

**NEWCASTLE · UNDER · LYME**  
**BOROUGH COUNCIL**

# DRAFT v7

**THE BOROUGH COUNCIL OF  
NEWCASTLE-UNDER-LYME**

**TAXI LICENSING POLICY**

**2019-2021**

*Document Control*

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## Glossary

- 'The Council' or 'the Authority' refers to Newcastle under Lyme Borough Council, except if stated otherwise;
- 'Drivers Licence' refers to the Dual Hackney Carriage and Private Hire Drivers Licence issued by the Council, except if stated otherwise;
- 'Driving' refers to an individual driving a 'Vehicle' or 'Licensed Vehicle' under their 'Drivers Licence'
- 'Garage Test' or 'Safety Test' refers to the mechanical safety test undertaken for all vehicles applying for the grant of a new or to renew a 'Vehicle' licence;
- 'Hackney Carriage' refers to a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire in the area covered by the Council;
- 'Medical Exemption Certificate' refers to a certificate that may be issued by 'the Council' under ss166, 169 and 171 of Equality Act 2010 to an individual with a 'Drivers Licence' to exempt them from the legal requirement to carry assistance dogs or offering assistance to passengers in a wheelchair;
- 'MOT' refers to a test carried out by an authorised vehicle examiner upon a 'Vehicle' in line with the statutory provisions;
- 'Private Hire Operator' refers to a person who holds an operator's licence under the Act and makes provision for the acceptance of private hire bookings for themselves or to pass to others to undertake;
- 'Private Hire Vehicle' refers to a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") to carry passengers for hire or reward by prior booking;
- 'Private Hire Vehicle Exemption Certificates' refers to a certificate that may be issued by 'the Council' under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 to exempt a 'Private Hire Vehicle' from certain statutory requirements and/or licence conditions;
- 'Taxi' refers to both a Hackney Carriage and Private Hire provisions;
- 'Vehicle' or 'Licensed Vehicle' refers to both a Hackney Carriage and Private Hire vehicle;
- 'Wheelchair Accessible Vehicle' refers to a vehicle that has been specifically designed, or converted, to allow for the safe carriage of at least one passenger in a wheelchair alongside the fixed seating arrangements of the 'Vehicle'.

# ABOUT THIS POLICY

## 1.1 Introduction

The Borough Council of Newcastle-under-Lyme (“the Council”) is the licensing authority for the private hire and hackney carriage regime in the Borough of Newcastle-under-Lyme.

In carrying out its Taxi and Private Hire licensing function the Council seeks to promote the following objectives:

- Protection of Public
- Safety and health of drivers and the public;
- High standards of vehicle safety, comfort and access;
- Prevention of crime and disorder and the protection of the consumers;
- Ensure that the decision making processes are transparent, and the resulting decisions are fair, proportionate and consistent;
- Equality and accessibility in service provision.

The Council expects all applicants, drivers, proprietors and operators to demonstrate commitment to promoting these objectives.

In addition, this Policy attempts to encompass the Councils key corporate priorities of creating a safer, greener, and sustainable Borough, and creating a Borough of opportunity.

The Policy seeks to ensure that transport for those with a disability will be provided.

Should you wish to contact the Council’s Licensing Team, the address for correspondence is:

Licensing Administration Team  
Newcastle-under-Lyme Borough Council  
Castle House, Barracks Road  
Newcastle-under-Lyme,  
Staffordshire,  
ST5 1BL

T: 01782 717717

E: [licensing@newcastle-staffs.gov.uk](mailto:licensing@newcastle-staffs.gov.uk)

The main types of licence are:

1. **Dual Hackney Carriage and Private Hire Drivers’ Licence** - All drivers of Hackney Carriages and Private Hire Vehicles (“Drivers”) must hold a Dual Hackney Carriage and Private Hire Drivers’ Licence issued by the Borough Council of Newcastle-under-Lyme;
2. **Private Hire Vehicle Licence** - Private Hire Vehicles must be licensed by the Council, as must the Driver and the Private Hire Operator who must have a Base within the district and must be responsible for taking the bookings. All three licences must be issued by the same Council.
3. **Private Hire Operator Licence** - Private Hire Vehicles must be booked in advance through the Private Hire Operator they are attached to. Hackney carriages can be hailed directly on the street.
4. **Hackney Carriage Vehicle Licence** - Hackney Carriages (Taxis) must be licensed with the Council as must the driver. Both licences must be with the same Council.

The rules on Taxis and Private Hire Vehicles can be complex. This document is intended to make it clear how the Council operates its licensing service.

Each time this policy is reviewed a new version will be produced. This edition was issued in  
XXXXXXXXXX

## 1.2 The Council's Mission Statement

### Scope

1.2.1 The Taxi Licensing Policy ('the Policy') is applicable to the licensing of hackney carriage and private hire drivers and vehicles and to the licensing of private hire operators. This policy supersedes all previous Council policies relating to Hackney Carriages, Private Hire Vehicles, Operators and Drivers.

### Purpose

1.2.2 The fundamental purpose of the Policy is to protect the safety and welfare of the public who live, work and visit the Borough of Newcastle-under-Lyme. The importance of a thriving hackney carriage and private hire trade to the growth and prosperity of the Borough's local economy is recognised; however, the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the Policy.

1.2.3 Hackney Carriage and Private Hire vehicles have an important role to play in any integrated public transport system. They are able to provide services in situations where other forms of public transport are either restricted, not available, or outside normal hours of operation, and assist those with mobility problems.

1.2.4 The main concerns for the Council are to ensure:

- the safeguarding of children, young persons and adults at risk of abuse and neglect;
- that in order to promote the welfare of children and to protect them from harm, prospective and licensed drivers and operators who have dealings with children and families have a duty to report matters of concern that could relate to the safety and/or welfare of children and vulnerable persons to the relevant authorities (refer to [Newcastle-under-Lyme BC's Safeguarding Policy](#), and Appendices A and K for further information);
- that any person who applies to be a hackney carriage or private hire vehicle, driver or operator is a fit and proper person and does not pose a threat (in any form) to the public. The Council also use the phrase 'safe and suitable' in place of 'fit and proper' as an aid to interpret what is meant by it. The tests that the Council will use to determine whether an individual is considered fit and proper/safe and suitable to hold a licence are below:
  - For drivers: *"Would you allow your child, spouse or partner, parent, grandchild or any other person for whom you care, to get into a vehicle with this person alone?"*
  - For private hire operators: *"Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"*
  - For vehicle proprietors: *"Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the*

*licence?”.*

- that the public are safeguarded from dishonest persons; that vehicles used to convey passengers are safe and fit for the purpose for which they are licensed; and
- that the impact on the environment is reduced in line with European and national guidelines.

1.2.5 The Policy provides guidance to any person with an interest in hackney carriage and private hire licensing; in particular, but not restricted to:

- persons who wish to apply for hackney carriage and private hire vehicle, drivers or operator licences; persons who hold existing licences, including those that are the subject of review;
- the Council, in its capacity as the licensing authority, including licensing officers, members of the public protection committee;
- Service users who have concerns relating to an operator, vehicle or driver;
- licensing consultants, solicitors and barristers advising and/or representing applicants/licence holders; and
- magistrates' and judges hearing appeals against Council decisions.

1.2.6 The Policy is also designed to put the Council's licensing requirements into context.

### **1.3 Consultation and Communication**

1.3.1 In determining the Policy, the Council has consulted widely as set out on page **XX**. The views of relevant stakeholders have been taken into consideration.

1.3.2 In order to deliver a transparent, accountable and efficient licensing service the Council is committed to ongoing communication and consultation with all stakeholders. In particular, the Council welcomes the opportunity to communicate and consult with representatives of the hackney carriage and private hire trade to enable and encourage the exchange of views and information in relation to the Policy; conditions; changes in the law and reviews. The methods of communication and consultation will be determined on what is most appropriate in the circumstances.

### **1.4 Review of the Policy**

1.4.1 The policy will be formally reviewed after 3 years. However, it will be the subject of continuous evaluation and, if necessary, formally reviewed at any time. At the time of each review relevant stakeholders will be consulted.

### **1.5 Legislative framework**

1.5.1 The operation of the Council's licensing service is undertaken in accordance with relevant legislation, applicable licence conditions, the Regulators' Code (BRDO 14/705 April 2014) and the Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010), and such other guidance that may be issued from time to time by the Department for Transport and other Government departments.

1.5.2 The primary legislation relating to hackney carriage and private hire licensing, at the time this policy comes into force, is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and may be subject to change with any new and/or amended legislation. This policy reflects the changes to hackney carriage and private

hire licensing introduced by the Deregulation Act 2015 and Immigration Act 2016, and the provisions contained within the Equality Act 2010. It also encompasses provisions from other pieces of legislation such as (but not exclusively) the:

- Road Safety Act 2006
- Road Traffic Acts (Various)
- Criminal Justice & Public Order Act 1994
- Transport Act 1985

In addition, the service is provided in accordance with all relevant Council policies, but in particular the following:

- Safeguarding Policy
- Equality & Diversity Policy
- Data Protection Policy
- Enforcement Policy

1.5.3 The General Data Protection Regulations (“GDPR”) and the Data Protection Act 2018 (“DPA18”) covers the collection, storage, processing and distribution of personal data. It also gives certain rights to individuals about whom information is recorded. The Council aims to fulfil its obligation under the legislation to the fullest extent by only processing personal data for the purposes of legitimate interests pursued by the Council or legal requirements imposed on the Council. The DPA18 obliges local authorities to comply with the below data protection principles. The principles state that the information shall be:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

Further information about GDPR and DPA18 can be obtained at the Information Commissioner’s website ([www.ico.gov.uk](http://www.ico.gov.uk)). Enquiries regarding the Council’s use of personal data should be addressed to the Council’s Data Protection Officer.

1.5.4 The Policy and associated conditions do not address health and safety at work requirements. Drivers and operators are required to ensure compliance with all relevant health and safety at work provisions. This is likely to impact on the health and safety requirements associated with transporting passengers with disabilities, e.g. those who need to carry oxygen for medical purposes or those with assistance dogs. This may have implications on the extent of the discretion that drivers have to refuse to carry passengers with certain disabilities.

## **1.6 Conditions**

1.6.1 The Council will adopt any reasonable conditions that it deems necessary and appropriate to ensure that proprietors, operators, drivers and vehicles comply with relevant legislation and the fundamental purpose of the Policy, i.e. to protect the safety and welfare of the public.

## **1.7 The Service provided by the Council**

### **Level of taxis and private hire vehicles in Newcastle-under-Lyme**



- 1.7.1 There are, as at present, approximately **XXX** drivers, **XX** operators, **XXX** private hire vehicles and **X** hackney carriages (**NB:** numbers fluctuate as licences are granted, lapse or are surrendered based on market forces). The Council does not set a cap on the maximum number of licences it will issue.

#### **What can I expect from the Licensing Service?**

- 1.7.2 You can expect a friendly and efficient service. The service aims to be focused on the public and the trade. If you have any concerns about the service you receive please contact a member of the licensing team in the first instance.

Ultimately, if you are unhappy with the service provided you can escalate this via the Council's complaints procedure which can be found at: <https://www.newcastle-staffs.gov.uk/all-services/advice/complaints-comments-and-compliments>

The Council's performance should be open to scrutiny and you should know when you can expect to receive an answer. We have therefore set the following service standards:

- To submit an online Disclosure and Barring Service Check form (DBS form) within 2 working days of receipt of the relevant supporting documentation subject to any relevant Home Office checks being carried out;
- To issue a vehicle licence plate within 5 working days of receiving all the relevant paperwork;
- It is the Council's intention to process all valid renewal applications within 10 working days;
- To respond to voicemails and messages within 1 working day or receipt;
- To acknowledge any email received within 2 working days of receipt;
- To acknowledge letters within 5 working days of receipt;
- To respond to enquiries within 10 working days.
- Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

#### **Our approach**

- 1.7.3 The Council aim to balance protection of the public against requirements which are too onerous. Requirements which are too onerous may ultimately reduce the availability and increase the cost of taxis/private hire vehicles. We aim to be pragmatic and work with the trade to improve the service provided to the public.

The Council are committed to being as open as possible in our dealings with the public and the trade. We will seek to put as much information as possible on the website in as user friendly form as possible.

#### **Public Register**

- 1.7.4 The Council will hold and maintain a register for all the licences which it issues. The information held on the register will be restricted to the name of the licence holder; a unique licence number; the date of commencement; and the date of the expiry of the licence. The register will be available for inspection by prior arrangement with the Councils Licensing team and where possible will be published on the Councils website.

# LICENSING PRINCIPLES, DELEGATION AND DECISIONS

## 2.1 Licensing Principles

- 2.1.1 The Council has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 and, together with the provisions contained in the Town Police Clauses Act 1847, the Council carries out the licensing of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.
- 2.1.2 This part of the Policy focusses on the principles the Council will follow when administering licence applications, reviewing conditions, setting fees and setting the table of fares. It explains the roles and duties of the Public Protection Committee and officers of the Council.
- 2.1.3 The Council aims to provide a clear, consistent and responsive service to prospective and current licence holders, members of the public and other stakeholders. This includes the provision of advice to prospective applicants, including advice on the effect that convictions, etc. may have on any application, and to existing licence holders. The Council will be mindful of the needs of the applicant but this will be balanced against the duty that the Council has to protect the safety and welfare of the public.
- 2.1.4 All licence applications will be considered and determined on their own individual merits.

## 2.2 Licensing Process and Delegation of Functions

- 2.2.1 The Council is the licensing authority. The Council's constitution delegates all functions relating to the licensing of private hire/taxis to the Public Protection Committee, Sub-Committee and authorised officers of the Council, with the exception of the Taxi and Private Hire Licensing Policies which are subject to approval by full Council.
- 2.2.2 Whilst officers and the relevant committees will, in the majority of cases, follow Policy, there may be specific circumstances that require a departure from Policy. In such circumstances, the reasons for departing from Policy will be made clear.

## 2.3 Committees

### 2.3.1 Public Protection Committee

This Committee is currently made up of 15 members of the Council. It deals with policy issues, standard conditions of licence, the setting of fees and charges and hackney carriage fares. Further details can be found on the Council website: <https://www.newcastle-staffs.gov.uk/all-services/your-council>

### 2.3.2 Public Protection Sub-committee

This Committee is made up of a selection of Members from the Public Protection Committee. Three to Five members will sit on hearings to deal with new applications, renewals and reviews of licences that are referred by officers, with a quorum of 3 members. Members, when determining applications for a licence, renewals or reviews of a licence, will have regard to:

- hackney carriage and private hire legislation,
- this Policy,
- The Council's Safeguarding Policy,

- Department for Transport and any other Government Guidance as applicable;
- Road Traffic Act 1988 and other relevant road traffic legislation including MOT provisions,
- Human Rights Act 1998,
- Equality Act 2010,
- Deregulation Act 2015,
- Immigration Act 2016
- any relevant legal case law; and
- other relevant Council policies.

## **2.4 Decisions**

2.4.1 The Council, by virtue of a duly authorised officer, has the power to refuse to grant or renew licences and also to suspend or revoke existing licences in accordance with relevant legislative provisions. In addition, the Council may choose to issue written warnings or issues cautions where applicable.

2.4.2 Any decision to refuse to grant or renew a licence or to suspend or revoke an existing licence, including the decision to suspend or revoke with immediate effect or to issue a written warning will be made in accordance with the Council's scheme of delegation and other relevant policies and procedures.

2.4.3 Where applications are to be determined, the officer, or Public Protection Sub-committee as appropriate will take into consideration:

- the facts of the application;
- any information and/or evidence provided by other interested parties including, but not restricted to, officers from the Council with responsibility for safeguarding, testing vehicles or enforcement and officers from Staffordshire Police; and

In order to provide applicants with the opportunity to consider and respond by way of written and/or verbal representations, as appropriate, the Council will provide the relevant details which have given rise to the need for an officer decision and/or hearing.

2.4.4 Following the determination of an application by the Council the applicant will receive a copy of the decision in writing. This written decision will be delivered within 7 days or as soon as is practicable after the decision has been made. This will include information on the right of appeal where appropriate.

2.4.5 Licensing decisions are made in accordance with the powers and authorities delegated by the Council's constitution:

- Decisions on driver's applications are taken by a duly authorised officer or the Public Protection Sub-Committee.
- Decisions on vehicles are taken by a duly authorised officer or the Public Protection Sub-Committee.
- Decisions on existing and prospective private hire operators are taken by the Public Protection Sub-committee, except where renewal of an existing operator licence is within the scope of this policy.

### **Application/Renewal Decision**

2.4.6 Where the Council decides not to approve the licence/renewal in the form applied for, it will give the applicant/licence holder a chance to make representations in person, by telephone or face to face, or in writing by letter or email before the decision is taken.

### **Decision to suspend/revoke a licence**

- 2.4.7 Suspension, Immediate Suspension, Revocation and Immediate Revocation of a dual drivers licence can be carried out by the Public Protection Committee, Sub-Committee, or a duly an authorised officer of the Council.

Where the Council choose to suspend or revoke a licence it will give the applicant/licence holder a chance to make representations in person, by telephone or face to face, or in writing by letter or email before the decision is taken.

- 2.4.8 Suspension or Revocation of a vehicle licence can be carried out by a duly authorised officer, Public Protection Committee or the Public Protection Sub-Committee.

### **2.5 Appeals**

- 2.5.1 If the applicant/licence holder is aggrieved by the decision of the Council he/she may appeal to the relevant court (in most cases the Magistrates Court). The appeal needs to be made within 21 days of being notified in writing of the Council's decision and must be lodged with the Court in accordance with the relevant statutory provisions. The Council strongly advises parties to promptly seek appropriate independent legal advice in such circumstances.

### **2.6 Working in partnership**

- 2.6.1 The Council aims to work in partnership with other relevant agencies/bodies when dealing with hackney carriage and private hire licensing issues. Such partnerships will include, but are not restricted to, relevant hackney carriage and private hire trade associations, neighbouring local authorities, Staffordshire Police, Driver and Vehicle Standards Agency (DVSA), Revenues and Benefits teams, Safeguarding Partnerships and consumer groups.
- 2.6.2 The Borough Council of Newcastle-under-Lyme regularly meets and shares information with other enforcement authorities such as Staffordshire Police, Staffordshire Trading Standards through the Newcastle-under-Lyme Responsible Bodies Group (RBG) and Stoke on Trent and Staffordshire Responsible Bodies Group (SSRBG).
- 2.6.3 The Council, as primary regulator, will ensure that all relevant provisions relating to the effective administration of licensing functions are robustly enforced in order to ensure protection of the public.

# TYPES OF LICENCE & APPLICATIONS

## 3.1 General Information

This part of the Policy concerns the types of licence and the necessary steps required to obtain and hold such a licence. These steps include the standards that applicants must attain and the conditions that apply. Where appropriate, any reference to 'applicant' is deemed to include existing licence holders.

3.1.1 The following are applicable to all licence types:

- a. Where an applicant has failed to declare relevant information or provided false information, the application is likely to be refused; where this relates to an existing licence, the licence is likely to be considered for revocation. Applicants are reminded that it is an offence to knowingly or recklessly make a false declaration or omit any material particularly when giving information required for the application for a licence;
- b. All licence fees are payable at the time of application in full. Where a licence is not granted, i.e. the applicant withdraws their application a portion of the fees may be returned to the applicant. The actual amount of the refund will depend upon the progress of the application at the time the applicant withdraws;
- c. In the event that an application for a licence is paid by cheque, the application will not be valid until such time as the cheque has cleared. In the event that the cheque does not clear and the licence has been issued, the Council will suspend the licence until such time as full payment has been received;
- d. The application process must be completed within 6 months unless prevented from doing so by matters that are outside the applicant's control, e.g. external delays in the DBS process, otherwise the application process will cease to progress further until such time as the applicant provides all the required information. Applications not completed within 6 months without a justified reason for the delay will be considered abandoned. A refund may be made for abandoned applications depending on the level of work that has already been carried out.
- e. Where a licence has lapsed, been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application;
- f. When a licence expires, the Council will not permit any 'periods of grace' for the submission of a renewal application unless there is satisfactory evidence of exceptional circumstances that are accepted by the Council.

