and agreement with the Head of Legal Services

379. 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 Licences - Section 62**

380. The Council may suspend or revoke or refuse to renew an operators 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 licences was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- any other reasonable cause.

381. Where the Council suspends, revokes or refuses to renew an operator 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. Any appeal must be lodged within 21 days of notification of the decision.

### **Stay Of Action Pending Outcome Of Court Appeal**

382. 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.
383. The licensee has 21 days from 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.
384. The Council may decide that a suspension or revocation of a drivers 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 any appeal.
385. Where a licensee's Court appeal is unsuccessful the Court may order them to pay the Council's costs.

### **Requests For Insurance And Mots**

386. The Council has a monthly programme whereby reminder requests to produce renewed insurance and/or MOTs are sent to proprietors before they are due to expire. If a valid insurance and/or an MOT is then not produced the vehicle licence will be suspended and the proprietor may be prosecuted (s.50 LG(MP)Act 1976).
387. In addition, anyone driving an uninsured vehicle may be prosecuted (s.143 Road Traffic Act 1988).

### **Cautions**

388. A caution may be used 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 caution.
389. A 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**

390. In certain cases the Council will prosecute offenders. In all cases the evidential and public interest test contained within the Code for Crown Prosecutors must be satisfied.
391. In addition to prosecution, the licensee may be referred to the Licensing Committee for consideration for further disciplinary action (e.g. warning, suspension, revocation, refusal to renew).

## Town Police Clauses Act 1847 (TPCA)

392. 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 the 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 agreed 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	Driving HC without proprietor's consent	Level 1
60	Allowing another to drive 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 HC's	Level 1

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

393. Offences under LG(MP)A 1976 relate to hackney carriages and private hire vehicles, proprietors, drivers and operators.

### 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)	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

#### **LG(MP) A 1976 - Private Hire Provisions**

<b>Section</b>	<b>Offence</b>	<b>Maximum penalty</b>
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 of driver to produce PH driver's licence	Level 3
54(2)	Failure to wear PH driver's 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

394. Drivers may be prosecuted by the police or the Council in relation to driving without insurance.
395. 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 a discretion to disqualify the driver. The Court may impose a curfew or community rehabilitation order.
396. 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

397. 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.7 – Smoking in vehicle & s.8 – Failing to prevent smoking in vehicle

398. The maximum penalty for the above offences is a level 1 fine.

### Hackney Carriage Byelaws

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

## Disability Discrimination Act 1995

Section	Offence	Maximum Penalty
37	Hackney carriage driver who fails to comply with duty to: a. carry disabled passengers guide or hearing dog and allow it to remain with the passenger; and b. not to make an additional charge for doing so.	Level 3
37A(1)	Private Hire Operator failing or refusing to accept a booking made by or on behalf of a disabled person on the basis that they will be accompanied by an assistance dog.	<b>Level 3</b>
37A(2)	Private Hire Operator making an additional charge for carrying an assistance dog which is accompanying a disabled person	Level 3
37A(3)	Driver of Private Hire Vehicle failing or refusing to carry out a booking made by or on behalf of a disabled person on the basis that they will be accompanied by an assistance dog.	Level 3

## Hackney Carriage Stands

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

### Appointed Stands

400. 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.
401. 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 Hackney Carriage Drivers Association.
402. There are currently 15 official hackney carriage stands in the borough providing spaces for a total of 91 vehicles. A list of the stands and their designated locations are attached at **Appendix N**.

### Creation Of A Stand

403. 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 can be for continual or part-time use.

404. Prior to a new stand being created or the maximum number of vehicles that can use a stand is varied a notice will be given to the Chief Officer of Police and a public notice published in a local newspaper.
405. New stands will not be sited where they may lead to obstructions.

### **Waiting On Stands**

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

### **Hackney Carriage Hailing Points**

409. Hackney carriage hailing points have been introduced in other parts of the country and 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.
410. Whilst there has been no request for the provision of hailing points within the borough the Council will consider such requests on their individual merits as they arise.