### Appointments

3.1.2 The Council operates an appointment system. **Applicants will not be seen and applications will not be accepted without an appointment without prior agreement by a Council Officer.** To assist drivers, vehicle owners and operators to make appointments in a timely manner, the Council will endeavour to notify all operators and proprietors of vehicles that their licence is due to expire at least four weeks before the actual expiry of a licence.

The Council will endeavour to notify drivers at least three months before the actual expiry date of their licence. This is to allow sufficient time for DBS checks to be undertaken and returned, and any necessary training or other requirements to be completed.

**IMPORTANT:**

***However, it is the licence holder's responsibility and the onus is on them to ensure that a renewal application is made in good time. Under no circumstances will a licence be issued without satisfactory completion of all required checks.***

**Disclosure & Barring Service (DBS) Certificates for Drivers**

3.1.3 The Council follows the Disclosure and Barring Service (DBS) Code of Practice for Registered Persons and Other Recipients of Disclosure Information (November 2015) and will retain a copy for the certificate in line with the Council's data retention policy and data protection legislation. Further information about the DBS can be found at:

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

3.1.4 The Council will accept an Enhanced DBS disclosure report issued as part of an application made through a separate organisation providing:-

- it is for either 'other workforce' or 'child and adult workforce';
- It includes both of the Barring checks
- it is for the same job role (e.g. Taxi driver)
- is presented to the Council for verification within 3 months of issue date of the certificate;
- the applicant has subscribed to the DBS Update Service; and
- the applicant has authorised the Council to access the relevant online record.

3.1.5 The Council requires the use of the DBS Update Service for all applicants. Further information can be found at:

<https://www.gov.uk/dbs-update-service>

Where an applicant fails to use the DBS update service or where a check of the update service shows changes to the applicants' record, a full Enhanced DBS disclosure will be required. **The applicant is required to pay the appropriate fee before the DBS disclosure application is submitted.**

3.1.6 Drivers who undertake work for County Council transport contracts, e.g. school contracts, are advised to contact the Transport and Connected County Unit at Staffordshire County Council in order to ascertain the standard of criminal record disclosure required and any other requirements in this respect. Information will be shared between Staffordshire County Council and the Borough Council about individuals and businesses that apply and/or tender to deliver passenger transport contracts.

The Transport and Connected County Unit can be contacted by email at:

[transportcontracts@staffordshire.gov.uk](mailto:transportcontracts@staffordshire.gov.uk)

**Counter-Terrorism and Security Act 2015**

3.1.7 The Council has a duty under the Counter-Terrorism and Security Act 2015 ("CTSA") to have due regard to the requirement to prevent people from being drawn into terrorism.

The applicant/licence holder shall facilitate the Council's compliance with its duty pursuant to the CTSA and the applicant/licence holder shall have regard to the statutory guidance issued under section 29 of the CTSA and in particular to ensure that they:

- understand what radicalisation means and why people may be vulnerable to being drawn into terrorism;
- are aware of extremism and the relationship between extremism and terrorism;

- know what measures are available to prevent people from becoming drawn into terrorism and how to challenge the extreme ideology that can be associated with it; and
- obtain support for people who obtain support for people who may be exploited by radicalising influences.

Where the applicant/licence holder identifies or suspects that someone may be engaged in illegal terrorist related activity, the applicant/licence holder must refer such person or activity to the police.

For more information please see:

<https://www.gov.uk/government/publications/counter-terrorism-support-for-businesses-and-communities>

<https://www.gov.uk/government/publications/prevent-duty-catalogue-of-training-courses>

### **Immigration Act 2016**

- 3.1.8 As of 1<sup>st</sup> December 2016 the Council are obliged to ensure that all drivers and operators have the right to work within the UK prior to issuing them a licence. All applicants will be treated in line with the government guidance that can be found here:

<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

As part of the new/renewal application process the individual will have to provide the Council with ones of the documents listed in Annex A of the Government Guidance.

Where an applicant cannot provide a **current** proof of their right to work in the UK then a licence will not be issued to them. Where an applicant has a time limited right to work in the UK then the Council will only issue a licence up until the expiry date of that document.

## **3.2 Dual Hackney Carriage and Private Hire Drivers Licences**

- 3.2.1 It is the responsibility of the Council to protect the public and to ensure that before anyone is granted a licence the Council needs to be satisfied that he/she is a “fit and proper” person to hold such a licence.

There is no agreed definition for “fit and proper” - in the absence of such a definition, the Council will use the widely accepted interpretation of:

*“Would you allow your child, spouse or partner, parent, grandchild or any other person for whom you care, to get into a vehicle with this person alone?”*

### **Period of licence**

- 3.2.2 New and renewal driver licences will be valid for three years unless otherwise indicated by a medical practitioner as part of the medical examination, or there is a time limited right to work in the UK in which case the licence will be valid for the period indicated by the medical practitioner or document respectively or decided by Public Protection Sub-Committee.
- 3.2.3 The application form(s) must be fully completed and include all relevant information, supporting documentation and payment of the appropriate fee. If any part of the application form is incomplete or relevant information or supporting documentation is not provided, the applicant will be requested to provide the missing information / documentation and will be informed that the application will not be accepted until such time as all required information/documentation is provided.

The full fee for the licence is payable at the time the application is submitted.

3.2.4 In addition to submitting the application form and fee an applicant must:

- Be over 21 years of age
- Provide a full UK driving licence (or the European equivalent) that has been held for at least 3 years. If the driving licence was not issued in the UK or EU then the applicant must comply with the requirements set out by the Government for exchanging/applying for a DVLA licence (<https://www.gov.uk/exchange-foreign-driving-licence>)
- Provide an enhanced DBS certificate including checks against the barring lists, issued within the previous 3 months or Registered with the Update Service with a relevant up to date certificate.
- Authorise the Council to access the relevant online record via the DBS update service;
- Provide One (1) passport sized photograph or be prepared for a digital photograph to be taken at your appointment;
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements, where applicable;
- Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices;
- Provide the BTEC Level 2 certificate in the 'Introduction to the Role of the Professional Taxi and Private Hire Driver' qualification, or equivalent as determined by the Council;
- Pass the Council's knowledge test;
- Pass Disability awareness training approved by the Council
- Have attended the Safeguarding and Child Sexual Exploitation Awareness Training within the previous 3 months;
- Undergo Group 2 medical examination and provide the medical certificate issued by their registered GP or a Medical Practitioner who confirms they have had access to the full medical records when determining the applicant's fitness to drive issued within the previous 3 months;
- Complete a DVLA data protection mandate (DP20) or provide a DVLA online check code
- Satisfy the Council that they have a satisfactory level of conversational and written English in order to carry out the role of a hackney carriage/private hire driver. If the applicant is unable to satisfy the Council then it may require them to undertake and English speaking qualification from a Council approved provider (e.g. English for Speakers of Other Languages (ESOL), Secure English Language Test (SELT)).

3.2.5 On renewal of an existing licence, applicants must:

- Submit a completed application form;
- Pay the appropriate licence fee;
- Provide a full UK driving licence (or the European equivalent) that has been held for at least 3 years;
- Provide an enhanced DBS certificate including checks against the barring lists, issued within the previous 3 months or Registered with the Update Service with a relevant up to date certificate.
- Authorise the Council to access the relevant online record via the DBS update service;
- Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices
- Provide One (1) passport sized photograph or be prepared for a digital photograph to be taken at your appointment;
- Provide evidence of their right to work in the UK in accordance with the Home Office requirements;



- Provide a Safeguarding and Child Sexual Exploitation Awareness training certificate issued within the previous 3 months;
- Pass the Council's knowledge test (first renewal after policy implementation only);
- Pass Disability awareness training approved by the Council. (first renewal after policy implementation only)
- Undergo Group 2 medical examination and provide the medical certificate issued by their registered GP or a Medical Practitioner who confirms they have had access to the full medical records when determining the applicant's fitness to drive issued within the previous 3 months;
- Complete a DVLA data protection mandate (DP20) or provide a DVLA online check code;
- Satisfy the Council that they have a satisfactory level of conversational and written English in order to carry out the role of a hackney carriage/private hire driver. If the applicant is unable to satisfy the Council then it may require them to undertake an English speaking qualification from a Council approved provider (e.g. English for Speakers of Other Languages (ESOL), Secure English Language Test (SELT)).
- Provide the BTEC Level 2 certificate in the 'Introduction to the Role of the Professional Taxi and Private Hire Driver' qualification, or equivalent as determined by the Council (first renewal after policy implementation only);

3.2.6 Providing the above are satisfied, the Council will renew the licence. It is the responsibility of the applicant to provide the Council with the DBS report once received. A licence will not be issued without a current DBS certificate, or any of the other specified documents that make up a complete application.

3.2.7 To allow continuous driving, applicants for licence renewals should allow at least eight weeks for the DBS check. Valid renewal applications (including a current DBS certificate) must be received by the Council at least 5 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application.

Where applicants fail to submit a valid renewal application within this timescale, their licence may expire before the renewal is issued. Once a licence expires, is revoked (subject to a statutory appeal process) or is surrendered, it ceases to exist and applicants will not be permitted to drive a Hackney Carriage or Private Hire Vehicle in these circumstances.

It is the driver's responsibility to notify the Council of any cautions, convictions or other disposals received during the course of a licence period, in line with the drivers code of conduct. Failure to notify the Council at the time of the caution, conviction or disposal may lead to a licence being referred to the Public Protection Sub-Committee to be determined. In these instances the Council will not issue a licence for any interim period between the expiry of the current licence and the next Public Protection Sub-Committee hearing.

3.2.8 Once a licence ceases to exist, a renewal application will not be accepted by the Council and the applicant must submit a new driver licence application which will be processed in accordance with the Council's new application procedures.

The main legal requirements of the driver licence are as follows. The full driver code of conduct is shown in **Appendix B**:

#### Production of documents

3.2.9 The driver must, on request, produce for inspection their hackney carriage/private hire driver's licence immediately or within 7 days to either the Council's offices or a police station.

#### Driver's badges and licences

3.2.10 The badge must be worn by the driver at all times when driving the licensed vehicle and the badge must be plainly and distinctly visible. The driver must also display the second badge issued by Council in a prominent position within the vehicle that they are currently driving so that it is clearly and distinctly visible to all passengers whenever he/she is acting as a hackney

carriage or private hire driver.

- 3.2.11 All drivers of vehicles licensed for hackney purposes of which they are not the proprietor, must before commencing driving that vehicle, deposit their driver's licence (paper counterpart) with the proprietor **before** commencing driving the vehicle. The vehicle proprietor must retain the licence until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.
- 3.2.12 On ceasing to be a licensed driver through suspension, revocation, refusal to renew or expiry of the driver's licence, the licence holder must return the badges and licence to the Council within 7 days (or earlier if the Council so demands) of the suspension, revocation, refusal to renew or expiry becoming effective.

#### Journeys

- 3.2.13 Drivers must not unnecessarily prolong a journey, in distance or in time.

#### Vehicles

- 3.2.14 Only vehicles licensed by the Council are permitted to be used for hackney carriage and private hire purposes

#### Driving Licensed Vehicles

- 3.2.15 Only drivers who are licensed by the Council that licensed the vehicle are permitted to drive the licensed vehicle. The only exceptions to this are when the vehicle is undergoing an MOT test and needs to be driven by the MOT examiner or it is being driven by a qualified mechanic for the purposes of a vehicle service, recovery or maintenance or otherwise permitted by legislation.

#### Smoking in vehicles

- 3.2.16 Drivers must not, at any time, smoke or permit passengers to smoke in their vehicle as required by the Health Act 2006 and the Smoke-Free (Exemptions and Vehicles) Regulations 2007. This includes the use of electronic cigarette and/or vapourisers etc. If drivers are witnessed smoking, or allowing a passenger to smoke, in a licensed vehicle then they may be served with a fixed penalty notice, issued with a warning and/or referred to the Public Protection Sub-Committee. Drivers smoking when their vehicle is parked / not hired must get out and step away from their vehicle.

#### Transporting children

- 3.2.17 Drivers must inform parents/carers that the decision to permit children to travel in the vehicle, without the correctly sized seat restraints (as permitted by relevant legislation) and with the obvious risks associated with such an action, remains with the parent/carer responsible for the children. Failure to use a child car seat or similar designed apparatus where available, will enable the driver to refuse the carriage of that child/young person.

However once in the vehicle it is the driver's responsibility to ensure that passengers under 14 years old are correctly restrained.

#### **Dual Drivers in Hackney Carriage Vehicles**

#### Touting

- 3.2.18 A proprietor or driver of a hackney carriage, when standing or plying for hire, must not call out or otherwise importune any person to hire such vehicle and must not make use of the services of any other person for this purpose. This is an offence under the Criminal Justice and Public Order Act 1994, section 167.

Plying for hire

3.2.19 Drivers of private hire vehicles must NOT 'ply for hire'. The Council's interpretation of 'plying for hire' is set out at **Appendix F** and is based on relevant legislation and case law.

Refusing to convey passengers

3.2.20 A driver of a hackney carriage who is waiting at a rank/stand must not refuse to carry a passenger without a reasonable excuse. E.g. if the person/s are severely intoxicated or being abusive to the driver.

Overcharging

3.2.21 Drivers of hackney carriages must not charge more than is permitted under the current table of fares. Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commenced must not charge more than that indicated on the taximeter or more than the current table of fares allows.

Persons riding without consent

3.2.22 Drivers of hackney carriages must not permit persons to be carried in the vehicle unless they have the consent from the person who is actually hiring the vehicle.

Unlicensed drivers

3.2.23 Licensed drivers of hackney carriages must not allow any persons to drive a hackney carriage unless they are authorised to do so by the proprietor and hold an appropriate licence to do so.

Obstruction

3.2.24 Hackney carriage drivers must not obstruct other hackney carriage drivers/vehicles from undertaking their normal hiring and driving activities, on a rank or other designated collection point.

## **3.3 Hackney Carriage Vehicle Licences**

### **Summary**

3.3.1 Hackney carriages are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

3.3.2 Commonly known as 'taxis', hackney carriages are licensed to stand for hire at a taxi rank or can be hailed in the street when within the administrative area of the council with which it is licensed. Hackney carriages may also undertake pre-booked journeys anywhere in the country.

3.3.3 All hackney carriages, whilst plying for hire, shall be immediately capable of providing for at least one wheelchair if designated as a Wheelchair Accessible Vehicle by the Council. Under s.167 Equality Act 2010 the Council may create a list of all licensed Wheelchair Accessible Vehicles, placing the below duties on the driver:

(a) to carry the passenger while in the wheelchair;

(b) not to make any additional charge for doing so;

(c) if the passenger chooses to sit in a passenger seat, to carry the wheelchair;

(d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;

(e) to give the passenger such mobility assistance as is reasonably required.

3.3.4 The Council will not licence a vehicle for hire and reward which is licensed by another local authority or allow or permit a hackney carriage identification plate issued by another authority to be displayed on the vehicle.

3.3.5 The Council does not limit the number of hackney carriage vehicle licences that it will issue.

#### **Period of licence**

3.3.6 Vehicle licences will be issued for 12 months.

3.3.7 The applicant for a vehicle licence must be the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced to demonstrate compliance with this requirement, for example the V5C/Logbook.

#### **Vehicles**

3.3.8 The Council requires all hackney carriage vehicles to comply with specifications and requirements set out in **Appendix E** and advises all applicants and current licence holders to familiarise themselves with this section.

3.3.9 Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that can be used at any one time. Eg. If the vehicle has X number of fixed seats and the fixings to carry 1 customer in a wheelchair then the licence will be to carry X + 1 passengers. If any of the fixed passenger seats become obstructed when a wheelchair is fitted then the driver must not permit that seat/those seats to be used during that journey.

#### **Vehicle Type and Age**

3.3.10 Upon first application all vehicles must be a purpose built hackney carriage, wheelchair accessible, converted to conform with European type approval or be a fully electric powered vehicle (also known as 'Battery Electric Vehicles' or 'Pure Electric Vehicles' and be less than 3 years old.

3.3.11 The maximum age for vehicles to be licensed will be 7 years old. The maximum age for Electric vehicles to be licensed will be 10 years old.

#### **Grandfather Rights**

3.3.12 Vehicles that are wheelchair accessible or previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted **one** retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

3.3.13 Current holders of Hackney Carriage licences for non-wheelchair accessible vehicles (i.e. saloons, hatchbacks and estates) will cease to benefit from existing grandfather rights

allowing them to replace their current vehicle, with another non-wheelchair accessible vehicle either during the licence period or at the expiry date of the licence. All replacement vehicles will be required to meet the criteria for a new Hackney Carriage Vehicle.

### Taximeters

3.3.14 All hackney carriage vehicles are required to be fitted with taximeters that comply with the specifications and requirements set out in **Appendix E** and all applicants and current licence holders are advised to familiarise themselves with this section.

### Application and Supporting Documentation

***The application process to licence a hackney carriage vehicle is the same for a new or renewal application.***

3.3.15 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information, supporting documentation or fee is not provided, the applicant will be requested to provide the missing information/documentation/fee and informed that the application will not be accepted until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.

3.3.16 Any person wishing to licence a hackney carriage vehicle must submit:

- a) A completed application form;
- b) A Basic Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service;
- c) A Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions';
- d) A pass certificate for the Council's Knowledge Test
- e) the appropriate licence fee (in full at the time of application);
- f) a valid MOT (in accordance with the requirements set out at paragraph 3.48 below);
- g) a current vehicle fitness/garage test pass certificate (from the Council's Garage);
- h) a valid certificate of insurance for public hire, **This must remain valid for the period of the licence and must be produced on demand to an authorised officer or Police, and in any case within 24 hours.**
- h) the V5 registration certificate (or alternative interim measure outlined in paragraph 3.52 below);
- g) a valid certificate/report to confirm the vehicle is fitted with a taximeter in accordance with the requirements set out in **Appendix E**
- h) Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval or equivalent).

Where the vehicle is fitted with a mechanically operated ramp/lift; a valid certificate/report confirming the ramp/lift complies with the requirements of the Lifting Operations and Lifting Regulations 1998 shall be provided. (NB. The vehicle proprietor is responsible for ensuring that a competent person carries out the necessary checks in accordance with these Regulations.);

Where non-mechanical ramps are used; confirmation is required from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998. (NB. Council officers will check that the provision of non-mechanical ramps is being maintained by the vehicle proprietor.); and

Where fittings are used to secure wheelchairs to the floor of a vehicle, a valid certificate/report confirming that all the fittings meet the required specifications should be provided.

## **Vehicle Testing Requirements**

### **MOT**

3.3.17 MOTs are required in accordance with the following requirements:

- a) Vehicles must be submitted for an MOT inspection at least once per year, and if deemed necessary by an authorised officer. The applicant must produce valid MOT certificates to the Council in this respect;
- b) MOTs must be undertaken by a 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988; the cost of all tests must be met by the vehicle operator;
- c) If the vehicle is less than 12 months old when first licensed then the first MOT is due during the first licence period. If a vehicle is over 12 months old when first licensed then it will require an MOT prior to being licensed;
- d) With respect to a licensed vehicle, in the event of a proprietor failing to present to the Council an MOT test certificate as required (unless delayed or prevented by sufficient cause accepted and agreed by the Council), the Council may suspend the licence and require the proprietor of that vehicle to return the plate to them within 72 hours of receipt of the written request.

### **Vehicle Fitness/Garage Test**

3.3.18 The Council requires all vehicles to be tested at least once a year, to ensure that they are suitable and 'fit' to be licensed.

Testing of all vehicles takes place at the Council Garage, Central Depot, Knutton Lane, Newcastle-under-Lyme, ST5 2SL, or at an alternative location as authorised by the Council.

3.3.19 The frequency of testing is once per year, prior to the Council issuing a renewed licence. An authorised officer of the Council may request that an additional test is carried out during the licence period. All costs of the test are to be made by the vehicle operator.

It is the proprietor's responsibility to organise the testing of the vehicle before the existing plate expires. Applicants should note that the earliest you can present your vehicle for test is one month prior to its current expiry date.

3.3.20 Where a vehicle licence is suspended as a result of an accident; a garage test will be required to confirm that it is roadworthy, once any repairs have been completed. The driver is responsible for the cost of any additional garage tests. A vehicle fitness/garage test pass certificate will be required before the suspension can be lifted.

Where a vehicle fails the garage test the proprietor will be given 28 days to rectify the failure items and submit the vehicle for a re-inspection. If the garage deems the vehicle to be non-repairable, it fails the re-inspection or is not resubmitted within 28 days then the vehicle will not be eligible for a retest and any licence in place will lapse or will not be granted.

### **V5 registration certificate**

3.3.21 The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced along with the proof of purchase. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of

purchase must be produced upon transfer of a vehicle licence.

### **Renewal of a Licence**

3.3.22 To allow the vehicle's licence to be renewed, a renewal application form must be received by the Council at least 10 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application. It is the Council's intention to process all valid renewal applications within 10 working days; hence, where applicants fail to submit their renewal application within this timescale, the risk that their licence will expire increases. Once a licence expires, is revoked (subject to a statutory appeal process) or is surrendered, it ceases to exist and applicants will not be permitted to drive the vehicle as a Hackney Carriage Vehicle in these circumstances.

3.3.23 Once a licence ceases to exist a renewal application will not be accepted by the Council and the applicant must submit a new vehicle licence application which will be processed in accordance with the Council's new application procedures.

### **Vehicle Not Fit for the Conveyance of Passengers**

3.3.24 Where a proprietor has notified the Council that damage has occurred to a vehicle, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, an authorised officer of the Council may at that time suspend the vehicle licence and require the proprietor of the vehicle to return the vehicle's plate to them within 7 days. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. A vehicle fitness/garage test will be required to determine whether the suspension can be lifted.

### **Advertising**

3.3.25 Proprietors are not permitted to advertise any third party company/person on hackney carriages vehicles at any time.

### **Signage**

3.3.26 All Hackney Carriage vehicles must display the vehicles signs shown in appendix M on the exterior of the rear passenger door on both sides of the vehicle, at all times that the vehicle is a licensed by the Council.

### **Closed Circuit Television (CCTV)**

3.3.27 Proprietors of hackney carriage or private hire vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. If CCTV is fitted then the proprietor must prominently display signs indicating that CCTV is in use in the vehicle.

### **Trailers**

3.3.28 Hackney carriages are permitted to tow trailers when undertaking the licensable activity, providing the conditions set out at **Appendix D** are complied with.

### **Ranks**

- 3.3.29 The Highways section of Staffordshire Council is primarily responsible for the creation of ranks and will work with the hackney carriage trade, the Council and Staffordshire Police to determine where ranks/stands ought to be situated.
- 3.3.30 Where a driver is plying for hire and is illegally parked or creating an obstruction or if, in the opinion of an officer of the Council or police officer, the driver is plying for hire in a dangerous location (this does not include a legitimate period of time where a hackney carriage has stopped to drop off or pick up a fare), the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action.

### **LPG Converted Vehicles**

- 3.3.31 The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. The Council will undertake a check of the UK LPG Vehicle Register.
- 3.3.32 With respect to new applications, where it is established that a conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will refuse the application.
- 3.3.33 In the event that an LPG conversion has been undertaken on a vehicle during a current licenced period and the proprietor of the vehicle fails to notify the Council within 7 days of the conversion. The Council will suspend the vehicle licence until such time as evidence is available on the UK LPG Vehicle Register. If the necessary evidence is not available on the UK LPG Vehicle Register within 28 days from the date the licence was suspended the Council will revoke the licence.
- 3.3.34 In the case of a conversion that has been undertaken on a vehicle during a current licenced period and it is subsequently established that the conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, an authorised officer of the Council will suspend the licence until such time as necessary works to the conversion have been undertaken and/or it is demonstrated to the satisfaction of the Council that the vehicle is safe. If this does not occur within a period of 28 days from the date the licence was suspended the Council will revoke the licence.

### **Electric Vehicles**

- 3.3.35 The Council encourages and promotes the purchase of fully electric vehicles to be licensed as Hackney Carriages. Fully electric vehicles will be the only type of non-wheelchair accessible vehicle permitted to be licensed as Hackney Carriages. Where possible the Council will seek to implement a number of 'plug-in' points around the Borough which will be available for vehicle proprietors to use, and also to actively target funding opportunities. Hybrid vehicles will not be permitted as Hackney Carriages unless they also fulfil the Wheelchair Accessible Vehicle requirements.

### **Hackney Carriage Fares**

- 3.3.36 The hackney carriage trade will be expected to apply for any change to the hackney carriage fares. Any proposed changes will be considered by the Public Protection Committee, notified to all hackney carriage licence holders and advertised in the local press before they are adopted. This does not preclude the Council from putting forward changes to the fares or taking a decision not to accept the application from the trade.



### **Licence conditions**

- 3.3.37 The applicable conditions relevant to a hackney carriage licence are set out at **Appendix D**; these conditions must be complied with. These conditions are in addition to any matters set out within the main body of the Policy.

### **Change of proprietor and/or driver**

- 3.3.38 The proprietor must give notice to the Council of any transfer in her/his interest in the hackney carriage vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred and accompanied by the relevant documentation for proprietors.

The proprietor must give notice to the Council when any changes are made as to driver of the vehicle.

### **Change of address**

- 3.3.39 The proprietor of a hackney carriage must notify the Council in writing, within 7 days, of any change of their address.

### **Retention of drivers licences**

- 3.3.40 A proprietor of a hackney carriage must ensure that each driver's licence is lodged with the proprietor before the driver is employed to carry out work and must retain the licence in their possession for the period during which the driver remains in their employ. When a driver leaves the employ of a proprietor, the proprietor must return the driver's licence unless the licence holder has been guilty of misconduct in which case the operator may retain the licence and must issue a summons to have the cause of complaint determined by the Courts. (Note: If the Courts find that the licence has been improperly retained they have the powers to order its return and to award compensation.)

### **Inspection**

- 3.3.41 The proprietor must present their hackney carriage for inspection/testing by the Council as required, up to a maximum of 3 times per year. If a vehicle continually fails tests and/or is found to be unsuitable following inspections or repeatedly fails to attend then the Council may suspend or revoke the vehicle licence.
- 3.3.42 The proprietor must provide, on request, the address where the hackney carriage is kept and allow the Council to inspect/test the vehicle at that address.

### **Accidents**

- 3.3.43 The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must also report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours.

### **Production of documents**

- 3.3.44 The proprietor must, on request by an authorised officer of the Council or a police officer, produce to the officer for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.

### **Return of identification plates**

- 3.3.45 Where a licence is revoked or suspended, the proprietor, when required by the Council to do so, must return the identification plates within 7 days otherwise further action may be taken against the licence holder. Where the licence plate expires, no replacement plates will be issued until the expired plates are returned to the Council.

### **Ranks**

- 3.3.46 Hackney carriage ranks/stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. There are currently **XXX** ranks appointed in the Borough Council of Newcastle-under-Lyme area.

### **Fares**

- 3.3.47 Drivers of hackney carriages must not charge more than is permitted under the current table of fares. Drivers undertaking journeys ending outside the Council's area and in respect of which no fare and no rate of fare was agreed before the journey commenced must not charge more than that indicated on the taximeter or more than the current table of fares allows.
- 3.3.48 Where a hackney carriage is used for a private hire contract the fare charged must not exceed the fares set down in the current table of fares unless it has been agreed in advance between the driver and passenger and the journey is not wholly within the administrative area of the Borough Council.

### **Parking/waiting**

- 3.3.49 Where a driver is dropping off or picking up a fare and is illegally parked or creating an obstruction (this does not include a legitimate period of time where a private hire vehicle has stopped to drop off or pick up a fare), the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action such as being interviewed, have a warning issued to them.

The vehicle's horn is not to be used to inform customers you are waiting or that you have arrived. It must only be used in line with Reg.99 The Road Vehicles (Construction and Use) Regulations 1986.

## **3.4 Private Hire Vehicle Licences**

### **Summary**

- 3.4.1 Private hire vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Private hire vehicles must not have the appearance of a hackney carriage vehicle.
- 3.4.2 When considering whether a vehicle is a private hire vehicle by the nature of the work it does, the Borough Council of Newcastle-under-Lyme will have regard to the document - [Private Hire Vehicle Licensing - A note for guidance from the Department for Transport \(August 2011\) and any other subsequent Government issued guidance.](#)

3.4.3 The Council cannot limit the number of private hire vehicle licences that it will issue.

3.4.4 The Council will not licence a vehicle for private hire which is licensed by another local authority or allow or permit a private hire vehicle identification plate issued by another authority to be displayed on the vehicle.

#### **Period of licence**

3.4.5 Vehicle licences will be issued for 12 months.

3.4.6 The applicant for a vehicle licence must be the legal owner of the vehicle concerned and entitled to have the ownership of the vehicle registered under the provisions of Regulation 10 of the Road Vehicles (Registration and Licensing) Regulations 2002 in their own name. Prior to licensing and thereafter, as required, satisfactory evidence must be produced to demonstrate compliance with this requirement, for example the V5C/Logbook.

#### **Vehicles**

3.4.7 The Council requires all private hire vehicles to comply with specifications and requirements set out in **Appendix H** and advises all applicants and current licence holders to familiarise themselves with this section.

Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that can be used at any one time. Eg. If the vehicle has X number of fixed seats and the fixings to carry 1 customer in a wheelchair then the licence will be to carry X + 1 passengers. If any of the fixed passenger seats become obstructed when a wheelchair is fitted then the driver must not permit that seat/those seats to be used during that journey.

#### **Vehicle Age**

3.4.8 Upon first application all vehicles must be less than 3 years old

3.4.9 The maximum age for vehicles to be licensed will be 7 years old (from date of first registration or if imported from the date of manufacture). The maximum age for Electric vehicles to be licensed will be 10 years old.

#### **Grandfather Rights**

3.4.10 Vehicles previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted **one** retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

#### **Taximeters**

3.4.11 Private Hire vehicles are not required to be fitted with taximeters but if they do then they must comply with the specifications and requirements set out in **Appendix H** and the Council advises all applicants and current licence holders to familiarise themselves with this section.

***The application process to licence a Private Hire vehicle is the same for a new or renewal application.***

#### **Application**

3.4.12 The application form must be fully completed and include all relevant information, supporting

documentation and appropriate fee. If any part of the application form is incomplete or the relevant information, supporting documentation or fee is not provided, the applicant will be requested to provide the missing information/documentation/fee and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence is payable at the time the application is submitted.

3.4.13 Any person wishing to licence a private hire vehicle must submit:

- a) a) A completed application form;
- b) A Basic Disclosure Certificate issued within the last 12 months or a DBS certificate registered on the update service;
- c) Complete a Statutory Declaration detailing the complete history of any criminal or motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices;
- d) A pass certificate for the Council's Knowledge Test
- e) b) the appropriate licence fee (in full at the time of application);
- f) c) a valid MOT (in accordance with the requirements set out at paragraph 3.99 below);
- g) d) a current vehicle fitness/garage test pass certificate (from the Council's Garage);
- h) e) a valid certificate of insurance for public hire, This must remain valid for the period of the licence and must be produced on demand to an authorised officer or Police, and in any case within 24 hours.
- i)
- j) f) the V5 registration certificate (or alternative interim measure outlined in paragraph 3.104 below);
- k) g) where a taximeter is fitted - a valid certificate/report to confirm the vehicles taximeter is fitted in accordance with the requirements set out at **Appendix H**
- l) h) Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval or equivalent).

Where the vehicle is fitted with a mechanically operated ramp/lift; a valid certificate/report confirming the ramp/lift complies with the requirements of the Lifting Operations and Lifting Regulations 1998. (NB. The vehicle proprietor is responsible for ensuring that a competent person carries out the necessary checks in accordance with these Regulations.);

Where non-mechanical ramps are used; confirmation is required from the proprietor of the vehicle that the ramps comply with the relevant provisions of the Provision and Use of Work Equipment Regulations 1998. (NB. Council officers will check that the provision of non-mechanical ramps is being maintained by the vehicle proprietor.); and

Where fittings are used to secure wheelchairs to the floor of a vehicle, a valid certificate/report confirming that all the fittings meet the required specifications should be provided that has been issued by an approved installer.

## Vehicle Testing Requirements

### MOT

3.4.14 MOTs are required in accordance with the following requirements:

- a. Vehicles must be submitted for an MOT inspection at least once per year, and if deemed necessary by an authorised officer. The applicant must produce valid MOT certificates to the Council in this respect;
- b. MOTs must be undertaken by a 'Nominated Tester' or Authorised Vehicle Examiner at a Vehicle Testing Station appointed under Section 45 of The Road Traffic Act 1988; the cost of all tests must be met by the vehicle operator;
- c. Vehicles will not require an MOT until they turn 3 years old. Once they turn 3 years old then it must have a valid MOT throughout the licence period;
- d. With respect to a licensed vehicle, in the event of a proprietor failing to present to the Council an MOT test certificate as required (unless delayed or prevented by sufficient cause accepted and agreed by the Council), the Council may suspend the licence and require the proprietor of

that vehicle to return the plate to them within 72 hours of receipt of the written request.

### **Vehicle Fitness/Garage Test**

- 3.4.15 The Council requires all vehicles to be tested at least once a year, depending on the age of the vehicle, to ensure that they are suitable and 'fit' to be licensed.

Testing of all vehicles takes place at the Council Garage, Central Depot, Knutton Lane, Newcastle-under-Lyme, ST5 2SL, or at an alternative location as authorised by the Council.

- 3.4.16 The frequency of testing is once per year, prior to the Council issuing a renewed licence. An authorised officer of the Council may request that an additional test is carried out during the licence period. All costs of the test are to be made by the vehicle operator.

- 3.4.17 It is the proprietor's responsibility to organise the testing of the vehicle before the existing plate expires. Applicants should note that the earliest you can present your vehicle for test is one month prior to its current expiry date.

Where a vehicle is suspended as a result of an accident; a garage test will be required to confirm that it is roadworthy, once any repairs have been completed. The driver is responsible for the cost of any additional garage tests. A vehicle fitness/garage test pass certificate will be required before the suspension can be lifted.

- 3.4.18 Where a vehicle fails the garage test the proprietor will be given 28 days to rectify the failure items and submit the vehicle for a re-inspection. If the garage deems the vehicle to be non-repairable, it fails the re-inspection or is not resubmitted within 28 days then the vehicle will not be eligible for a retest and any licence in place will lapse or will not be granted.

### **V5 registration certificate**

- 3.4.19 The Council accepts that a full V5 registration form in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form must be produced along with the proof of purchase. Where the green section has been produced on first licensing the vehicle, a full V5 form in the new owner's name must be produced to the Council within 7 days of the form being received by the owner of the vehicle. A V5 form or proof of purchase must be produced upon transfer of a vehicle licence.

### **Renewal of a Licence**

- 3.4.20 To allow the vehicle's licence to be renewed, a renewal application form must be received by the Council at least 10 working days prior to the expiry date of the original licence to allow the Council sufficient time to process the renewal application. It is the Council's intention to process all valid renewal applications within 10 working days; hence, where applicants fail to submit their renewal application within this timescale, the risk that their licence will expire increases. Once a licence expires, is revoked (subject to a statutory appeal process) or is surrendered, it ceases to exist and applicants will not be permitted to drive the vehicle as a Hackney Carriage or Private Hire Vehicle in these circumstances.

- 3.4.21 Once a licence ceases to exist a renewal application will not be accepted by the Council and the applicant must submit a new vehicle licence application which will be processed in accordance with the Council's new application procedures.

### **Vehicle Not Fit for the Conveyance of Passengers**

- 3.4.22 Where a proprietor has notified the Council that damage has occurred to a vehicle, or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers, an authorised officer of the Council will decide if the condition is such that the vehicle may continue in service or not. If not, an authorised officer of the Council may at that time suspend the vehicle licence and require the proprietor of the vehicle to return the vehicle's plate to them within 7 days. The suspension will be lifted and the plate returned at such time when the condition of the vehicle is demonstrated, to the satisfaction of the Council, to be fit for conveying passengers. A vehicle fitness/garage test will be required to determine whether the suspension can be lifted.

### **Advertising**

- 3.4.23 Proprietors are not permitted to advertise any third party company/person on private hire vehicles at any time.

### **Signage**

- 3.4.24 All Private Hire vehicles will be required to display the signs as detailed in **Appendix M** on the exterior of the rear passenger door on both sides of the vehicle, at all times that the vehicle is licensed by the Council.

### **Closed Circuit Television (CCTV)**

- 3.4.25 Proprietors of hackney carriage or private hire vehicles are permitted to install closed circuit television (CCTV) systems providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. If CCTV is fitted then the proprietor must prominently display signs indicating that CCTV is in use in the vehicle.

### **Trailers**

- 3.4.26 Private hire vehicles are permitted to tow trailers when undertaking the licensable activity, providing the conditions set out at **Appendix G** are complied with.

### **LPG Converted Vehicles**

- 3.4.27 The Council must be satisfied that any vehicle that has been converted to LPG has been converted correctly prior to a licence being issued. The Council will undertake a check of the UK LPG Vehicle Register.
- 3.4.28 With respect to new applications, where it is established that a conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, the Council will refuse the application.
- 3.4.29 In the event that an LPG conversion has been undertaken on a vehicle during a current licenced period and the proprietor of the vehicle fails to notify the Council within 7 days of the conversion. The Council will suspend the vehicle licence until such time as evidence is available on the UK LPG Vehicle Register. If the necessary evidence is not available on the UK LPG Vehicle Register within 28 days from the date the licence was suspended the Council will revoke the licence.
- 3.4.30 In the case of a conversion that has been undertaken on a vehicle during a current licenced period and it is subsequently established that the conversion has not been undertaken correctly and/or the vehicle is unsafe in any way, an authorised officer of the Council will

suspend the licence until such time as necessary works to the conversion have been undertaken and/or it is demonstrated to the satisfaction of the Council that the vehicle is safe. If this does not occur within a period of 28 days from the date the licence was suspended the Council will revoke the licence.

### **Electric/Hybrid Vehicles**

3.4.31 The Council encourages and promotes the purchase of fully electric or hybrid vehicles to be licensed as Private Hire Vehicles. Where possible the Council will seek to implement a number of 'plug-in' points around the district which will be available for vehicle proprietors to use, and also to actively target funding opportunities

### **Licence conditions**

3.4.32 The applicable conditions relevant to a private hire vehicle licence are set out at **Appendix G**; these conditions must be complied with. These conditions are in addition to any matters set out within the main body of the Policy.

### **Change of proprietor and/or driver**

3.4.33 The proprietor must give notice to the Council of any transfer in her/his interest in the private hire vehicle to a person other than the proprietor whose name is specified in the licence. Such notice must be given, in writing, within 14 days specifying the name and address of the person to whom the vehicle has been transferred.

The proprietor must give notice to the Council when any changes are made as to driver of the vehicle.

### **Change of address**

3.4.34 The proprietor of a private hire vehicle must notify the Council in writing, within 7 days, of any change of their address.

### **Retention of drivers licences**

3.4.35 A proprietor of a private hire vehicle must ensure that each driver's licence is lodged with the proprietor before the driver is employed to carry out work and must retain the licence in their possession for the period during which the driver remains in their employ. When a driver leaves the employ of a proprietor, the proprietor must return the driver's licence unless the licence holder has been guilty of misconduct in which case the operator may retain the licence and must issue a summons to have the cause of complaint determined by the Courts. (Note: If the Courts find that the licence has been improperly retained they have the powers to order its return and to award compensation.)

### **Inspection**

3.4.36 The proprietor must present their private hire vehicle for inspection/testing by the Council as required, up to a maximum of 3 times per year. If a vehicle continually fails tests and/or is found to be unsuitable following inspections, or repeatedly fails to attend inspections then the Council may suspend or revoke the vehicle licence.

3.4.37 The proprietor must provide, on request, the address where the private hire vehicle is kept and allow the Council to inspect/test the vehicle at that address.

### **Accidents**

3.4.38 The proprietor, notwithstanding their responsibilities under relevant road traffic legislation, must also report to the Council any accident as soon as reasonably practicable. However, where the vehicle has suffered accident damage that materially affects the safety, performance or appearance of the vehicle, or the comfort or convenience of fare paying passengers, the driver must notify the Council within 72 hours.

### **Production of documents**

3.4.39 The proprietor must, on request by an authorised officer of the Council or a police officer, produce to the officer for inspection the hackney carriage vehicle licence and insurance certificate within 7 days.

### **Return of identification plates**

3.4.40 Where a licence is revoked, suspended or expires, the proprietor, when required by the Council to do so must return the identification plates within 7 days. No new licence plates will be issued until the expired plates are returned to the Council.