### **Complaints Procedure**

411. The Council is proud of its professional 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 and as such a complaints procedure will be followed.
412. All complaints received will be investigated. Complainants will receive a written acknowledgement of their complaint within 2 working days advising the name of the Officer assigned to investigate the complaint.
413. 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.
414. The Council recognises that some complaints can be frivolous or vexatious. These complaints will not be taken further.
415. Licensees are expected to assist Officer investigations and make themselves available for interview.
416. At the end of the investigation all parties concerned will receive written confirmation of the result and action to be taken.
417. If any party is not satisfied as to the outcome the Council has a corporate complaints procedure in place to deal with these issues.



## ***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. 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. conversion to wheelchair accessible; provision of a swivel seat; alteration of the original seat configuration or any other 'adaptation') without prior approval from the council and 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).

All tyres must comply with the relevant legislation. Specifically, retread tyres must comply with BS AU 144E as amended and be marked accordingly.

Tyres must be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.

5. The vehicle shall be capable of carrying in reasonable comfort a minimum of four passengers unless the Council approves a smaller number.

6. The body shall be of the fixed head type.

### **PASSENGER COMFORT**

7. 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
8. The vehicle shall have an adequate heating and ventilation system for the comfort of all passengers.
9. 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**

10. 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.

11. 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, shall have access to at least two doors.

12. Lap and diagonal seatbelts must be fitted to all seats.
13. 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**

14. 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

## **AGE/EMISSION STANDARDS**

15. Vehicles in respect of applications for new and/or replacement hackney carriage and private hire vehicle licences shall meet Euro IV emission standards (this became mandatory for new vehicles manufactured from 2006).

Existing licensed hackney carriages and private hire vehicles will be expected to meet Euro II emission standards as a minimum (this became mandatory for new cars from 1997). Vehicles that currently do not meet this standard will not be re-licensed at the licence renewals in 2009.

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

16. The vehicle must have M1 European Whole Vehicle Type Approval and be of an approved type and which is not black in colour

Saloon private hire vehicles shall be fitted with a rotating front nearside seat base of a type approved by the Council and which provides a minimum swinging leg room measurement of 39" measured from the back of the seat. Such fitting to be carried out by an approved installer and be evidenced by production of a fitting certificate.

17. If the Private Hire vehicle is fitted with a meter, it must be of an approved type, properly tested and sealed.
18. Private Hire vehicles must not have a roof sign.

## **Section C - Additional Specifications For Novelty Vehicles and Stretched Limousines Private hire vehicles**

19. The vehicle must have passed the Single Vehicle Approval (SVA) scheme test requirements.
20. The vehicle shall have Qualified Vehicle Modifier or Cadillac Coach Builder approval where appropriate.

## **Section D - Specification For Saloon Hackney Carriage Vehicles**

21. Hackney Carriage vehicles must be of an approved type and be black in colour.
22. Saloon hackney carriage vehicles shall be fitted with a rotating front nearside seat base of a type approved by the Council and which provides a minimum swinging leg room measurement of 39" measured from the back of the seat. Such fitting to be carried out by an approved installer and be evidenced by production of a fitting certificate.
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. 60cm).
24. Hackney Carriage vehicles must be fitted with an approved taximeter, properly tested and sealed, and calibrated to enable testing in accordance with the Councils current Hackney Carriage Fare Table.

## **Section E - Specification For New And Replacement Hackney Carriages**

### **GENERAL CONSTRUCTION**

- 25.** The vehicle must comply fully with the requirements of the Road Vehicles (Construction and Use) Regulations 1986 as well as all general policies and specifications of the council, which relate to hackney carriage vehicles.
- 26.** 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.

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 'General Specification for all Hackney Carriages and Private Hire Vehicles'

### **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, and 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 from the rear of the vehicle will not be permitted.
- 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.
- 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. 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.

## **Drivers 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 11.05cm.
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**

The vehicle must comply fully with Section A and E and the applicable parts of Section B of the preceding Specifications for all Hackney Carriages and Private Hire Vehicles'

# 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 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 conviction 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 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 to 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* 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.

a) 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 roundel or 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 1) above but the proprietor wishes to display such signs on occasional basis.

3) Without prejudice to the generality of the foregoing conditions 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 2)a)i) of these conditions is located.