### **Ranks/stands**

3.4.41 A private hire vehicle must not wait (stop or park) on any rank/stand. It is an offence to do so and may result in enforcement action being taken against the driver.

### **Parking/waiting**

3.4.42 Where a driver is dropping off or picking up a fare and is illegally parked or creating an obstruction (this does not include a legitimate period of time where a private hire vehicle has stopped to drop off or pick up a fare), the driver's licence may be reviewed and such conduct may be deemed a reasonable cause to revoke or suspend the licence or to take any other appropriate action such as being interviewed, have a warning issued to them.

The vehicle's horn is not to be used to inform customers you are waiting or that you have arrived. It must only be used in line with Reg.99 The Road Vehicles (Construction and Use) Regulations 1986.

## **3.5 Private Hire Operator Licences**

### **Summary**

3.5.1 Private hire operators are licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any person who wishes to take bookings, in the course of a business, for a private hire vehicle must hold a private hire operator licence.

### **Period of licence**

3.5.2 Operator licences will be issued for a period of 5 years unless the Council has reasonable cause to issue for a shorter time period.

### **Operator's Premises**

3.5.3 The Operator must have a base within the administrative area of Newcastle-under-Lyme in order to ensure that the Council can inspect the base and associated operator records to check



compliance with licence conditions.

- 3.5.4 The Council will not grant an operator's licence to apply to any physical premises that falls outside the administrative area of the Borough Council of Newcastle-under-Lyme. Those operators who hold an operator's licence that applies to premises falling outside of the administrative area of the Borough Council of Newcastle-under-Lyme at the time of this policy coming in to force will not be affected until their licence requires renewing. At renewal the operator must apply to operate from a physical premises falling inside the Borough Council of Newcastle-under-Lyme.

If the licence of a current operator, that applies to premises falling outside of the administrative area of the Borough Council of Newcastle-under-Lyme at the time of this policy coming in to force, is due to expire within 6 months of the implementation date then the Council may, at its discretion, issue a 12 month licence to allow operator sufficient time to source a suitable premises within the Borough area. After this period no licences will be issued to premises that fall outside of the Borough area.

- 3.5.5 The Council will only grant operator licences applicable to the physical premises from which the operator's business will be run.
- 3.5.6 The Council advises operators to have all necessary planning permissions for the operator base before a licence is granted. Proof of which may be requested as part of the application procedure.
- 3.5.7 Where the base is accessible to the public, either for booking or waiting, the Council will expect the premises to be clean, adequately ventilated and heated and that all laws have been complied with, including the Equality Act 2010.
- 3.5.8 There are a number of specific conditions set out in the operator licence conditions that apply to premises. Operators must be particularly mindful of complying with these and should they fail to do so the Council will consider revoking the operator's licence.

### **Record Keeping**

- 3.5.9 Operators must keep records in accordance with the conditions attached to their licence. Such records must be available upon request from an authorised officer of the Council or a police officer.

Under the conditions the operator is required to keep a number of different forms of record namely:

- Booking records (to include which member of staff took the booking);
- Operator vehicle schedule;
- Operator driver schedule;
- Maintenance programme for vehicles.

Each of these records must be kept up to date and retained by the operator for a period of at least 12 months (as per conditions of licence).

- 3.5.10 The application form must be fully completed and include all relevant information, supporting documentation and appropriate fee. If any part of the application form is incomplete or the relevant information or supporting documentation, or fee is not provided, the applicant will be requested to provide the missing information/documentation and informed that the application will not be processed until such time as all the information/documentation is provided. The full fee for the licence (including the cost of a DBS check and Safeguarding Training, where appropriate) is payable at the time the application is submitted.
- 3.5.11 Any person (including a sole trader, partnership or company) wishing to become a licensed private hire operator must submit:

- a completed application form (where the application relates to a partnership or a company, the application form must provide the name, address and date of birth of all partners, directors/company secretaries, as appropriate) A check of the Companies House register may be undertaken to confirm these details;
- a schedule of all employees that are not NULBC licensed drivers
- a basic DBS certificate for each director and company secretary
  - A Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions;
- a Safeguarding Training certificate for each director, company secretary and employees that are not NULBC licensed drivers
- the appropriate licence fee;
- a list of the vehicles and drivers which they operate; and
- any fleet insurance they hold with an accompanying schedule of vehicles and named drivers disclosed to the insurance company.

### **Criminal Record Disclosure**

3.5.12 All applicants (including sole traders, partnerships and companies) for a private hire operator's licence must prove that they are a fit and proper person to hold an operator's licence.

The applicant must also prove that all employees that work for them and have access to booking records are fit and proper people to be employed in such positions

3.5.13 Where the applicant or employee already holds a valid dual drivers licence (this will only apply to sole traders as individuals), a check will be made on the DBS update service. If the driver is not registered on the DBS update service then they will be required to submit a Basic DBS certificate. If the applicant is not a licensed driver then they will be required to submit a Basic DBS certificate. For a Basic Certificate:

Applicants can apply to the DBS online at <https://www.gov.uk/government/organisations/disclosure-and-barring-service/> or through a [Responsible Organisation](#).

3.5.14 For partnerships or companies, the above requirements apply to all partners and directors/company secretaries.

3.5.15 The Council adopts the same principles when determining whether an applicant is a fit and proper person to hold a private hire operator's licence as it does to persons applying for a drivers licence. In this respect, applicants are required to have due regard, as appropriate, to the requirements and information set out at paragraph 3.8a of this Policy.

3.5.16 Persons who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. The certificate must be authenticated, translated and sealed by the Embassy or High Commission.

The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided.

Proof of a right to work in the United Kingdom will also be required. For further details please see the Home Office Guidance issued to Local Authorities: <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the [GOV.UK](#) website at <https://www.gov.uk/government/world>.

The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email [at fcocorrespondence@fco.gov.uk](mailto:fcocorrespondence@fco.gov.uk) or by post at: FCO, King Charles Street, London, SW1A 2AH.

### **Insurance**

- 3.5.17 Any premises that provide access to members of the public must be covered by Public Liability insurance for a minimum of £5,000,000.
- 3.5.18 If there is a requirement for the operator to have Employers Liability indemnity then it must be for a minimum of £10,000,000.
- 3.5.19 For vehicle insurance, the Council will generally only accept original insurance documentation. The exception to that policy is that the Council will accept copy documentation where the Council itself receives an email confirmation of cover from the Insurance Company itself and the Council is entirely satisfied as to its validity.
- 3.5.20 Where the policy is a vehicle fleet policy confirmation that the vehicle is included on the schedule of vehicles will also be required in addition to the insurance certificate.

### **Vehicle Not Fit for the Conveyance of Passengers**

- 3.5.21 Where an operator has notified the Council that damage has occurred to a vehicle; or an inspection of the vehicle by an officer of the Council has determined that a vehicle is not fit for the purpose of conveying passengers; an authorised officer of the Council will determine if the condition of the vehicle is such that the vehicle may continue in service or not.
- 3.5.22 Where a vehicle is determined to be unfit for conveying passengers, an authorised officer of the Council may suspend the licence and require the proprietor of the vehicle to return the vehicle's plate to them within 7 days. The suspension will be lifted and the plate returned once the vehicle has been repaired and a vehicle fitness/garage test pass certificate has been provided to this authority. The officer will also inspect the vehicle to ensure it is suitable for use before the vehicle plates are returned.

### **Closed Circuit Television (CCTV)**

- 3.5.23 Operators are permitted to install closed circuit television (CCTV) systems in premises to which the public have access to make bookings or to wait providing such systems are installed in accordance with the appropriate legal framework and the Council has been notified, in writing, of their intention to do so. If CCTV is fitted then the operator must prominently display signs indicating that CCTV is in use in the vehicle.

### **Complaints Procedure**

- 3.5.24 Operators are required to have in place a complaints procedure and must maintain a record of all complaints received, including details of any investigation and/or actions taken as a result of a complaint.
- 3.5.25 The complaints procedure and compliant records must be made available to the licensing authority or Staffordshire Police on request and will be audited and checked by an authorised officer of the Council as appropriate.

### **Licence Conditions**

- 3.5.26 Applicable conditions relevant to a private hire operator licence are set out at **Appendix I**. These conditions must be complied with.

**Contract**

3.5.27 Every contract for the hire of a private hire vehicle is deemed to be made with the operator who accepted the booking for that vehicle whether or not the operator provided the vehicle.

**Production of records/documents**

3.5.28 Any records required to be retained in accordance with the licence must be produced, on request, to any authorised officer of the Council or to any police officer. The operator licence must also be produced if requested.

**Safeguarding Training**

3.5.29 Where the applicant or employee already holds a valid taxi drivers licence (this will only apply to sole traders as individuals), no further checks will be undertaken by the Council and the current Safeguarding Training certificate will be considered sufficient. However, if a valid driver's licence is not held, the applicant/employee must:-

- Attend the Council's Safeguarding and Child Sexual Exploitation Awareness Training prior to an operator's licence being granted, including being renewed, and employees being permitted to take bookings.

# COMPLIANCE, COMPLAINTS AND ENFORCEMENT

## 4.1 Summary

- 4.1.1 This part of the Policy sets out the manner in which the Council approaches compliance and enforcement, including the way in which complaints will be dealt with, as it relates to hackney carriage and private hire licensing.

### Compliance and enforcement

- 4.1.2 The Council's licensing officers will work closely with the hackney carriage and private hire trades to achieve compliance with the relevant legislation and the Council's conditions of licence. The Council will do so in accordance with the Council's Enforcement Policy, which is available on the Council's website at <https://www.newcastle-staffs.gov.uk/all-services/your-council/policies-and-strategies-z/corporate-enforcement-policy>

In addition, hackney carriage and private hire vehicle drivers and operators must comply with all reasonable requests made by officers of the Borough Council of Newcastle-under-Lyme and the police.

- 4.1.3 The Council will work closely with other enforcement authorities when dealing with licensed and unlicensed vehicles and drivers, especially concerning cross boundary related issues.
- 4.1.4 Licence holders are strongly encouraged to cooperate with officers of all other local authorities. Failure to cooperate may lead to the suspension or revocation of their drivers licence.
- 4.1.5 Breaches of the driver code of conduct and/or vehicle and operator licence conditions will be dealt with in accordance with the Councils enforcement policy and will be referred to the duly authorised officer. Repeated breaches of licence conditions will result in the matter being referred to the Public Protection Sub-Committee.

### Complaints

- 4.1.6 Where appropriate, complainants will be encouraged to raise complaints directly with the relevant licence holder or business concerned in the first instance. However, the Council will also respond to complaints in line with its Enforcement Policy and will use complaint information to assist in the determination of licensing decisions.

## 4.2 Enforcement

### Enforcement Policy Statement

- 4.2.1 The Council has an Enforcement Policy which it will take into account before taking any enforcement action.
- 4.2.2 The Licensing Team must be familiar with the requirements of the policy and appropriate training will be provided, where required.
- 4.2.3 Enforcement Officers will be authorised by the Council to take enforcement actions relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.

- 4.2.4 Where there is a shared enforcement role with other agencies, e.g. the Police, we will liaise with and co-operate with them to ensure there is no conflict of interest or unnecessary duplication of enforcement.
- 4.2.5 The Council will investigate all valid complaints with regard to drivers, vehicles and operators/proprietors. It will also do spot checks and undercover checks. Investigations will be focused and targeted on businesses that do not comply and/or in those areas of the Borough where complaints have identified potential problems. Those individuals or businesses will face proportionate and meaningful sanctions. Complaints are frequently made against hackney carriage and private hire drivers. Such complaints will be considered first by the licensing officer as to the nature of the complaint being serious enough to be forwarded to an authorised officer of the Council or Public Protection Sub-Committee.
- 4.2.6 An authorised officer of the Council /Public Protection Sub-Committee will consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Council will consider whether the driver is a fit and proper person to hold such a licence.
- 4.2.7 Complaints may be investigated by way of an interview under caution in compliance with the Police and Criminal Evidence Act 1984.
- 4.2.8 Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences show a lack of responsibility whilst driving, either due to the maintenance and safety of their vehicles, or in the manner of their driving. The Council expects all licence holders to adhere to the specifications set out in this Policy and in any relevant legislation. Any complaints that relate to misconduct will be fully investigated and appropriate action will be taken where deemed necessary.
- 4.2.9 Licence holders are expected to co-operate fully with all requests made of them by an authorised officer of the Council. Failure to do so and/or obstruct an officer in their duty will lead to appropriate action being taken where deemed necessary. This includes, but is not limited to, attending interviews and vehicle inspections, and producing documentation upon request.

### **4.3 Enforcement Options**

- 4.3.1 Licence application and enforcement decisions will always be consistent, balanced, fair and relate to common standards which ensure that the public is adequately protected. In reaching any decision many criteria will be considered including the:-
- seriousness of any offences;
  - driver or operator's past history;
  - consequence of non-compliance;
  - likely effectiveness of the various enforcement options;
  - danger to the public.

Having considered all relevant information and evidence, the choices for action are:-

#### Licence Applications:

- grant licences subject to the Council's Standard Conditions;
- refuse to grant a licence.
- Grant for a limited time period

#### Enforcement Action:

- take no action;
- take informal action;

- suspend a licence;
- revoke a licence;
- use simple cautions;
- endorse a licence with penalty points (see **Appendix L**)
- prosecute;

Where an officer is unable to determine an application/licence, where an applicant has declared convictions, or when the Council have become aware of convictions the application/licence may be referred to the Public Protection Sub-Committee.

This Council will have regard to the Convictions Guidelines at **Appendix J**.

### **Informal Action**

4.3.2 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and written requests for action. Verbal warnings will be confirmed in writing.

4.3.3 Such informal enforcement actions may be appropriate in any of the following circumstances:-

- the act or omission is not serious enough to warrant more formal action;
- from the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance;
- confidence in the operator's management is generally high;
- the consequences of non-compliance will not pose a significant risk to the safety of the public.

Details of any informal action will be recorded on the councils' records. This will form part of the history which will be reviewed when considering the appropriate action to take if further enforcement action is prompted.

### **Appearance before the Public Protection Sub Committee**

4.3.4 An offending individual or company may be summoned before the Public Protection sub-Committee to answer allegations of breaches of relevant legislation, or conditions attached to licences.

The Public Protection Sub Committee have the option of deciding the application on its merits, and may:

- Take no action;
- Give a written warning;
- require the production of driving licences or other specified documentation at the Council's office;
- suspend the licence, upon setting conditions, or for a period of time;
- revoke the licence;
- endorse a licence with penalty points (see **Appendix L**)
- recommend prosecution action.

Details of the appeals procedure will be set out in the written notification of action sent by the Council.

The Public Protection Sub Committee will have regard to the guidance on convictions shown at **Appendix J** of this policy.

### **Suspension Notices under section 68 of the Local Government (Miscellaneous Provisions) Act 1976**

- 4.3.5 An authorised officer may serve notice in writing for a hackney carriage, private hire vehicle or taximeter attached to a licensed vehicle, requiring the vehicle or taximeter to be examined at the Council's garage at a time specified in the notice.
- 4.3.6 This notice will only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter. An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as the officer is satisfied with the condition of the hackney carriage or private hire vehicle.
- 4.3.7 This action will only be taken when the officer has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passengers and/or other road users.

Details of the appeals procedure will be set out in the written notification of action sent by the Council.

### **Prosecution**

- 4.3.8 The decision to prosecute is a very significant one. Prosecution will, in general be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. Decisions to prosecute will be made in a consistent manner, and be proportionate to the circumstances.

The circumstances which are likely to warrant prosecution may be characterised by one or more of the following:-

- where there is a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it;
- when there appears to have been reckless disregard for the safety of passengers or other road users;
- where there have been repeated breaches of legal requirements;
- where a particular type of offence is prevalent;
- where a particular contravention has caused serious public alarm.

Officers will take account of the Council Enforcement Policy when circumstances have been identified which may warrant a prosecution.

### **Simple Cautions**

- 4.3.9 A simple caution may be used as an alternative to a prosecution in certain circumstances.

## **4.4 Penalty Points Scheme (see Appendix L for further details)**

### **Introduction**

- 4.4.1 Hackney Carriage and Private Hire Operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Councils Byelaws and the Rules, Regulations and Conditions set by the Licensing Committee.
- 4.4.2 Should operators, drivers or proprietors of vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved are asked to attend the offices for an interview and then once investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the persons' file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Public Protection Committee and /or prosecution.



- 4.4.3 The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
- 4.4.4 The primary objective of the penalty point's scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
- 4.4.5 Penalty points remain on the licensee's record for twenty four months. The period is a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

#### **Issue of Penalty Points**

- 4.4.6 Complaints from the public concerning significant breaches of conduct will be subject to investigation by officers and may be reported to the Public Protection Sub-Committee for the issue of discretionary points.
- 4.4.7 Where a licensee accumulates 12 or more penalty points in any 24 month period, the matter will be referred to the Council's Public Protection Sub-Committee to decide whether the licensee remains a fit and proper person. The Committee may then suspend or revoke a licence, or issue a warning to the Licensee, depending on the circumstances. Periods of suspension of a licence by a Committee will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.
- 4.4.8 Penalty Points will remain current for 24 months from the date the penalty points were issued. Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing normally within 10 working days of the conclusion of the investigation into the contravention.
- 4.4.9 Any disputes regarding the issuing of penalty points will be referred to the Public Protection Sub-Committee who will have the discretion to award a greater number of points than displayed on the tariff, if the complaint is upheld. Drivers, proprietors and Operators must appeal against points awarded by officers to the Public Protection Committee within 21 days of notification of them being issued.
- 4.4.10 If points are issued to a proprietor/driver or operator by the Council for a matter which is also a criminal offence, e.g. bald tyres, no badge, those person(s) will not be the subject of a prosecution for that offence by the Council but may be referred to other relevant authorities such as the Police.

#### **Notes:**

- The Council's approach for dealing with those who fail to meet the reasonable standards expected of a licensed driver, in the case of minor breaches of conditions/Codes of Conduct, will initially be by way of a verbal warning and then written warnings.
- The list of penalties above is not exhaustive and other offences and/or contraventions will be dealt with accordingly.
- Referral to the public protection sub committee can be made in respect of any offence/breach of condition at any time.
- A driver who is prosecuted for an offence may subsequently be referred to the Public Protection Sub Committee upon conviction of that offence.
- Significant matters may result in revocation of a licence at any time.

- Legislation allows for prosecution of some offences at any time.
- Authorised Officers have delegated powers to suspend and revoke licences. Revoked licences will be referred to the Public Protection Sub-Committee for consideration for prosecution where appropriate.

# FARES & FEES

## 5. FARES & FEES

- 5.1 The Council's policy is that the fees charged by the authority should meet the cost to the authority to administer the service. The service provided in relation to hackney carriages and private hire vehicles should not make a profit or a loss. Any surplus produced would of course be put back into the service. This is in line with Council's charging policy.

### Review and Setting of fees

- 5.2 The Council may review the licence fees annually. The Council is committed to working with the trade to identify ways in which savings/efficiencies can be made to avoid increasing the burden on the trade.

### Private hire rates

- 5.3 The Council has no power to regulate the rate for private hire vehicles. However the conditions set out the requirement that the amount charged shall be no more than the agreed fare. In addition the Council expects all drivers to meet their legal obligation not to prolong a journey.

### Hackney carriage tariffs

- 5.4 The Council sets the Table of Fares (or Tariffs) for hackney carriage journeys and they are the maximum charges that Hackney Carriages can charge for journeys wholly within the Borough's administrative area and the rate at which the taximeters must be calibrated to in order for them to calculate journey fares. These will be reviewed upon request by the trade, with a view to any changes coming into effect within 6 months of the review. The Council recognises the importance of these tariffs being fair (both to the public and to the trade). This is particularly the case as Hackney Carriages used for private hire can only charge at the Council set rates by virtue of section 67 of the Local Government (Miscellaneous Provisions) Act 1976.

The licensing conditions set out the requirement that the amount charged shall be no more than the agreed fare. In addition the Council expects all drivers to meet their legal obligation not to prolong a journey

The Table of Fares (or Tariffs) is published on the Council's website here: <https://www.newcastle-staffs.gov.uk/all-services/business/licensing/private-hire-and-hackney-carriage-licences>.