4) 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, roundel, 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.

5) 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.

6) The proprietor shall notify the Council of the loss or theft of any identification plate, roundel, 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

**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 shall advise the Council 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. Change of Private Hire Operator**

This vehicle may only be operated under the provisions of one Private Hire Operators 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

**17. Additional Conditions to be Applied to Novelty Vehicles and Stretched Limousines**

Vehicles must not carry front seat passengers.

**18.** All passengers must remain seated at all times and must wear their seat belts and any other safety restraint when the vehicle is in motion.

**19.** Where 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 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, 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 windows

## Conditions Of Hackney Carriage Vehicle Licence

### 1. Maintenance of Vehicles

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an exceptionally well maintained conditions 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 dressing 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 Markings

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 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 conviction *and/or caution* imposed on him (or, if the Proprietor is a Company or Partnership, on any of the Directors of 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 during the period of the Licence within seven days of such change taking place.

### 8. Identification Plate

The plate, provided 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 cause to be affixed and maintained on the outside of the vehicle, the following:-
  - a) a roundel 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 and;
  - 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, and
  - c) a front identification sign as may be approved 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 referred to in paragraph 9 ii)a) of these conditions is located.
- iv. a) 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, roundel, badge, emblem or device.
  - b) 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, roundel, sign or notice relating to the hackney carriage 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.

**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 shall advise the Council 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.



## ***Vehicle Testing Arrangements***

**Note: This document is for guidance only and should be read together with the current policy and vehicle conditions.**

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 1<sup>st</sup> 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 Equipment**

Condition, operation, security and correct colour. The headlamps will also be checked to see if the aim is 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 the 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 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 is of an 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.

**Road Fund Licence**

Present and valid. Securely attached to windscreen. In satisfactory condition

**Door 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

**Speedo**

Connected. Working. Reading recorded

## **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 drivers badge issued by the Council whilst acting as the driver of the vehicle.
3. The Private Hire drivers badge shall be carried on the drivers 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 immediately 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.

Table of Existing Vehicles By Age

Year	HCV Saloon	HCV Wheelchair	PHV Saloon	PHV Wheelchair	Grand Total
1993	1				1
1994	1	2	2		5
1995	2		1		3
1996	5		5		10
1997	16		3		19
1998	20	2	6		28
1999	22	1	17		40
2000	32	1	16	1	50
2001	33	5	26	1	65
2002	42	1	29	1	73
2003	39	2	31	2	74
2004	23	2	17	1	43
2005	17		18		35
2006	9	4	21		34
2007	4	1	25		30
2008	2	5	5		12
Grand Total	268	26	222	6	522

### **Relevance Of Convictions, Cautions, Reprimands, Warnings And Complaints**

Stockton on Tees Borough Council use the following guidelines to make fair and consistent decisions when considering criminal convictions, cautions, reprimands, warnings or complaints received which result in disciplinary action against Private Hire or Hackney Carriage Drivers and Operators Licence applicants. criminal convictions at the time of application, renewal or on notification of conviction.

These guidelines also apply to existing holders of such licences. It should be noted that the Council will consider it extremely serious when existing holders of licences 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 holders of licences who commit criminal offences or receive complaints about their behaviour which result in disciplinary action may expect the Council to consider revoking their licence.

The Council uses the Enhanced Disclosure service from the Criminal Records Bureau and will use the Independent Safeguarding Authority (ISA) Vetting and Barring Scheme, when available, to determine the suitability of applicants for Hackney Carriage and Private Hire Driver Licences.

The Council will comply fully with the Criminal Records Bureau Code of Practice and the requirements of the Data Protection Act. Disclosure information will be used fairly, stored securely and only be handled by authorised persons. Please see guidance leaflet on "Handling, Storage and Use of Disclosure Information Received from the Criminal Records Bureau" for further information.

#### **General**

Each case will be decided on its own 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 the holders of licences.

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 3 to 5 years, according to the circumstances, before an application is entertained.

However any person on the ISA Barred List will be refused a licence

Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. 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 the licence and act accordingly.

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

### **(a) Minor Traffic Offences**

Convictions, cautions, reprimands or final warnings for minor traffic offences will not prevent a person from being considered for a licence. If an applicant has 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 6 and 9 points on their licence for such offences then the application will be referred to the licensing sub-committee who may decide to refuse the application. At the very least a warning will be given that further offences will result in revocation of the licence and the applicant may be required to attend a Driver Improvement Course.. Where an applicant has more than 9 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.

### **(b) Major Traffic Offences**

Major traffic offences include those on the attached list of offences that have the following 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:

<b><i>DVLA CODE</i></b>	<b><i>DESCRIPTION OF OFFENCE</i></b>
<b><i>DR10</i></b>	Driving or attempting to drive with alcohol level above limit
<b><i>DR20</i></b>	Driving or attempting to drive while unfit through drink
<b><i>DR30</i></b>	Driving or attempting to drive then failing to supply a specimen for analysis
<b><i>DR40 (See Section C and D Below)</i></b>	In charge of a vehicle while alcohol level above limit
<b><i>DR50 (See Section C and D Below)</i></b>	In charge of a vehicle while unfit through drink
<b><i>DR60</i></b>	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
<b><i>DR70</i></b>	Failing to provide specimen for breath test
<b><i>DR80</i></b>	Driving or attempting to drive when unfit through drugs
<b><i>DR90</i></b>	In charge of a vehicle when unfit through drugs
<b><i>AC10</i></b>	Failing to stop after an accident
<b><i>AC20</i></b>	Failing to give particulars or to report an accident within 24 hours
<b><i>BA10</i></b>	Driving whilst disqualified by order of court
<b><i>BA30</i></b>	Attempting to drive while disqualified by order of court
<b><i>CD40</i></b>	Causing death through careless driving when unfit through drink
<b><i>CD50</i></b>	Causing death by careless driving with alcohol level above the limit
<b><i>CD60</i></b>	Causing death by careless driving with alcohol level above the limit

<b>CD70</b>	Causing death by careless driving then failing to supply a specimen for analysis
<b>DD40</b>	Dangerous driving
<b>DD60</b>	Manslaughter or culpable homicide while driving a vehicle
<b>DD80</b>	Causing death by dangerous driving
<b>IN10</b>	Using a vehicle uninsured against third party risks
<b>IN14</b>	Causing or permitting the use of a vehicle uninsured against third party risks
<b>UT50</b>	Aggravated taking of a vehicle
<b>TT99</b>	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

If an applicant has a live endorsement in respect of a major traffic offence then the application will be referred to the Licensing Committee and will normally be refused until at least four years after the most recent conviction, caution, reprimand or final warning.

#### **(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.

More than one "live" conviction, caution, reprimand or final warning of this type would require a period of at least five years free from such conviction, caution, reprimand or final warning before the application would be considered.

Such an applicant would also be required to pass a medical examination and if the applicant was found to be an alcoholic a further period of five years should elapse after treatment is complete before an application is considered.

#### **(d) Drug 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 four years free of a conviction, caution, reprimand or final warning before an application is considered, or five years after detoxification treatment if the applicant is an addict.

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 a 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.



### **(e) Indecency Offences**

Applicants with a conviction, caution, reprimand or final warning for indecent exposure, indecent assault, importuning or any sexual offence, will be refused a licence. In exceptional circumstances an application will be considered on its merits when the applicant can show a substantial period (of at least 5 years) free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 5 years from completion of any custodial sentence imposed, which ever is the latter.

Any person on the ISA Barred List will be refused a licence

### **(f) Violence**

Applicants with a conviction, caution, reprimand or final warning for grievous bodily harm, wounding, serious assault, or possession of a dangerous weapon etc. will normally be refused a licence. An application may be granted if the applicant can show at least three years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, which ever is the latter.

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

### **(g) Dishonesty**

Applicants with a conviction, caution, reprimand or final warning for an offence involving dishonesty will normally be refused a licence. An application will be considered where the applicant can show at least 3 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, which ever is the later.

### **(h) Public Order Offences**

Applicants with a conviction, caution, reprimand or final warning involving public order offences such as affray, fear or provocation of violence, criminal damage etc. will have their application referred to the Licensing Committee for consideration and will normally be refused a licence. An application will 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, which ever is the later.