# POLICY CONSULTATION

6.0 Members of the public were invited to put forward their comments to the proposed policy document during a series of consultation periods. In addition consultation was undertaken with the following stakeholders and partners:-

- Hackney Carriage and Private Hire Operators, Drivers and Proprietors
  - The Borough Council of Newcastle-under-Lyme Public Protection Committee
  - The Borough Council of Newcastle-under-Lyme Legal Services
  - The Borough Council of Newcastle-under-Lyme Licensing and Environmental Services Team
  - The Borough Council of Newcastle-under-Lyme Garage Vehicle Inspectors
  - The Borough Councils Partnerships team
  - Staffordshire County Council Passenger Transport Service (Education and Welfare)
  - Staffordshire Safeguarding Children's Board Child and Adult Safeguarding Services
  - Staffordshire Police
  - Staffordshire Fire and Rescue Service
  - Neighbouring local authorities
- a. The draft policy was approved to go out for consultation by the Public Protection Committee on **XXXXXXX**. The consultation was taken over a 12 week period from **XXXXXXX** to **XXXXXXX**. At the end of the 12 week period the responses were collated, amendments were made where deemed appropriate and the updated policy was referred back to the Public Protection Committee to be approved to be sent to Full Council for adoption.
- b. Full Council agreed to adopt the Policy in its current form on **XXXXXXX** and for it to be implemented on **XXXXXXX**
- c. During the consultation period the Council held meetings with the Hackney Carriage Association and representatives of holders of Private Hire Operator and Vehicle Licences.

# APPENDICES

Appendix A – CHILD SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN AND YOUNG PEOPLE

Appendix B – DRIVER CODE OF CONDUCT

Appendix C – DRIVER CRITERIA

Appendix D – HACKNEY CARRIAGE VEHICLE CONDITIONS

Appendix E – HACKNEY CARRIAGE VEHICLE SPECIFICATIONS

Appendix F – PLYING FOR HIRE

Appendix G – PRIVATE HIRE VEHICLE CONDITIONS

Appendix H – PRIVATE HIRE VEHICLE SPECIFICATIONS

Appendix I – PRIVATE HIRE OPERATOR CONDITIONS

Appendix J – TAXI AND PHV LICENSING CONVICTIONS GUIDELINES

Appendix K – CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PERSONS

Appendix L – PENALTY POINTS SCHEME

Appendix M – VEHICLE SIGNAGE

# Appendix A

## CHILD SEXUAL EXPLOITATION AND TRAFFICKING OF CHILDREN AND YOUNG PEOPLE

### Introduction

Set out below is information for hackney carriage and private hire vehicle drivers and operators to help them report, to the relevant authorities, matters of concern that could relate to the safety of children and vulnerable persons, particularly as it relates to child sexual exploitation and trafficking.

### General information

The Borough Council of Newcastle-under-Lyme's Licensing Service is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly Staffordshire Police, Children and Adult Services within the Council and the Staffordshire Safeguarding Children Board.

Through partnership working and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing information with Staffordshire Police and Staffordshire Safeguarding Children's Board helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.

Child sexual exploitation is a crime that can affect any child, anytime, anywhere regardless of their social or ethnic background.

Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes.

### **How hackney carriage and private hire vehicle drivers and private hire operators can help tackle child sexual exploitation.**

Drivers of hackney carriages and private hire vehicles as well as private hire operators are in a good position to help identify victims of sexual exploitation because, through the transport services they provide, drivers and operators regularly come into contact with children and young people. This means that licensed drivers and private hire operators are in an ideal position to help protect young people.

In particular, drivers should ask themselves the following questions when picking up a fare.

- Does your customer appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?

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- Are you taking them to a hotel, party or secluded location? If so, ask yourself why?
- Are children/young people being taken regularly to the same localities? If so, ask yourself why?

**If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported.**

**If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with Staffordshire Police (Tel: 101) and First Responders at Staffordshire County Council on 0800 131 3126 or if out of office and in an emergency on 0345 604 2886.**

Further information about Staffordshire Safeguarding Children Board can be found at:

<http://www.staffsscb.org.uk/Home.aspx>

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# Appendix B

## DRIVER CODE OF CONDUCT

### CODE OF CONDUCT RELATING TO INDIVIDUALS ISSUED A DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE

Drivers issued a dual drivers licence by the Borough Council of Newcastle-under-Lyme under section 51 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”) must abide by this Code of Conduct. The Borough Council of Newcastle-under-Lyme considers that the Code is reasonably necessary.

It sets out the way in which the licence holder must act whilst acting as a licensed driver in addition to the existing legal requirements. They do not set out the existing legal requirements such as prohibition of illegal ply for hire.

It does not set out the detail as to what steps are required to become a licensed driver and it does not set out what factors are taken into account in deciding whether a person is a fit and proper person to be a driver. This is set out in the specifications earlier in the Policy.

**Breach of the code of conduct may lead to the immediate suspension of the licence, consideration of revocation of the licence or other enforcement action including prosecution.**

The Code of Conduct requires drivers to:

#### Notification requirements

1. Change of Name and/or Address - The licence holder (“the driver”) must notify the Licensing Administration Team in writing at the Borough Council of Newcastle-under-Lyme (“the Council”) within 7 days of changing name and/or address.
2. Medical circumstances – The driver must notify the Council in writing immediately if possible, or as soon as practicable of any serious illness, injury, medication or severe physical deterioration which could affect their ability to drive a licensed vehicle.
3. Damage to vehicle – The driver must inform the operator of any licensed vehicle in his custody of any damage occurring to that vehicle within 24 hours of the damage occurring. If the driver cannot contact the operator within 24 hours he/she must notify the Council in writing within 72 hours of the damage occurring.
4. Convictions/Cautions or other enforcement action – The driver must notify the Council in writing within 72 hours of any conviction, issue of a formal caution/final warning or issue of a fixed penalty notice by the Police or a Local Authority. **For the avoidance of doubt this also applies to any driving convictions.**
5. The driver must inform the Council in writing within 72 hours if they are questioned, arrested or interviewed voluntarily under caution, by the Police regarding any harassment, sexual offences, violent offences or in respect of any criminal offence.
6. When questioned by the Police or appear in Court, the driver must inform the Police/Court that they are a licensed driver.



7. The driver must also notify the Council in writing within 72 hours of any other enforcement action taken by any other local authority under the 1976 Act or the Town Police Clauses Act 1847.
8. Where the driver is required to notify the Council, in writing, under sections 4, 5, 6 or 7 he/she shall provide the Council with details of:
  - The offence/behaviour complained of;
  - Whether the offence occurred in a licensed vehicle and/or if they were working;
  - The date of conviction/enforcement action;
  - The sanction imposed.
9. Where the licence holder identifies or suspects that someone may be engaged in illegal terrorist related activity, the licence holder must refer such person or activity to the police.
10. Where the licence holder amends or changes their insurance policy for the vehicle they are driving then they must produce their amended/new insurance certificate to the Council Licensing department with 7 days.
11. Where the licence holder changes the operator that they work for they must notify the Council in writing within 7 days of that change with details of which operator they work for.

#### **Child Sexual Exploitation & Safeguarding Training**

12. Licence Holders must report any concerns they have to the relevant bodies as outlined in Appendix A.

#### **Drivers' Badges/Licenses**

13. Wearing/displaying of badges – The driver must wear the badge issued by the Council to them so that it is clearly and distinctly visible whenever he/she is acting as a hackney carriage or private hire driver. The driver must also display the second badge issued by the Council in a prominent position within the vehicle they are currently driving so that it is clearly and distinctly visible to all passengers whenever he/she is acting as a hackney carriage or private hire driver.
14. Licences given to Operator – The driver must provide a copy of the driver licence issued to them by the Council to their operator when they have made themselves available for private hire work for that operator. They must also give them a copy of their DVLA driver's licence.
15. Return of badges/licences – In the event of expiry of the licence or where the driver ceases to operate as a licensed private hire driver he/she must immediately return his/her badge and licence plates to the Council and otherwise upon any request by an Authorised Officer of the Council.

#### **Conduct**

16. Punctuality - The driver shall attend punctually when hired and shall provide reasonable assistance with the loading and unloading of luggage.
17. Appearance - The driver shall wear respectable and appropriate clothing at all times and appropriate footwear for driving.
18. Language – The driver must be capable of understanding instructions in the English language from customers and being understood in the English language by anyone hiring the vehicle.

19. Route - The driver must, unless otherwise requested by the hirer proceed to the destination by the most direct route
20. Receipts – The driver must, if requested, provide the hirer with a full written receipt for the fare paid.
21. Number of passengers – The driver must not allow the private hire vehicle to be used for more than the number of passengers the vehicle is licensed to carry.
22. Other passengers – The driver must not, without the express consent of the hirer, allow another person to be carried in the vehicle.
23. Front seat – The driver must not convey more persons in the front of the vehicle than the vehicle is designed for and must not convey any child below the age of fourteen years.
24. Music/Radio – The driver must comply with any request by the hirer to turn down or turn off any radio, music or other sounds in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle. The driver must obtain the relevant licence to play music in their vehicle when passengers are present (eg. PRS licence).
25. Behaviour – The driver must behave in a civil and orderly manner. The driver must not use any offensive, abusive, profane or insulting language or behaviour. The driver must take all reasonable precautions to ensure the health and safety of persons conveyed in or entering or alighting from the vehicle he is in charge of driving.
26. Assistance – The driver must offer reasonable assistance to customers with belongings upon request. This includes assistance with carrying shopping and luggage and lifting it into and out of the vehicle.
27. Check for lost property – The driver must at the end of each hiring search the vehicle for any lost property, which may have been left. Any property found must be handed to the owner, the nearest police station or the base operator.
28. Offer to hire vehicle - The driver must not, whilst driving or in charge of a private hire vehicle, accept an offer for the hire of any private hire vehicle while the holder of that vehicle is on the road or other public place except where such an offer is first communicated to the driver by telephone, radio or other communication method by a licensed operator or their booking office staff
29. Agreed fare - Where the fee is agreed in advance, the driver shall ensure that no more than the agreed fare is paid.
30. Receipts – The must issue a written receipt to the passengers for the fare paid for the journey undertaken, if requested to do so.
31. Smoking/Vaping – The driver must not smoke in any form, including using e-cigarettes and vaping, at any time they are in a licensed vehicle. This includes when driving the vehicle for private use and when working but not carrying passengers.
32. Data Protection – The must not use any personal data received during the course of their duty for any other purpose than that it was originally intended.

**Medical**

- 33. Medical reports – Group II shows that the applicant meets the required medical standard. Licence holders over the age of 65 are required to undertake annual medical examinations.
- 34. Medical reports where required by the Council - Any driver must, at their own cost, where required to by the Council, undergo a medical assessment with their own General Practitioner or other medical practitioner that has access to their full medical history. Such medical assessment must be completed using the standard from supplied by the Council. The Council will only exercise this power where such a medical is required to assist in the determination of whether a driver is fit and proper, for example where the driver has been seriously ill or an assessment has been recommended by a medical practitioner.

**Maintenance check**

- 35. Maintenance – The driver must before the start of any shift carry out a basic safety check to make sure that the vehicle is in a roadworthy condition e.g. checking lights, oil and water levels, condition of tyres, looking for obvious defects on the vehicle. Details of the checks must be recorded in writing, retained for at least 12 months and available to authorised officers of the Council and Police Constables within 72 hours of any request. Any issues with the vehicle must be reported immediately to the operator/proprietor as relevant..

**Animals**

- 36. The driver must not convey in the vehicle any animal except one belonging to a passenger.
- 37. The driver may carry any animal belonging to a passenger at his/her own discretion but only in the rear seating area of the vehicle and he/she shall ensure where necessary that such animals are suitably contained or restrained so as not to present a nuisance or hazard to the occupants of the vehicle.
- 38. Paragraph 31 does not in any way remove or reduce the duty placed on the driver of the vehicle to carry assistance dogs in the passenger compartment with the dogs' owner under Equality Act 2010 unless the driver has a valid exemption certificate issue by this authority under that Act (sections 168 and 169 apply to hackney carriage drivers; sections 170 and 171 apply to private hire drivers).

**Other requirements**

- 39. Comply with all other relevant statutory requirements. The most common statutory requirements are set out in the Council's guidance and policy statement accompanying these conditions.

**The licence holder must comply with this code of conduct at all times. Failure to comply may lead to enforcement action being taken against your licence.**

**I acknowledge receipt of this code of conduct**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed: \_\_\_\_\_

# Appendix C

## CRITERIA TO BECOME A DRIVER

1. Any person who drives a hackney carriage must hold the appropriate vehicle driver's licence. Hackney carriage vehicle driver's licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.
2. Any person who drives a private hire vehicle must hold the appropriate vehicle driver's licence. Private hire vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
3. The Council will issue a dual drivers licence, this will permit the licence holder to drive both hackney carriage and private hire vehicles, unless an applicant makes a specific request to the Council for either a hackney carriage driver licence or a private hire vehicle driver licence.

### Fit and proper person

4. The Council will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they meet all criteria to be deemed a fit and proper person. Licensed drivers provide a public service.
5. In considering the fit and proper person test all applicants on initial application and renewal must:
  - Provide a current and satisfactory enhanced Disclosure and Barring Service (DBS) check which will include a check against the Adult and Child Barring Lists;
  - undergo a medical examination to the DVLA Group 2 standard completed by your own GP or one that has access to your full medical history;
  - produce a document proving their right to work in the UK in line with the Home Office requirements for taxi drivers;
  - Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions';
  - The Council may also make additional enquiries through Staffordshire Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly if a driver has been previously licensed by another authority) and any other appropriate organisation, agency or person in order to ensure the Council is in a position to make as accurate an assessment of the applicant's fitness to hold a licence as is reasonably practicable.
6. New applicants for drivers licence will need to provide:
  - their certificate proving they have successfully completed the Level 2 BTEC/NVQ (or equivalent) in the professional role of a Taxi/Private Hire Driver;
  - the certificate proving they have attended a satisfactory Safeguarding Training course within the last 3 years;
  - their certificate proving they have successfully completed the Council's in-house knowledge test;
7. In addition, all current drivers must successfully complete the Council's in-house knowledge test prior to the first renewal application of their licence following the implementation of this policy.
8. With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council may require the licence holder to complete a further enhanced DBS check, the cost of which would lie with the licence holder. Where a licence holder refuses, this will be taken into consideration in determining their continuing fitness to hold a licence. Drivers

with convictions may have their licences reviewed in-line with the Convictions Guidelines at Appendix L, and where they have fallen within the previous policy it may result in them being referred to an authorised officer or Public Protection Sub-Committee to determine if they will be considered fit and proper.

9. When assessing the fitness of an applicant to hold a drivers licence, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Council or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour or conduct that may indicate that the applicant could put the safety and welfare of the public at risk.
10. It must also be recognised that the Council will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in hackney carriage or private hire work at the time or whether they occurred during the drivers' own personal time.
11. In addition, an important element associated with the fitness to hold a licence is the appearance and behaviour of a licensed driver. Consequently, the Council requires all licensed drivers to maintain a reasonable standard of appearance (see **Appendix B** para 14) and behaviour when in contact and dealing with other road users, pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, Council officers and elected members at all times. Applicants and licensed drivers must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.

### **Criminal Record Disclosure**

12. Hackney carriage and private hire vehicle drivers are required to undertake an enhanced Disclosure and Barring Service (DBS) Check and due to the nature of the occupation such drivers are deemed to be an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974 (by virtue of the amended Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975).
13. The effect of this, in relation to hackney carriage and private hire drivers, is to render the Rehabilitation of Offenders Act 1974 not applicable and therefore convictions are never regarded as 'spent'. As a result, all convictions (including cautions), will be taken into account when considering a person's suitability to hold a driver's licence.

**Applicants are required to provide details of ALL convictions and cautions, including driving endorsements and disqualification periods relating to traffic offences.**

14. Although cautions are generally considered not as serious as convictions, they require an admission of guilt before they can be issued and are therefore will be treated in the same way, are a useful indication of an applicant's character and whether they are a fit and proper person to hold or be granted a licence.
15. A criminal record does not automatically prevent or bar an applicant from holding a drivers licence. However, it will be a significant factor when determining whether a licence should be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out in **Appendix L**. However, the principal consideration will be to ensure the safety and welfare of the public.
16. Applicants who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. Guidance can be found here:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Such a certificate must be authenticated, translated and sealed by the Embassy or High Commission. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided.

Proof of a right to work in the United Kingdom will also be required. For further details please see the Home Office Guidance issued to Local Authorities: <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the [GOV.UK](https://www.gov.uk) website at <https://www.gov.uk/government/world>.

The FCO may be contacted for further assistance by telephone on 020 7008 1500, by [email at fcocorrespondence@fco.gov.uk](mailto:fcocorrespondence@fco.gov.uk) or by post at the FCO, King Charles Street, London, SW1A 2AH.

### **Non-conviction information**

17. In addition to information regarding convictions/cautions, applicants are expected to provide details of:

- all warnings, driving endorsements/disqualification periods relating to traffic offences, fixed penalties, penalty charge notices and any other similar sanctions;
- any charges or arrests that they are the subject of in connection with criminal offences, whether or not actually charged with the offence, and
- details of any allegations of involvement in criminal activity or where they have been questioned in connection with any alleged criminal activity
- or inappropriate/unacceptable behaviour or any other relevant pending matter.

For existing licence holders, this information must be notified to the Council within 7 days, in writing.

18. Where an applicant is the subject of an outstanding charge or summons, their application may continue to be processed. However, depending on the circumstances, it is unlikely that a decision on the application will be made until the conclusion of the criminal proceedings. Where the outstanding charge or summons involves a serious offence and/or the individual's offending history and behaviour/conduct indicates a pattern of unlawful or unacceptable behaviour/character, then the application is likely to be refused.
19. Where there is evidence and/or information that an applicant has been arrested or charged but not convicted of offences but the nature of this evidence/information suggests the applicant may not be a fit and proper person, the Council will give serious consideration to refusing an application or revoking an existing licence.

### **DVLA and other relevant driving licences**

20. A person applying for a drivers licence must be a minimum of 21 years old and have held a full DVLA/EC/EEA category B driving licence for at least 3 years at the time of application. This includes European Union (EU), European Economic Area (EEA) and Northern Irish licences. These requirements apply only to applications received on or after the date this Policy comes into force.
21. Throughout the currency of the drivers licence, the driver must possess a full driving licence in accordance with the above requirements. Where a driver has received a ban from driving under their DVLA licence they must return their taxi driver licence to the Council within 7 days.
22. Applicants are required to produce the original of their driving licence, whether it is a photo card or old style paper licence. Copies will not be accepted. A holder of a DVLA drivers

licence must also provide a valid code to enable the Council to carry out an online check of their driving history.

23. All applicants holding driving licences issued by countries other than the UK or those within the EU/EEA must produce a certificate to show a driving record from the country of issue. If the driving licence was not issued in the UK or EU/EEA then they must comply with the Government requirements on exchanging/applying for a DVLA licence.

### **Knowledge test**

24. All new applicants are required to pass the Council's written test before the Council will grant them a driver's licence. The test will be carried out in English. In addition, all existing drivers must successfully complete the Council's in-house knowledge test prior to the first renewal application of their licence following the implementation of this policy.

The test comprises an exam covering the following areas:

- the highway code;
- taxi legislation;
- the Council's vehicle conditions and driver Code of Conduct;
- safeguarding and child sexual exploitation awareness;
- Disability awareness
- Local area knowledge
- Working out fares and giving change;
- The understanding of and testing of written English

A 75% pass mark is required for each section, all sections must be passed at the same time and failure to answer certain questions correctly will result in automatic failure.

Where an applicant fails the knowledge test there is an additional fee for every subsequent test and every missed test. Once an appointment has been allocated for the test, the applicant must give 2 clear working days' notice to cancel an appointment otherwise they will be required to pay the test fee. In such circumstances the Council will deem that the applicant has failed the test.

Anyone failing the test will be entitled to re-sit the test twice, at a cost to themselves.

**If the applicant fails the test three times then the application will be cancelled and the applicant will be unable to reapply again for a licence until a minimum period of 12 months has elapsed from the date of the last failure and be treated as a new applicant.**

If any applicant has any particular needs as a result of a disability or otherwise he/she should let the Licensing team know and suitable arrangements can be made to facilitate the test.

25. Normal examination conditions will apply during the knowledge test. Any person found to be using unfair means during the test will be excluded from the test and will be required to take a fresh test and pay the appropriate fee. This may also affect their fitness and propriety to be granted a licence.
26. The holder of a driver's licence may be required to satisfactorily undertake a further knowledge test or tests at the discretion/request of an authorised officer of the Council or the Public Protection Sub Committee.
27. Failure to submit to or pass any knowledge test will permit the Council to refuse to grant or renew a driver's licence or to revoke or suspend the licence as required.

### **Safeguarding and Child Sexual Exploitation Awareness**

28. The Council requires all licensed drivers to attend Safeguarding and Child Sexual Exploitation Awareness training. For new driver applications, this must be completed **before** a licence is

issued for the first time.

Applicants for renewal of an existing driver licence must have completed the awareness training **before** their first licence renewal after this policy comes into force. All drivers will be expected to renew/refresh this training every 3 years.

The licensing Authority will accept attendance at a Safeguarding and Child Sexual Exploitation Awareness delivered by Staffordshire County Council as part of a home to school transport contract and training from other Local Authorities that meet the standard required by the Council.

The Council requires all licensed drivers to abide by the Council's 'Code of Conduct' which will be issued as a supporting document to a granted new or renewal application, a copy of which can be found at **Appendix B**.

### **Medical requirements**

29. The Council is permitted to satisfy itself that an applicant for a licence is mentally and physically fit and remains so during the currency of any licence. Consequently, all applicants for a Dual hackney carriage or private hire driver's licence are required to undertake a medical examination on initial application, at defined intervals thereafter and at any other such time as the Council require to ensure their fitness to drive.

The standards required are set out in the DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'. The standards are amended from time to time and can be found online at:

<https://www.gov.uk/government/publications/at-a-glance>

The standard required is the 'Group 2 Entitlement'.

30. All new applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued for the first time and then every 3 years in line with a renewal application. All licensed drivers aged 65 and over must undertake a medical examination annually and produce the report to the Council. Failure to do so may result in the licence being suspended or revoked.
31. The Council may also require drivers to undertake more regular medicals if their medical condition warrants it. The medical cannot be more than 3 months old at the time the licence is issued. It is therefore advisable to wait until the rest of the application process is complete before making arrangements for your medical.
32. The Council will not grant or renew, any driver's licence unless the medical examination requirements are complied with and the driver can demonstrate that they are medically fit to hold a drivers licence.
33. In particular, applicants must consider the medical conditions listed in the current DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive', as the Council may refuse to grant an application or revoke an existing licence where an applicant is unable to meet the nationally recommended guidelines in respect of the listed medical conditions.
34. If, once licensed, the driver's medical circumstances change during the licence period, the driver must inform the Council within 7 days. The Council may require the driver to immediately undertake a further medical examination and provide an approved medical certificate confirming the outcome of this examination and the driver's fitness (or otherwise) to continue as a licensed driver.



35. Should an authorised officer of the Council have reason to believe that a licensed hackney carriage or private hire vehicle driver has a medical condition that renders them unfit to drive, a further medical examination will be requested. The cost of the further medical examination will be met by the licensed driver.
36. The medical must be filled out on the Council's medical application form. The medical must be carried out either by the applicant/driver's own GP or by a medical practitioner than can gain access to that individual's full medical history. Any other medical will not be accepted.
37. With respect to current licence holders, if it is deemed necessary to do so, a licence may be revoked or suspended in the interests of protecting the public until further medical examination(s) has/have been carried out or if the licence holder is unable to demonstrate that they are medically fit to hold a drivers licence.

### **Medical Exemptions**

38. Medical exemptions involving the carriage of disabled persons and assistance dogs may apply to new applicants or licensed drivers who suffer from certain medical conditions. Where this is the case, the applicant/licensed driver must provide sufficient proof from their GP, or independent medical specialist, confirming that the exemption is required in order for the driver to carry out their duties. The Council reserves the right to refuse to grant a licence if sufficient medical proof is not provided and it is deemed appropriate to do so. Examples of sufficient proof include results of blood tests, skin tests and evidence of the individual's clinical history.

### **English speaking**

39. Applicants must be able to converse orally and in writing in English to a standard that would be reasonably expected of a person undertaking a role as a hackney carriage or private hire driver. This will be tested as part of the Knowledge Test, BTEC/NVQ qualification and interview appointment. If an applicant cannot satisfy the authorised officers of the Council that their standard of English is suitable then the application may be referred to the Public Protection Sub-Committee or authorised officers.

### **Code of Conduct**

40. All dual drivers licence holders must comply with the Code of Conduct set out at **Appendix B**. The Code of Conduct is in addition to any matters set out within the main body of the Policy.

# Appendix D

## HACKNEY CARRIAGE CONDITIONS OF LICENCE

These conditions are attached to the licenses issued by The Borough Council of Newcastle-under-Lyme under sections 47 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act").

The Borough Council of Newcastle-under-Lyme has carefully considered the following conditions and has decided that they are reasonably necessary.

**The licence holder (the owner of the vehicle) must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.**

The Conditions attached to the licence are as follows:

### Notification

1. Change of Address - The proprietor of the vehicle ("the owner") must notify the Licensing Administration Team in writing at The Borough Council of Newcastle-under-Lyme ("the Council") within 72 hours of his/her change of address.
2. Identification – The owner must inform the Council in writing of which form of identification on the vehicle he/she wishes to adopt (see condition 22).
3. Accident damage – The owner must report any accident damage to the Council within 72 hours in writing and must be repaired as soon as possible.
4. Transfer of ownership – The owner must inform the Council within 14 days in writing if s/he transfers part or all of her/his interest in the vehicle to any other person.
5. The proprietor must give notice to the Council when any changes are made as to driver of the vehicle
6. Where the licence holder amends or changes their insurance policy for the vehicle they are driving then they must produce their amended/new insurance certificate to the Council Licensing department with 7 days.
7. Where the licence holder changes the operator that they work for they must notify the Council in writing within 7 days of that change with details of which operator they work for.

### Vehicle Condition and Maintenance

8. Safety and good order – The vehicle must be maintained in a safe, comfortable, clean and tidy condition at all times.
9. Maintenance programme – The owner/driver must at all times ensure that the vehicle is properly and regularly maintained. The owner must have in place a programme to ensure that vehicles are inspected regularly, record this in writing and retain for a period of 12 months. The programme and vehicle history must be submitted to the Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.
10. Advisory Work notified during Testing – The Council's garage may, while not failing the vehicle, give advice that further works are recommended to ensure that the vehicle complies with these conditions. The Council expects that the owner of the vehicle will take account of these advisories and incorporate any recommendations into the maintenance programme required in condition 6 above.

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11. Appearance of vehicle – all paintwork shall be maintained to a high standard and be free from dents, scratches and rust other than can be attributed to general wear and tear in the life of a licensed vehicle.
12. Seats - The seats of the vehicle must be properly cushioned and covered.
13. Floor – The floor of the vehicle must be provided with a properly fitted carpet, mat or other suitable covering.
14. Luggage – There must be means of carrying and securing luggage in the rear of the vehicle.
15. Spare Tyre – There must be, in or on the vehicle, a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety
16. Safety equipment – The vehicle must carry at all times a suitable and efficient fire extinguisher and a suitable first aid kit that is marked with the registration number of the vehicle. These must be readily available to the driver. The First Aid Kit must meet the British Standard BS 8599 1 and the Fire Extinguisher may be dry powder or CO2 but must meet the British Standard EN 3-10:2009

### Alteration to vehicle

17. No material alteration or change in the specification, design, condition or appearance of the vehicle (including its colour) shall be made without prior consent of the Council.
18. If the vehicle has CCTV fitted then the proprietor must inform the Council in writing within 7 days. The footage must be made available to authorised officers of the Council within 72 hours and the footage must be kept for a period not less than 14 days of recording. If CCTV is fitted then the proprietor must ensure that there is signage displayed notifying customers

### Signs and notices

19. Licence plate – The Council will issue to each licensed vehicle two white “licence plates” particular to the vehicle, one rectangular plate to be affixed securely to the exterior of the front and one square plate to be affixed securely to the exterior of the rear of the vehicle. The licence plates for the vehicle must be displayed at all times in a clearly visible place and maintained in good order. The plate must not at any time be wholly or partially concealed from view.
20. The Council plates shall be fitted securely to the exterior of the vehicle using a bracket provided by the Council and fixed directly to the body work of the vehicle. Magnetic fixings are not permitted.
21. All parts of the licence plate remain the property of the Council and must be returned to the Council on expiry.
22. The vehicle must, at all times, have the white stripe identifying the vehicle as a Hackney Carriage permanently affixed to the exterior, in line with the vehicle licensing specifications. Magnetic stripes are not permitted.
23. The vehicle must, at all times, display the Council set tariff sheet on the dashboard of the vehicle or in a suitable location visible to all passengers.
24. Identification Sticker – The Council will issue a white “identification sticker” or “internal plate” particular to the vehicle. Such sticker/plate must be displayed at all times in a clearly visible place in the front of the vehicle in a location visible to all passengers. The sticker must not at any time be wholly or partially concealed from view.

25. Further signs required by the Council – Each vehicle must display such notices as the Council reasonably requires and in the manner the Council prescribes. This includes the requirement to display signs, issued by the Council, on both rear passenger doors stating that vehicle is licensed as a Hackney Carriage by the Council as detailed in **Appendix M**
26. Roof sign – The vehicle must have a roof sign; that bears one of “for hire” or “taxi”. All parts of the sign must be clearly legible from a reasonable distance. The sign must be approved by the Council before use.
27. Door Signs – Where the owner chooses to adopt door signs the form, location and wording must be approved by the Council. It must have the name and telephone number of the operator or proprietor. It may have one of “for hire” or “taxi” but must not have the words “private hire” on the livery. All parts of the sign must be clearly legible from a reasonable distance.
28. Advertisements - The owner must not display any advertisements on or in the vehicle
29. No Smoking Signs – All vehicles must display a reasonable amount of no-smoking signs in the interior of the vehicle so as to be visible to all passengers.
30. Other signs – No other sign, notice, advertisement, inappropriate material, marks, or letters may be displayed on or in the vehicle (other than in accordance with the other conditions detailed above) unless the Council approves such markings or it is required under relevant legislation.
31. Taxi meter for hackney carriages – any hackney carriage must be fitted with a taximeter and this must be well maintained and clearly visible at all times. The meter must be set in accordance with the hackney carriage fare table approved by the Council and the fare table displayed prominently within the hackney carriage. The fare charged when the meter is used must be no more than that permitted by the approved tariff.

### **Insurance**

32. The owner must at all times ensure that there is in force in relation to the use of the vehicle as a Hackney Carriage vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. Where possible the Council recommends that owners purchase a fully comprehensive insurance policy.

### **Vehicle Tests**

33. MOT - The owner must at all times ensure that there is a valid MOT test certificate in force.
34. Requirement to attend vehicle test – The owner must, if requested, present the vehicle at such place and at such time as the Council may require in order for it to be tested as to whether it is suitable to be licensed as a Hackney Carriage vehicle.
35. Number of passengers – The driver must not allow the Hackney Carriage vehicle to be used for more than the number of passengers the vehicle is licensed to carry.

### **Animals**

36. No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle.
37. Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall when necessary be contained so as not to present a nuisance or hazard to the occupants of the vehicle.
38. Paragraph 32 does not in any way remove or reduce the duty placed on the driver of the hackney carriage vehicle to carry assistance dogs in the passenger compartment with the dogs’ owner under s168 Equality Act 2010 unless the driver has a valid exemption certificate issue by this authority under s169.

**The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.**

**I acknowledge receipt of these conditions**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed: \_\_\_\_\_

**PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED. YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL.**

### **ADDITIONAL CONDITIONS APPLICABLE TO THE USE OF TRAILERS**

1. Any driver using a trailer must ensure they hold the appropriate DVLA (or equivalent) driving licence.
2. The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.
3. The licensed towing vehicle's insurance must cover the towing of a trailer.
4. Trailers must not be left unattended anywhere on the highway.
5. The speed restrictions applicable to trailers must be observed at all times.
6. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
7. The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
8. The owner of the trailer must carry out periodic checks of the vehicle and be able to provide a written history of the checks and any maintenance that have been carried out,
9. The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
10. The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation
11. The trailer must display a duplicate of the rear licence plate affixed to the vehicle. The proprietor must inform the Council that they use a trailer and pay an additional fee for the duplicate plate.

# Appendix E

## HACKNEY CARRIAGE VEHICLE SPECIFICATIONS

### 1. Vehicle Age

Upon first application all vehicles must be a purpose built hackney carriage or wheelchair accessible, or converted to conform with European type approval, or be a fully electric vehicle and be less than 3 years old.

The maximum age for vehicles to be licensed will be 7 years old. The maximum age for Electric vehicles to be licensed will be 10 years old.

### 2. Grandfather Rights

Vehicles that are wheelchair accessible or previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted **one** retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

Current holders of Hackney Carriage licences for non-wheelchair accessible vehicles (i.e. saloons, hatchbacks and estates) will cease to benefit from existing grandfather rights allowing them to replace their current vehicle, either during the licence period or at the expiry date of the licence, with another non-wheelchair accessible vehicle. All replacement vehicles will be required to meet the criteria for a new Hackney Carriage Vehicles.

### 3. Specifications

- a) Vehicles must seat not less than four (4) or more than eight (8) passengers (not including the driver) and:
- b) Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Unless licensed at the implementation of this policy, vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will not be considered suitable for licensing;
- c) To be licensed as a Hackney Carriage the vehicle must be black with an affixed four inch white stripe which runs the length of both sides of the vehicle
- d) Vehicles presented to be licensed as a Hackney Carriage for the first time must be wheelchair accessible, unless they are a fully electric vehicle. They may be purpose built 'London-type' taxis, or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that is capable of carrying a passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval).
- e) Be fitted with a taximeter, calibrated to the Borough Council's approved tariff
- f) Be fitted with an illuminated roof sign
- g) Provide sufficient means by which any person in the carriage may communicate with the driver;

- h) All paintwork must be maintained in a uniform colour and free from dents, scratches or rust;
- i) Have a watertight roof or covering;
- j) Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing;
- k) Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986;
- l) Have seats that are properly cushioned and covered;
- m) Have a floor provided with a proper carpet, mat, or other suitable covering;
- n) Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;
- o) Provide means for securing luggage if the carriage is so constructed as to carry luggage:
- p) Be fitted with an anti-lock braking system
- q) Where tilting passenger seats are fitted (**except where these are part of the manufacturer's original vehicle specification**), the seat must:-
  - be forward facing (with the exception of the fold down seats fitted onto the bulkhead/partition of a purpose built hackney carriage);
  - be designed for use by an adult;
  - have a three point seatbelt - as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended).
- r) Have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver:
- s) Be maintained in a sound mechanical and structural condition at all times;
- t) Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;
- u) Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.
- v) Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes
- w) Minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.

Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that the vehicle will be licensed to carry will be the maximum number of seats, as detailed in the vehicle specification, less the number of wheelchairs that can be carried in the vehicle).

## 4. Taximeters

Taximeters must be:

- a. certified by a recognised body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;

- b. fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action or switched off and that no fare is recorded on the face of the taximeter;
- c. calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares determined by the Council;
- d. calendar and time controlled;
- e. fixed to the vehicle with appropriate seals/appliances, where possible, to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances;
- f. have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon; and

## **5. Wheelchair Accessible Vehicles**

- 5.1 Vehicles must be able to accommodate at least one wheelchair using passenger.
- 5.2 Vehicles shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring.
- 5.3 Wheelchairs can be loaded from either the side or the rear of the vehicle
- 5.4 A system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion.
- 5.5 A suitable restraint must be available to the occupant of the wheelchair.
- 5.6 A ramp or ramps, or other approved lifting device must be present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level.
- 5.7 Any lifting device fitted must be regularly tested in accordance with any applicable health and safety regulations for such devices and maintained in good working order.



# Appendix F

## PLYING FOR HIRE

1. Only licensed hackney carriages are permitted to ply for hire and only in the administrative area of the Borough Council with which they are licensed. It is ILLEGAL for a private hire vehicle to ply for hire. This means:
  - a) Private hire vehicles MUST NOT carry passengers if the journey has not been pre-booked with a private hire operator by the passenger.
  - b) All private hire vehicle journeys MUST be pre-booked through a licensed private hire operator.
  - c) All bookings MUST be made by prospective passengers with a private hire operator who will dispatch the vehicle. Prospective passengers may instruct a third party, e.g. a restaurant manager or bus station marshal, to make a booking on their behalf but this third party MUST NOT be the private hire vehicle driver.
  - d) A driver of a private hire vehicle is NOT permitted to make the booking on behalf of a prospective passenger, e.g. via their radio or mobile telephone or other device.
  - e) Private hire operators MUST NOT accept any booking made by a driver on behalf of a passenger.
  - f) Private hire vehicle drivers are NOT permitted to make their vehicles available for immediate hire. This means that private hire vehicle drivers MUST NOT physically position their vehicles in such a way as to be waiting in any area that is on view to the public to invite custom, e.g. allowing prospective customers to approach the vehicle and ask, 'Are you free?'
  - g) In most cases, the vehicle will not be insured during a journey that has not been correctly pre-booked.
  - h) Private hire vehicles MUST NOT wait at any taxi rank/stand.
  - i) Private hire vehicles MUST NOT be hailed in the street.
2. Other circumstances may constitute unlawful 'plying for hire'; accordingly, each case of allegedly unlawful 'plying for hire' will be judged on its own facts. Nevertheless, attention is drawn to the Council's position as set out above.
3. Further information about the relevant legislation is available in the Town Police Clauses Act 1847, in particular Section 45, and in Part II of the Local Government (Miscellaneous Provisions) Act 1976, in particular Section 64.

# APPENDIX G

## PRIVATE HIRE VEHICLE CONDITIONS

These conditions are attached to the licenses issued by The Borough Council of Newcastle-under-Lyme under sections 48 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”).

The Borough Council of Newcastle-under-Lyme has carefully considered the following conditions and has decided that they are reasonably necessary.

**The licence holder (the owner of the vehicle) must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.**

The Conditions attached to the licence are as follows:

### Notification

1. Change of Address - The proprietor of the vehicle (“the owner”) must notify the Licensing Administration Team at The Borough Council of Newcastle-under-Lyme (“the Council”) within 72 hours in writing of his/her change of address.
2. Accident damage – The owner must report any accident damage to the Council within 72 hours in writing and must be repaired as soon as possible.
3. Transfer of ownership – The owner must inform the Council in writing within 14 days if s/he transfers part or all of her/his interest in the vehicle to any other person.
4. The proprietor must give notice to the Council when any changes are made as to driver of the vehicle
5. Where the licence holder amends or changes their insurance policy for the vehicle they are driving then they must produce their amended/new insurance certificate to the Council Licensing department with 7 days.
6. Where the licence holder changes the operator that they work for they must notify the Council in writing within 7 days of that change with details of which operator they work for.

### Vehicle Condition and Maintenance

7. Safety and good order – The vehicle must be maintained in a safe, comfortable, clean and tidy condition at all times.
8. Maintenance programme – The owner/driver must at all times ensure that the vehicle is properly and regularly maintained. The owner must have in place a programme to ensure that vehicles are inspected regularly and record this in writing. The programme must be submitted to the Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.
9. Advisory Work notified during Testing – The Council’s garage may, while not failing the vehicle, give advice that further works are recommended to ensure that the vehicle complies with these conditions. The Council expects that the owner of the vehicle will take account of these advisories and incorporate any recommendations into the maintenance programme required in condition 6 above.
10. Appearance of vehicle – all paintwork shall be maintained to a high standard and be free from

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dents, scratches and rust other than can be attributed to general wear and tear in the life of a licensed vehicle.