Any conviction, caution, reprimand or final warning which results from an offence committed by any person while working as a Hackney Carriage or Private Hire Proprietor, Driver or Operator is regarded as extremely serious and may lead to a licence being revoked or in an application to renew the licence being refused.

### **Offences Against The Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976, Or Any Breach Of The Conditions Or Byelaws Made Under The Relevant Legislation**

The following examples afford a general guide to what action the Council may take in relation to existing Hackney Carriage and Private Hire 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 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 operators 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.

## Conditions Of Private Hire Drivers Licence

### 1. Conduct Of Driver

The Driver shall: -

- a. at all times when acting as a driver of a licensed vehicle 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 passengers luggage;
- c. at all times comply with the Councils dress code and Code of Good 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 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; and
- 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.
- j. the application for renewal of a licence should be made 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.
- 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 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 drivers 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 Private Hire Vehicle without any additional charge, unless the driver holds a Certificate of Exemption on medical grounds issued under the Disability Discrimination Act 1995.

**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 an 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 issued with this licence with that 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.

**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 of, 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 during the period of the licence within seven days of such change taking place.

**12. Conviction**

The driver shall within seven days 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 drivers badges *and record card* issued to him by the Council when granting this licence.

**14. Loss/Theft of Identification Badges**

Loss or theft of your 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. You must notify 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 that the driver 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 have spent more than 3 months out of the country. Such notification shall include details of the country visited, relevant dates and a statutory declaration.

## Notes For Drivers Of Hackney Carriage Vehicles

**(Please Refer To The Hackney Carriage Vehicle Conditions And Byelaws With Respect To Hackney Carriage Vehicles and the Councils Hackney Carriage and Private Hire 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 drivers licence shall at all times when a vehicle is standing, plying 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 drivers licence shall produce the Badge on request, to an Authorised Officer of the Council or a Police Constable;
- d. afford all reasonable assistance with passengers luggage;
- e. at all times be clean and respectable in his dress and person and comply with the Councils Dress Code
- f. behave in a civil and orderly manner and comply with the Councils Code of Good 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 smoke, 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; and
- 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.
- k. any application for renewal of a licence should be made 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 drivers 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 Disability Discrimination Act 1995.

## **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 of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit this licence with that 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.

## **9. Fare To Be Demanded**

Drivers of Hackney Carriage vehicles must use the taximeter as prescribed in the Byelaws at all times.

## **10. Change Of Address**

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

## **11. Conviction**

The driver should 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 drivers badges issued to him by the Council when granting this licence.

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

Loss or theft of your 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. You 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 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 prospective driver should 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 hackney carriage.

## **15. Time Spent Abroad**

Drivers shall notify the Council in writing when they have spent more than 3 months out of the country. Such notification shall include details of the country visited, relevant dates and a statutory declaration.



## Code Of Good 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 Good 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 Good Conduct;
- (b) complying with all the Conditions of their Licence and the Councils 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 condition 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;
- (e) offer passengers reasonable assistance with luggage.

### 3. Responsibility to Residents

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

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

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

- (a) rank in an orderly manner and proceed along the rank in order and promptly;
- (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;
- (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 and in particular shall not use a hand held mobile phone whilst driving;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (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 in particular shall not engage in any activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council;
- (h) when requested by the Council attend a medical practitioner and 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.**

## Drivers Dress Code

The purpose of a 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.

## Conditions Of Private Hire Operators 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, 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.
- (g) Amount charged for hiring.
- (h) Remarks (including details of any sub-contract).

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 submit to the Council in writing on or before the 7<sup>th</sup> day of each month the registration numbers and licence numbers of all vehicles and the names and licence numbers of all drivers and the names of desk clerks employed or used by him during the previous month together with the dates they commenced and ceased such employment or use if this occurred during the said month.

The operator shall immediately notify the Licensing Section when any vehicle ceases 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) Notify the hirer at the time of booking when he intends to use a licensed vehicle that is not licensed by this Council or when he intends to refer the booking to another licensed operator
- (c) 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.
- (d) Ensure that any radio equipment provided by the operator is inspected at his expense at least once a year by a company approved by the Council and that a certificate that the equipment is in a sound condition is submitted to the Council within one month of the inspection.
- (e) The operator shall provide adequate telephone facilities and staff to provide an efficient service to the public using the operators facilities.
- (f) 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 charged 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**

- (i) The operator should 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, where a waiting area or room is provided for the use of passengers or prospective passengers;

- shall provide adequate seating for the use of those passengers or prospective passengers; and
- shall ensure that such room or area is kept clean, adequately heated, ventilated and lit; and

- shall 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 Disability Discrimination Act 1995.

## **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 him relating to or arising from his business and of the action (if any), which the Operator has taken or proposed to take in respect thereof. The operator shall also notify the complainant of his/her right to forward the complaint to the Council

All complaint 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 directions of the Officer in respect of that complaint.

## **9. CHANGE OF ADDRESS**

The Operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such 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 DRIVERS 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 49 of the Local Government (Miscellaneous Provisions) Act 1976 and
- 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 and situated within the boundaries of the Council.

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.

## Exceptionally Well Maintained Interior

1. All seats to be of manufacturers 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 manufacturers 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 manufacturers 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 manufacturers 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 manufacturers 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, no 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).

### Stands For Hackney Carriage Vehicles

LOCATION	NO. OF CARRIAGES	PERMITTED HOURS
Yarm High Street East (Side near Town Hall, next to No. 88)	2	At all Times
Yarm High Street East (Side near Town Hall)	8	8.00pm – 4.00am
Thornaby Town Centre (Car Park)	2	At all Times
Bridge Road (East Side)	6	8.00pm – 4.00am
Prince Regent Street (East Side, next to West Row short stay car park)	4	8.00pm – 4.00am
Dovecot Street (North Side, next to the Arc)	4	8.00pm – 4.00am
Bishopton Lane (North Side, next to No.'s 20-24)	4	8.00pm – 4.00am
Stockton High Street East Side (Service road near to The Royal Oak)	3	At all Times
Stockton High Street (Central reservation on southern end)	24	At all Times
Stockton High Street (West side of east side carriageway in lay-by north of the Town Hall)	6	8.00pm – 4.00am
Riverside (Waterfront)	4	6.00pm – 4.00am
Church Road	4	6.00pm – 4.00am
Prince Regent Street East Side	7	8.00pm – 4.00am
Norton Avenue (Outside The Colusseum)	7	8.00pm – 4.00am
Billingham Arms pub lay-by	6	At all Times

Please Note:

There are no designated bays at Thornaby, Billingham, Stockton or Eaglescliffe Railway Stations.

## 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 byelaw 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 Lidermen 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 1<sup>st</sup> April 1984.

## Licensing Points System Of Enforcement

A Licensing Points system of enforcement is simply a means of ensuring in a transparent way that the Council's Licensing Committee is informed about the conduct of those people who are licensed by the Council.

Except in serious cases it is both unnecessary and undesirable to bring licence holders before the Licensing Committee every time they do something wrong. A licensing points system is therefore normally concerned with establishing a record of poor conduct. However, if 12 points are awarded in any 2 year period a reference to the Licensing Committee will be made.

The essential features of the points system are as follows:

- Licensing Points are only derived from activities involving taxis and taxi driving: they are not concerned with what a person gets up to otherwise (e.g. when driving another type of vehicle).
- Licensing Points will last for a **two-year** period and then be deleted and not be referred to again.
- There can be an element of "double jeopardy". In other words, the courts may have imposed a penalty and the Council may impose an additional penalty (this has always been the case). However, licensees will have an opportunity to appeal against any award of licensing points when their case is heard at Committee (i.e. after the imposition of 12 points within a twenty-four month period)

There are 4 general categories of event, which may result in points being awarded. These are:

- Failure to comply with conditions: e.g. late renewals, failure to report damage to vehicles, failure to display roof signs, changes of address etc. (**note that criminal offences may be committed as well by such failures**).
- Failure to maintain vehicles.
- Bye-law offences convictions and cautions.
- Road Traffic offences convictions and cautions.

The detailed licensing points system is set out below.