11. Seats - The seats of the vehicle must be properly cushioned and covered.
12. Floor – The floor of the vehicle must be provided with a properly fitted carpet, mat or other suitable covering.
13. Luggage – There must be means of carrying and securing luggage in the rear of the vehicle.
14. Spare Tyre – There must be, in or on the vehicle, a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety
15. Safety equipment – The vehicle must carry at all times a suitable and efficient fire extinguisher and a suitable first aid kit that is marked with the registration number of the vehicle. These must be readily available to the driver. The First Aid Kit must meet the British Standard BS 8599 1 and the Fire Extinguisher may be dry powder or CO2 but must meet the British Standard EN 3-10:2009

### Alteration to vehicle

16. No material alteration or change in the specification, design, condition or appearance of the vehicle (including its colour) shall be made without prior consent of the Council.
17. If the vehicle has CCTV fitted then the proprietor must inform the Council in writing within 7 days. The footage must be made available to authorised officers of the Council within 72 hours and the footage must be kept for a period not less than 14 days of recording. If CCTV is fitted then the proprietor must ensure that there is signage displayed notifying customers

### Signs and notices

18. Licence plate – The Council will issue to each licensed vehicle two “licence plates” particular to the vehicle, one to be affixed to the front and one to be affixed to the rear of the vehicle. The licence plates for the vehicle must be displayed at all times in a clearly visible place and maintained in good order. The plate must not at any time be wholly or partially concealed from view.
19. The Council plates shall be fitted securely to the exterior of the vehicle using a bracket provided by the Council fixed directly to the body work of the vehicle. Private Hire Vehicle Licence plates will be green and white. Magnetic fixings are not permitted.
20. All parts of the licence plate remain the property of the Council and must be returned to the Council on expiry.
21. Identification Sticker – The Council will issue an “identification sticker” or “internal plate” particular to the vehicle. Such sticker/plate must be displayed at all times in a clearly visible place in the front of the vehicle in a location visible to all passengers. The sticker must not at any time be wholly or partially concealed from view.
22. Further signs required by the Council – Each vehicle must display such notices as the Council reasonably requires and in the manner the Council reasonably requires. This includes the requirement to display signs, issued by the Council, on both rear passenger doors stating that vehicle is licensed as a Private Hire Vehicle by the Council.
23. Other Identification - Each private hire vehicle, unless granted an exemption by the Council, must display door livery (as detailed in condition 23).

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24. Roof sign – Are not permitted to be used on Private Hire Vehicles
25. Door Livery –The form, location and wording must be approved by the Council. It must have the name and telephone number of the operator and the words “private hire” or “office bookings only” on the livery. All parts of the sign must be clearly legible from a reasonable distance. The livery of any private hire vehicle must not include the words “for hire”, the word “taxi” or any derivative thereof.
26. Advertisements - The owner must not display any advertisements on or in the vehicle
27. No Smoking Signs – All vehicles must display a reasonable amount of no-smoking signs in the interior of the vehicle so as to be visible to all passengers.
28. Other signs – No other sign, notice, advertisement, marks, or letters may be displayed on or in the vehicle (other than in accordance with the other conditions detailed above) unless the Council approves such markings or it is required under relevant legislation.
29. Taxi meter for private hire vehicles – any private hire vehicles fitted with a taximeter must ensure they are well maintained and clearly visible at all times. The meter must be set in accordance with the hackney carriage fare table approved by the Council and the fare table displayed prominently within the vehicle. The fare charged when the meter is used must be no more than that permitted by the approved tariff.

#### **Insurance**

30. The owner must at all times ensure that there is in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. Where possible the Council recommends that owners purchase a fully comprehensive insurance policy.

#### **Vehicle Tests**

31. MOT - The owner must at all times ensure that there is a valid MOT test certificate in force.
32. Requirement to attend vehicle test – The owner must, if requested, present the vehicle at such place and at such time as the Council may require in order for it to be tested as to whether it is suitable to be licensed as a private hire vehicle.
33. Number of passengers – The driver must not allow the private hire vehicle to be used for more than the number of passengers the vehicle is licensed to carry.

#### **Animals**

34. No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle.
35. Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall when necessary be contained so as not to present a nuisance or hazard to the occupants of the vehicle.
36. Paragraph 32 does not in any way remove or reduce the duty placed on the driver of the private hire vehicle to carry assistance dogs in the passenger compartment with the dogs’ owner under s170 Equality Act 2010 unless the driver has a valid exemption certificate issue by this authority under s171.

**The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.**

**I acknowledge receipt of these conditions**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed: \_\_\_\_\_

**PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED. YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL.**

### **ADDITIONAL CONDITIONS APPLICABLE TO THE USE OF TRAILERS**

1. Any driver using a trailer must ensure they hold the appropriate DVLA (or equivalent) driving licence.
2. The use of trailers is only permitted for vehicles of the multi-passenger type (more than 4 passenger seats) and on pre-arranged journeys where passenger's luggage cannot be safely accommodated within the vehicle.
3. The licensed towing vehicle's insurance must cover the towing of a trailer.
4. Trailers must not be left unattended anywhere on the highway.
5. The speed restrictions applicable to trailers must be observed at all times.
6. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
7. The towing of a trailer by a licensed vehicle shall only permit the conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
8. The owner of the trailer must carry out periodic checks of the vehicle and be able to provide a written history of the checks and any maintenance that have been carried out,
9. The trailer must at all times comply with all Road Traffic legislation requirements, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
10. The trailer shall not display any form of sign or advertisement not required or approved by the Council or Road Traffic legislation.
11. The trailer must display a duplicate of the rear licence plate affixed to the vehicle. The proprietor must inform the Council that they use a trailer and pay an additional fee for the duplicate plate.

### **Additional Conditions for Vehicles with Private Hire Vehicle Exemption Certificates**

1. Where a private hire vehicle licence has been issued a Private Hire Vehicle Exemption Certificate it must be retained in the boot of the vehicle at all times and produced to an authorised officer of the Council or a Police Constable upon request.
2. Where a private hire vehicle licence has been issued a Private Hire Vehicle Exemption Certificate the driver of the vehicle must have their taxi driver licence badge in the vehicle at all times and produced to an authorised officer of the Council or a Police Constable upon request.
3. Where the Council request copies of contracts and/or client lists the proprietor shall, within 72 hours, produced them an authorised officer.
4. Any amendments to the intended use of the vehicle must be notified in writing to the Council before they take place. If the Council determine that the proposals are not suitable and/or inline with the grounds given for the original issue of the Private Hire Vehicle Exemption Certificate then the Certificate may be withdrawn.

5. Vehicles that benefit from a Private Hire Vehicle Exemption Certificate may be transferred from one proprietor to another but the Private Hire Vehicle Exemption Certificate itself is non-transferrable. The proposed new proprietor would have to submit an application for a Private Hire Vehicle Exemption Certificate at the time as the vehicle transfer. The vehicle must not be used until the Council have granted a new certificate.
6. The vehicle must remain in pristine condition, both internally and externally, at all times. Failure to do so may lead to the certificate being withdrawn.

## **ADDITIONAL LIMOUSINE CONDITIONS OF LICENCE**

These additional conditions are attached to the licenses issued by the Borough Council of Newcastle-under-Lyme under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") in relation to limousines and special event vehicles.

For the purpose of licensing a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle.

The Borough Council of Newcastle-under-Lyme has carefully considered the following conditions and has decided that they are reasonably necessary.

**The licence holder (the owner of the vehicle) must meet all the conditions of this licence, including those for private hire vehicles generally. Breach of the conditions may lead to the immediate suspension of the vehicle and consideration of revocation of the licence or prosecution.**

The additional conditions attached to the licence are as follows:

1. The vehicle will be presented for, and successfully complete, a garage test at the Council testing station on Knutton Lane or an alternative location authorised by the Authority every 6 months.
3. The vehicle will be licensed for a maximum number of 8 passengers.
4. The vehicle will not be subject to an age restriction for the purposes of licensing.
5. Adequate three point seat belt installations must be in place for the equivalent number of passengers and driver.
6. Must provide a certificate of compliance through the Individual Vehicle Approval Scheme (IVA, formerly known as the Single Vehicle Approval Scheme (SVA).
7. Must provide proof of manufacturer's alterations approval for the vehicle
7. Children under 135cm tall or 12 years (whichever they reach first) can not travel in a sideways facing seat
8. Standard council identification plates must be displayed.

# APPENDIX H

## PRIVATE HIRE VEHICLE SPECIFICATIONS

### Vehicle Age

Upon first application all vehicles must be less than 3 years old

The maximum age for vehicles to be licensed will be 7 years old (from date of first registration or if imported from the date of manufacture). The maximum age for Electric Vehicles to be licensed will be 10 years old

### Grandfather Rights

Vehicles previously categorised as 'minibuses' which are licensed at the time this version of the policy is implemented may continue to be licensed until they fail the Council's mechanical vehicle test when it will cease to be suitable for licensing, or when they reach the maximum age of 10 years, whichever is soonest. These vehicles will be subject to a mechanical vehicle test every 6 months. The cost of the tests will be met by the vehicle owner. At each renewal test, and subsequent 6 month test will be permitted **one** retest only. Once a vehicle fails a test and retest it will cease to be suitable for licensing.

### Specifications

1. Vehicles must not seat less than 4 or more than eight passengers (not including the driver) and:
2. Be a Light Passenger Vehicle as defined by section 85 of the Road Traffic Act 1988 and have a minimum of 4 wheels. Vehicles converted from being light goods vehicles (registered under the N1 tax classification) to being passenger carrying vehicles will be considered subject to paragraph (e) below;
3. It must not be of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage
4. To be licensed for Private Hire the vehicle must have uniform coloured paintwork and can be any colour other than black, or a colour that closely resembles black (eg dark greys, blues may not be suitable)
5. The Council encourages vehicles presented to be licensed for Private Hire for the first time to be wheelchair accessible but they do not have to be. Where the vehicles are wheelchair accessible they may be purpose built, or specifically converted from a passenger carrying vehicle with no wheelchair access to a passenger carrying vehicle that is capable of carrying a passenger in their wheelchair (typically known as an M1 conversion). Converted vehicles must provide an appropriate certificate to prove the conversion has been carried out to the required standard (European-wide type approval).
6. Provide sufficient means by which any person in the carriage may communicate with the driver;
7. All paintwork must be maintained to a high standard and be free from dents, scratches and rust other than can be attributed to general wear and tear in the life of a licensed vehicle.
8. Have a watertight roof or covering;
9. Provide at least two windows on each side of the vehicle of which one window on one side must have a means of opening/closing;
10. Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light (tolerance of 2%) and must comply with the Road Vehicles (Construction & Use) Regulations 1986;
11. Have seats that are properly cushioned and covered;
12. Have a floor provided with a proper carpet, mat, or other suitable covering;

13. Have fittings and furniture in a clean condition and be well maintained and in every way fit for public service;
14. Provide means for securing luggage if the carriage is so constructed as to carry luggage:
15. Be fitted with an anti-lock braking system
16. Where tilting passenger seats are fitted (**except where these are part of the manufacturer's original vehicle specification**), the seat must:-
  - be forward facing (with the exception of the fold down seats fitted onto the bulkhead/partition of a purpose built hackney carriage);
  - be designed for use by an adult;
  - have a three point seatbelt - as specified in the Road Vehicle (Construction and Use) Regulations 1986 (as amended).
17. Have a minimum of four passenger doors, which may include the rear tailgate doors if they can be opened from inside the vehicle, including an entry/exit point for the driver:
18. Be maintained in a sound mechanical and structural condition at all times;
19. Have a full size spare wheel or space saver design wheel and the tools to change a wheel OR an emergency puncture repair kit OR carry details of their current a contract with a mobile tyre, replacement specialist (in any event where a spare wheel or puncture repair kit has been used, it is only to permit the current fare to be completed and any defective wheel must be replaced before taking another fare to ensure passenger safety); all pneumatic tyres, including the spare, must comply with the vehicle manufacturer's specification and any relevant legislation;
20. Be maintained in a clean and safe condition at all times from both exterior and interior perspectives.
21. Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes
22. Minibuses and Multi-Purpose Vehicles (MPVs) must have a step fitted to assist passenger access through all rear passenger doors.

Proprietors are encouraged to have provision for the legal transportation of a minimum of one wheelchair at all times. (When a vehicle licence is granted and the plates are issued, the maximum number of passenger seats that the vehicle will be licensed to carry will be the maximum number of seats, as detailed in the vehicle specification, less the number of wheelchairs that can be carried in the vehicle).

### **Wheelchair Accessible Vehicles**

23. Vehicles must be able to accommodate at least one wheelchair using passenger.
24. Vehicles shall have a designated space capable of accepting a reference wheelchair, of at least 1200mm by 700mm (measured front to back and side to side) with a minimum headroom of 1350mm measured from the floor of the vehicle for each passenger who uses a wheelchair. The space(s) shall be immediately adjacent to a vehicle door which is fitted with wheelchair access equipment so that the passenger using a wheelchair can board the vehicle and use the anchoring equipment with the minimum of manoeuvring.
25. Wheelchairs can be loaded from either the side or the rear of the vehicle
26. A system for the effective anchoring of wheelchairs must be provided such that they only face forwards or rearwards when the vehicle is in motion.
27. A suitable restraint must be available to the occupant of the wheelchair.
28. A ramp or ramps, or other approved lifting device must be present and available for use to enable the safe loading and unloading of any passenger using a wheelchair, and be capable of supporting a wheelchair, occupant and helper. When deployed ramps must run flush with the vehicles interior floor level.



29. Any lifting device fitted must be regularly tested in accordance with any applicable health and safety regulations for such devices and maintained in good working order.

### **Other Vehicles**

#### **Limousines, Novelty Vehicles and Vintage Vehicles**

30. For the purpose of licensing a limousine is described as a luxurious vehicle that has been stretched by the insertion of an additional section not exceeding 3048 millimetres to extend the length of the vehicle. The vehicle shall be capable of carrying up to, but not exceeding, eight passengers. Applicants are directed towards the VOSA (now DVSA) 'Guidance for Operators of Stretch Limousines' (March 2011).
31. Limousines will be licensed by the Council however, the over-riding consideration will be the safety of the vehicle. Such types of vehicle will only be licensed as private hire vehicles. They will be subject to the production of specific documents, in original form or as copies certified by the vehicle builder (uncertified photocopies will not be accepted), and to conditions as set out in Appendix G. These are in addition to the documents required and the conditions applicable to standard private hire vehicle licensing. Proprietors may submit an application for a Private Hire Vehicle Exemption Certificate.
32. The following documentation must be produced prior to licensing:
- a. Evidence of compliance through the Individual Vehicle Approval Scheme (IVA) or a Qualified Vehicle Modifier (QVM) certificate; this is issued by the vehicle builder.
  - b. Public Liability Insurance documentation for a minimum of £5,000,000 and, where drivers other than the proprietor are used, Employer Liability Insurance documentation for a minimum of £10,000,000.
  - c. Documentation recording the overall weight of the vehicle (as displayed on the vehicle.)
33. In addition to stretched limousines, novelty vehicles, e.g. fire engines, and vintage vehicles will also be considered for licensing. Such vehicles do not have to comply with the European Emission Standards or the New Car Assessment Programme rating but will be dealt with by a case by case basis and referred to the Council's Public Protection Committee for determination.

#### **Private Hire Vehicle Exemption Certificates**

The Local Government (Miscellaneous Provisions) Act 1976 ("LGMPA76") prohibits a licensed private hire vehicle being used without the identification plate issued by the Council being displayed upon the vehicle. It also provides that the driver of said vehicle must wear their identity badge (referred to here as drivers badge) at all times they are driving it.

The Council may issue a written notice (referred to here as a Private Hire Vehicle Exemption Certificate) that exempts the proprietor of the vehicle from having to display the identification plates. The Private Hire Vehicle Exemption Certificate can be used to exempt a vehicle from displaying plates at specific times or can give a blanket exemption. If the Council issues a Private Hire Vehicle Exemption Certificate then the LGMPA76 provides that the driver of said vehicle does not have to wear their drivers badge.

The LGMPA76 allows the Council to attach conditions to a private hire vehicle licence including the displaying of door signs upon the vehicle, colour of the vehicle and level tint permitted in the windows.

## Classification: NULBC UNCLASSIFIED

A proprietor can request to be exempt (referred to here as Private Hire Vehicle Exemption Requests) from displaying the vehicle licence plates and wearing the drivers badge, and also to be exempt from conditions attached to private hire vehicle licences such as those detailed above.

The LGMPA76 is silent on the reasons why a Council may choose to grant such an exemption to not display signs, plates and the drivers badge.

Private Hire Vehicle exemption requests are usually made in connection with 'executive' or 'celebrity' customers who rather than requiring the security that clear identification of the vehicle and driver usually affords, instead may become more at risk (along with the driver) if their presence can be identified from use of a particular vehicle or operator.

There are currently a small number of local operators that benefit from a Private Hire Vehicle Exemption Certificate and the Council's starting position is that a Private Hire Vehicle Exemption Request will only be granted in very limited circumstances. While the legislative process is specific and a standard process for requesting and determining an exemption operates, there is an absence of criteria within the legislation to guide applicants and Members regarding if and when an exemption should be granted. Here we seek to outline the criteria that the Council will use when determine whether a request will be granted.

The Council will request copies of written contracts or client lists to support the application, and may restrict the use of an exempted vehicle to contracted work only.

Given the type of passengers to be carried exempted vehicles are expected to be prestigious models with above average appearance and levels of equipment. Suggested indicative features are:

- ***A vehicle which is above the standard model and towards the top of the range as offered by the vehicle manufacturer***
- ***Climate control, all electric windows, and central anti-intrusion locking***
- ***Front and rear headrests and above average legroom***
- ***Seats which permit direct access into and out of the vehicle without the need to move, remove or fold down any other seat***
- ***Pristine interior and external condition***

Use of the vehicle outside of the exemption is permitted by the legislation provided door signs and licence plates are reapplied, however if a vehicle has been granted an exception certificate that restricts the use of the vehicle to contract work only then a condition will be placed on the vehicle licence that it may not be used for 'general private hire bookings' such as a trip to the shops or home from a restaurant.

All exempted vehicles must carry their licence plates and the Private Hire Vehicle exemption certificate in the boot of the vehicle at all times and produce them to an authorised officer of the Council or a Police Constable upon request.

There is a prohibition on private hire vehicles being black or a similar colour. Vehicles that benefit from a Private Hire Vehicle exemption certificate will be exempt from this condition and may be any colour.

If a proprietor of an exempted vehicle applies to transfer it to another person then that person will also have to apply for a new exemption certificate. Private Hire Vehicle Exemption certificates can not be transferred from one person to another, or from one vehicle to another.

# APPENDIX I

## PRIVATE HIRE OPERATOR CONDITIONS

These conditions are attached to the licenses issued by the Borough Council of Newcastle-under-Lyme under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”).

The Borough Council of Newcastle-under-Lyme has carefully considered the following conditions and has decided that they are reasonably necessary.

These conditions set out the way in which the licence holder must act whilst acting as a private hire operator in addition to the existing legal requirements. They do not set out the existing legal requirements such as prohibition of illegal ply for hire.

These conditions do not set out the detail as to what steps are required to become and remain an operator and they do not set out what factors are taken into account in deciding whether a person is a fit and proper person to be a driver. Information on these issues is set out in the Policy document above.

**Breach of these conditions may lead to the suspension of the licence and consideration of revocation of the licence or prosecution.**

The Conditions attached to the licence are as follows:

### Notification requirements

1. Change of Address - The private hire operator must notify the licensing authority (“the Council”) within 72 hours in writing of his/her change of personal address.
2. Change of Vehicles – The operator must inform the Council in writing *before* they wish to operate an additional vehicle. Where an operator ceases to operate a vehicle on the Operator Vehicle Schedule (see condition 10) he/she must notify the Council within 72 hours in writing.
3. Convictions/Cautions or other enforcement action – The operator must notify the Council within 72 hours in writing of any conviction, issue of a formal caution/final warning or issue of a fixed penalty notice by the Police or a Local Authority.

The operator must also notify the Council, in writing, within 72 hours of any other enforcement action taken by another local authority under the 1976 Act or the Town Police Clauses Act 1847. If the operator is a company or partnership any action listed above taken against the company or any of the directors or partners must also be notified to the Council. **For the avoidance of doubt this condition also applies to any driving convictions.**

4. Where the operator is required to notify the Council under condition 3, they must provide the Council with details of:
  - The offence / mischief;
  - The date of conviction / enforcement action;
  - The sanction imposed;

- The imposing authority / place;

5. Accident damage – The operator must report any accident damage to any vehicle under their control to the Council in writing within 72 hours and it must be repaired as soon as possible.