<b><i>The Licensing Points System</i></b>	
Type Of Event	<b><i>Points Awarded</i></b>
Criminal Conviction (Cautions attract 2 points)	4
Failure to Maintain Vehicle	3
Failure to comply with conditions	3
Effect Of Gaining Points	
<b>12 points</b> awarded in any <b>two year</b> period will result in a reference to the Licensing Committee	

### NOTE:

1. Serious matters such as driving without insurance will bypass the points system and result in direct referral to the Licensing Committee.
2. Criminal convictions mean all criminal convictions (whether or not involving fixed penalty points) including, for example, Road Traffic offences, taxi by-law offences, and offences under the 1847 Act and 1976 Act.

<b>Examples Of Breaches/Contraventions Which May Attract Licensing Penalty Points</b> (These Breaches/Contraventions Are The Most Common And Do Not Form An Exhaustive List)	
1.	Failure To Have The Vehicle And All Its Fittings In An Exceptionally Well Maintained Condition
2.	Failure To Display Vehicle Plates In Correct Manner
3.	Failure To Display Vehicle Door Signs In Correct Manner
4.	Failure To Display Vehicle Roof Sign
5.	Failure To Display Dash Display Badge
6.	Failure To Display Tariff Card
7.	Failure To Display Internal Comment Card
8.	Vehicle Displaying Non Approved Adverts
9.	Failure To Provide First Aid Kit
10.	Failure To Provide Fire Extinguisher
11.	Failure To Maintain Adequate Internal Lighting
12.	Failure To Produce Insurance Certificate When Requested
13.	Failure To Produce An MOT Certificate When Requested
14.	Failure To Present Vehicle For Test When Requested
15.	Alteration Or Changes In Specification, Design, Condition Or Appearance Of The Vehicle Without Approval
16.	Failure To Notify The Council, In Writing, Of Any Change Of Address With Seven Days
17.	Failure To Notify The Council, In Writing, Of Any Conviction/Caution Within Seven Days
18.	Failure To Notify The Council, In Writing, Within 72 Hours Of Any Accident Involving A Licensed Vehicle
19.	Failure To Use A Meter/Overcharging Of Customer
20.	Failure To Wear/Display The Drivers Badge In A Manner To Be Plainly And Distinctly Visible
21.	Failure To Behave In A Civil And Orderly Manner
22.	Sounding Of Horn In Contravention Of Highway Code/Road Traffic Acts
23.	Conveying A Greater Number Of Persons Than That Prescribed In The Licence For The Vehicle
24.	Failure To Carefully Search For Any Property Which May Have Been Accidentally Left In The Vehicle
25.	Failure To Give A Written Receipt For The Fare Paid When Requested
26.	Failure To Carry A Disabled Persons Guide, Hearing Or Assistance Dog
27.	Failure To Promptly Attend At Appointed Time And Place Of Booking
28.	Failure To Report Loss/Theft Of Driver Badges Within 2 Working Days
29.	Failure To Keep Adequate Booking Records
30.	Failure To Keep Clean, Adequately Heated, Ventilated And Lit Premises For The Public For The Purposed Of Booking Or Waiting For A Private Hire Vehicle
31.	Failure To Submit Radio Equipment Test Certificate Annually Within One Month Of Test
32.	Failure To Notify The Council In Writing Immediately Of Receipt Of A Complaint About The Hire Of A Vehicle
33.	Use By An Operator Of An Unlicensed Vehicle Or Driver
34.	Failure To Return To The Council Vehicle Plates And Decals Within 7 Days Of Request
35.	Failure Of A Proprietor Of A Vehicle To Notify The Council Within 14 Days Of The Transfer Of Any Interest In The Vehicle.



## How To Comment On This Draft Policy Document

The Council welcomes your views and comments on this draft policy. Please make any comments in writing to:

Mr Mick Vaines  
Principal Licensing Officer  
Trading Standards & Licensing  
PO Box 232  
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Stockton on Tees  
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E-Mail: [mick.vaines@stockton.gov.uk](mailto:mick.vaines@stockton.gov.uk)

Closing day for comments is 12<sup>th</sup> December 2008