### **Record Keeping**

6. Booking records - Each operator must keep a record of the particulars of every booking invited or accepted by him, including the name of the staff member that took the booking. Such records must be kept for 12 months. **Each record must be fully completed before the dispatch of any vehicle or any part of the journey is undertaken.**

Records must also be maintained for any regular contract work that the operator may undertake such as school contracts. The records must specify the following:

- Date and time of booking;
- Client's first name and surname;
- Origin of journey;
- Time of journey;
- Destination of journey;
- Identification of both driver and the vehicle allocated to the booking;
- The agreed fare.

7. Booking records must be kept at the base recorded on the Operator's licence.

8. The operator must ensure that they use appropriate staff to carry out their bookings The Operator must use a Fit and Proper test, similar to the one the Council us for determining whether the grant an operator's licence, for each member of staff that they employee. The operator should not employee any individual that falls below that test.

9. Sub-contracted Bookings – Each operator must keep a record of the particulars of each journey that is either subject to sub-contracting. The record must specify:

- Date and time of booking;
- Operator received from (or passed to);
- Client's first name and surname;
- Origin of journey;
- Time and date of journey;
- Destination of journey;
- Identification of both driver and the vehicle allocated to the booking;
- The agreed fare;
- Confirmation that the customer has been advised that the journey has been sub-contracted.

### **Complaints Procedure**

10. Each operator must have in place a complaints procedure and must maintain a record of all complaints received, including details of any investigation and/or actions taken as a result of a complaint.

11. The complaints procedure and complaint records must be made available to the licensing authority or Staffordshire Police on request and will be audited and checked by an authorised officer of the Council as appropriate on a risk based approach. Where a child under the age of 18 years is involved the local safeguarding procedures will be used by the licensing authority on receipt of the complaint. Where a complaint is received about the behaviour/conduct of a driver towards a vulnerable person the operator must notify the Council in writing within 72

hours.

12. The records may be kept in hard copy or on computer. If kept in hard copy they must be in a bound book with consecutively numbered pages.

### **Operator Vehicle Schedule**

13. The operator must keep a schedule of all vehicles they operate ("the Operator Vehicle Schedule"). The Operator Vehicle Schedule must record the make, model, registration number, private hire number and the date of expiry of the private hire plate, insurance, road tax and MOT (where applicable) on the Operator Vehicle Schedule. The Operator Vehicle Schedule must be kept up to date by the operator.
14. The operator must not operate any private hire vehicle other than those which have been listed on the Operator Vehicle Schedule. All vehicles on the Operator Vehicle Schedule must have a valid private hire licence with the Council.

### **Operator Driver Schedule**

15. The operator must keep a schedule of all drivers s/he employs or uses ("the Operator Driver Schedule"). The Operator Driver Schedule must record the name, address, contact details together with the date of expiry of his private hire licence, the date of his next medical and the date when his driving licence expires on the Operator Driver Schedule. The Operator Driver Schedule must be kept up to date.
16. The operator must not use or employ any private hire driver other than those listed by the Operator on the Operator Driver Schedule.

### **Operator to keep Drivers' Licences**

17. It is the operator's responsibility to check that all drivers are licensed as private hire drivers. The operator should ensure that when a driver has made themselves available for private hire work that the driver has deposited her/his licence with the operator whilst s/he is available for work.

### **Maintenance**

18. Safety and good order – The operator must ensure that all vehicles on the Operators Vehicle Schedule are maintained in a safe, comfortable, clean and tidy condition at all times **whether or not the operator owns the vehicle**. The operator must ensure that at all times all vehicles on their Operators Vehicle Schedule meet all relevant legal obligations including the vehicle conditions imposed by the Council.
19. Maintenance programme – The operator must at all times ensure that all vehicles on their Operator Vehicle Schedule are properly and regularly maintained. The operator must have in place a programme to ensure that vehicles are inspected regularly and record in writing. The programme must be submitted to the Council on request and must include details of how often the vehicle is inspected, serviced and what checks are carried out.

### **Standard of Service**

20. General standards - The operator must provide a prompt, efficient, safe and reliable service to members of the public.

21. Punctuality – The operator must ensure that when a private hire vehicle has been hired to be at an appointment at a certain time and place that the vehicle attends punctually unless delayed for reasons beyond the reasonable control of the operator.
22. Standard of Premises accessible to public – Where the operator has premises accessible by the public whether for booking or waiting they must be kept clean and adequately heated, ventilated and lit. They must also have adequate seating facilities. Premises accessible to the public must also have public liability insurance cover of at least £5,000,000.

### **Operator Base**

23. Limit on operation – The operator must only operate from the base or bases identified on the operator’s licence and the base/s must be within the administrative area of Newcastle-under-Lyme Borough Council.
24. Licence for radio equipment – The operator must hold the necessary permission from OFCOM where they operate radio equipment requiring such permission.

### **Insurance**

25. Insurance - The operator must ensure that there is in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance as complies with the requirements of part VI of the Road Traffic Act 1988. A copy of the original certificate of insurance or cover note relating to each vehicle which shows those persons entitled to drive must be retained by the operator on the premises specified on the licence. Where the policy is a fleet policy confirmation that the vehicle is included on the schedule of vehicles will also be required in addition to the insurance certificate.
26. MOT – The operator must at all times ensure that each vehicle has a valid MOT test certificate if required by law.

### **Fares**

27. Agreed fare- Where the fee is agreed in advance, the operator shall ensure that no more than the agreed fare is paid.

### **Other requirements**

28. The Operator must comply with all other relevant statutory requirements. The Operator must also take all reasonable steps to ensure that any drivers they employ or uses comply with relevant statutory requirements. The most common statutory requirements are set out in the Council’s guidance and policy statement accompanying these conditions.

**The licence holder must meet all the conditions of this licence. Breach of these conditions may lead to the suspension of the operator’s licence and consideration of revocation of the licence and/or where appropriate prosecution.**

### **I acknowledge receipt of these conditions**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed: \_\_\_\_\_

PLEASE NOTE THAT SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS SET OUT ABOVE THEN YOU HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THE LICENCE IS ISSUED. YOU ALSO HAVE A RIGHT OF APPEAL TO THE MAGISTRATES COURT AGAINST REFUSAL TO ISSUE A LICENCE WITHIN 21 DAYS FROM REFUSAL.

# APPENDIX J

## Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades

1. There is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
2. Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) will be persons of the highest integrity.
3. The purpose of this document is to specify how Newcastle-Under Lyme Borough Council will determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.
4. In certain circumstances these guidelines say never to a licence being granted, but each case will be considered on its own merits

### Pre-application requirements

5. The Council is entitled to set its own pre-application requirements and these are outlined in the Policy and relevant appendices.
6. In relation to all Hackney Carriage and Private Hire licences, the Council has discretion as to whether or not to grant the licence.
7. Drivers and operators cannot be granted a licence unless the Council is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
8. There are no statutory criteria for vehicle licences, therefore the Council has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor's licence.
9. "Fit and proper" means that the individual (or in the case of a private hire operator's licence, the limited company together with its directors and secretary, or all members of a partnership) is "safe and suitable" to hold the licence.
10. In determining safety and suitability the Council is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person's behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.
11. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
12. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the Council. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
13. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, the Council will decide what action to take in the light of these guidelines.
14. In all cases, the Council will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
15. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire



vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

16. As the Council will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
17. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
18. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.
19. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
20. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution or other enforcement action being taken.
21. As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
22. Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The Council is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
23. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the Council will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
24. These guidelines do not replace the duty of the Council to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the Council will consider the matter from first principles and determine the fitness and propriety of the individual.

## Drivers

25. As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
26. A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle.
27. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
28. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
29. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

## Crimes resulting in death

30. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

31. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence

32. Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

33. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

34. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.  
35. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

36. Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

37. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.  
38. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

39. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

40. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

41. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to

undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

42. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

#### Other motoring offences

43. A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. The 5 year period remains in place even when penalty points expire and are removed from the DVLA licence.
44. A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. The 7 year period remains in place even when penalty points expire and are removed from the DVLA licence.

#### Hackney carriage and private hire offences

45. Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Vehicle use offences

46. Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### Private Hire Operators

47. A private hire operator ("an operator") does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
48. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
49. Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the Council's overall criteria, that will lead to the operator's licence being revoked.
50. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

#### Vehicle proprietors

51. Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
52. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
53. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
54. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

55. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

# Appendix K

## CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PASSENGERS

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be, for example, a child, an elderly person or somebody with learning difficulties. In addition, an individual should be considered vulnerable if they do not fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol or drugs).

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers must carry photo ID at all times, and wear it in accordance with the conditions of licence.
- A vulnerable passenger must not be transported in the front passenger seat of the vehicle.
- The driver / operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver / operator must not undertake the journey.
- When making a journey with vulnerable passengers and there is a carer/responsible person present, then photo-identification should be produced to the driver by the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service a responsible person, such as their carer, family member, parent or guardian should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
- Drivers should always ask if a vulnerable passenger needs assistance, and should not make assumptions.
- Drivers must remain professional at all times and should not:
  - Touch a person inappropriately
  - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
  - Behave in a way that may make a passenger feel intimidated or threatened
  - Attempt to misuse personal details obtained via the business about a person

These standards are equally applicable when working with vulnerable and non-vulnerable passengers.

- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service.

- Drivers and operators must remain alert to issues around the safeguarding of children and adults at risk. If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the Police by telephoning 101 (or in an emergency by calling 999).
- If a driver/operator is concerned about someone else's conduct, they should report such concerns to the council's licensing department (01782 717717), Police (101 or in an emergency by calling 999) or Crimestoppers (0800 555111).

# APPENDIX L

## PENALTY POINTS SCHEME

	Details of the misconduct	Points Applicable	Driver	Vehicle Owner or Operator
1	Providing false or misleading information on licence application form / failing to provide relevant information or pay the relevant fee (including dishonoured cheques)	6	✓	✓
2	Failure to notify, in writing, the Council of a change of address within 7 calendar days	3	✓	✓
3	Refusal to accept hiring without reasonable cause	6	✓	✓
4	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓	
5	Plying for hire by Private hire drivers or Hackney Carriage drivers plying for hire outside the district	9	✓	✓
6	Private hire vehicle parking or waiting on a taxi rank	9	✓	✓
7	Inappropriate behaviour at a taxi rank,	1-12*	✓	✓
8	Leaving a taxi unattended at a rank	4	✓	
9	Using unlicensed vehicle or using a licensed vehicle without insurance or without a valid MOT	12	✓	✓
10	Failure to produce relevant documents within timescales when requested by an Authorised Officer	4	✓	✓
11	Unsatisfactory condition of vehicle, interior or exterior	4	✓	✓
12	Failure to provide proof of insurance cover when requested	6	✓	✓
13	Failure to produce Hackney Carriage or Private Hire vehicle for re-testing when required	4		✓
14	Using a vehicle subject to a suspension order issued by an Authorised Officer or a police officer	12	✓	✓
15	Using a vehicle for which the licence has been suspended or revoked	12	✓	✓
16	Failure to report, in writing, within 72 hours, accident or damage to licensed vehicle, which would cause the vehicle to breach licence conditions	4	✓	✓
17	Carrying more passengers than stated on the vehicle licence	6	✓	
18	Failure to display external/internal licence plate in a fixed position or failure to display appropriate door signs	6	✓	✓
19	Carrying an offensive weapon in the vehicle	12	✓	
20	Failure to notify a transfer of Private Hire or Hackney Carriage vehicle licence within 14 days of transfer	4		✓
21	Failure to carry fire extinguisher	4		✓
22	Failure to carry first aid kit	3		✓
23	Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle	3	✓	✓

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24	Failure to use authorised roof light	4	✓	✓
25	Failure to maintain records in a suitable form of the commence and cessation of work of each driver each day	4		✓
26	Failure to produce on request records of drivers' work activity	4		✓
27	Using a non approved or non-calibrated taximeter (HC)	6	✓	✓
28	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle	12	✓	✓
29	Evidence of smoking in vehicle	3	✓	✓
30	Evidence of food or drink waste in Vehicle	3	✓	✓
31	Displaying any feature on private hire vehicle that may suggest that it is a Hackney Carriage	6	✓	✓
32	Using a vehicle, the appearance of which suggests that it is a Taxi	6	✓	✓
33	Failure to carry an assistance dog without requisite medical exemption certificate	12	✓	✓
34	Driver not holding a current DVLA licence	12	✓	✓
35	Failure to have the driver's badge clearly displayed on their person and in the vehicle as required by the Code of Conduct	4	✓	
36	Failure to notify, in writing, a change in medical circumstances	6	✓	✓
37	Driver dressed inappropriately	4	✓	
38	Failure to observe rank discipline (HC)	3	✓	
39	Failure to maintain proper records of private hire vehicles	3		✓
40	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6		✓
41	Failure to notify, in writing, change in details of operator working for			
42	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	3		✓
43	Failure to issue receipt on request.	6	✓	✓
44	Using a licensed vehicle in a dangerous condition	9	✓	✓
45	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspensions of such licence	4		✓
46	Unsatisfactory behaviour or conduct of a driver.	1-12*	✓	
47	Failure to notify the Council in writing, of any motoring or criminal convictions within 72 hours or conviction or cautions during period of current licence	6	✓	✓
48	Failure to behave in a civil and orderly manner, or bringing the trade into disrepute.	1-12*	✓	✓
49	Failure to provide reasonable assistance to a passenger	1-12*	✓	✓
50	Failure to display a correct up to date fare card (HC)	3	✓	✓
51	Carrying two or more separate fares without the appropriate consent	9	✓	

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52	Failure to carry a legal spare wheel (or appropriate alternative) and the necessary tools to fit the spare wheel	4	✓	✓
53	Failure to attend punctually at appointed time and place without sufficient cause This includes application appointments	4	✓	✓
54	A licensed vehicle with a bald or dangerous or defective tyre	4 per tyre	✓	✓
55	Failure to submit licence renewal application including documents and attendance at a vehicle inspection	6	✓	✓
56	Failure to display an applicable fare card AND the Councils valid fare card together	3	✓	✓
57	Waiting or stopping on a double yellow area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle	3	✓	
58	Driving whilst using a mobile phone	9	✓	
59	Appeal of points by way of Public Protection Sub-Committee	4-12*	✓	✓

\*- discretionary points up to a maximum of 6 points can be issued by officers, but greater awards of points can only be issued by the Public Protection Sub-Committee

Officers may refer any mandatory award of points to Members where there are aggravating features to any case

Ticks indicate potential recipients of points for infringements, but are not limited to those only. Certain cases may result in drivers and/or proprietors and/or operators receiving penalty points. Points may be awarded to one or several persons depending upon the circumstances of the case, but each case will be considered on its individual merits.

### Introduction

- 1.0 Hackney Carriage and Private Hire Operators, drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Councils Byelaws and the Rules, Regulations and Conditions set by the Public Protection Sub-Committee.
- 2.0 Should operators, drivers or proprietors of vehicles commit an offence or breach those rules, regulations or conditions of licence, persons involved are asked to attend the offices for an interview and then once investigations are completed, letters are sent out detailing the outcome and a permanent record kept on the persons' file. The outcome of investigations may result in no further action being taken, penalty points being awarded, a formal warning, referral to the Public Protection Sub-Committee and /or prosecution.
- 3.0 The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of drivers, vehicle proprietors and operator's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.
- 4.0 The primary objective of the penalty point's scheme is to improve levels of compliance and help improve the standards, safety and protection of the travelling public.
- 5.0 Penalty points remain on the licensee's record for twenty four months. The period is a roll forward basis, so as to allow any older points to be considered as spent and therefore excluded from the running total recorded against any individual licensee.

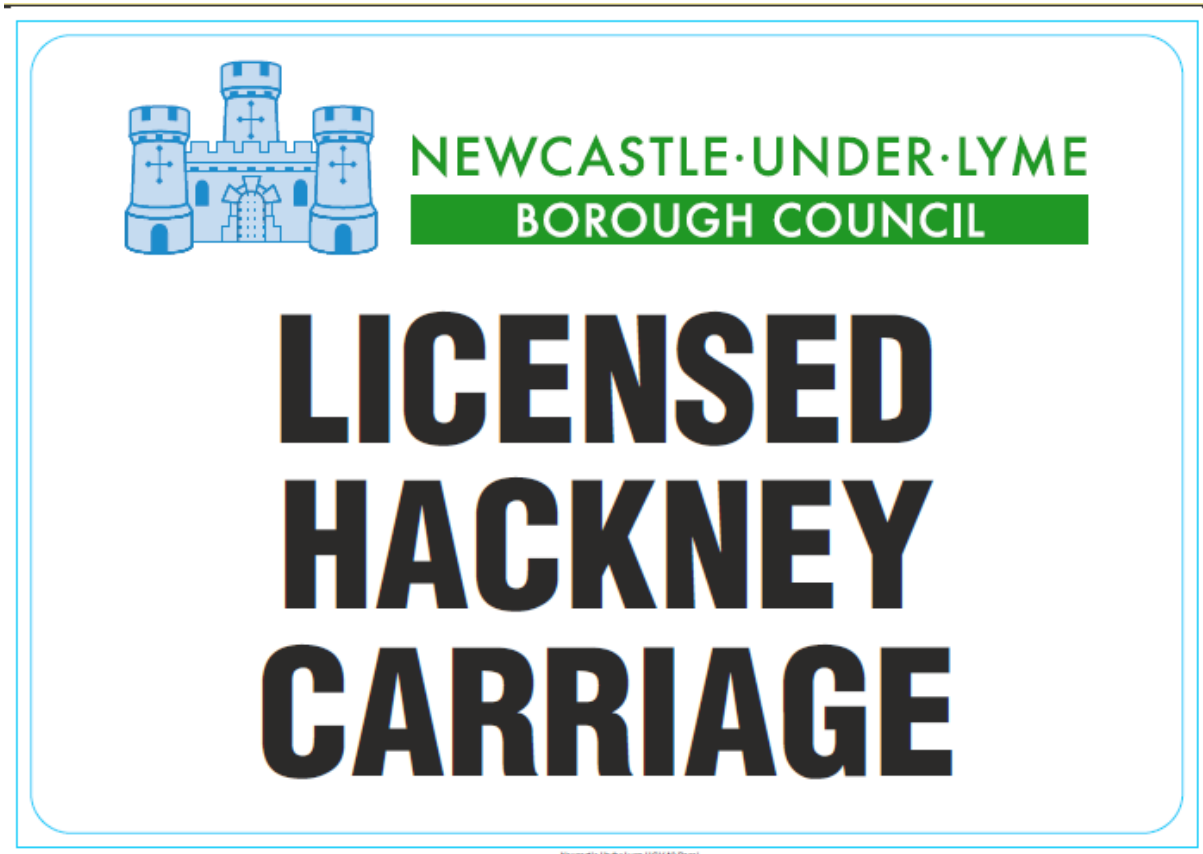
**Issue of Penalty Points**

- 6.0 Complaints from the public concerning significant breaches of conduct will be subject to investigation by officers and may be reported to the Public Protection Sub-Committee for the issue of discretionary points.
- 7.0 Where a licensee accumulates 12 or more penalty points in any 24 month period, the matter will be referred to the Council's Public Protection Sub-Committee for the Committee to decide whether the licensee remains a fit and proper person. The Committee may then suspend or revoke a licence, or issue a warning to the Licensee, depending on the circumstances. Periods of suspension of a licence by a Committee will be dependent on the nature of the breaches of the legislation/conditions and the compliance history of the individual. Suspension periods will normally vary between 7 to 31 days.
- 8.0 Penalty Points will remain current for 24 months from the date the penalty points were issued. Points issued to either the proprietor of a vehicle, operator or a driver will be confirmed in writing normally within 10 working days of the conclusion of the investigation into the contravention.
- 9.0 The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.
- 10.0 Any disputes regarding the issuing of penalty points will be referred to Public Protection Sub-Committee who will have the discretion to award a greater number of points than displayed on the tariff, if the complaint is upheld. Drivers or Operators must appeal *against points awarded by officers* to the Public Protection Sub-Committee within 21 days of them being issued.
- 11.0 If points are issued to a proprietor/driver or operator by the Council for a matter which is also a criminal offence, e.g. bald tyres, no badge, those person (s) will not be the subject of a prosecution for that offence by the Council.

# Appendix M

## Vehicle Door Signage

Example for HCV:



Example for PHV:

