

This is a proposed re-draft of the Councils Tax Licensing Policy – amended to reflect the proposed revision currently in consultation which require approval by the full Council of Darlington Borough Council prior to implementation. Amendments or additions are highlighted in red for ease of identification.



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

APPROVED BY COUNCIL 22 JULY 2010

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## CHAIR OF THE LICENSING COMMITTEE



**Dear Member of the Trade**

**This document sets out the Council's policies and procedures for the licensing of hackney carriages and private hire vehicles, drivers and operators. It spells out clearly the Council's responsibilities in terms of protecting the travelling public of Darlington and also what we as a Council expect of you, our licensed Trade.**

**We recognise the valuable role you play in the transport provision for the people of Darlington. We appreciate that you sometimes have a difficult job to do and we are very proud of the vast majority of licence holders who provide a quick and courteous journey often to the most vulnerable members of our community.**

**We are anxious to promote your good work and hope that this document clarifies what you need to know and do to work within the licensing legislation and provide the best service possible to your customers.**

**This document also spells out how we will respond to you. It provides guidance on matters such as our enforcement protocols, the role of the Licensing Committee, how we deal with convictions etc. We are anxious to protect our reputable licensed trade and will take action to ensure that illegal, unlicensed activities and persons are dealt with appropriately.**

**I would encourage you to use this document as a reference book. It is full of useful information and should be able to provide the answer to most of your queries. Every member of the Licensing Committee will also have a copy to better understand the requirements made of you.**

**My Best wishes to you**

A handwritten signature in black ink, appearing to read 'Tom Nutt'. The signature is written in a cursive style with a large, sweeping initial 'T'.

**Tom Nutt  
Chair of Licensing Committee**

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## Introduction

1. Hackney carriages and private hire vehicles play an important part in the provision of local transport. They provide a flexible form of public transport and can play an increasingly important role in improving accessibility. They are also used by all social groups.
2. The first purpose of the Local Authority when licensing hackney carriages and private hire vehicles, drivers and operators is to protect the public. Darlington Council ("The Council") is aware that the public should have reasonable access to safe and comfortable hackney carriages and private hire vehicles because of the role they play in local transport provision.
3. A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to "ply for hire". This means that it may stand at designated taxi ranks or be hailed in the street by members of the public. Private hire vehicles too must have no more than 8 passenger seats but they must be booked in advance through an operator and may not ply for hire in the street.
4. Local authorities are responsible for the licensing, administration and enforcement of hackney carriage and private hire vehicles in their areas.
5. The Council currently licences 208 hackney carriage vehicles and 59 private hire vehicles (figures at 31 May 2011).

## Powers and Duties

6. The Council has adopted Part 2 of The Local Government (Miscellaneous Provisions) Act 1976 (Minute C140/Feb/80). This legislation, together with the provisions of The Town Police Clauses Act 1847, places on the Council the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. This document sets out the policy that the Council will apply when making decisions about new applications and licences currently in force.

## Objectives

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

## **Licensing Methods**

10. The methods we shall use are as follows:
  - (a) Setting the standards for the licensing of drivers, vehicles and operators.
  - (b) Annual licensing and routine inspection of vehicles, with appropriate follow up action.
  - (c) Routine inspection of insurance policies and Certificates of Compliance / MOT certificates, with appropriate follow up action.
  - (d) Checks of driver's medical health, criminal record and knowledge of the Borough.
  - (e) Investigation of complaints with appropriate follow up action.
  - (f) Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
  - (g) Liaison with the hackney carriage and private hire trade by way of open meetings and the issue of trade newsletters.
  - (h) Taking enforcement and/or disciplinary action including the issue of prosecution proceedings, verbal and written warnings, simple cautions, suspension or revocation of licences for breaches of legislation or conditions.
  - (i) Conditions added to licences.
  - (j) The issue of guidance notes.
11. When considering applications and taking enforcement action the Council is subject to the Regulatory Compliance Code, the Council's Enforcement Policy and the Code for Crown Prosecutors.

## **Best Practice Guidance**

12. In formulating this Policy the Council has considered the best practice guidance issued by the Department for Transport.

## **Status**

13. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy and the objectives set out above.
14. Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart from the Policy, clear and compelling reasons will be given for doing so.

## **Implementation and Review**

15. This Policy will take effect from **1 September 2010**.
16. The Council will keep this Policy under review and will consult where appropriate on proposed revisions. A full review of the Policy will be conducted every three years from the date of effect above.
17. When this Policy is implemented, the Council will require licence holders to comply with its terms immediately or, where appropriate, from the renewal of a current licence. Where it is not possible to comply with part of the Policy due to an outstanding action required by the Council information will be provided as to an implementation date for that part.
18. From the effective date, this Policy will override and supersede all existing policies in relation to the licensing of private hire and hackney carriages, their drivers and operators.
19. The Council may monitor and review this Policy or areas of the Policy prior to the three year review period when considered necessary.
20. After the introduction of this Policy, the Council may make decisions, which change the content of this Policy. The changes may either have immediate effect or come into effect on a given date. This Policy document will be regularly updated to reflect these changes. Amended copies of the Policy will be available from the Licensing office and via the internet.

## Consultation

21. In preparing this Policy the Council has taken into account the views of:
- (a) Licensees
  - (b) Durham Police
  - (c) Darlington Association for Disability (DAD)
  - (d) Planning Authority
  - (e) Service Users
  - (f) School Transport Division
  - (g) Safeguarding Children's Board
22. The Council will also consult with other organisations when necessary.
23. A full list of those consulted in preparing this Policy is set out on the final page of this document.

## Area and Impact

24. The Borough of Darlington is a compact area with a clear identity. It comprises the town of Darlington and its surrounding rural area, covering a total area of 19,745 hectares. The River Tees and North Yorkshire lie to the south, the Teesside conurbation to the east, County Durham to the north and rural Teesside to the west. There are excellent communication links with a principal station on the East Coast rail mainline, the A1 (M) Motorway and Durham Tees Valley International Airport within its boundaries. Darlington is a medium sized town, with an employed workforce of approximately 40,000, and where most of the population live in the urban area. There are around 2,800 businesses, most of which are now in the service sector. The town centre is of sub-regional importance for shopping and services and the town is also an important employment centre. Generally Darlington is an economy of small, owner-managed businesses that co-exist with branch factories, offices and shops. Service sector employment is expected to continue to dominate the local economy with further strong growth in tourism and miscellaneous services, female and part-time employment.
25. The late night economy of the Borough is principally centred around the town centre where a number of entertainment premises, pubs and takeaway establishments are situated. These activities support the cultural diversity of the Borough and contribute to its economy.
26. The Council recognises and welcomes the contribution that the Private Hire and Hackney Carriage trade make to the transport and tourism industry in the area.

## Partnership Working

27. The Council will work in partnership with the following agencies and individuals to promote the policy objectives:
- (a) Local Hackney Carriage and Private Hire Trade
  - (b) Durham Constabulary
  - (c) Planning Authority
  - (d) Local Transport Authorities and Committees
  - (e) Local Residents
  - (f) Disability Groups
  - (g) Service Users
  - (h) Vehicle and Operator Services Agency (VOSA)
  - (i) HM Revenue and Customs
  - (j) Department of Work and Pensions
  - (k) Other Council Departments
  - (l) Tees Valley Licensing Liaison Group
28. The Council meets with the hackney carriage and private hire trade quarterly to consider future licensing issues.

## **Related Policies and Strategies**

This Policy will be integrated with local planning, transport, tourism, equality and cultural strategies, and other plans introduced for the management of the Borough and night-time economy.

29. The Council will work in partnership with other agencies including those referred to in paragraph 27 above.
30. The Council as a member of the Tees Valley Licensing Liaison Group will work with the other council representatives to seek harmonisation of policies and conditions, where applicable, across the Tees Valley District.

## **Equality**

31. The Council is committed to ensuring equality in employment and service delivery. To achieve the above standard the Council is aware of its duties under the following legislation:
  - (a) Sex Discrimination Act 1975
  - (b) Race Relations Act 1976/2000
  - (c) Disability Discrimination Act 1995/2005
  - (d) Human Rights Act 1998

## **Duties and Obligations under the Disability Discrimination Act 1995 /2005 (DDA)**

32. Those who provide transport services by way of Hackney Carriage and Private Hire Vehicles are now deemed to be providers of services to the public for the purposes of Part 3 of the DDA 1995.
33. A statutory Code of Practice: Provision and Use of Transport Vehicles - Supplement to Part 3 Code of Practice has been issued which provides guidance on specific issues (but should be read in conjunction with the Code of Practice for Part 3 of the Act: Rights of Access to Goods, Facilities, Services and Premises). Licensees should read this Code and ensure they operate in accordance with it. As they are statutory Codes, approved by Parliament they are admissible under the Act and Courts must take them into account where relevant.
34. Following the guidance in the Code may help transport providers avoid adverse court judgements – it includes examples of good practice – but it is not a complete or authoritative statement of the law and is not a substitute for taking appropriate advice. Ultimately the Courts will provide authoritative interpretation of the Code.
35. The Equality and Human Rights Commission web site also has a document available entitled "Avoiding Disability Discrimination in Transport: A Practical Guide for Taxi and Private Hire Services". Licensees should read this guidance.
36. Where a disabled person believes they have been discriminated against contrary to Part 3 they can bring a claim against the transport provider in the County Court. The claimant may seek a declaration that they have been discriminated against, damages for injury to feelings, damages for financial loss, interest on damages, and/or an order that the service provider stops discriminating against them.
37. It is a requirement of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as to transport passengers in wheelchairs at all times. Any vehicle proprietor found in breach of this may be disciplined.
38. Licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without any additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided, at the drivers expense, from the drivers own GP stating the details of their medical condition. A register will be kept of those drivers exempted.



39. Persons who breach Disability Discrimination duties may be guilty of a criminal offence.
40. Further information is available from the Equality and Human Rights Commission at [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **Duties and Obligations under the Human Rights Act 1998**

41. Article 1 of Protocol 1 of the European Convention of Human Rights confers on Individuals (and companies) the Right to Peaceful Enjoyment of their possessions and the Protection of Property. Once granted, a Licence is a possession and no one can be deprived of his property or have controls put on his property except where the action is permitted by law and justifiable in the public or general interest.
42. When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Council must consider whether the decision affects an individual, group or company's Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition consideration must be given to whether the interference is proportionate.

### **Crime and Disorder Act 1998 Section 17**

43. Section 17 of the Crime and Disorder Act 1998, places a duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

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## VEHICLES – HACKNEY CARRIAGE AND PRIVATE HIRE

- Specifications paragraphs 45 -50
- Private Hire Vehicles paragraphs 51-56
- Hackney Carriage Vehicles paragraphs 57-62
- Meters paragraphs 63-68
- Limitation of Numbers paragraphs 69-74
- Accessibility paragraph 75
- Insurance paragraphs 76-80
- Advertisements, signs, notices etc paragraphs 81-84
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- Vehicle and meter testing paragraphs 88-89
- Application Procedure paragraphs 90-96
- Change of address paragraph 97
- Transfer of interest paragraphs 98-99
- Novelty vehicles and stretched limousines paragraphs 100-106
- Exempted Private Hire Vehicles paragraphs 107-111
- Tinted Windows paragraph 112
- CCTV paragraphs 113-117
- Environmental Considerations paragraphs 118-123
- Age restriction and European Emission Standards paragraphs 124-130
- Demand Responsive Transport paragraphs 131-132
- Shared Taxis/PHVs/Taxi Buses paragraphs 133-136

### Specifications

44. The Department for Transport Best Practice Guidance recommends that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine.
45. All vehicles, therefore, shall have an appropriate ‘type approval’ which is either:
  - (a) European Whole Vehicle Type approve
  - (b) British Individual Type Approval
46. As a guide, most large volume production vehicles produced in the UK and EU States after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU State since its original manufacture will require separate ITA and/or Department for Transport approval and such documentation must be submitted with an application.
47. Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles. Vehicles may also be licensed to carry fewer passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.
48. **Appendix A** sets out the legislation pertinent to vehicles and **Appendix B** sets out the Council’s policies in respect of licensed vehicles.
49. Vehicles that have been declared an ‘insurance write off’ will not be licensed.

### Private Hire Vehicles

50. A private hire vehicle is a motor vehicle constructed or adapted to seat fewer than 9 passengers which is provided for hire with the services of a driver for the purpose of carrying passengers. Every hiring for a private hire vehicle must be pre-booked through a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

51. Before granting a vehicle licence the Council must be satisfied that the vehicle meets the following criteria:
  - (a) Is suitable in type, size and design for use as a private hire vehicle.
  - (b) Is not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.
  - (c) Is in a suitable mechanical condition.
  - (d) Is safe.
  - (e) Is comfortable.
52. Conditions may be attached to the grant of a licence as are considered reasonably necessary.
53. In addition to the legislative requirements the Council has imposed conditions relating to the specifications of the vehicle and other matters. These are attached at **Appendix C**.
54. In addition all private hire vehicles must:
  - (a) Not be red in colour.
  - (b) Be exceptionally well maintained to the standard prescribed by the Council.
  - (c) Not be fitted with a roof sign of any description.
  - (d) If the vehicle is fitted with a meter, it must be properly tested and sealed.
  - (e) Display the Council's licence plates, which must be securely attached to the exterior front and rear **or interior** of the vehicle as prescribed by a condition of the Council.
55. General conditions are attached to private hire vehicle licences relating to the identification of the vehicle and safety issues. These are attached at **Appendix C**.

### **Hackney Carriage Vehicles**

56. A hackney carriage vehicle is a wheeled vehicle used in standing or plying for hire that is required to have a numbered plate fixed upon it. The legal definition of a hackney carriage is contained in the Town Police Clauses Act 1847.
57. A hackney carriage can ply for hire and also wait at a hackney carriage stand.
58. Conditions can be imposed upon the grant of a hackney carriage proprietor's licence and the Council has Byelaws to control the conduct of both the proprietors and the drivers. These Byelaws are attached at **Appendix D**.
59. The Council has imposed conditions relating to the specifications of the vehicle and other matters. These are attached at **Appendix E**.
60. In addition all hackney carriages must:
  - (a) Be Red in colour.
  - (b) Be exceptionally well maintained to the standard prescribed by the Council.
  - (c) Be fitted with an approved roof sign bearing the word "TAXI".
  - (d) Display the Council's licence plates, which must be securely attached to the exterior front and rear **or interior** of the vehicle as prescribed by a condition of the Council.
  - (e) Be fitted with a meter of an approved type with the fares charged as determined by the Council.
  - (f) Meters, after being checked for accuracy, must be sealed by an agent approved by the Council.
  - (g) Display decals issued by the Council attached centrally to both front doors of the vehicle.

## Booking Records for Hackney Carriages

61. There has been an increasing practice of hackney carriages being used for private hire purposes, ie pre-bookings of vehicles. As a result of this a condition will be added to the hackney carriage vehicle conditions requiring that booking records are kept of all such pre arranged bookings. The condition specifies the type of information to be kept and the retention period for such information. Full details can be found in **Appendix E**.

## Meters

62. At the present time whilst it is a requirement for all hackney carriages to be fitted with a meter to calculate the journey fare there is no specification in relation to the meter itself.
63. Some existing meters can be controlled via manual input to change between the tariff rates ie from tariff 1 to tariff 2 at midnight. This can, and has led to complaints of overcharging (and subsequent prosecution) by some drivers who set an inappropriate tariff rate for either time of day or the day itself ie tariff 3 can only be charged during Christmas and New Year Bank Holidays.
64. Following the issue of a European Measuring Instruments Directive, regulations were introduced in 2006, the Measuring Instruments (Taximeters) Regulations 2006, which provide standards, and specifications that manufacturers have to meet for taximeters produced after 30 October 2006. The new regulations have been introduced for the protection of consumers.
65. Meters can also be calendar controlled and locked and sealed by the manufacturer/supplier so that tariff rates change automatically and cannot be changed or tampered with manually by the driver.
66. A new specification will apply to taximeters i.e. the taximeter must comply with the Measuring Instruments (Taximeters) Regulations 2006 and must be of the calendar control type which is locked and sealed by an approved manufacturer/suppliers and/or installer.
67. The specification will initially apply to new vehicle applications only and subsequently will apply to all existing vehicles, both hackney carriage and private hire (where fitted) with effect from all licences due on or after 1 April 2012.
68. **Override switches or similar devices which permit the disconnection or unlinking of the meter to the illumination of the vehicles roof sign shall not be permitted**

## Limitation of Numbers

69. The present provisions on restriction of numbers for hackney carriages are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed taxis "if, but only if, the local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet".
70. Any Local Authority that does restrict numbers is required to justify their policy every 3 years, in writing, to the Department for Transport. In addition this justification must feature in the 5 yearly Local Transport Plan.
71. Where a limitation on numbers is in effect any new application for a hackney carriage vehicle licence which would be in excess of that number can be refused if the Council is satisfied that there is no significant unmet demand for taxi services within the area. An applicant whose licence is refused has a right of appeal to the Crown Court.
72. To establish whether or not there is unmet demand requires a survey to be conducted. The average price of such a survey is within the range of £17,000 to £23,000 and the cost would have to be met from the taxi licensing budget.

73. This issue has been raised by the Trade on many occasions, however in line with the DfT Best Practice guidance the Council does not intend to place a limit on the number of licences it will issue, relying instead on market forces to dictate the level of licence applications.
74. No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

### **Accessibility**

75. A licensing incentive will be given to all purpose built, fully accessible vehicles by way of a 25% reduction in the annual licence fee. This reduction will be offered at first licensing or at renewal of vehicles from 01 September 2010. **In addition to this discount, the Council will also offer a 25% reduction in the licensing fee to those vehicles which have been adapted or converted to carry wheelchairs subject to proof that the driver has undertaken accredited training in handling passengers with disabilities**

### **General Requirements for Vehicles**

#### **Insurance**

76. All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle which is qualified by a statement that this is subject to the appropriate local authority licences being held. This policy must be in place before a licence can be granted.
77. Certificates for private hire vehicles are not acceptable if they include cover for public hire purposes.
78. Individual certificates shall be provided for each vehicle. Fleet insurance policies will only be accepted for more than ten vehicles and either separate policies shall be provided when mixed fleets of private hire and hackney carriage vehicles are operated, or the certificate must contain a requirement that the cover is subject to the appropriate local authority licences being held and excluding cover for public hire from private hire vehicles. The schedules of vehicles covered must be produced by the insurance company and not the broker.
79. It is an offence to drive a vehicle without the appropriate insurance in place. Requests to produce insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request.
80. If a vehicle is off the road and uninsured the proprietor must advise the Licensing Team in writing immediately or in any event within 72 hours.

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

81. No signs, notices, advertisements, video or audio display etc or other markings shall be displayed on, in or from the vehicle subject to the following exceptions:
  - (a) Any sign, notice or other marking required to be displayed by legislation or any condition attached to this licence.
  - (b) Signage or advertising approved in writing by the Council.
82. Signs, notices or advertisements must not be of a content that the Licensing Officer deems to be offensive or abusive. Further guidance as to the content of the advert may be sought from the Advertisement Standards Authority, [www.asa.org.uk](http://www.asa.org.uk)
83. No advertising on vehicles shall be allowed or affixed without prior approval of the Council and specifically shall not:
  - (a) Be affixed to any window of the vehicle.
  - (b) Be affixed to any door or panel on which the Council issued roundel or sign is located. (Further information can be found in the appendices relating to vehicle conditions).

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

### **Accident Notification**

The proprietor is required by Section 50 (3) of The Local Government (Miscellaneous Provisions) Act 1976 to notify the Council in writing within 72 hours of any accident that results in damage to the vehicle.

85. The proprietor must comply with any request to either produce evidence of insurance for the vehicle and/or produce the vehicle for inspection so that its roadworthiness can be assessed. Any failure to do so is an offence and the appropriate action will be taken including suspension of the vehicle and potential prosecution for failure to produce insurance.
86. The proprietor shall submit the vehicle for any further testing and/or examination as requested by the Council and shall be responsible for the production of any independent engineers' reports considered necessary by the Council.

### **Vehicle and Meter Testing**

87. All vehicles are required to undergo an inspection conducted by VOSA examiners prior to being licensed and every 6 months thereafter. Any vehicles failing this test will be required to have a retest. If appropriate the licence will be suspended. Evidence of taxi meter testing is also required. The Best Practice Guidance suggests that an annual test may be appropriate for all vehicles and that more frequent tests may be appropriate for older vehicles and suggest twice yearly for vehicles more than 5 years old. However given the large number of miles undertaken in any one year by licensed vehicles no change in the number of tests is currently proposed. This policy is also in accordance with that of the Tees Valley Authorities and also reflects a national approach to vehicle testing by the majority of local authorities. Officers will however analyse the number of vehicles under the age of 5 years that fail one or more tests per annum starting from the inception of this policy for a one year period and may revisit this part of the policy as a result of their findings.
88. It shall be the proprietor's responsibility to ensure that their licensed vehicle is roadworthy, maintained to the Councils standards and fit for the purposes of hire and reward at all times.

### **Application Procedure**

89. The following original documents are to be submitted in person or by post for new and replacement vehicle applications:
- (a) Application form. This must be from a named person(s) or Company.
  - (b) Vehicle test certificate – pass.
  - (c) The Vehicle registration document (V5) in the Applicant's name (Note the vehicle licence and identification plates will not be issued until the V5 document is produced showing the named Applicant as being the registered keeper).
  - (d) If available appropriate valid certificate of motor insurance, public liability insurance (£5 million), and where appropriate employer liability insurance. (Note the vehicle licence and plates will not be issued until this has been provided).
  - (e) A current Compliance certificate for the vehicle.
  - (f) Swivel seat installation certificate or proof of purchase (when applicable).
  - (g) In the case of a wheelchair accessible vehicle Certification from the Vehicle Certification Agency (VCA) confirming that the vehicle meets the European Community Whole Vehicle Type Approval Standards in the M1 Category.

- (h) The appropriate fee. NB: Photocopies relating to the above documents will not be acceptable at any time.
90. Although applications may be made by post, plates must be picked up in person. Applicants may also wish to provide original documents in person.
91. Postal applications for licence renewals should be made at least 7 working days prior to licence expiry date to allow for the application to be processed.
92. Applications will not be determined until the Council receives all documents listed in paragraph 90 above. Only then will the application process be completed and the vehicle licence and plates will then be produced within one working day.
93. If the application is refused or withdrawn the fee will be refundable minus the current admin charge. However, if a refused application is subject to appeal, further charges will be incurred and a refund will then not be given.
94. The Council has the discretion to attach, amend or remove a condition of licence.
95. Employer liability insurance shall not be required if the vehicle is to be driven by persons named on the licence as joint proprietors. Such persons will have a material, beneficial and/or controlling interest in the vehicle and should be able to provide written evidence of this on request to the Council and/or Her Majesty's Revenue and Customs.

### **Change of Address**

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

### **Interest**

97. The proprietor shall notify the Council on the appropriate form, giving the name and address of the new proprietor, within 14 days if the interest in the vehicle is transferred to another person not currently named on the licence. If the interest is transferred to a person currently named on the licence the Council should be advised in writing and will remove the outgoing proprietor.
98. The new proprietor shall provide the following documents to the Council:
- (a) Vehicle registration document in new proprietor's name within 28 days.
  - (b) Appropriate valid certificates of insurance.

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

99. The Council recognises the role novelty vehicles (e.g. converted fire engines) and stretched limousines play in the private hire trade to meet a public demand and has developed a separate licensing regime for such vehicles. Please see **Appendix F** (NB this includes additional proposed conditions in respect of such vehicles, relating to driver uniform, material change and exemption from window tint). Such vehicles will only be licensed as private hire vehicles.
100. It is not appropriate for such vehicles to be used for standard hiring (see section on Exempted Private Hire Vehicles) and licensed operators shall only send such a vehicle when it has been specifically requested by the hirer.
101. Most novelty vehicles, in particular stretched limousines are imported for commercial purposes and are required to have undertaken an Individual type approval (ITA) test (which has replaced the old single type approval (SVA)). This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads.
102. Stretched limousines shall also have Qualified Vehicle Modifier or Cadillac Coach builder approval where appropriate.

103. There shall be no sale or provision of alcohol (or provision of regulated entertainment) from any vehicle without a current premises licence under the Licensing Act 2003 being in force and if all of the occupants, (save for the driver and accompanying responsible adult), are under the age of 18 then there shall be no alcohol at all in the vehicle for consumption or otherwise.
104. Where the passengers in the vehicle consist of children and young persons they must be accompanied by a responsible adult, other than the driver, who is over the age of 18.
105. There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals. Similarly a vehicle does not need to be licensed while it is being used wholly in connection with a wedding.

### **Exemptions for Private Hire Vehicles**

106. Private hire vehicles used for executive hire or novelty vehicles or stretched limousines will be permitted to apply for an exemption under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display **vehicle** licence plates.
107. Any proprietor of a licensed private hire vehicle wishing to apply for this exemption must satisfy the Council that the specification of the vehicle and the overall level of service provision constitute an executive hire or novelty service. It is recommended that this is done by way of submission of contract specifications and/or evidence of all contract and account customers, including usage. Applications are to be made in writing.
108. If granted an Exemption Notice will be issued to the proprietor. The Exemption Notice shall not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence. The front and rear plates shall be required to be carried in the boot of the vehicle and **an internal vehicle plate provided by the Council, shall be displayed on the front passenger side windscreen of the vehicle without obscuring the driver's view of the road.**
109. The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice. The conditions are attached at **Appendix F** to this Policy.
110. The private hire operator, proprietor and driver operating under the provisions of an executive Exemption Notice, remain subject to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 with regard to the respective licences and the conditions attached in each case.

### **Tinted Windows**

111. The Council's specification relating to the use of tinted windows in licensed vehicles is as follows:
  - (a) The windows (excluding the windscreen which must have a minimum light transmission of 75%) of any vehicle shall not have been treated so that less than 70% of light is transmitted through it unless the following criteria can be met in which case there will be no minimum light transmission.
    - i) The vehicle is an executive hire or novelty hire vehicle or stretched limousine operating under an Exemption Notice.
    - ii) The vehicle will not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years). The driver must not act as the accompanying adult.
    - iii) Approval has been given by the Council.  
NB any exemption granted by the council does not remove the need for compliance with the relevant construction and use regulations.



## **CCTV In Vehicles**

112. The Department for Transport Best Practice Guidance recommends that licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.
113. It is not proposed that such measures should be required as part of the licensing regime at this time, and it is considered that they are best left to the judgement of the owners and drivers themselves. The hackney carriage and private hire trades are, however, encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.
114. If CCTV is installed it is proposed that the proprietor of any vehicle with CCTV must notify the Council and display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.
115. Where CCTV is in place there is an expectation that it is in working order when passengers are being carried. The CCTV system should be maintained to the manufacturer's standards and recording must be retained for 27 days and made available for viewing by a Police Officer or an authorised officer of the Council on request. Any failure to comply with this request will be reported to the Council.
116. Any reports of misuse of CCTV or recorded images may result in the immediate referral to the Licensing Committee with a view to suspending both the vehicle and driver licences.

## **Environmental Considerations**

117. The DfT guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.
118. Hackney carriage and private hire vehicles are an essential form of transport in the Darlington Council area. Many people depend on such vehicles for trips that buses are unable to fulfil. Licensed vehicles often achieve higher occupancy rates than a private car and so to some extent already play their part in helping to achieve environmental improvements in the Borough. It is, however, clearly important that emissions from hackney carriage and private hire vehicles are reduced as far as possible.
119. It is therefore proposed that efforts should be made to improve, as far as possible, the efficiency of licensed hackney carriage and private hire vehicles by, in particular, reducing the levels of CO<sub>2</sub> emitted. Liquid petroleum gas (LPG) conversions to vehicles licensed or to be licensed are therefore acceptable. Any conversion to LPG must be done by an approved converter and the conversion certificate produced to the Council for inspection.
120. In most cases the conversion involves the fitting of a "doughnut tank" in the space occupied by the spare wheel and any spare wheel displaced as a result must be stored in a location that does not impinge on the passenger carrying area of the vehicle.
121. A 25% reduction in licensing fees for fuel efficient vehicles will apply for vehicles converted to LPG, petrol-electric or compressed natural gas. Other alternative fuels will be considered to qualify for a reduction in the licence fee as technology improves.
122. Clearly emissions from hackney carriage and private hire vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks. It is, however, proposed that this aspect be tackled through education and promotion.

## Age Restriction and European Emission Standards

123. Darlington Borough Council has noted the advice given by the DfT to consider how far their vehicle licensing policies can and should support any local environmental initiatives by, perhaps, setting vehicle emissions standards or promoting cleaner fuels.
124. In their advice the Government has suggested that, by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere. It highlights the impact European wide emission limits are having on improving air quality. In private cars, these standards were introduced for new vehicles as follows:
  - (a) Euro I – became mandatory for new cars from 1993 (light goods vehicles 1994)
  - (b) Euro II – became mandatory for new cars from 1997 (light goods vehicles 1998)
  - (c) Euro III – became mandatory for new cars from 2001 (light goods vehicles 2002)
  - (d) Euro IV – became mandatory for new vehicles from 2006
  - (e) Additional standards are proposed for 2010 and 2015
125. The Council has age restriction policies in place requiring the vehicle to be under 3 years of age when first presented for licensing and for licensing to cease on the vehicle's 6th birthday (except for purpose built wheelchair accessible vehicles such as London Cabs which may be licensed up to 10 years of age). In addition vehicles that meet the Council's "exceptionally well maintained" criteria may be licensed for longer periods. Details of all licensed vehicles are recorded in **Appendix P**. The criteria applied for "exceptionally well maintained" is detailed in **Appendix Q** (exterior of vehicle) and **Appendix R** (interior of vehicle).
126. The initial age of the vehicle will be extended from under 3 years to under 5 years in respect of purpose built vehicles **only** ie London cabs and similar vehicles to encourage more purpose built wheelchair accessible vehicles in the fleet.
127. In the interests of the environment tougher emissions standards will be introduced for all licensed vehicles. These standards will be phased, with strict retirement dates for vehicles that fail to meet the latest standards.
128. The stricter emission standard of Euro III will be imposed for new or replacement vehicles with effect from 1 April 2011 and Euro IV from 1 April 2012. Any new standards are to then be phased in annually on 1 April each year. To meet Euro III vehicles would need to be no more than 8 years old; Euro IV would require vehicles to be no more than 6 years old. The effect of this will be that vehicles over the age of 6 years may struggle to meet the requisite emission standard and may no longer enjoy the "exceptionally well maintained" provisions.
129. Applications from proprietors of "classic" vehicles older than 12 years and purpose built wheelchair accessible vehicles will be exempt from this requirement. This exemption will be kept under review.

## Demand Responsive Transport

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

### **Shared Taxis - Immediate Hiring's (Section 10, Transport Act 1985)**

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

### **Shared Taxis and Private Hire Vehicles – (Advance Bookings, Section 11, Transport Act 1985)**

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

### **Taxibuses (Section 12, Transport Act 1985)**

134. Hackney carriage proprietors can apply to the Traffic Commissioner for a 'restricted public service vehicle PSV operator licence'. The hackney carriage proprietor can use the vehicle to run a bus service for up to eight passengers.
135. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the hackney carriage, though it can go beyond it. This provision is also being extended to Private hire vehicles.

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## **DRIVERS**

- Licences paragraphs 137-139
- Driving Experience paragraphs 140-141
- Driver Knowledge/Locality Test paragraph 142
- Criminal Records Check paragraphs 143-148
- Independent Safeguarding Authority paragraphs 154-159
- Medical Assessment paragraphs 160-166
- Application Procedure paragraphs 167-178
- Term of Licence paragraph 179
- Conditions of Licence paragraphs 180-182
- Code of Good Conduct paragraph 183
- Driver's Dress Code paragraph 184
- Relevance of Convictions and Cautions paragraph 185
- Driver Training paragraphs 186-193

### **Licences**

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

- (a) Private hire driver
- (b) Hackney carriage driver

In addition drivers may hold both licences and these are referred to as Dual or Combined licences.

137. Licences are issued subject to proof of eligibility – driving licence, driving assessment (DSA test), knowledge/locality test, criminal records check and medical assessment.

138. The statutory and practical criteria and qualifications for each licence are broadly identical and therefore this chapter will apply to all driver licences. However where differences exist between the licensing regimes reference will be made to it in this policy.

### **Driving Experience**

139. A driver's licence cannot be granted to anyone who has not held a full driving licence for a period of one year. This is a legal requirement.

140. In addition applicants are required to have passed the Driving Standards Agency (DSA) Taxi Drivers test and produce a pass certificate. The Driving Standards Agency can also carry out an enhanced test for wheelchair accessible vehicles drivers and a separate wheelchair exercise for drivers who have already passed the normal taxi test for saloon drivers.

### **Driver Knowledge/Locality Test**

141. In order to determine the fitness of a person to hold a licence, all applicants are required to sit and pass a test on their knowledge of the local geography, driver conduct / conditions, Highway Code and licensing legislation. Tests for hackney carriage drivers include a more detailed assessment of local geography, location of hackney carriage ranks and knowledge of tariffs and charges. A driver licence will not be issued without the applicant first passing the knowledge test.

### **Criminal Records Check**

142. A criminal record check on a driver is an important safety measure for all drivers. Enhanced Disclosure through the Criminal Records Bureau (CRB) is required (applied for through the Council's Licensing Office) as these disclosures include details of both spent convictions, police cautions and intelligence by virtue of the Rehabilitation of Offenders Act 1974 (Exception) Order 1977.

143. The Rehabilitation of Offenders Act 1974 does **not** apply to applicants for hackney carriage or private hire driver licences. Applicants are required therefore to disclose all convictions, including those that would normally be regarded as spent.
144. Before an initial application for a driver's licence will be considered, the applicant must apply for an Enhanced Disclosure of criminal convictions through the Council. The application will not be determined until the results are received. CRB checks are not portable and only CRB checks applied for through Darlington Council will be accepted. In addition CRB disclosures will only be acceptable up to one month from the date of issue.
145. The Council is a Body registered with the CRB and can apply for the Disclosure at the applicant's request subject to the appropriate fee. Guidance notes (including proof of identity requirements) are available from the Licensing Office. The Council is bound by rules of confidentiality. The applicant for a CRB Disclosure will be sent a separate disclosure report to their home address. The Council will also receive a copy of the report, which will form part of the application.
146. Any applicant for a new or renewal of licence **is** required to provide details of all criminal, motoring and licensing convictions including fixed penalties, spent convictions and cautions. It is an offence to knowingly or recklessly make a false statement or to omit information required by the Council (s.57 Local Government (Miscellaneous Provisions) Act 1976).
147. Applicants for renewal of a driver's licence are required to have an enhanced disclosure criminal record check from the CRB every third year.

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

148. If an applicant is newly resident in the UK they must still apply for an enhanced CRB check regardless of the period of time they have spent in the UK. Where an applicant has spent 3 months or more living abroad usually an enhanced CRB disclosure in itself will be insufficient to satisfy the Council that the applicant is a fit and proper person, as the CRB does not routinely provide criminal record information from non-UK countries. Such applicants should provide a Certificate of Good Conduct or equivalent document from each country where they have been living, translated into English.
149. A Certificate of Good Conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to good conduct and/or to any criminal convictions recorded against the individual. The Council will take advice from the CRB in identifying the appropriate authority where available.
150. The Council may approach the relevant Embassy or appropriate body directly to verify documents provided. Any costs involved must be met by the applicant.
151. The applicant is advised to submit additional information with the application eg verifiable references from former employers and persons in positions of trust, which may demonstrate that they are a fit and proper person. The Council may require the applicant to submit additional information.
152. At all times, the Council's legitimate aim is to protect members of the public who are using vehicles and drivers licensed by the Council and thus if the documentation produced does not satisfy the Council then the application will be refused.

### **Medical Assessment**

153. Under s.57 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may require an applicant for a hackney carriage or private hire drivers licence to produce a certificate signed by a registered medical practitioner to the effect that s/he is physically fit to be a driver of such a vehicle. The Council requires a medical certificate upon an initial application for a licence. In addition to such a certificate the Council may require an applicant to submit to examination by a registered medical practitioner selected by the Council as to his/her fitness to be a driver of a hackney carriage or private hire vehicle.

154. In line with DVLA recommendations, the Council applies the DVLA Group II driver standard for medical fitness for hackney carriage and private hire drivers. This is a higher medical standard than that required of drivers of other motor vehicles and is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public.
155. Upon an initial application for a driver's licence the applicant shall produce a completed Medical Certificate provided by the Council. This must be completed by the applicant's own GP or a medical practitioner with access to the applicant's medical history. The applicant is responsible for paying the fee for the examination. If necessary the GP may return the completed form direct to the Licensing Section. The medical certificate will be valid for a period of 6 months after which either a new medical form or a letter from the GP who carried out the original medical confirming that there has been no change in the medical fitness of the applicant will be required. Once the medical is 12 months old a letter will not be accepted and a new medical will be required.
156. The medical practitioner must confirm that:
- they have examined the applicant;
  - the applicant is registered with the practice; and/or
  - they have had full access to the applicant's medical records;
  - The medical examination was carried out to the Group II standard;
  - (S)he considers the applicant to be fit to act as the driver of a hackney carriage or private hire vehicle in accordance with this standard.
157. Applicants aged over 45 years must provide evidence of their medical fitness to hold a licence every five years and once they reach the age of 65 years an annual medical will be required.
158. In addition to the above requirements where a driver suffers from a condition that requires monitoring but would not prevent him/her from driving s/he is required to provide written confirmation from his GP or consultant, as recommended by the DVLA standards, each year that s/he remains fit to carry out the duties of a driver and/or may be required to submit an annual medical.
159. If the Licensing Authority is not satisfied as to the medical fitness of an applicant a hackney carriage or private hire drivers licence will not be granted. If the Licensing Authority is not satisfied as to the medical fitness of a licensed hackney carriage or private hire driver there will be reasonable cause to suspend, revoke or refuse to renew the licence under s.61 Local Government (Miscellaneous Provisions) Act 1976. This suspension may also be undertaken in accordance with s.52 of the Road Safety Act 2006 on the grounds of public safety. This means that the suspension takes immediate effect and although the driver may appeal they are unable to drive pending the appeal.

### **Application Procedure - Grant**

160. An application for a driver's licence is to be made prior to the applicant taking the required knowledge test. The following documents are to be submitted in person for a new application:
- Application form.
  - Group II Medical Assessment.
  - Criminal Records Bureau application form with appropriate identity documents (or alternative).
  - DSA Taxi Driver Test pass certificate and/or the Hackney Wheelchair Enhanced Certificate or Wheelchair Exercise Certificate when applicable.
  - Valid Driving Licence (including part D9 paper counterpart) Note: Drivers who hold other European driving licences must register their licence with the DVLA and apply for the issue of the GB paper counterpart. Photo-card driving licences must show a valid date. Expired licences will not be accepted.
  - Licence fee and disclosure application fee.

161. All documents must correspond in respect of the full name and address of the applicant or the application will be rejected. Any incorrectly completed forms will be returned.
162. The application will not be determined until the knowledge test has been taken and passed and CRB check is received.
163. If the application is withdrawn or refused the fee will be refundable minus the current admin charge. Where an application is refused and subject to appeal further charges will be incurred and no refund will be given.

### **Application Procedure - Renewal**

164. The following documents are to be submitted in person or by post for a renewal application:
  - (a) Application renewal form.
  - (b) Group II Medical Assessment (if required) or other specified medical documentation.
  - (c) Valid Driving licence (including Part D9). Photo-card driving licences must show a valid date. Expired licences will not be accepted.
  - (d) Licence fee including disclosure application fee if required.
  - (e) If the 3 yearly CRB check is due a completed application with supporting documentation and fee must be brought into the licensing office.
165. Holders of existing driver's licences must apply to renew their licence in the second part of the month preceding the expiry date and ideally should be submitted at least 7 working days prior to the expiry of the previous licence to allow for the production of the new licence, as the legislation does not allow for continuity of licence. Applications received more than a day after the expiry date will be dealt with as a new application (i.e. expiry 31 January – application will be accepted for renewal no later than 01 February).
166. Renewal applications will be processed and issued pending any required enhanced CRB check unless the Council has reasonable grounds for concern. In this situation the renewal application will not be determined until or unless these concerns have been alleviated.
167. If details of new convictions or charges are received during the renewal process the application to renew will be dealt with on its merits according to this Policy.
168. If details of any convictions or cautions are received through the CRB check process and a declaration has been signed stating that there are no new convictions or cautions this will be treated very seriously and the appropriate action taken.
169. The Licensing Manager may at any time refer a decision to grant or renew a licence to the Council's Licensing Committee.
170. All drivers will be issued with a badge detailing their licence number, expiry date and a photograph of the licence holder. The badge must be worn at all times when the driver is working.
171. Lost or damaged badges must be reported on the next working day to the Licensing Section and the Police. A fee will be charged for a replacement badge.

### **Term of Licence**

172. All driver licences are valid for a maximum period of one year.

### **Conditions of Licence**

173. The legislation pertinent to licensed drivers is detailed at **Appendix G** and the Council's policies in respect of the licensing of drivers is detailed at **Appendix H**. The Council is empowered to attach such conditions to a private hire driver's licence as are considered reasonably necessary. The conditions set out at **Appendix I** are considered reasonably necessary and as such may be legally imposed in respect of private hire drivers.

174. The legislation does not permit the Council to attach conditions to a hackney carriage driver's licence. Hackney Carriage Drivers will however be subject to the Council's byelaws, a copy of which will be provided to them as part of their licence. The Byelaws are detailed at **Appendix J**.
175. This policy also introduces a driver's code of good conduct to complement the current dress code. These are detailed in the following paragraphs and which the Council will require all drivers to adhere to.

### **Code of Good Conduct**

176. This serves to promote the Council's licensing objectives (paragraph 7 (a) and (d) of this policy) in respect of hackney carriage and private hire licensing. The Code of Good Conduct will be taken into consideration in disciplinary matters. All licence holders will be provided with a copy of the Code and the driver's file will be updated to confirm receipt. The Code of Conduct is attached at **Appendix K** to this policy.

### **Driver's Dress Code**

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

### **Relevance of Convictions, Cautions and Conduct**

178. In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its own merits and will have regard to the adopted guidelines on the relevance of convictions a copy of which is attached at **Appendix N**.

### **Driver Training**

179. At present there is no requirement for new applicants or existing drivers to undergo any form of formal training. In recent years the following formal training packages have now been developed:
- (a) The BTEC Intermediate Award – Transporting Passengers by Taxi and Private Hire Trade
  - (b) NVQ Level 2 in Road Passenger Vehicle Driving
180. The BTEC covers all aspects of passenger transport using hackney carriage and private hire and consists of seven compulsory units:
- (a) Customer Service for passenger transport.
  - (b) Passenger transport and equal opportunities.
  - (c) Passenger transport and disability awareness.
  - (d) Taxi and Private Hire Regulations (UK).
  - (e) Taxi and Private Hire Regulations (London).
  - (f) Taxi and Private Hire Safety.
  - (g) Taxi and Private Hire Carriage of luggage and parcels.
  - (h) Basic topography and route planning.



181. The courses are designed to be work related and develop a specific set of practical skills and associated knowledge through a short programme of study followed by an external test. The course prepares learners to enter their chosen area of work and subsequently gain a relevant NVQ.
182. The NVQ Level 2 Road Passenger Vehicle Driving is a qualification aimed at improving the skills, knowledge and overall performance of individuals who are employed in providing a passenger transport service by road. Candidates who undertake the programme are assessed on their ability to:
- (a) Achieve effective working relationships with colleagues.
  - (b) Ensure health and safety in your work environment.
  - (c) Provide professional customer service.
  - (d) Assist passengers with special requirements.
  - (e) Deal effectively with difficult passengers.
  - (f) Drive passenger carrying vehicles safely.
  - (g) Process fares.
  - (h) Deal with emergencies and incidents during a journey.
183. The Awarding Bodies have indicated that the best option is for candidates to undertake both courses as the BTEC training underpins the NVQ assessment and it is usual for them to be run side by side.
184. As with all training courses there may be a cost to the candidate but at present national funding is currently available and there is no cost to the candidate.
185. Drivers will be encouraged to undertake these courses while there is funding available with a view to the Council making such requirement mandatory for all new and current drivers in the future.
186. Officers will continue to monitor the funding position and bring a further report to Members in the next 2 years in respect of introducing this requirement for both new and current drivers.

## PRIVATE HIRE OPERATORS

- Requirements and obligations paragraphs 194-199
- Criminal Record Checks paragraphs 200-204
- Conditions paragraphs 205-206
- Insurance paragraph 207
- Planning Consent paragraph 208
- Application Procedure paragraphs 209-210
- Licence Duration paragraph 211
- Address from which an operator may operate paragraphs 212-214
- Record Keeping paragraphs 215-216
- Change of Address paragraph 217
- Convictions paragraph 218
- Complaints paragraph 219
- Material Change paragraph 220

### Requirements and Obligations

187. Any person who operates private hire vehicles must apply to the Council for a private hire operator licence. The objective in licensing private hire operators is to ensure the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.
188. A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.
189. A private hire operator must ensure that every private hire vehicle despatched by him is licensed and driven by a person who holds a private hire driver's licence issued by the Council. It is a criminal offence to operate a private hire vehicle and/or driver without an operator's licence.
190. Operators need to familiarise themselves with the law and ensure they employ suitable work methods in order to comply with the law and avoid committing licensing offences.
191. It is a condition of licence that the applicant operates from a premise within the controlled district of the Council.
192. The Licensing Office may require sight of a business plan or request additional information for new applications.

### Criminal Record Checks

193. Private Hire Operator licences can only be granted to persons that the Council are satisfied are fit and proper.
194. At the present time the Council is not able to obtain a CRB disclosure on applicants for Private Hire Operator licences and if the applicant is not licensed driver reliance has to be placed on the information requested on the application form and any additional information if requested and during interview with the applicant. This is a position of trust as operators gain detailed knowledge as to a persons movements, travel arrangements etc.
195. Before an application for a private hire operator licence will be considered the applicant must provide a certificate or search results on criminal convictions obtained within the last month which can be either:
- (a) a criminal conviction certificate issued under The Police Act 1997; or
  - (b) the results of a subject access search under Data Protection Act 1998 of the Police National Computer by the National Identification Service.  
If the applicant is currently licensed as a driver with the Council they will be exempt from this requirement as they will have already undergone a CRB check.

196. Applicants for renewal of a Private Hire Operator licence who are not licensed as drivers will be required to provide a new certificate or search results every third year.
197. Any concerns highlighted during this process will be carefully considered and may be referred to the Licensing Committee for determination (see **Appendix N** re the relevance of convictions and **Appendix O** re referral to the Licensing Committee).

### **Conditions**

198. The Council has power to impose such conditions on an operator's licence as it considers reasonably necessary.
199. **Appendix M** sets out the legislation and policies pertinent to private hire operators which cover the standards of service expected and the conditions to be attached to an operator licence.

### **Insurance**

200. Applicants are required to produce appropriate public liability insurance (£5 million) and employer liability insurance.

### **Planning Consent**

201. Applicants are required to obtain planning consent, where necessary, for the premises from which they intend to operate. The Planning Authority will be consulted as part of the application for a Private Hire Operator Licence and their comments may be taken into account when determining whether the licence should be granted. The Licensing Manager has the discretion to refer any application or renewal application to the Licensing Committee.

### **Application Procedure**

202. The following documents are to be submitted in person or by post for a new or renewal application:
  - (a) Application form
  - (b) Details of all vehicles and drivers to be operated
  - (c) Certificate or search results on criminal convictions (if not currently licensed as a driver) obtained within the last month
  - (d) Public liability/employer liability insurance certificates
  - (e) Licence fee
203. Officers may require a site visit prior to the determination of the licence.

### **Licence Duration**

204. Licences are issued for a maximum period of one year.

### **Address from which an Operator May Operate**

205. Upon grant of an operator's licence the Council will specify the address from which the operator may operate. These premises **must be** in the controlled district of the Council, and will be expected to have planning consent for use as a private hire office where deemed applicable. If an operator wishes to change the base from which they operate they must make a fresh application.
206. Because of the potential for nuisance to residents associated with the parking of vehicles whilst they are waiting to be allocated work a condition will be placed on operator licences requiring them to identify specific locations as bases where they would park their vehicles when waiting for bookings.
207. A condition will also be placed on operator licences requiring operators to operate only hackney carriage and private hire vehicles and drivers that have been licensed by Darlington Council. This is to ensure that the travelling public of Darlington are provided with a consistent standard of service.

## Record Keeping

208. Operators are required to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. **Appendix M** refers.
209. Records should be preserved for a period of not less than 12 months and be available for inspection at the request of an Officer of the Council or Police.

## Change of Home Address

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

## Convictions/Cautions

211. The operator shall disclose to the Council within 7 days in writing of any conviction or caution (s)he receives.

## Complaints

212. The operator must advise the Council within 7 days of any complaints received concerning a contract for hire or purported contract for hire relating to or arising from his/her business and the action that the operator proposes to take. These details will be kept on file.
213. **Where a complaint is investigated by an Authorised Officer of the Council, the operator shall conform to any reasonable directions of the Officer in respect of that complaint**

## Material Change

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

## FARES

- General paragraphs 222-226
- Table of Fares paragraph 227
- Receipts paragraph 228
- Overcharging paragraph 229

## General

215. Councils have the power to set hackney carriage fares for journeys within their area. Hackney carriage fares, set by the Council, are a maximum and can be negotiated downwards by the hirer.
216. The Council will review the table of fares when requested by the Trade. When determining the level of fares consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service at all times it is needed.
217. A notice of any variation to the maximum fare will be advertised in the Northern Echo or similar newspaper with a date set 14 days from publication for making objections to the proposed variation. If no objections are received the fare variation will have effect on a day specified at the end of the 14 day consultation period. If any objections are received the matter will be referred to Cabinet for consideration and a further implementation date will be set.

218. The Council is not able to set fares for private hire vehicles. It is a matter for negotiation between the hirer and operator at the time of booking and the operator should make this clear. When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages.
219. When a journey ends outside of the Council's area a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. Failure to comply is an offence.

### **Table of Fares**

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

### **Receipts**

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

### **Overcharging**

222. All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter. If this should occur the driver will be prosecuted.

### **FEES**

- Fee Structure paragraphs 230-231
- Variations to fee structure paragraphs 232-234
- Payments paragraph 235
- Payment Refunds paragraph 236
- Reduced fees for vehicle licences paragraph 237

### **Fee Structure**

229. The legislation provides that the fees charged should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles.
230. The current fees payable for the grant and renewal of hackney carriage and private hire licences are available from the Licensing Office and the Councils website.

### **Variations to Fee Structure**

231. The fee structure is reviewed annually as part of the budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.
232. A notice of any variation to the maximum fees in respect of vehicles and operators will be advertised in the Northern Echo newspaper or similar newspaper with a date set 28 days from publication for making objections to the variation of fees.
233. If no objections are received the fee variation will have immediate effect at the end of the 28 day consultation period (or at a later date as indicated by the Council). If any objections are received the matter will be considered by the Council.

### **Payments**

234. Payments can be made in the form of cash in person or cheques made payable to Darlington Borough Council, which can be accepted at the Licensing Office. If cheques are returned "refer to drawer" a £15 charge shall be levied against the applicant and all future applications will normally have to be made with cash payments.

## Payment Refunds

235. No refund is given in respect of an unused portion of a licence except in the case of a vehicle that is damaged beyond economical repair (an insurance “write off”) or stolen and dealt with by insurance claim. In these 2 cases only if there is in excess of 6 months remaining on the original licence a credit of 50% of the licence fee will be attributed to the new vehicle presented for licensing. If the excess is less than 6 months no such refund will be made.

## Reduced Fees for Vehicle Licences

236. Where a vehicle reaches its 6th anniversary of registration within the first 6 months of a licence period a reduced fee of 50% of the normal licence fee will be charged. Should a proprietor wish to renew the licence of a vehicle which reaches its 6th anniversary of registration in the latter six months of a licence period then the full licence fee will apply. Alternatively the proprietor may elect to licence for the first 6 months only at the reduced fee.

## 237. CONVICTIONS, CAUTIONS, CONDUCT AND MEDICAL FITNESS

- Hackney Carriage and Private Hire Drivers paragraphs 237-240
- Rehabilitation of Offenders Act 1976 paragraph 241
- Operators paragraphs 242-243
- Section A - Guidance on the Relevance of Convictions, Cautions and Endorsable Fixed Penalties General Policy paragraphs 244-249
- Formal Cautions and Endorsable Fixed Penalties paragraph 250
- Section B – Conduct paragraphs 251-257

## Hackney Carriage and Private Hire Drivers

237. When an application is made for a hackney carriage or private hire driver licence the Council must be satisfied that the applicant is a **fit and proper** person before issuing the licence. By law the Council shall not licence drivers unless they are satisfied of this (s.51 and s.59 Local Government (Miscellaneous Provisions) Act 1976).
238. The legislation is worded in such a way as to put the onus on the applicant to prove they are a fit and proper person, rather than for the Council to prove that they are not. If adequate evidence that a person is a fit and proper person is not adduced or if there are grounds to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.
239. In addition, the Council may:
- (a) suspend; or
  - (b) revoke; or
  - (c) refuse to renew a hackney carriage or private hire driver licence if the licensee:
  - (d) has been convicted of an offence involving dishonesty, indecency or violence; or
  - (e) has been convicted of a private hire/hackney carriage licensing offence; or for any other reasonable cause\*. (s.61 LG(MP) Act 1976)

\*Reasonable cause will include other convictions, cautions, fixed penalties, medical fitness and conduct.

240. If it appears in the interests of public safety to do so then a suspension or revocation will have immediate effect and the driver will be given notice of that decision. The effect of this decision will mean that a driver cannot continue to drive should an appeal be made against the decision. (Section 52 Road Safety Act 2006)

## Rehabilitation of Offenders Act 1974

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

## Operators

242. The Council must also be satisfied that applicants for operator licences are fit and proper before issuing a licence. These guidelines will therefore be referred to when considering an Operator Licence Application.
243. It is accepted that the Operator does not have the same level of direct contact with the public as they will not drive the customer (unless s/he also holds a private hire driver's licence). However, it is acknowledged that the Operator will be in possession of information about people's whereabouts and movements and will deal with the public either face to face or over the telephone and therefore there is a need for them to fit and proper people.

## Section A – Guidance as to the Relevance of Convictions, Cautions and Endorseable Fixed Penalties

### General Policy

244. The Council has guidelines on the Relevance of Convictions (see **Appendix N**). These are intended to assist Licensing Officers and the Committee in decision making and to ensure a consistent approach is maintained. However, each case is to be decided upon its own merits and Officers and the Committee may not adhere rigidly to the guidelines if there are exceptional circumstances, which warrant a departure. Similarly simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence.
245. It may be appropriate to depart from the general policy in some cases, for example, situations where the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. Where there has been a conviction for a sexual offence, murder or manslaughter a licence will normally be refused. Where an applicant has served a custodial sentence the Council will consider the number of years since their release and the period for which they have been free of conviction when determining their fitness to be licensed. Time spent in custody will generally be discounted from the conviction free period.
246. The guidelines should also assist applicants and licensees and those that represent them by clearly setting out the expectations the Council has in relation to the behaviour of applicants/licensees. This should also minimise the time (and associated costs) spent by both the Council and applicants/licensees. These guidelines will be taken into account and in general will be followed when dealing with a new application, a renewal application and when considering whether to issue a warning, suspend or revoke an existing licence.
247. The aim of these guidelines is not to punish the applicant/licensee twice for a conviction or caution but to ensure that public safety is not compromised and to protect the public from those who have demonstrated a propensity toward wrongdoing.
248. In considering evidence of an applicant's good character and fitness to hold a driver licence, where previous convictions or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant. However, where an applicant has been convicted of a criminal offence, the Council cannot look behind the conviction [Nottingham City Council v Mohammed Farooq (1998)].
249. The guidelines do not deal with every type of offence. However, offences described in the guidelines and similar offences will be taken into account in accordance with the guidelines.

## **Formal Cautions and Fixed Penalties**

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

## **Section B – Conduct**

251. Criminal convictions are not the only criteria used when considering whether an individual is a fit and proper person to be licensed. Other factors, including the applicant or licensee's demeanour, appearance and behaviour may be taken into account in determining fitness and propriety.
252. The Council may require an applicant to submit additional information it reasonably considers necessary to enable it to determine whether a licence should be granted or whether conditions should be attached (s.57 LG(MP) Act 1976).
253. The Courts have established that the licensing regime exists to prevent licences being given to or used by those who are not suitable, taking into account their driving record, driving experience, sobriety, mental and physical fitness, honesty and ensuring that they would not take advantage of their employment to abuse or assault passengers.
254. When determining the fitness and propriety of drivers, Council Officers and Members will consider whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom they care, to get into a vehicle with the applicant/licensee alone.
255. If the answer to this question is an unqualified yes, then the test is probably satisfied. If the Officers or Members have doubts then further consideration will be given as to whether the individual is a fit and proper person.
256. The Council can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.
257. The Council's focus is upon the impact of the applicant or licence holder upon members of the public. This does not require any consideration of the personal circumstances of the applicant or licensee, which are irrelevant, except perhaps in very rare cases to explain or excuse some conduct of the driver.



## ENFORCEMENT, DISCIPLINE AND OFFENCES

258. This chapter provides an overview of enforcement and disciplinary action and the main offences concerned with the Private Hire and Hackney Carriage trade. It is not intended to be an exhaustive list. **It does not constitute legal advice.**

- Council Officers and the Licensing Committee paragraphs 259-263
- Enforcement/Disciplinary Options paragraphs 264-265
- Informal Action paragraphs 266-270
- Suspension, Revocation, Refusal to renew licence
  - 1. Vehicle Licences paragraphs 271-274
  - 2. Driver licences paragraphs 275-277
  - 3. Operator licences paragraphs 278-279
- Stay of action pending appeal outcome paragraphs 280-284
- Requests for Insurance/MOTs/Certificates of Compliance paragraph 285
- Cautions paragraphs 286-287
- Prosecution paragraphs 288-289
- Town Police Clauses Act 1847 (The 1847 Act) paragraph 290
- Local Government (Miscellaneous Provisions) Act 1976 (The 1976 Act)(HC and PH provisions) paragraph 291
- Transport Act 1980 paragraph 292
- Road Traffic Act 1988 (No Insurance) paragraph 293
- Criminal Justice and Public Order Act 1994 (Touting) paragraph 294
- Health Act 2006 (Smoking) paragraph 295
- Hackney Carriage Byelaws paragraph 296
- Disability Discrimination Act 1995 paragraph 297

## ENFORCEMENT AND DISCIPLINE

### Council Officers and the Licensing Committee

259. Whilst the operation of a successful Hackney Carriage and Private Hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service.
260. Enforcement of hackney carriage and private hire matters is undertaken by the Council. The Police may also take action in certain circumstances.
261. Officers of the Council (usually Licensing Enforcement Officers) are authorised by the Council to undertake enforcement work. The Director of **Place** authorises such officers. In undertaking such work the Officers will comply with the appropriate Enforcement Policy Statement. Enforcement work includes routine checks and inspections, investigating complaints made about drivers, vehicles and operators in addition to matters observed by Officers e.g. vehicle defects. The Council can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.
262. The Council may take appropriate disciplinary action against licensees in accordance with this policy.
263. The Council's Licensing Committee may also determine the appropriate disciplinary action (if any) to take against licensees referred to it. The procedure for referral to Committee and the Committee procedure is detailed at **Appendix O**.

## **Enforcement/Disciplinary Options**

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

- (a) Take no action
- (b) Take informal action, including warning letters and referral to Driver
- (c) Improvement Scheme
- (d) Suspend a licence
- (e) Revoke a licence
- (f) Refuse to renew a licence
- (g) Use statutory and other notices/requests
- (h) Use formal cautions
- (i) Prosecute
- (j) Obtain an injunction

265. Only the Licensing Committee can require attendance on the Driver Improvement Scheme, suspend, refuse to renew or revoke a licence. Where urgent action is necessary the Chair of Licensing Committee may suspend a licence pending referral to the Licensing Committee.

### **Informal Action**

266. Informal action may be used to secure compliance with the legislation and policy including offering advice, verbal and written warnings and requests for action.

267. Informal action may be appropriate where:

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

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

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

270. Existing licensed drivers who attain 9 penalty points on their DVLA drivers licence for offences relating to their standard of driving or have a poor driving history will be referred to the Licensing committee and Members will be invited to require attendance at the Driver Improvement Scheme, at the driver's expense.

## **SUSPENSION, REVOCATION OR REFUSAL TO RENEW A LICENCE**

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

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

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

### **Suspension of Vehicle Licences - Section 60 Notices**

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

- (a) that the vehicle is unfit for use;
- (b) the operator or driver has committed any offence under or has not complied with the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
- (c) any other reasonable cause  
Among other things, "any reasonable cause" will include non production of evidence of insurance.

274. Where the Council suspends, revokes or refuses to renew a vehicle licence under section 60 of the 1976 Act it shall give the proprietor written notice of the grounds for the decision within fourteen days. The proprietor may appeal to a Magistrates' Court. Any appeal must be lodged within 21 days of notification of the decision. Failure to provide insurance may result in a section 60 suspension.

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

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

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

276. In addition the following revisions to Section 61 were introduced under Section 52 of The Road Safety Act 2006:

- (a) (2a) Subject to subsection (2b) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver under subsection (2)(a) of this section.
- (b) (2b) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2)(a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

277. Where the Council suspends, revokes or refuses to renew a driver licence under s.61 LG(MP)Act 1976 it shall give the driver written notice of the grounds for the decision within fourteen days. The driver must return to the Council the Driver badge. The driver may appeal to a Magistrates' Court. Any appeal must be lodged within 21 days of notification of the decision. Except in the case of a s52 Road Safety Act suspension the driver badge may be retained once an appeal is lodged at the Magistrates Courts.

## **Operator Licences - Section 62**

278. The Council may suspend or revoke or refuse to renew an operator licence on any of the following grounds:
- (a) any offence under or non-compliance with Part II of the Local Government (Miscellaneous Provisions) Act 1976;
  - (b) any conduct on the part of the operator which appears to render him unfit to hold an operator's licence;
  - (c) any material change since the licences was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
  - (d) any other reasonable cause.
279. Where the Council suspends, revokes or refuses to renew an operator licence under section 62 of the 1976 Act it shall give the operator written notice of the grounds for the decision within fourteen days. The operator may appeal to a Magistrates Court. Any appeal must be lodged within 21 days of notification of the decision.

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

280. Section 77 (2) of the 1976 Act stays any action against a licence pending the outcome of the Court appeal. This means that if a driver, operator or proprietor appeals against a decision to refuse to renew, suspend or revoke his licence, the licence is deemed to remain in force until the appeal has been determined (but see paragraph 283 below re s52 Road Safety Act suspensions).
281. The licensee has 21 days from notification of the decision to lodge an appeal with the Court. The licensee can continue to use the licence during that period and once an appeal is lodged, can continue to use it until the appeal has been dealt with. If the Magistrates dismiss the appeal the licensee has 21 days within which to lodge an appeal in the Crown Court and again, can continue to use the licence until the appeal is determined.
282. The Council may decide that a suspension or revocation of a driver licence should take immediate effect where they consider it is in the interests of public safety to do so. In such cases the notice given to the driver must include a statement that it is an immediate suspension/revocation and an explanation why. In this case the suspension or revocation takes effect when the notice is given to the driver and the driver **will not** be able to continue working pending any appeal.
283. Where a licensee's Court appeal is unsuccessful the Court may order them to pay the Council's costs. Where an appeal is successful but the Council has acted in good faith costs may not be ordered against the Council.
284. The 21 day period in which to appeal is rigid and appeals cannot be made after this time (Case Law: Stockton Borough Council v Latif 20 January 2009).

### **Requests for Insurance**

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

### **Cautions**

286. A caution may be used as an alternative to a prosecution in appropriate circumstances, where the criteria for prosecution are satisfied but an offence is of a less serious nature. The Council will have regard to Home Office Guidance and other relevant guidance. It is necessary for the offence to be admitted prior acceptance of a caution. If a caution is not

accepted the matter will be referred for legal proceedings. It is unlikely that more than one caution will be issued (regardless of the type of offence) and repeat offences will lead to prosecution.

287. A caution may be used:

- (a) to deal quickly and simply with less serious offences;
- (b) to divert less serious offences away from the Courts;
- (c) to reduce the chances of repeat offences.

### **Prosecution**

288. In certain cases the Council will prosecute offenders. In all cases the evidential and public interest test contained within the Code for Crown Prosecutors must be satisfied. The Council will seek to prosecute for a range of offences including overcharging of members of the public, acting as and/or using unlicensed drivers and vehicles, driving without insurance or invalidating insurance (e.g. illegal plying for hire). Breaches of the licensing legislation may also lead to prosecution. Furthermore the Council's uniformed warden service is empowered to issue fixed penalties in respect of stationary vehicles with their engines idling to prevent unnecessary exhaust emissions.

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

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## Town Police Clauses Act 1847 (The 1847 Act)

290. The following offences under the 1847 Act relate to hackney carriages.

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

\* plus 1 month custody

## Local Government (Miscellaneous Provisions) Act 1976 (The 1976 Act)

291. Offences under 1976 Act relate to hackney carriages and private hire vehicles, proprietors, drivers and operators.

### (a) The 1976 Act - Hackney Carriage Provisions

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

### (b) The 1976 Act - Private Hire Provisions

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

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

\*\* (plus a daily fine of £10)

## 292. Transport Act 1980 – Private Hire Provisions

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



### **Road Traffic Act 1988 S.143 – Using a Vehicle without Insurance**

293. Drivers may be prosecuted by the Police or the Council in relation to driving without insurance. As well as a financial penalty the DVLA driver licence must be endorsed with between 6-8 penalty points and the Court has discretion to disqualify the driver. The Court will consider any aggravating and mitigating factors when sentencing. If the vehicle concerned is a hackney carriage or private hire vehicle this will be an aggravating (i.e. more serious) factor.

### **Criminal Justice and Public Order Act 1994 S.167 – Touting for Hire**

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

### **Health Act 2006, S.7 – Smoking in vehicle and S.8 – Failing to Prevent Smoking in a Vehicle**

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

### **Hackney Carriage Byelaws**

296. Prosecutions may be brought against hackney carriage proprietors and drivers for breach of the Council's byelaws. The maximum penalty is a level 2 fine.

### **Disability Discrimination Act 1995**

297.

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

## HACKNEY CARRIAGE STANDS

- Appointed Stands paragraphs 300-302
- Creation of a Stand paragraphs 303-305
- Waiting on Stands paragraphs 306-309
- Hackney Carriage Hailing Points paragraphs 310-311
- Horse Drawn Carriages paragraph 312

### Appointed Stands

298. The purpose of hackney carriage stands (also known as a hackney carriage rank or a taxi rank) is to provide the public with a set location where they can hire a licensed hackney carriage. The stand is the only place where a hackney carriage may ply for hire in a stationary position and should be situated in locations where the public most need hackney carriages, for example adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands should be sited so that passengers can board or alight from the vehicle safely. Stands can be for continual or part-time use.
299. The Council will review the provision of hackney carriage stands in the borough from time to time. In this respect officers will work closely with the Darlington Hackney Carriage Trade.
300. There are currently 12 official hackney carriage stands in the borough providing spaces for a total of 62 vehicles. A list of the stands and their designated locations are attached at **Appendix S**.

### Creation of a Stand

301. A new hackney carriage stand can be appointed under section 63 of the 1976 Act. This allows new stands to be created on public highways or private land with the appropriate consent of the land owner and can be for continual or part-time use.
302. Prior to a new stand being created or the maximum number of vehicles that can use a stand is varied a notice will be given to the Chief Officer of Police and a public notice published in a local newspaper.
303. New stands will not be sited where they may lead to obstructions.

### Waiting on Stands

304. It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages.
305. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare. Drivers who park on a stand and leave their hackney carriage vehicle unattended commit an offence.
306. When parking on a rank the driver must ensure that the whole of the vehicle is contained within the road markings of the rank. The vehicle must be parked in the direction indicated by the rank signage.
307. The signage for each rank indicates the maximum number of vehicles permitted on the rank. This number must not be exceeded. If the rank is full the driver must proceed to another rank.

### Hackney Carriage Hailing Points

308. Hackney carriage hailing points have been introduced in other parts of the country and are an alternative to a stand either where there is insufficient space for a stand or the location does not justify the creation of a stand. It is a specific point where the public know they will be able to hail a hackney carriage and the theory is that the drivers know where they are and will ensure that they pass them on a regular basis. There is no provision for hackney carriages to wait at hailing points.

309. There has been no request for the provision of hailing points within the Darlington Borough.

### **Horse Drawn Carriages**

310. Horse drawn carriages can be considered for licensing as either a hackney carriage or a private hire vehicle however there are special requirements for such vehicles, their horses and drivers. **Appendix T** provides detailed information in respect of the licensing of these vehicles.

### **311. COMPLAINTS PROCEDURE**

312. The Council is proud of its professional private hire and hackney carriage trade and expects them to uphold high standards at all times. However we recognised that there may be occasions when transport users, the general public and other members of the trade may make complaints and as such a complaints procedure will be followed.

313. All complaints received will be investigated. Complainants will receive acknowledgement of their complaint within 1 working day advising the name of the Officer assigned to investigate the complaint.

314. Complainants may be asked to put their complaint in writing or provide a witness statement if the complaint is such that formal action may result.

315. The Council recognises that some complaints can be frivolous or vexatious. These complaints will not be taken further.

316. Licensees are expected to assist Officers in their investigations and make themselves available for interview.

**317.** At the end of the investigation all parties concerned will receive written confirmation of the result and action to be taken. If the complainant is not satisfied as to the outcome the Council has a corporate complaints procedure in place to deal with these issues.

### **LIST OF CONSULTEES**

318. The following have been consulted in respect of this proposed policy document:

- (a) All HC proprietor
- (b) All PH proprietors
- (c) All PH Operators
- (d) All licensed drivers
- (e) Durham Constabulary
- (f) Darlington Association on Disability (DAD)
- (g) Darlington Council's Safeguarding Children's Unit
- (h) Planning Authority
- (i) HM Revenue and Customs
- (j) Department of Work and Pensions
- (k) Other Transport Providers, ie Arriva, Scarlett Band, National Express, Teesside Airport
- (l) The Transport Users Forum
- (m) Members of the Council's Licensing Committee
- (n) Ward Councillors
- (o) Other Tees Valley Licensing Authorities
- (p) Officers of Darlington Borough Council

**ACCIDENTS AND DAMAGE TO VEHICLES (SECTION 50 OF THE LG(MP)ACT 1976)**

1. If a hackney carriage or private hire vehicle is involved in an accident which results in damage which may affect its appearance or the safety of its passengers the proprietor must report this to the Council within 72 hours.

**AUTHORISED OFFICERS (SECTION 73 OF LG(MP)ACT 1976)**

2. It is an offence to obstruct any Authorised Officer or Police Officer. All Licensees must provide any assistance or information (s)he may reasonably require.

**CHANGE OF ADDRESS (SECTION 44 OF THE TPCA 1847)**

3. The Council must be informed, in writing, within 7 days of any change of address.

**CONVICTIONS (SECTION 50 TPCA 1847)**

4. A second conviction against a driver or proprietor for any hackney carriage or byelaws offence is grounds for the Council to suspend or revoke a licence. If a driver or proprietor is convicted of any criminal or motoring offence (including fixed penalties) (s)he must notify the Council, in writing, within 7 days.

**COPY OF LICENCE (SECTIONS 46, 48 AND 49 TPCA 1847)**

5. The proprietor must keep the hackney carriage driver licences of all drivers employed by them in their possession. When a driver leaves this employment the proprietor must return the licence to him/her. Any driver of a Hackney Carriage must be licensed even if the vehicle is not being used for public hire. Private hire operators must keep the private hire driver licences of all drivers operated by them in their possession. When a driver is no longer operated by the Private hire operator the licence should be returned to him/her. Any driver of a private hire vehicle must be licensed even when the vehicle is not being used for private hire.

**INSURANCE (SECTION 50 LG(MP)ACT 1976)**

6. Proprietors of hackney carriages and/or private hire vehicles must produce a certificate of insurance or cover note when asked by an Authorised Officer.

**LICENCE PLATES (BYELAWS AND SECTION 58 LG (MP)ACT 1976)**

7. The Council's identification plate(s) must always be displayed in a way that they are not defaced or concealed from public view. If the Council suspends or revokes a hackney carriage licence or the licence expires and is not renewed the proprietor will be asked to return the identification plate(s) within 7 days.

**8. METER/TABLE OF FARES (BYELAW)**

- (a) Hackney Carriages must be fitted with an accurate meter capable of showing that the vehicle is or is not hired, registering the charge if hired and positioned in clear view of the passengers.
- (b) the meter must be linked to a sign bearing the word TAXI which shall be illuminated where the meter is not in use and cease to be illuminated when hiring has begun.
- (c) A Notice showing the Tariff of fares set by the Council must be displayed inside the vehicle in a position where any passengers can easily read it.

**TRANSFER OF OWNERSHIP OF LICENSED VEHICLE (SECTION 49 LG(MP)ACT 1976)**

9. The Council must be informed, in writing, of the transfer of ownership of a licensed hackney carriage or private hire vehicle within in 14 days of this change. On the transfer of a licensed vehicle to a new owner the new owner must complete all documentation required by the Council and produce evidence of insurance. Until the relevant documentation is accepted by the Council, the vehicle licence will be suspended.

**ACCESSIBILITY OF VEHICLES**

**This shall be subject to a separate consultation with disabled people and dealt with separately from this policy document**

**AGE OF VEHICLE**

1. Darlington Borough Council places a limit on the age of vehicles that may be licensed. Licences will only be issued to vehicles which are less than 3 years of age when first presented for licensing (or less than 5 years in respect of purpose built wheelchair accessible vehicles). The age of the vehicle will be determined by reference to its date of first registration. The licence of any vehicle will terminate not more than 6 years from the date of first registration (or 10 years in respect of purpose built wheelchair accessible vehicles). If a vehicle is determined to be in exceptional condition an extended licence may be granted (subject to the vehicle passing the relevant emission tests). A definition of “exceptional condition” may be obtained from the Licensing Section. NB This policy does not apply to limousines and vintage cars. Where there is up to 6 months between renewal of licence and 6th anniversary of vehicle a licence may be granted up to the date of 6th anniversary for a fee of 50% of the annual licence charge. Where there is in excess of 6 months between renewal and 6th anniversary a licence may be granted up to the date of the 6th anniversary upon payment of the full annual licence fee.

**DOCUMENTS**

2. A vehicle Licence will only be issued where the vehicle has evidence of valid:
  - (a) Road Fund Tax.
  - (b) Vehicle insurance certificate.
  - (c) Public Liability insurance certificate.
  - (d) Employer liability insurance\*\*\* where you employ or use someone else to drive your private hire vehicle (NB this will apply unless there is evidence of a formal leasing arrangement).
  - (e) Certificate of mechanical compliance test from the garage nominated by the Council.
  - (f) MOT certificate (where the vehicle does not have a compliance certificate).
  - (g) V5 vehicle registration document, in the case of a new vehicle the sales invoice which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of licence issue).
  - (h) Swivel Seat base fitting certificate where required.

\*\*\* Employer liability insurance shall not be required if the vehicle is to be driven by persons named on the licence as joint proprietors. Such persons will have a material, beneficial and/or controlling interest in the vehicle and will be required to provide written evidence of this.

***All Documentation Produced must be Originals***

3. Before or on the date of expiry, each certificate shall be produced together with the relevant renewal certificate to an Authorised Officer.

***Emission Tests***

4. With effect from 01 April 2011 all vehicles must meet Euro III emission standards and from 01 April 2012 must meet Euro IV. In subsequent years the updated Euro standards shall apply. Purpose built wheelchair accessible vehicles and “classic” vehicles over 12 years of age shall be exempt from this requirement but this exemption shall be kept under review.

### **Engine/Chassis Numbers**

5. The Chassis/Vin plate and engine numbers must match the numbers recorded with the DVLA. Vehicle applications cannot be accepted without a copy of the vehicle registration document or, in the case of a new vehicle purchase, sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police vehicle identification section who will undertake checks to ensure the vehicle is not stolen.

### **Surrender and Grant of Licences**

6. Vehicle licences are granted to vehicles, not to people. This means that a vehicle licence CANNOT be transferred from one vehicle to another. If a proprietor wishes to change the vehicle that is licensed the following procedures must be followed:
  - (a) (S)he must complete an application form for the "new" vehicle.
  - (b) (S)he must pay the stated fee for a 12 month period.
  - (c) (S)he must surrender the original licence.
  - (d) The new vehicle must be presented for test and subsequently pass.
  - (e) (S)he must produce evidence of insurance and all other required documentation.

Where a vehicle has been "written off" because it is damaged beyond economical repair or has been stolen and has been subject to insurance settlement, if there is in excess of 6 months remaining on the original licence a credit of 50% of the licence fee will be applied to a new vehicle. Where there is less than 6 months remaining no credit will be given. In both instances the 'old' vehicle cannot be presented at a future date for re-licensing.

### **Taximeters**

4. All vehicles fitted with a taximeter must comply with the Measuring Instruments (Taximeters) Regulations 2006 and must be of the calendar control type which is locked and sealed by an approved manufacturer/suppliers and/or installer. The calendar control type shall apply to all new vehicles. Current licensed vehicles will be required to comply by 01 April 2012.

### **Use of CCTV**

5. If CCTV is installed the proprietor of any vehicle with CCTV must notify the Council and display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.
6. Where CCTV is in place it must be kept in working order when passengers are being carried. The CCTV system should be maintained to the manufacturer's standards, recordings should be retained for 28 days and recordings must be available for viewing by a Police Officer or an authorised officer of the Council on request.

**PV1. Advertisements**

Private hire vehicles must not display signs using the words "TAXI", "CAB" OR "FOR HIRE". No other signs, notices, advertisements or any other markings may be displayed on or in the vehicle without the prior written permission of the Council.

**PV2. Alteration of Vehicle**

The proprietor must not change the design, condition or appearance of the vehicle without first obtaining the written approval of the Council.

**PV3. Appearance of Vehicle**

Private Hire Vehicles must **NOT** be red in colour. The vehicle must be approved by the Council and shall:

- a. Have at least four doors that can be opened from both inside and outside the vehicle.
- b. Be right-hand drive.
- c. Have an engine capacity of not less than 1500 cc.
- d. Have minimum seating capacity for at least four adult passengers
- e. Luggage must be properly secured in a vehicle which does not have a boot.
- f. Be wind and watertight.
- g. Have windows that can open on both sides of the vehicle.
- h. Have seats properly cushioned and covered.
- i. Have a floor properly covered with carpet or other suitable covering.
- j. Have an adequate internal light to enable passengers to enter and leave the vehicle safely.
- k. Have a spare wheel to fit the vehicle and equipment to change a wheel on the vehicle with that wheel e.g. a jack and wheel brace **or where a vehicle is supplied by the manufacturer fitted with a space saver tyre, the Council will consent to their use in a private hire vehicle provided that**
  - i) **The carriage of passengers is not permitted whilst such a tyre is fitted; and**
  - ii) **The tyre used must be supplied or recommended by the manufacturer of the vehicle concerned and shall be replaced after it has been used on the vehicle.**
  - iii) **the tyre is used for an emergency or temporary purpose to enable the vehicle to be driven to a place of repair. There is no maximum distance but due to the speed restriction and the fact that the tyre compound is generally softer (to simulate traction capabilities to compensate for any imbalance) the distance should not be in excess of 50 miles**
- l Tyres on the same axle must be of the same nominal size and aspect ratio.**
- m The use of pressurised tyre sealants is not permitted in any circumstances**
- n Be properly fitted with seat belts of approved design for every passenger the vehicle is licensed to carry.
- o Be fitted with glass which is in accordance with current Vehicle Construction and Use Regulations prescribed in respect of the *normal zone of vision* ie the front windscreen 75 per cent light transmittance and the front door windows 70 per cent light transmittance. In addition the remaining glass within the vehicle shall have a minimum light transmittance of not less than 70 per cent. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass (Policy).
- p Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement.

- q. Not be a convertible/ soft top
- r. Not be fitted with a roof rack.
- s. Not draw a trailer.
- t. Wheelchair accessible vehicles must be purpose built or converted or adapted to enable the carriage of a wheelchair provided that where a conversion is carried out, it is done so by an approved vehicle convertor such as Wheelchair Accessible Vehicle Converters' Association and a certificate of fitting provided by the convertor is supplied as an original document.

NB These requirements do not apply to limousines for which special conditions have been produced.

#### **PV4. Change of Address**

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

#### **PV5. Change of Engine**

The proprietor must inform the Council, in writing, within 48 hours of any change of the engine in the vehicle.

#### **PV6. Change of Private Hire Operator**

This vehicle may only be operated under the provisions of one Private Hire Operators Licence at any moment in time. The proprietor must notify the Council of any change in Private Hire Operator, in writing, using the Council's approved forms within 48 hours. The name of the "new" operator shall then be displayed on the outside of the rear doors of the vehicle.

#### **PV7. Cleanliness**

The proprietor must ensure that the private hire vehicle is in a safe, clean and tidy condition both inside and out to ensure the safety and comfort of passengers.

#### **PV8. Convictions**

The proprietor shall within seven days disclose to the Council in writing details of any criminal or motoring convictions, fixed penalties and/or caution imposed on him or, if the proprietor is a Company or Partnership, on any of the Directors or Partners during the period of the licence.

#### **PV9. Deposit of Driver licence**

If the Proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him his private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his. Any person driving a private hire vehicle must be licensed, even if the vehicle is not being used for private hire purposes **(also Section 46 (b) and (c) of LG (MP) Act 1976.**

#### **PV10 Letting/Leasing of vehicles**

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

#### **PV11 Licence Plates**

- a. The rear identification plate, supplied by the Council, shall be securely fixed to the rear of the vehicle; in a conspicuous position approved by an authorised officer of the Council, using bolts or screws, or other method with written approval of the Council, in such a manner as to be easily removable by an authorised officer or constable.
- b. The front identification plate shall be securely fixed to the front of the vehicle in a conspicuous position approved by an authorised officer of the Council, using bolts or



screws, or other method with written approval of the Council, in such a manner as to be easily removable by an authorised officer or constable.

- c. The internal vehicle identification plate shall be clearly displayed on the inside windscreen of the vehicle on the passenger side of the vehicle without obscuring the driver's view of the road.

## **PV12 Loss/Theft of Plate or licence**

The proprietor must report the loss/theft of licence or identification plate(s) to the Licensing Section as soon as the loss becomes known and in any case, within 2 working days. A lost property/crime number must be obtained from the Police and details of this given to the Council.

## **PV13 Meter/Table of Fares**

All vehicles fitted with a taximeter must comply with the Measuring Instruments (Taximeters) Regulations 2006 and must be of the calendar control type which is locked and sealed by an approved manufacturer/suppliers and/or installer. The meter must:

- a. Be accurate, be capable of showing that the vehicle is or is not hired, register the charge if hired and be positioned in clear view of the passengers.
- b. Be sufficiently illuminated when in use and visible to all passengers.
- c. Only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.
- d. The fare charged must not exceed the fare displayed on the meter at the end of the journey.
- e. When the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
- f. A Notice showing the Tariff of fares must be displayed inside the vehicle in a position where any passengers can easily read it.

No one must tamper with any seal on the meter without lawful excuse or alter any meter with the intent to mislead. **Legislation - Section 71 LG (MP) Act 1976.**

## **PV14. Safety Equipment**

The vehicle must always carry in a conveniently and readily accessible position:

- a. A suitable and efficient multi purpose dry powder fire extinguisher or FFF aqueous foam fire extinguisher should be secured in the boot of the vehicle as recommended by the Fire Authority. (Where the extinguisher is to be used in an eight-passenger seat vehicle, which does not have a boot it is recommended that a FFF fire extinguisher is used. If a dry powder extinguisher is activated in a vehicle the powder may cause loss of vision).
- b. The Private Hire Proprietors licence number shall be painted upon the extinguisher, using indelible black ink, in letters at least 10 mm high.
- c. A first aid box, suitable for passenger carrying vehicles, must be available in the vehicle for use by a suitably trained person to provide emergency aid at an incident, (there is no expectation that a licensed driver without first aid training would do this). The first aid kit should be in a suitable airtight container marked with a white cross on a green background. The container must be clearly marked in indelible black ink with the vehicle licence number and must contain the following:

1 first aid guidance leaflet	2 sterile eye pads
1 sterile wound dressing (7.5cm x 4.5cm)	10 antiseptic wipes (alcohol free)
24 assorted adhesive dressings	2 triangular bandages non-woven
2 pairs disposable gloves	12 safety pins
3 sterile ambulance dressings	1 pair rust free blunt ended scissors

## PV15. Signs and Notices

No illuminated or fluorescent sign or advertisement shall be displayed on the inside or outside the vehicle.

No sign or advertisement shall be placed on, or above, the roof level.

For the purpose of identification of **8 passenger seat vehicles** as licensed Private Hire vehicles the proprietor may:

- a. With the written approval of the Council fix to the top inside corner of the passenger side front windscreen a self adhesive notice no larger than 100mm high and 460 mm wide. The notice shall have a white background and include only the name of the operator of the business in black letters of a maximum size 60 mm in height and also the words "PRIVATE HIRE VEHICLE" or "PRIVATE HIRE ONLY " in black letters of a minimum 25 mm in height;
- b. With the written approval of the Council notices may be displayed upon the external bodywork of 8 seated minibuses giving the trade name and telephone number of the operator on the front, rear and sides of the vehicle, with the following specification:
  - all letters and numbers shall be, all black or all white in colour and no greater than 75 mm high and painted directly upon the vehicle, or printed on self adhesive plastic film;
  - the area of display for the words and number must be limited in size;
  - front and rear - 630 mm wide x 75mm high;
  - sides - 2000 mm x 300 mm;
  - each separate notice shall include the words "PRIVATE HIRE ONLY" in a prominent position in capital letters 25 mm high.

The design for each of these notices (a) and (b) above must not be used until a sample has been submitted to the Council and approved in writing. For the purpose of identification of Private Hire vehicles (saloon type) the proprietor:

1. Shall fix to both rear doors a notice that has the words "PRIVATE HIRE ONLY" in capital letters 25 mm high. The letters shall be coloured black or white. The background colour of the notice shall contrast with both the lettering printed upon it and the vehicle colour. This notice shall be a maximum size 630 mm x 300 mm, and be designed to include the name of the operator and telephone number.
2. May fix to the top inside corner of the passenger side front windscreen of the vehicle a notice no larger than 100mm high and 460 mm wide. The notice shall have a white background and only include the name of the operator of the business in black letters of a maximum size 60 mm in height and the words "PRIVATE HIRE ONLY" or "PRIVATE HIRE VEHICLE" in black capital letters minimum size 25 mm in height.

Note: The design for each of these notices (a) and (b) above must not be used until a sample has been submitted to the Council and approved in writing.

**NB Magnetic fixing of any signage is not permitted**

## PV16. Sliding Doors

Where sliding doors are an integral part of a vehicle and a locking device has not been fitted the child locking systems shall be engaged by the driver at all times when the vehicle is in motion and carrying passengers.

## PV17. Swivel Seats

Where fitted as a passenger seat, certificates of fitting from an authorised fitter must be obtained and produced to the Council before a vehicle can be tested and/or licensed.

These Byelaws are made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Council of the Borough Darlington with respect to Hackney Carriages in the Borough of Darlington.

1. Throughout these byelaws “the Council” means the Council of the Borough of Darlington and “the District” means the Borough of Darlington

### 2. Identification Plate

- a) The proprietor of a hackney carriage shall cause plate provided by the Council specifying the number of the licence granted to him and the permitted number of passengers in respect of that hackney carriage to be securely fixed to the outside of the carriage.
- b) The plate identifying the vehicle as a hackney carriage and required to be exhibited on the vehicle pursuant to Section 51 of the 1847 Town Police Clauses Act shall be securely affixed to the rear of the vehicle in a conspicuous position so that all particulars thereon are clearly visible by daylight from the nearside of the road, and in such manner as to be easily removable by an authorised Officer of the Council or a Constable.
- c) A proprietor or driver of a Hackney Carriage shall:
  - i) Not wilfully or negligently cause or suffer any such number to be concealed from view whilst the Hackney Carriage is standing or plying for hire;
  - ii) Not cause or permit the carriage to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

### 3. Maintenance of Vehicle

The proprietor of a Hackney Carriage shall:

- a) Ensure that the Hackney Carriage and all its fittings and equipment shall at all time when the vehicle is available for hire or hired be kept in an efficient, safe, tidy and clean condition and in particular:
  - i). Provide sufficient means by which any person in the carriage may communicate with the driver.
  - ii) Cause the roof or covering to be kept watertight.
  - iii) Provide any necessary windows and a means of opening and closing not less than one window on each side
  - iv) Cause the seats to be properly cushioned or covered.
  - v) Cause the floor to be provided with proper carpet, mat or other suitable covering.
  - vi) Provide means for securing baggage if the carriage is so constructed as to carry baggage.
  - vii) Provide an efficient fire extinguisher, which will be carried in such a position as to be readily available for use.
  - viii) Provide efficient interior lighting
  - ix) Provide at least two doors for the use of persons conveyed in such a carriage and a separate means of entry and exit for the driver.
  - x) Provide and maintain in the Hackney Carriage at all times a first aid kit in such a position so as to be readily visible and available for immediate use in an emergency.
  - xi) Cause a statement of the fares currently fixed by the Council to be displayed and maintained in such a position inside the Hackney Carriage so as to be clearly visible for passengers.
- b) Make no material alteration to the specification, design, condition or appearance of the Hackney Carriage without the prior approval of the Council.

### 4. Driver Licence

The proprietor of a Hackney Carriage shall ensure at all times that the driver of a vehicle licensed as a Hackney Carriage, whether or not it is plying for hire at any particular moment holds a current driver’s licence issued by the Council.

## 5. Notifications

- a) The proprietor or driver of the Hackney Carriage shall notify the Council without delay of any of the following incidents which concern the proprietor or driver whilst they hold a current licence issued by the Council:
  - i) Change of address
  - ii) Criminal conviction
  - iii) Road traffic accident involving any motor car whether or not it is a Hackney Carriage
- b) The proprietor or driver shall ensure that at all times when the Hackney Carriage is available for hire or hired it is insured for public use hire.

## 6. Taximeters

- a) The proprietor of a motor propelled Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached, and maintained as to comply with the requirements of the Council and the taximeter shall be situated inside the carriage in such a position that all letters and figures of the face thereof may at all times be plainly visible to any persons being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated.
- b) The driver of a Hackney Carriage provided with a taximeter in accordance with Byelaw (6) shall as soon as the carriage is hired bring the machinery of the taximeter into action and thereby record on the face of the taximeter in figures clearly legible and free from ambiguity, a fare stating the rate of fare which the driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the rate of fare prescribed for the time being by the Council under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
- c) On the coming into operation of a table of fares made by this Council the fare which the driver is entitled to demand and take for the hire of the carriage by distance shall be the rate of fare prescribed by the Council (provided nevertheless that a proprietor shall not offend against this Byelaw where the table of fares is varied by the Council and he has not had a reasonable opportunity to cause the taximeter to be altered or record the rate of fares in accordance with the table of fares as varied).
- d) A proprietor or driver of a Hackney Carriage shall not tamper or permit any other person to tamper with any taximeter, with which the carriage is provided, or with the fittings thereof, or with the seals affixed thereto.

## 7. External Signs

- a) Every proprietor of a Hackney Carriage shall cause the carriage to be fitted with a roof sign bearing the word "TAXI" and such other lettering or numbering as may be approved by the Council.
- b) No other lettering, numbering, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provisions or required or permitted by the Council, provided, however that this shall not apply to a sign which:
  - i) is displayed in, on or from the vehicle whilst it is stationary; and
  - ii) contains no words or numbers other than the name and address of the operator of the vehicle or the name under which he carries on his business and the name of the passengers to be carried in the vehicle; and
  - iii) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.

## 8. Taxi Stands

The driver of a Hackney Carriage for which stands are fixed by the Council shall, when plying for hire in any street,

- a) Proceed with reasonable speed to one of such stands
- b) If a stand, at the time of arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand.
- c) On arriving at the stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand so as to face in the direction designated by the Byelaw for that stand.
- d) From time to time when the carriage in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage in front.
- e) Not leave a Hackney Carriage unattended on a rank.

## 9. Importuning

A proprietor or driver of a Hackney Carriage which is available for hire shall not, by calling out or otherwise, importune any person to hire such carriage, and shall not make use of the services of any other person for the purpose.

## 10. Behaviour

The driver of a Hackney Carriage shall:

- a) At all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
- b) Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the carriage.
- c) Accord all reasonable assistance with passenger's luggage.
- d) Not without the express consent of the hirer, smoke\*, drink or eat in the vehicle
- e) Afford all reasonable assistance to elderly, infirm or disabled passengers.
- f) Not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- g) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the carriage which he is operating to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

NB Smoking is now prohibited in accordance with the Health Act 2006.

## 11. Receipt

The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid.

## 12. Animals

- a) The driver shall not convey in a Hackney Carriage any animal belonging to or in the custody of himself or the proprietor of the vehicle.
- b) Any animal belonging to or in the custody of any passenger which, at the driver's discretion, may be conveyed in the vehicle, shall only be conveyed in the rear of the vehicle, provided nevertheless that the driver of a Hackney Carriage shall not refuse to convey a guide dog accompanying a registered blind person nor shall such animal be restricted to the rear of the vehicle.

## 13. Attendance

The proprietor of a Hackney Carriage whether by himself, his driver, agent or employee who has agreed that the carriage attend at an appointed time shall, unless delayed or prevented by some sufficient cause, ensure that the carriage attends punctually at the appointed time and place.

#### **14. Passengers**

A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage, save that for the purpose of this Byelaw:

- a) Two children aged 10 years or less shall count as one person, although this calculation is not to be applied to permit more than four children aged 10 years or less to travel in the rear at the same time (**NB replaced by seat belt regulations**).
- b) No child aged 10 years or less is permitted to travel in the front seat of a Hackney Carriage except an infant of two years or less who is conveyed in a child safety cot approved for this purpose by the British Standards Institute (or such future body which carries out the functions of the aforesaid Institute) securely affixed to the front passenger seat.

#### **15. Horse Drawn Vehicles**

The proprietor of a horse-drawn Hackney Carriage shall:

- a) Whilst standing or plying for hire, not drive or allow to be driven or harnessed or allowed to be harnessed to the carriage any animal in such condition as to expose any person conveyed or being in such carriage or any person traversing any street, to risk of injury.
- b) Shall while standing or plying for hire, cause every part of the harness of the animal or animals to be properly and securely attached to the carriage and under due control.
- c) Shall not in any street feed or allow to be fed any animal harnessed or otherwise attached to such carriage, except with food contained in the proper bag or other receptacle suspended from the head of such animal or from the centre pole of the carriage or which is held in and delivered with the hand of the person feeding such horse.

#### **16 Driver's Badge**

The driver shall at all times when driving a Hackney Carriage available for hire or hired, wear the driver's badge provided by the Council on the breast of the outer clothing and in such position and manner as to be plainly and distinctly visible.

#### **17. Penalties**

Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence a further penalty not exceeding £2 for each day after written notice of the offence from the Council.

#### **18. Interpretation**

- a) The Interpretation Act 1978 shall apply to these Byelaws as though they were an Act of Parliament.
- b) Proprietor, Hackney Carriage, taximeter, driver's badge, driver's licence, vehicle licence, have the same meaning as defined in Section 80(1) of the local Government (Miscellaneous Provisions) Act 1976.

This is a true copy of the byelaws with respect to Hackney Carriages made by the Council of the Borough of Darlington and confirmed by the Secretary of State for the Home Department. The date fixed by him for the coming into operation of these byelaws was 1 March 1990.

**HV1 Advertisements**

Any advertisement upon a Hackney Carriage requires the prior written approval of the Council. Approved advertisements may be placed on the rear doors and rear quarter panel only and be of a stick-on plastic film type material (magnetic panels will not be allowed). The following types of advertisement will be excluded

1. Any advertisement that it is felt likely to give rise to public offence will be refused.
2. Any advertising of alcohol or tobacco.
3. Any approved advertisement that is later found to give rise to justifiable public offence. This shall immediately be removed upon the instruction of an authorised officer.

No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices shall be displayed in, on, or from the vehicle except as may be required by any statutory provision (including bylaws) or required or permitted by these conditions

**HV2 Alteration of Vehicle**

The proprietor must not change the design, condition or appearance of the vehicle without first obtaining the written approval of the Council

**HV3. Appearance of Vehicle**

The vehicle must be approved by the Council and shall:

- a Have at least four doors that can be opened from both inside and outside the vehicle.
- b Be right-hand drive.
- c Have an engine capacity of not less than 1500 cc
- d Have minimum seating capacity for at least four adult passengers;
- e Luggage must be properly secured in a vehicle which does not have a boot
- f Be wind and watertight
- g Have windows that can open on both sides of the vehicle.
- h Have seats properly cushioned and covered
- i Have a floor properly covered with carpet or other suitable covering;
- j Have an adequate internal light to enable passengers to enter and leave the vehicle safely
- k Have a spare wheel to fit the vehicle and equipment to change a wheel on the vehicle with that wheel eg a jack and wheel brace **or where a vehicle is supplied by the manufacturer fitted with a space saver tyre, the Council will consent to their use in a private hire vehicle provided that**
  - i) **The carriage of passengers is not permitted whilst such a tyre is fitted;**
  - ii) **The tyre used must be supplied or recommended by the manufacturer of the vehicle concerned and shall be replaced after it has been used on the vehicle.**
  - iii) **The tyre is used for an emergency or temporary purpose to enable the vehicle to be driven to a place of repair. There is no maximum distance but due to the speed restriction and the fact that the tyre compound is generally softer (to simulate traction capabilities to compensate for any imbalance) the distance should not be in excess of 50 miles**
  - iv) **Tyres on the same axle must be of the same nominal size and aspect ratio.**
  - v) **The use of pressurised tyre sealants is not permitted in any circumstances**
- l Be properly fitted with seat belts of approved design for every passenger the vehicle is licensed to carry
- m Be fitted with glass which is in accordance with current vehicle construction and use regulations prescribed in respect of the normal zone of vision i.e. the front windscreen 75 per cent light transmittance and the front door windows 70 per cent

- light transmittance. In addition the remaining glass within the vehicle shall have a minimum light transmittance of not less than 70 per cent. no unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass (policy).
- n Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement
  - o Not be a convertible / **soft top**
  - p Not be fitted with a roof rack.
  - q Not draw a trailer.
  - r Be coloured red, and all of the painted body panels shall be the same colour of red proprietors are advised that they should consult with the licensing department, before purchasing a new vehicle, if they are in any doubt about the colour of the vehicle) (Policy).
  - s Wheelchair accessible vehicles must be purpose built or converted or adapted to enable the carriage of a wheelchair provided that where a conversion is carried out, it is done so by an approved vehicle convertor such as Wheelchair Accessible Vehicle Converters' Association and a certificate of fitting provided by the convertor is supplied as an original document
- NB These requirements do not apply to limousines for which special conditions have been produced.

#### **HV4 Booking Records**

The proprietor shall ensure that a record is kept of all pre arranged bookings for the vehicle. The record must be kept in the form described in the following condition:

- a Records must be kept in a suitable book, approved by the Council the pages of which are consecutively numbered.
- b On a computer which keeps backup records and is capable of producing a hard copy
- c The proprietor or his/her agent/employee must enter, before the commencement of each journey, the following particulars of every booking of every hackney carriage operated by him/her:
  - i the name and address of the hirer;
  - ii the date, time and pickup point of the booking;
  - iii the destination;
  - iv the number of passengers to be carried;
  - v when and how the booking was made i.e. telephone, personal call;
  - vi the plate number of the vehicle allocated;
  - vii the name of the driver allocated to the booking and call sign of the vehicle;
  - viii the amount to be charged;
  - ix remarks (including details of any sub-contract);
- d All records are to be kept for a period of not less than 12 months following the date of the last entry and to be produced for inspection on the request of an Authorised Officer of the Council or a Police Officer

#### **HV5. Change of Address**

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

#### **HV6. Change of Engine**

The proprietor must inform the Council, in writing, within 48 hours of any change of the engine in the vehicle.



#### **HV7. Cleanliness**

The proprietor must ensure that the hackney carriage is in a safe, clean and tidy condition both inside and out to ensure the safety and comfort of passengers.

#### **HV8. Convictions**

The proprietor shall within seven days disclose to the Council in writing details of any criminal or motoring convictions, fixed penalties and/or caution imposed on him or, if the proprietor is a Company or Partnership, on any of the Directors or Partners during the period of the licence.

#### **HV9 Letting/Leasing of vehicles**

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

#### **HV10 Licence Plates**

- a. The rear identification plate, supplied by the Council, shall be securely fixed to the rear of the vehicle; in a conspicuous position approved by an authorised officer of the Council, using bolts or screws, or other method with written approval of the Council, in such a manner as to be easily removable by an authorised officer or constable.
- b. The front identification plate shall be securely fixed to the front of the vehicle in a conspicuous position approved by an authorised officer of the Council, using bolts or screws, or other method with written approval of the Council, in such a manner as to be easily removable by an authorised officer or constable.
- c. The vehicle shall display an Internal Vehicle Licence Plate (provided by the Council) giving the licence number of the vehicle and the maximum number of passengers to be carried shall be clearly displayed on the inside windscreen of the vehicle without obscuring the drivers view of the road on the passenger side

#### **HV11 Loss/Theft of Plate or licence**

The proprietor must report the loss/theft of licence or identification plate(s) to the Licensing Section as soon as the loss becomes known and in any case, within 2 working days. A lost property/crime number must be obtained from the Police and details of this given to the Council.

#### **HV12 Records**

The proprietor must keep records, in a form approved by the Council, of all drivers and the hours worked by such drivers.

#### **HV13 Safety Equipment**

The vehicle must always carry in a conveniently and readily accessible position:

- a. A suitable and efficient multi purpose dry powder fire extinguisher or FFF aqueous foam fire extinguisher should be secured in the boot of the vehicle as recommended by the Fire Authority. (Where the extinguisher is to be used in an eight-passenger seat vehicle, which does not have a boot it is recommended that a FFF fire extinguisher is used. If a dry powder extinguisher is activated in a vehicle the powder may cause loss of vision).
- b. The Hackney Carriage Proprietors licence number shall be painted upon the extinguisher, using indelible black ink, in letters at least 10 mm high.
- c. A first aid box, suitable for passenger carrying vehicles, must be available in the vehicle for use by a suitably trained person to provide emergency aid at an incident, (there is no expectation that a licensed driver without first aid training would do this). The first aid kit should be in a suitable airtight container marked with a white cross on a green background.

The container must be clearly marked in indelible black ink with the vehicle licence number and must contain the following:

1 first aid guidance leaflet	1 sterile wound dressing (7.5cm x 4.5cm)
24 assorted adhesive dressings	2 pairs disposable gloves
2 sterile eye pads	10 antiseptic wipes (alcohol free)
2 triangular bandages non-woven	12 safety pins
3 sterile ambulance dressings	1 pair rust free blunt ended scissors

#### **HV14. Signs and Notices**

1. The plastic disc approved and supplied by the Council shall be securely fixed in a central position on the nearside and offside front doors of the vehicle, using the adhesive backing provided. This sign must remain legible at all times. This disc carries the licence number for the vehicle and must remain legible at all times.  
NB Magnetic discs are not permitted.
2. The vehicle shall display a Taxi roof sign, (except where the vehicle has an integrated roof sign) approved by the Council, which shall be maintained and capable of being operated in such a manner as to indicate clearly and conveniently to persons outside the vehicle whether or not the vehicle is for hire. The sign shall have only the word "Taxi" painted or printed in the colour black upon a white background. The rear of the sign should not show a white light at night.
3. Where a hackney carriage is being operated through a private hire business, the name of that operator shall be displayed on the outside of the rear doors of the vehicle.

#### **HV15. Sliding Doors**

Where sliding doors are an integral part of a vehicle and a locking device has not been fitted the child locking systems shall be engaged by the driver at all times when the vehicle is in motion and carrying passengers.

#### **HV16. Swivel Seats**

Where fitted as a passenger seat, certificates of fitting from an authorised fitter must be obtained and produced to the Council before a vehicle can be tested and/or licensed.

- HV17.** All vehicles fitted with a taximeter must comply with the Measuring Instruments (Taximeters) Regulations 2006 and must be of the calendar control type which is locked and sealed by an approved manufacturer/suppliers and/or installer.

- HV18** **Override switches or similar devices which permit the disconnection or unlinking of the meter to the illumination of the vehicles roof sign shall not be permitted**

**ADDITIONAL POLICY AND STANDARD CONDITIONS FOR LIMOUSINES, NOVELTY VEHICLES AND EXECUTIVE HIRE**

These conditions are **IN ADDITION** to the standard Private Hire Vehicle conditions except where stated.

**INTERPRETATION**

1. For the purpose of licensing by the Council, a limousine is described as a luxurious vehicle that has been stretched by the insertion of an addition section not exceeding 3048 millimetres (120 inches) to extend the length of the vehicle. The vehicle shall be capable of carrying up to (but not exceeding) eight seated passengers. Each passenger seating area will be at least 400 millimetres wide.
2. The nature of limousine is such that it is unlikely they will comply with the Council's age policy and will therefore be deemed to exempt from the policy
3. Consideration will be given to the licensing of "novelty" vehicles e.g. fire engines on an individual basis
4. Applications for exemptions from standard conditions will be considered in respect of executive, chauffer driven vehicles.

**POLICY**

**Documentation**

5. The following documentation in original form or certified copies (not photocopies) shall be produced prior to licensing:
  - (a) Completed importation documentation – Single Vehicle Approval (SVA).
  - (b) A Qualified Vehicle Modifier certificate – (QVM). This is issued by the Coach Builder.
  - (c) DVLA registration document (V5).
  - (d) Insurance documents covering Hire and Reward, Public Liability insurance and, where drivers other than the proprietor are used, Employer Liability insurance.
  - (e) Vehicle compliance certificate (compliance inspection carried out and certificate issued by VOSA, Banks Road, Darlington) **NB** The compliance inspection is carried out at **six** monthly intervals.
  - (f) Vehicles converted to run on LPG must produce an installation certificate from a LPGA approved UK vehicle conversion company.
  - (g) Documentation to show the overall weight of the vehicle (as displayed on the vehicle.

## Conditions for Limousines, Novelty Vehicles and Executive Hire

### LIM 1. Appearance of Vehicle

#### **(NB this replaces condition 3 of PH Vehicles)**

The proprietor shall ensure that the limousine is of a type approved by the Council.

- a. The maximum length of the vehicle "stretch" shall not exceed 120 inches (3048 millimetres).
- b. The vehicle should be equipped with a minimum of four road wheels and one full sized spare wheel. The tyres shall be of an approved rating as specified by the manufacturer i.e. 235/75R 15 108S (BF Goodrich Extra Load or equivalent). Vehicles produced since 1998 should be fitted with 225/70R 16 107T (Reinforced).
- c. The front windscreen shall allow 75% light transmittance and the front driver and passenger windows shall allow 70% light transmittance. **(Construction 7 Use Regulations 1986).**  
No self-adhesive material (tinted or clear) shall be affixed to any part of the glass without the prior written approval of the Council.
- d. The interior of the vehicle must be kept wind and watertight.
- e. The seats in the passenger compartment must be kept properly cushioned and covered.
- f. The floor in the passenger compartment must be provided with a proper carpet, mat or other suitable covering.
- g. There must be adequate internal light to enable passengers to enter and leave the vehicle safely.
- h. The internal fittings and furniture of the limousine must be kept in a clean, well-maintained condition and in every way fit and safe for public use.
- i. Facilities must be provided for the conveyance of luggage safely and protected from inclement weather.
- j. The vehicle must have at least two doors for use of persons conveyed in limousine and a separate means of ingress and egress for the driver.
- k. The exterior of the limousine must be kept in a clean condition especially during inclement weather.
- l. Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

### LIM 2. Exemption Notice (also Section 75(3) LG(MP)Act 1976)

The Council will issue a written notice that exempts the vehicle from having to display identification plate(s). This notice must be carried in the vehicle at all times and be available for inspection on request by an Authorised officer of the Council or a Police Officer.

### LIM 3. Licence Plates

#### **NB Replaces (a) to (c) of Condition 11 for PH Vehicles**

- a. The proprietor of the limousine shall ensure the identification plate(s) is maintained and kept in such condition so that the information contained on the identification plate is clearly visible at all times.
- b. The identification plate shall remain the property of the Council at all times and shall be carried in the limousine so as to be easily removed or Inspected by an Authorised Officer of the Council or Police Constable.

- c. The vehicle shall display an Internal Vehicle Licence Plate (provided by the Council) giving the licence number of the vehicle and the maximum number of passengers to be carried shall be clearly displayed on the inside windscreen of the vehicle without obscuring the drivers view of the road on the passenger side

#### **LIM 4 Passengers**

- a. The limousine shall not carry a greater number of passengers than the number prescribed in the licence (NB a babe in arms is classed as a passenger whatever their age)
- b. The vehicle shall not carry less than two passengers at any one time
- c. Where the passengers in the vehicle consist of persons under the age of 18 years, they must be accompanied by a responsible adult other than the driver who is over the age of 18 years
- d. All passengers must remain seated at all times when the vehicle is in motion
- e. Passengers will not be carried in the front of the vehicle
- f. In accordance with Construction and Use Regulations, where fare fitted they must be used by all passengers.

#### **LIM 5 Safety Equipment – NB Replaces Part a) of Condition 14 for PH Vehicles**

The proprietor of the private hire vehicle shall provide and maintain to the satisfaction of the Authorised Officer an efficient fire extinguisher containing BCF (Bromochloro Difluoromethane), which shall be securely fixed to the vehicle and within easy reach of the driver at all times. The extinguisher shall be manufactured to British Standards and shall show the B.S. number

#### **LIM 6 Uniform**

The proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or 'business type' suit when the vehicle is hired

#### **LIM 7 Material Change**

The Proprietor shall notify the Council immediately in writing if there is any material change in the nature of the use of the vehicle during the period of exemption

#### **LIM 8 Exemption from Window Tint**

The Proprietor of any executive hire vehicle wishing to take advantage of an exemption limiting the window tint to the front driver and passenger windows only must not be engaged in any contract or provision of vehicle for the carriage of school children or based around the carriage of unaccompanied children/young persons (under age 18 years).

1. Section 68 of the town Police Clauses Act (TPCA) 1847 allows the Council to make Byelaws to regulate the conduct of **hackney carriage drivers** including the wearing of badges and return of left luggage.
2. The Local Government (Miscellaneous Provisions) Act 1976 at Section 51(2) permits the Council to attach conditions to the grant of a **private hire driver** licence as it may consider reasonably necessary.
3. Section 52(2) of the same Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the **conditions** attached to the grant of a private hire driver licence. Such appeal must be made within 21 days of receipt of licence. Failure to comply with the Council's conditions may result in a PH Driver licence being suspended or revoked.
4. Parts of the Local Government (Miscellaneous Provisions) Act (LG(MP)Act) 1976 also apply to **hackney carriage drivers**.
5. Failure to comply with any legislation is an offence.

**AUTHORISED OFFICERS (S 73 LG(MP) ACT 1976)**

6. It is an offence to obstruct any Authorised Officer or Police Officer. All Licensees must provide any assistance or information (s)he may reasonably require.

**CARRIAGE OF ANIMALS (S 37 DISABILITY DISCRIMINATION ACT 1995)**

7. Drivers shall not refuse to carry, free of charge, any guide, hearing or other assistance dog, travelling with a person with disabilities, in their vehicle. These dogs will not be restricted to the rear of the vehicle. If a driver has been granted an exemption from carrying such dogs on medical grounds (s)he must display the notice of exemption on the windscreen or dashboard of the vehicle.

**DRIVER BADGES (S 54, LG (MP) ACT 1976 & HACKNEY CARRIAGE DRIVER BYELAWS)**

8. (a) **Wearing of Badge**  
Drivers must, at all times, when driving a private hire vehicle, WEAR the badge provided by the Council in a position which is plainly and clearly visible to passengers.
- (b) **Return of Badge**  
Drivers must, upon the expiry revocation or suspension of licence return to the Council the driver's badge and the licence issued to the driver by the Council when granting the licence.

**EQUAL OPPORTUNITIES**

9. Drivers must at all times treat your passengers or any potential passenger with courtesy and respect. Drivers must not discriminate against any person because of their race, colour, creed, gender or disability.

**TAXIMETERS (SECTION 71 LG (MP) ACT 1976)**

10. Any person who tampers with any seal on any taximeter without lawful excuse or alters any meter with the intent to mislead shall be guilty of an offence.

### **PLYING FOR HIRE (SECTION 45 TPCA 1847)**

11. (a) Private hire drivers must NOT pick up passengers who have not pre-booked with a private hire operator. Only Hackney Carriages may pick up un-booked fares.
- (b) Private hire drivers must NOT offer or accept an offer for the immediate hire of a vehicle while it is being used.
- (c) Private hire drivers must NOT “rank up” outside of nightclubs, public houses, in lay-bys, in residential areas or anywhere where they are likely to attract un-booked fares.
- (d) Private hire drivers must NOT park or wait on any Hackney Carriage Rank

### **SEATBELTS – CARRIAGE OF CHILDREN (LEGISLATION - M/V (WEARING OF SEAT BELT REGS 1993)**

12. Drivers must at all times conform to the Motor Vehicle (Wearing of Seat Belt) Regulations, 1993 and any other legislation regarding the carriage of children, use of appropriate restraints/seatbelts for the age and weight of any child and where in the vehicle the child can be carried.

### **TOUTING (SECTION 167 CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994)**

13. Touting means approaching the public and inviting them to be carried for hire in your vehicle. No one must tout on any road or public place. It is a criminal offence for hackney carriage and private hire drivers or any other person to do so.

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**CRIMINAL RECORD CHECKS**

1. All new applicants will be required to undertake a Criminal Records Bureau (CRB) enhanced "taxi driver" check, at their own expense as part of the application process. This check will be repeated at 3 yearly intervals while the driver is licensed with the Council. Checks will only be accepted up to 1 month in age.

**DSA TEST**

2. All applicants for Private Hire Driver licences are required to successfully undertake the DSA taxi test prior to being considered for a licence. This policy has applied retrospectively to all licensed drivers from December 2004.

**MEDICALS**

3. Medicals to Group II standard are required for every driver on first application and then every 5 years from the age of 45 years. After the age of 65 years they are required annually. More regular medicals may be required dependent on new and existing medical health. Where this may be possible the applicant or driver will be referred to the Licensing Committee.

**TRAINING AND QUALIFICATIONS**

4. The Council does not currently require drivers or new applicants to undertake formal qualifications such as BTEC Intermediate Award and NVQ in passenger Transport. This however is likely to change in the next 2-3 years. Drivers are therefore advised to access driver training while funding is available.

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**PD1. Animals**

Drivers must not carry any animals in their vehicle other than those belonging to or in the care of your passenger(s). Any animal belonging to or in the care of any passenger should be carried in the rear of the vehicle only (except for guide, hearing or assistance dogs that are not restricted to the rear of the vehicle).

**PD2. Change of Address**

Drivers must notify the Council in writing, of any change of address during the period of the licence within 7 days of such a change taking place.

**PD3. Conduct of Driver**

Drivers must always:

- a. Assist passengers with their luggage. This includes picking it up from the point of booking, removing it from the vehicle at the end of the journey and, if requested, setting it down at the passenger's request.
- b. Be clean and respectable in dress (see driver dress code).
- c. Be polite and behave in a civil and orderly manner.
- d. Take all reasonable steps to ensure the safety of passengers while they are entering, travelling in or leaving the vehicle.
- e. Offer assistance to elderly, infirm or disabled passengers.

Drivers must **not**:

- a. Smoke in the vehicle at any time.
- b. Drink or eat in the vehicle at any time while carrying passengers (best practice is for rest periods to be taken away from the vehicle).
- c. Play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle without the consent of the passenger.
- d. Cause or allow the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle (Windows should remain closed if you are engaged in this activity).
- e. Engage in any activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council.

**PD4. Convictions**

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

**PD5. Deposit of Licence**

Drivers must give their private hire driver licence to the owner of the private hire vehicle which they will be driving. (S)he will keep your licence while they are employed by him/her.

**PD6. Equal Opportunities**

Drivers must at all times treat passengers or any potential passenger with courtesy and respect. Drivers must not discriminate against any person because of their race, colour, creed, gender or disability

**PD7. Fare to be Demanded**

Drivers must not demand a fare greater than previously agreed for with the passenger and the operator. If a taximeter is in use only the fare displayed may be charged

**PD8. Lost Property**

When passengers have been dropped off the driver must check the vehicle for any property accidentally left there. If any is found it must be returned to the passenger or handed it into the operating base or police station as soon as possible and no later than the end of that shift.

**PD9. Medical Condition**

The Council must be notified, in writing, within **14** days of any deterioration in the driver's medical condition that may affect their ability to drive private hire vehicles.

**PD10. Passengers**

1. Drivers must not carry more passengers in their vehicle than is permitted by the vehicle licence.
2. Drivers must not carry more than one person in the front seat unless the vehicle is furnished with a bench type front seat 1270 mm or more in length between the doors and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried.
3. Drivers must not, without the consent of the hirer, carry any additional person in the vehicle.

**PD11. Prompt Attendance**

Drivers must always pick up passengers on time unless unavoidably delayed.

**PD12. Receipts**

The Driver must, if requested, provide the passenger(s) with a written receipt for the fare paid including the amount of VAT (if applicable) shown separately if so requested. The Driver should provide details of the journey including the date, fare, vehicle, operator and name of driver and sign the receipt

**PD13. Taximeters in PHVs**

If the private hire vehicle is fitted with a meter the driver:

1. Must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).
2. Must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
3. Must ensure that the meter is sufficiently illuminated when in use and is visible to all passengers.
4. Must ensure that the meter is only brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.

Must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.

**1 Animals**

Drivers must not carry any animals in their vehicle other than those belonging to or in the care of your passenger(s). Any animal belonging to or in the care of any passenger should be carried in the rear of the vehicle only (except for guide, hearing or assistance dogs that are not restricted to the rear of the vehicle).

**2 Change of Address**

Hackney Carriage drivers must inform the Council, in writing, within 7 days of any change of address.

**3 Conduct of Driver****Drivers must always:**

- a. Assist passengers with their luggage. This includes picking it up from the point of booking, removing it from the vehicle at the end of the journey and, if requested, setting it down at the passenger's request.
- b. Be clean and respectable in dress (see driver dress code).
- c. Be polite and behave in a civil and orderly manner (NB this includes not engaging in any activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council).
- d. Take all reasonable steps to ensure the safety of passengers while they are entering, travelling in or leaving the vehicle.
- e. Offer assistance to elderly, infirm or disabled passengers

**Drivers must not:**

- a. Smoke in the vehicle at anytime.
- b. Drink or eat in the vehicle at any time while carrying passengers best practice is for rest periods to be taken away from the vehicle).
- c. Play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle without the consent of the passenger.
- d. Cause or allow the noise emitted by any radio or other previously mentioned equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle. (Windows should remain closed if you are engaged in this activity).

**4 Convictions**

The Drivers shall within seven days of conviction/caution disclose to the Council in writing details of any conviction or caution (including motoring offences and fixed penalty tickets) imposed on him during the period of the licence.

**5 Driver's Badge**

Hackney Carriage drivers shall, at all times when driving a Hackney Carriage while carrying passengers or while plying for hire, wear the driver's badge provided by the Council on the breast of the outer clothing and in such position and manner as to be plainly and distinctly visible.

## 6 Horse Drawn Vehicles

The proprietor or driver of a horse drawn Hackney Carriage shall:

- a. While standing or plying for hire, not drive or allow to be driven or harnessed to the carriage any animal in such a condition as to expose passenger or pedestrian to risk of injury.
- b. While standing or plying for hire, cause every part of the harness of the animal or animals to be properly and securely attached to the carriage and under due control.
- c. Not in any street, feed or allow to be fed, an animal harnessed or otherwise attached to such a carriage, except with food contained in the proper bag or other receptacle suspended from the head of such animal or from the centre pole of the carriage or which is held in and delivered with the hand of the person feeding such horse.

## 7 Insurance

The proprietor or driver of the Hackney Carriage shall ensure that all times when the Hackney Carriage is available for hire or hired it is insured for public use hire.

## 8 Taximeter Fares

The driver of a hackney carriage must:

- a. As soon as the hackney carriage is hired must **always** bring into action the machinery of the taximeter.
- b. Ensure that the meter shows the rate of fare approved by the Council.
- c. Ensure that the fare recorded on the meter is clearly visible to passenger(s).
- d. Never charge more than the fare shown on the meter. The driver may charge less than this rate by agreement with the passenger(s).
- e. If a fare has been pre-arranged must compare it to the metered fare and charge the lesser of the two.

## 9 Passengers

The driver of a hackney carriage must not:

- a. Carry more passengers in the vehicle than is permitted by the vehicle licence.
- b. Without the consent of the hirer, carry any additional person in the vehicle.
- c. No child aged 10 years or less is permitted to travel in the front seat of a Hackney Carriage unless an infant of two years or less is conveyed in a child safety cot approved for this purpose by the British Standards Institute (or such body which succeeds to and carries out the functions of the aforesaid Institute) securely affixed to the front passenger seat

## 10 Prompt Attendance

Drivers must always pick up passengers on time unless unavoidably delayed.

## 11 Receipts

The Driver must, if requested, provide passenger(s) with a written receipt for the fare paid including the amount of VAT (if applicable) shown separately if so requested. (This should show details of the journey including the date, fare, vehicle, operator and driver and be signed by the driver).

## 12 Taxi Ranks

When plying for hire in any street a hackney carriage driver must:

- a. Proceed with reasonable speed to one of the ranks.
- b. On arrival at a rank which is occupied by the maximum permitted number of vehicles to occupy it, proceed to another stand.
- c. On arrival at a rank which is not occupied by the maximum permitted number of vehicles to occupy it, place the vehicle immediately behind the carriage or carriages on the rank, facing in the direction designated by the Byelaw for that rank.
- d. From time to time when the Hackney Carriage in front is driven off or moved forward, move forward so as to fill the place previously occupied by the vehicle in front.
- e. **Never** leave a Hackney Carriage unattended on a rank.

DRAFT 2011

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

<p><b>1.</b></p>	<p><b>Responsibility to the Trade</b></p> <p>Licence holders shall endeavour to promote the image of the Hackney Carriage and Private Hire Trade by:</p> <ul style="list-style-type: none"> <li>a. Complying with this Code of Good Conduct.</li> <li>b. Complying with all the Conditions of their Licence and the Councils Hackney Carriage and Private Hire Licensing Policy.</li> <li>c. Behaving in a professional manner at all times.</li> </ul>
<p><b>2.</b></p>	<p><b>Responsibility to Clients</b></p> <p>Licence holders shall:</p> <ul style="list-style-type: none"> <li>a. Maintain their vehicles in a safe and satisfactory condition at all times;</li> <li>b. Keep their vehicles clean and suitable for hire to the public at all times;</li> <li>c. Attend punctually when undertaking pre-booked hiring;</li> <li>d. Assist, where necessary, passengers into and out of vehicles;</li> <li>e. Offer passengers reasonable assistance with luggage.</li> </ul>
<p><b>3.</b></p>	<p><b>Responsibility to Residents</b></p> <p>To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:</p> <ul style="list-style-type: none"> <li>a. Not sound the vehicle's horn.</li> <li>b. Keep the volume of radio/cassette/CD player and VHF/digital radios to a minimum.</li> <li>c. Switch off the engine if required to wait.</li> <li>d. Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.</li> <li>e. Not deposit any litter.</li> <li>f. Not urinate in the street.</li> </ul> <p>At hackney carriage ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:</p> <ul style="list-style-type: none"> <li>a. Rank in an orderly manner and proceed along the rank in order and promptly.</li> <li>b. Remain in the vehicle.</li> </ul>
<p><b>4.</b></p>	<p><b>General</b></p> <p>Drivers shall:</p> <ul style="list-style-type: none"> <li>a. Pay attention to personal hygiene and dress in accordance with the Dress Code.</li> <li>b. Be polite, helpful and respectful to passengers.</li> <li>c. Drive with care and due consideration for other road users and pedestrians.</li> <li>d. Obey all Traffic Regulation Orders and directions at all time;</li> </ul>

e.	Ensure they do not smell of alcohol or consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle.
f.	Not drive while having misused legal or illegal drugs.
g.	Behave in a civil and orderly manner at all times.
h.	Not engage in any activities of a sexual nature whilst acting as a driver of any vehicle licensed by this Council.

**Please Note:**

**ANY AMOUNT OF ALCOHOL OR DRUGS CAN AFFECT A DRIVER'S JUDGMENT**

**THE COUNCIL WILL TAKE A VERY SERIOUS VIEW OF ANY DRIVER BEING FOUND TO HAVE CONSUMED ANY ALCOHOL OR HAVING MISUSED ANY DRUGS PRIOR TO OR WHILST IN CHARGE OF A LICENSED VEHICLE.**

**DRAFT 2014**

1. The purpose of a driver's dress code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Darlington to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

**Acceptable Standard of Dress**

2. As a minimum standard, males should wear either long legged trousers or knee length shorts and T shirts which have a full body and short sleeves. Females should wear either long legged trousers or knee length shorts or skirt or dress and T shirts which have a full body and short sleeves.

**Footwear**

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

**Unacceptable Standard of Dress**

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

DRAFT 2011



**PRIVATE HIRE OPERATOR LICENCES LEGISLATION, POLICES AND CONDITIONS**

**AUTHORISED OFFICERS (Legislation, Section 73 LG(MP)Act 1976)**

1. You must not obstruct any Authorised Officer or police officer. You must provide any assistance or information (s)he may reasonably require.

**CRIMINAL RECORDS CHECK (Policy)**

2. If you are not a licensed driver you will be required to produce a basic Criminal Records. Check or search results on criminal convictions obtained within the last month which can be either:
  - (a) a criminal conviction certificate issued under The Police Act 1997; or
  - (b) the results of a subject access search under Data Protection Act 1998 of the Police National Computer by the National Identification Service. This check will be required every 3 years.

**LOCATION OF OPERATING PREMISES (Policy)**

3. It is a requirement of licence that the applicant operates vehicles only from a premise within the controlled district of the Council. These premises must also have planning permission for private hire use.

**OPERATING "FOREIGN" VEHICLES (Policy)**

4. Only private hire vehicles and hackney carriages licensed by Darlington Borough Council must be dispatched to undertake bookings.

**PRODUCTION OF LICENCE (Legislation Section 56(4) LG(MP)Act 1976)**

5. You must produce your Private Hire Operator Licence when asked to do so by an Authorised Officer or Police Officer.

**TOUTING (Legislation – Section 167 Criminal Justice and Public Order Act 1994)**

6. The operator and/or his employees shall not:
  - (a) tout or solicit on a road or other public place any person to hire or be carried out for hire in any private hire vehicle; or
  - (b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.("road" means any highway and any other road to which the public has access, including bridges over which a road passes).

**VEHICLE AND DRIVERS LICENCES (Legislation – Section 46 LG(MP)Act 1976)**

7. The Operator and/his employees shall not operate any private hire vehicle or driver if a current licence issued by the Council is not:
  - (a) in force for the vehicle under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976; and
  - (b) held by the driver under Section 51 of the said Act.

## PRIVATE HIRE OPERATOR CONDITIONS

<p><b>PO1.</b></p>	<p><b>Booking Records (Legislation Section 56 (2)-(4) LG(MP)Act 1976 and Condition PO1)</b></p> <p>Every licensed private hire operator must keep a record of every booking of every private hire vehicle operated by him/her. The record must be kept in the form described in the following condition:</p> <ol style="list-style-type: none"> <li>a. Records must be kept in a suitable book, approved by the Council the pages of which are consecutively numbered.</li> <li>b. On a computer which keeps backup records and is capable of producing a hard copy.</li> <li>c. The operator or his/her agent/employee must enter, before the commencement of each journey, the following particulars of every booking of every private hire vehicle operated by him/her, the: <ul style="list-style-type: none"> <li>• Name and address of the hirer</li> <li>• Date, time and pickup point of the booking;</li> <li>• Destination;</li> <li>• Number of passengers to be carried;</li> <li>• When and how the booking was made i.e. telephone, personal call;</li> <li>• Plate number of the vehicle allocated;</li> <li>• Name of the driver allocated to the booking and call sign of the vehicle;</li> <li>• Amount to be charged;</li> <li>• Remarks (including details of any sub-contract);</li> </ul> </li> <li>d. You must also keep records of the particulars of all private hire vehicles and drivers operated by you. These must include the owner of the vehicle, registration number, private hire vehicle licence number, any radio call sign used and all driver licence numbers.</li> <li>e. All records are to be kept for a period of not less than <b>12</b> months following the date of the last entry and to be produced for inspection on the request of an Authorised Officer of the Council or a Police Officer.</li> </ol> <p>You must not enter into your booking records details of any fare that has not been pre-booked by the hirer through your operating base, either by telephone or personal caller (NB It is an offence to enter details of any illegal plying for hire in an attempt to make such activity appear to be a legitimate booking).</p>
<p><b>PO2.</b></p>	<p><b>Booking Records – Hackney Carriages</b></p> <p>Where a licensed Private hire operator accepts bookings for hackney carriages a record must be kept of each booking in the same format as all private hire bookings and this record must be produced on the request of an Authorised Officer of the Council or a Police Officer.</p>
<p><b>PO3.</b></p>	<p><b>Change of Home Address</b></p> <p>You must notify the Council, in writing, within 7 days of any change of your personal address.</p>
<p><b>PO4.</b></p>	<p><b>Change of Business Address</b></p> <p>A Private Hire Operator licence is granted to you for the premises detailed at the time of application. It is not transferable to other persons or premises. Any change from the original application will be dealt with as a new application. You will be required to make a new application accordingly.</p>

<b>PO5.</b>	<p><b>Complaints</b></p> <p>You must immediately upon receipt notify the Council, in writing, of any complaints concerning a contract for hire or intended contract for hire relating to or resulting from his business and of the action (if any), which you have taken or propose to take.</p> <p>Where a complaint is investigated by an Authorised Officer of the Council, the operator shall comply with any reasonable directions of the Officer in respect of that complaint</p>
<b>PO6.</b>	<p><b>Convictions</b></p> <p>If you are cautioned for or convicted of any motoring or criminal offence you must notify the Council, in writing, within 7 days. If the licence is in the name of a Company or Partnership the cautions/convictions of any Directors or Partners must be disclosed.</p>
<b>PO7.</b>	<p><b>Display of Licence</b></p> <p>If the public has access to your operating premises you are required to display your Private Hire operator Licence in your operating premises together with a copy of your licence conditions and the Local Government (Miscellaneous Provisions) Act 1976.</p>
<b>PO8.</b>	<p><b>DTI Licences</b></p> <p>If you have two-way radios fitted to the vehicles you operate you must produce evidence of a DTI radio Licence to the Council and provide all details of radio frequencies, together with call signs/numbers of all vehicles using two –way radios.</p>
<b>PO9.</b>	<p><b>Equal Opportunities</b></p> <p>You must at all times treat your passengers or any potential passenger with courtesy and respect. You and your employees must not discriminate against any person because of their race, colour, creed, gender or disability.</p>
<b>PO10.</b>	<p><b>Facilities for Passengers</b></p> <p>You must ensure that where any passenger waiting area or room is provided, it is kept physically separate from any driver rest area and operations room. Where a waiting area or room is provided for the use of passengers or prospective passengers you shall:</p> <ol style="list-style-type: none"> <li>a. provide adequate seating for the use of those passengers or prospective passengers; and</li> <li>b. ensure that such room or area is kept clean, adequately heated, ventilated and lit; and</li> <li>c. ensure that the interior and exterior of the premises is kept in good repair, to the satisfaction of the Council.</li> </ol>
<b>PO11.</b>	<p><b>Fares</b></p> <p>The fare charged by you shall be agreed with the hirer at the time of booking.</p>
<b>PO12</b>	<p><b>Parking</b></p> <p>Where adequate off street parking is not available at the operating address specified on the licence you shall inform the Council, in writing all locations where vehicles will be parked when waiting for bookings.</p>

<b>PO13.</b>	<p><b>Planning Permission</b></p> <p>You must have Planning permission for private hire use at your operating premises. You must comply in every respect with the requirements of the current planning legislation.</p>
<b>PO14.</b>	<p><b>Right of Access</b></p> <p>You must permit any Authorised Officer of the Council onto your operating premises at all times when acting as a Private Hire Operator and provide him/her with access to all records which (s)he may reasonably require.</p>
<b>PO15.</b>	<p><b>Standard of Service</b></p> <p>You must provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose must, in particular:</p> <ol style="list-style-type: none"> <li>a. Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle must, unless preventable matter, attend at the appointed time and place.</li> <li>b. Keep clean, adequately heated, ventilated and lit any premises which you provide and to which the public have access, whether for the purpose of booking or waiting.</li> <li>c. Ensure that any telephone facilities and radio equipment provided are, at all times, kept in good working order and that any defects are repaired promptly.</li> <li>d. Ensure that you do not describe the private hire service offered by the use of advertising signs, printed words, broadcasts or by any other media which use the words "Hackney Carriage" or "Taxi".</li> </ol>
<b>PO16.</b>	<p><b>Taximeters</b></p> <p>When taximeters are used you must notify the Council of the fare rate and any subsequent changes made to that fare rate during the period of your Operator licence. Where any vehicle operated is fitted with an approved taximeter you shall ensure that the taximeter is set to the fare rate notified to the Council and properly sealed in accordance with Council regulations.</p>

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**RELEVANCE OF CONVICTIONS, CAUTIONS, REPRIMANDS, FIXED PENALTIES, WARNINGS AND COMPLAINTS**

1. Darlington Borough Council uses the following guidelines to make fair and consistent decisions when considering applications for driver and operator licences from applicants who have criminal convictions, cautions, reprimands, or when dealing with other information revealed during the application process.
2. These guidelines also apply to existing holders of such licences. It should be noted that the Council will consider it extremely serious when existing holders of licences receive criminal convictions, cautions, reprimands or warnings or receive complaints which result in disciplinary action.
3. The issuing and holding of a licence is a privilege not a right and persons who hold a licence are expected to conduct themselves in a manner that does not bring their profession or the Council into disrepute.
4. Existing holders of licences who commit criminal offences or receive complaints about their behaviour which result in disciplinary action may expect the Council to consider revoking their licence.
5. The Council uses the Enhanced Disclosure service from the Criminal Records Bureau and may use the Independent Safeguarding Authority (ISA) Vetting and Barring Scheme to determine the suitability of applicants for Hackney Carriage and Private Hire Driver Licences.
6. The Council will comply fully with the Criminal Records Bureau Code of Practice and the requirements of the Data Protection Act. Disclosure information will be used fairly, stored securely and only be handled by authorised persons. Please see guidance leaflet on "Handling, Storage and Use of Disclosure Information Received from the Criminal Records Bureau" for further information.

**General**

7. Every application or case will be decided on its own merits. The Council will endeavour to make consistent decisions but is not bound by or obliged to follow previous decisions made by them in relation to the holders of licences.
8. A person with a current conviction, caution, reprimand or final warning need not be permanently barred from obtaining a licence but should be expected to remain free from conviction for 3 to 5 years, according to the circumstances, before an application is entertained. However any person on the ISA Barred List will normally be refused a licence.
9. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Whilst, the Council may exercise its discretion, the overriding consideration will be the protection of the public. The following examples, (based on the joint Home Office and Department for Transport guidelines 1992), afford a general guide on the action to be taken where convictions, cautions, reprimand or final warnings are admitted.

**Minor Traffic Offences**

10. Convictions, cautions, reprimands or final warnings for minor traffic offences will not prevent a person from being considered for a licence. If an applicant has up to six "live" penalty points on their driving licence for such offences then the application may be granted subject to a written warning. If an applicant has 9 or more points on their licence the application will be referred to the Council's Licensing Committee who may decide to refuse the application. At the very least a warning will be given that further offences may result in revocation of the licence and the applicant may be required to attend a Driver Improvement Course. Applicants should note that this Council does not deem speeding to be a minor offence and the receipt of more than 3 penalty points for a speeding offence may be referred to the Council's Licensing Committee.

## Major Traffic Offences

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

DVLA CODE	DESCRIPTION OF OFFENCE
AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
BA10	Driving whilst disqualified by order of court
BA30	Attempting to drive while disqualified by order of court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving with alcohol level above the limit
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen or analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
IN14	Causing or permitting the use of a vehicle uninsured against third party risks
UT50	Aggravated taking of a vehicle
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified

12. The Council appreciates there is a difference in the level of seriousness of these offences and will consider each on its merits. Although offences of excess speed do not appear in the table above the Council considers such offences to be extremely serious and drivers with such offences may be referred to Committee.
13. If an applicant has a live endorsement in respect of a major traffic offence then the application will be referred to the Licensing Committee and will normally be refused until at least 3 years after the most recent conviction, caution, reprimand or final warning.
14. Should the Courts decide not to disqualify a driver under the totting up procedures the Council may still consider that the driver is not a fit and proper person and may consider revocation of the private hire and/or hackney carriage driver licence.

## Alcohol Related Offences

15. A person who has been disqualified from driving as a result of a drink driving offence must normally show at least 3 years free from conviction after the restoration of their driving licence before their application will be considered. More than one conviction of this type would normally result in an application being refused.

## Drug Offences

16. An applicant with a conviction, caution, reprimand or final warning for a drug related offence will normally be required to show a period of at least 3 years free of a conviction, caution, reprimand or final warning before an application is considered, or five years after detoxification treatment if the applicant is an addict. If the conviction, caution, reprimand or final warning relates to the supply of prohibited drugs then it is unlikely that even after this period the application will be granted.

## Indecency Offences

17. Applicants with a conviction, caution, reprimand or final warning for indecent exposure, indecent assault, importuning or any sexual offence, will normally be refused a licence. In exceptional circumstances an application will be considered on its merits when the applicant can show a substantial period (of at least 3 to 5 years) free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, which ever is the latter.

*NB: Any person on the ISA Barred List will normally be refused a licence.*

## Violence

18. Applicants with a conviction, caution, reprimand or final warning for grievous bodily harm, wounding, serious assault, or possession of a dangerous weapon etc. will normally be refused a licence. An application may be granted if the applicant can show at least three years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, which ever is the latter.
19. The Council deems incidents of domestic violence to be extremely serious because if an individual is prepared to assault an individual in a domestic or home environment then there would be concerns over that person's ability to control their temper when working in an environment dealing with members of the public.

## Dishonesty

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

## Public Order Offences

21. Applicants with a conviction, caution, reprimand or final warning involving public order offences such as affray, fear or provocation of violence, criminal damage etc. will have their application referred to the Licensing Committee for consideration and will normally be refused a licence. An application will however be considered where the applicant can show at least 3 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, which ever is the later.

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

## Cautions

22. The Council requires applicants to reveal any cautions they may have received. The Council acknowledges that a caution is not a conviction and therefore does not carry as great a weight however the Council also notes that an admission of guilt is required before a caution can be administered.

## **Fixed Penalties**

23. Fixed penalties are not limited to motoring offences and may be given for a range of offences including shop theft, minor public order offences and offences such as littering, dog fouling etc. Fixed penalties must be declared to the Council in the same way as offences and may be taken into consideration as part of the Council's disciplinary procedures.

## **Licensing Offences**

24. Convictions for offences or any failure to comply with the provisions of the Town Police Clauses Act or the relevant part of the Local Government (Miscellaneous Provisions) Act 1976, or the Council's Byelaws will be viewed seriously by the Council. The following examples afford a general guide to what action the Council may take in relation to existing Hackney Carriage and Private Hire licence holders:

(a) **Proprietor Offences**

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

**Driver Offences**

Any person convicted, cautioned, reprimanded or given a final warning of an offence whilst acting as the driver of a hackney carriage or private hire vehicle may have their driver licence revoked.

(b) **Operator Offences**

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

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

DRAFT 2017



**INTRODUCTION**

1. The Council's Licensing Committee exercises the Council's functions in relation to the licensing of Hackney Carriage and Private Hire vehicles, drivers and operators, in accordance with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation. When dealing with such matters Licensing Officers and the Licensing Committee will have regard to the Council's Private Hire and Hackney Carriage Policies.
2. Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the Licensee/Applicant and the possible risks to the safety and comfort of the public. When the Committee considers such matters concerning a Licensee/ Applicant it is operating in a quasi-judicial capacity and the rules of natural justice must be observed. The Licensee/Applicant must not only be treated fairly but must also be seen to be treated fairly. The Committee must be impartial, unbiased and must always act in good faith.
3. The Committee is required to make judgements based on the evidence submitted to it. It is not the Members' role to sit as advocates of either the Licensing Section, the Police or the Licensee/Applicant but to weigh the merits of each case - ensuring that the proper considerations are taken into account and irrelevant factors are ignored, thereby reaching a balanced decision. The Committee must also state the reasons for its decisions. The Committee does not have the power to "look behind" a conviction to see if the person should have been convicted.
4. Only Committee members who have heard the entire application or disciplinary matter are able to take part in the decision making process.
5. Committee members can not participate in the hearing of a matter if there is apparent bias. This can arise where a Member has outside connections that make it appear that there is a real danger of bias or a member has a prejudicial interest. Personal interest in a matter under consideration must be declared. Where a prejudicial interest exists the member must withdraw from the meeting room.
6. A prejudicial interest exists where a member has a personal interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest and it either:
  - (a) affects the financial position of the relevant person or body; or
  - (b) relates to the determination of any approval, consent, licence, permission or registration in relation to that person or body.

**DISCIPLINARY OR OTHER MATTERS**

7. In accordance with the Council's constitution, the Committee is authorised to:
  - (a) determine the appropriate disciplinary action (if any) to take against licensees referred to it by the Licensing Section; and to
  - (b) determine any licensing application or other matter concerning individual licensees referred to it by the Licensing Section.
8. When considering a referred matter eg an application for a licence, the Committee will have regard to the appropriate section of the policy.
9. Appropriate disciplinary action can take a number of forms, for example:
  - (a) Suspension or Revocation of a licence.
  - (b) Refusal to renew a licence.

- (c) A warning or final warning letter expressing the Council's concern with the Applicant/Licensee's behaviour, whilst also advising that future conduct could lead to a revocation or refusal to renew a licence.
  - (d) Additional conditions if considered reasonably necessary may be attached to a licence when it is renewed (note: conditions cannot be attached to a Hackney Carriage Driver's Licence).
  - (e) A requirement to attend the Driver improvement Scheme at the driver's own expense where considered reasonably necessary.
  - (f) A requirement to provide further information eg the production of a medical more regularly than the standard requirement for drivers.
10. The action taken in any particular case will depend on the seriousness of the conduct/conviction/medical condition concerned. A licence may be suspended pending further information (e.g. the outcome of an investigation or court action) but suspension will not be used as a disciplinary tool.
11. The purpose of a Licensing Committee hearing is to ensure that the Licensee/Applicant and complainant (where applicable) have the fullest opportunity to present all of the information they wish. The Committee is required to give full and fair consideration to the cases presented by the Officers and the Licensee/Applicant and must reach a decision based on all of the relevant information presented to it at the hearing. To achieve this, the following procedure is adopted.

#### **PRIOR TO THE HEARING**

12. Where the Licensing Manager refers a matter to the Licensing Committee for determination the Licensee/Applicant shall be informed of this and a report shall be prepared for the Committee.
13. A full copy of the report to Committee shall be supplied to the Licensee/Applicant by the licensing section. Copies of the relevant Private Hire and Hackney Carriage Policies are available on the internet or upon request from the Licensing Office. Licensees/Applicants are strongly advised to read this document when preparing for the hearing.
14. The Licensee/Applicant shall normally be given notice at least seven days in advance of the time and place of the hearing and advised of their right to be accompanied by a friend or other person, including a solicitor. (S)he shall be allowed to call witnesses.
15. The Licensee/Applicant may, if they wish, submit a written statement of his/her case or other supporting documents prior to the hearing. Documentation should be provided to the Licensing Section well in advance of the hearing. If it is not or if the Committee has not had sufficient time to consider the documentation the Committee may refuse to accept the documentation or it may be necessary for consideration of the case to be deferred.

#### **ABSENCE OF THE LICENSEE/APPLICANT**

16. The meeting may proceed in the absence of the Licensee/Applicant if they have informed the Licensing Authority or the Democratic Support Officer that they do not wish to attend or be represented at the hearing. If the Licensee/Applicant would like the meeting to be adjourned to enable them to attend then they must make this clear and provide reasons for the request.
17. If the Licensee/Applicant fails to attend a meeting without notifying the Licensing Section or Democratic Support Officer, the Committee may adjourn the hearing to a specific date if it considers it to be appropriate to do so. Alternatively it may proceed with the meeting in their absence.
18. Where the Committee decides to proceed in the absence of the Licensee/Applicant it will consider the information they have available along with the report from the Licensing Manager.

19. If a decision is made to adjourn a hearing the Licensee/Applicant will be advised of the new date, time and venue.

#### **AT THE HEARING**

20. The Licensing Manager or their representative shall present the report in the presence of the Licensee/Applicant (subsequently referred to as "the Applicant").
21. The Applicant shall be invited to confirm the accuracy of the report.
22. The Members will ask any questions they may have of the Officer.
23. Where witnesses have attended (e.g. in the case of a complaint) they shall be invited to provide relevant information. Members and the Applicant/their representative may ask any relevant questions.
24. The Applicant or their representative shall present their case and respond to any questions.
25. Where appropriate the Police may be asked to comment.
26. The Applicant will be offered the final opportunity to sum up their case.
27. The Applicant and representative, Officers, the Police and any witnesses shall withdraw from the meeting. Officers from Legal and Democratic Services will remain in the meeting to provide procedural and legal advice.
28. The Licensing Committee shall deliberate in private, only recalling the Applicant or representative and Officers to clear up points of uncertainty. If this occurs all parties will be invited back into the hearing together. If the Committee has no additional queries then all parties will be called back into the meeting when the Chairman of the Committee will announce the decision of the Committee.
29. The Applicant will be notified of the Committee's decision and the reasons for it in writing, usually within five working days. Where a licence has been revoked or a renewal has been refused written notice must be given within fourteen days.

#### **APPEAL TO THE COURT**

30. There is a statutory right of appeal to the Magistrates Court in relation to:
  - (a) A refusal to grant a private hire or hackney carriage driver licence.
  - (b) Any conditions attached to a private hire driver licence.
  - (c) A decision to suspend, revoke or refuse to renew a private hire or hackney carriage driver licence.
  - (d) A refusal to grant a private hire vehicle licence or against any conditions specified in the licence.
  - (e) A refusal to grant an operator's licence or any conditions attached to the grant of an operator's licence.
  - (f) A decision to suspend, revoke or refuse to renew an operator's licence.
31. An appeal against a refusal to grant a Hackney Carriage vehicle licence is dealt with by the Crown Court.
32. Any appeal must be lodged with the appropriate Court within 21 days of notification of the decision. This time scale is rigid following case law in 2009 concerning this point.
33. Costs may be awarded by the Court against an unsuccessful appellant and therefore the Applicant may wish to take independent legal advice with regard to the merits of an appeal.
34. Usually, when an appeal has been lodged, any action against the licence is "stayed" pending the outcome of the court appeal (S.77(2)LG(MP) Act 1976) and a licensed driver, operator and or vehicle can continue to work. However, in cases where in the interests of

public safety a decision has been made that a suspension or revocation of a driver licence should take immediate effect s.77(2) shall not apply and a driver cannot continue to drive pending the outcome of the appeal. In such cases the driver must be notified in writing, with an explanation as to why such action has been taken.

35. Decisions of the Licensing Committee may also be challenged by way of judicial review in the High Court. Independent legal advice should normally be sought in respect of all appeals and challenges.

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**APPENDIX P**

**TABLE OF EXISTING VEHICLES BY AGE (AT 31 MARCH 2010)**

Year	HCV Saloon	HCV Wheelchair	PHV Saloon	PHV Wheelchair	Grand Total
2000	1		1		2
2001	3				3
2002	8		1		9
2003	15	2	1		18
2004	25		3		28
2005	19	1	4		24
2006	35	3	21	1	60
2007	36		10		46
2008	27		9		36
2009	13		2		15
2010	2		1	1	4
Grand Total	184	6	53	2	245

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**VEHICLE CRITERIA FOR EXCEPTIONALLY WELL MAINTAINED EXTERIOR**

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

**VEHICLE CRITERIA FOR EXCEPTIONALLY WELL MAINTAINED INTERIOR**

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

**STANDS FOR HACKNEY CARRIAGE VEHICLES (AS 31 MARCH 2010)**

(NB consultation is currently ongoing in respect of changes to rank location etc)

<b>Stand</b>	<b>Location</b>	<b>Number of Spaces</b>
Beaumont Street West 7.00 pm – 7.00 am	On the north side from 8 metres west of Beaumont Street westwards for 40 metres	Maximum 8 vehicles Vehicles to face east
Bondgate 9.00 am – midnight Midnight – 7.00 am	On the south side from 6 metres west of Skinnergate westwards for 20 metres	Maximum 4 vehicles Vehicles to face west
Bondgate 6.00 pm – 8.00 am	On the south side from 11 metres east of Skinnergate eastwards for 18 metres	Maximum 4 vehicles Vehicles to face west
Coniscliffe Road 6.00 pm – 6.00 am	On the south side from 20 metres east of eastern boundary of 3 Coniscliffe Road westwards for 45 metres	Maximum 9 vehicles Vehicles to face west
East Row 24 hour	On the west side in the lay-by lying approximately 4 to 21 metres south of Tubwell Row	Maximum 3 vehicles Vehicles to face north in a row parallel to carriageway
East Row 5.00 pm – 6.00 am Feeder Rank	On the east side in the lay-by lying approximately 5 to 26 metres south of Tubwell Row	Maximum 3 vehicles Vehicles to face south
Feethams 24 hours	On the east side in the lay-by approximately 23 to 39 metres south of Horsemarket	Maximum 2 vehicles Vehicles to face south
Gladstone Street 7.00 pm – 7.00 am	On the south side from 43 metres westwards for 85 metres west of Northgate	Maximum 17 vehicles Vehicles to face west
Grange Road 24 hours	On the west side from 5 metres south of Coniscliffe Road to 10 metres north of Northumberland Street	Maximum 4 vehicles Vehicles to face north
Grange Road 6.00 pm – 8.00 am Feeder Rank	On the west side from Northumberland Street northwards	Maximum 2 vehicles Vehicles to face north
Priestgate 24 hours	On the south side from 5 metres east of Prebend Row to 10 metres west of Penny Yard	Maximum 5 vehicles Vehicles to face west
Tubwell Row 6.00 pm – 8.00 am	On the north side in the lay-by from Crown Street westwards for approximately 30 metres excluding pedestrian route across lay-by	Maximum 6 vehicles Vehicles to face east
Victoria Road 24 hours	On the north side 20m west of its junction with Pensbury Street westwards for 45 metres	Maximum 9 vehicles Vehicles to face east



## HORSE DRAWN HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES POLICIES AND CONDITIONS

1. The information below is specific to horse drawn carriages. Drivers will however be required to obtain the appropriate Council driver licence and will be subject to all of the requirements associated with such licence. Proprietors and Operators of vehicles will be subject to those licence conditions that are relevant to public and/or private hire excluding those specifically relating to vehicle design etc which have been replaced with the requirements detailed below.

### POLICIES

2. A competent person nominated by the Council (and representing either the British Driving Society, the British Horse Society, the Heavy Horse Society or other body able to assess the competence of drivers) shall assess and provide a report stating that the driver is competent to drive the carriage as part of the application process.
3. A Veterinary Certificate signed by a Veterinary Surgeon stating that each horse is fit to carry out the work required of it shall be submitted to the Council as part of the application process
4. The location of the stables in which the horses are normally housed shall be notified to the Council's Licensing Section as part of the application process. Access to the stables shall be granted to Council Officers and their advisers at any time. (NB Should the Council receive a report from the RSPCA, a Veterinary Surgeon or other qualified person that the conditions under which the horses are being kept are not in the interests of the health of the animal and its capacity to pull a carriage, the Licence shall be suspended by Officers until satisfied that the horses are being kept in a humane manner. The stables must also satisfy the fire safety requirements for stables by Darlington and Durham Fire and Rescue Service. In the event that the stables do not satisfy these requirements, the Licence will be suspended until adequate fire precautions have been made).
5. The Licence will be granted for a maximum period of 12 months. This may be subject to review in the event of any closure of streets on the approved route.
6. The proprietor/driver shall be limited to routes specified in writing by the Council following appropriate consultation.
7. The horse drawn vehicle shall not be required to comply with the following Darlington Hackney Carriage Byelaws 1990:
 

(a) Byelaw 3 (viii)	provide efficient interior lighting
(b) Byelaw 6	taximeter
(c) Byelaw 7(a)	fitting a roof sign bearing the word taxi

### Conditions

8. The proprietor shall produce veterinary certificates as may from time to time be requested by Officers of the Council.
9. No horse shall work for more than eight hours during any one day and shall have at least one hour break between the commencement and termination of duties. The proprietor shall keep written records for each horse showing if it is working with details of the time the horse was put into harness, taken out of harness and rest periods.
10. A safe means of access and egress from the vehicle (e.g. a step and secure hand holds) shall be provided.
11. The maximum fare to be charged shall be approved in writing by the Council (Hackney Carriages only).

12. The vehicle shall be capable of carrying not less than 4 adult passengers.
13. The proprietor must keep the area in the vicinity of the rank they operate from clean and clear of horse manure or any other obstruction of the highway associated with their use.
14. The proprietor must provide clean wholesome drinking water throughout the day for their horse.
15. A device must be attached to the horse to prevent its faeces being deposited upon the highway or hackney carriage stand.
16. The Proprietor shall make suitable arrangements for the proper disposal of horse faeces.
17. The vehicle shall be provided with front and rear position lights that meet the requirements of the Vehicle (Construction and Use) Regulations.
18. The Licence identification plate, supplied by the Council, shall be securely fixed to the rear of the vehicle; in a conspicuous position approved by an authorised officer of the Council, using bolts or screws.

## **GUIDANCE ON THE LICENSING OF HORSE DRAWN CARRIAGES**

### **Vehicles**

19. The driver of a horse drawn hackney carriage shall when plying for hire, proceed with reasonable speed to a Hackney Carriage stand. Hackney Carriages are allowed to ply for hire from stands (also known as taxi ranks), or in the street (there are currently no stands provided for horse drawn vehicles in Darlington and they would have to be created). The Fares for hiring hackney carriage vehicles have to be decided by the Council and the tariff set must be displayed inside the vehicle.
20. Private Hire Vehicles have to be booked in advance by passengers through the office of a licensed Private Hire Operator. The fare is negotiable between the Private Hire operator and customer. When not on hire the vehicle must return immediately to a named location eg the stables.

### **Vehicle Licence**

21. Before operating a vehicle to carry fare paying passengers a licence must be obtained – an application for either a Hackney Carriage licence or a Private Hire Vehicle Licence from the Council. All licences issued will have conditions attached. To apply for a licence a person must:
  - (a) Complete an application form.
  - (b) Provide evidence that arrangements are in place for the vehicle to be insured for public or private hire on the days that it will be operating.
  - (c) Present the vehicle of mechanical inspection by a competent person appointed by the Council.
  - (d) Present the horse, or horses, for inspection by a veterinary officer appointed by the Council.
  - (e) Make the stables available for inspection by any person appointed by the Council.
  - (f) Demonstrate ability to comply with the Council's Byelaws and/or Conditions together with the Code of Practice for horse drawn vehicles published by the Department of Transport.
  - (g) Pay the licence fee.

## **Drivers – Qualifications**

22. Drivers of horse drawn hackney carriages must hold a current full Road Traffic Act 1972 licence together with a Hackney Carriage driver licence issued by the Council. Drivers of horse drawn private hire vehicle must hold a current full Road Traffic Act 1972 licence together with a private hire driver licence issued by the Council. All drivers will be required to demonstrate that they are competent to drive relevant horse drawn vehicles.

## **Department for Transport - Code of Practice for Horse Drawn Vehicles**

23. The Department for Transport has published a Code of Practice for Horse Drawn Vehicles. This code was developed in conjunction with The British Driving society, The British Horse Society and The Heavy Horse Training Committee. (Copies are available from the Public Protection Division.) The Council will expect the proprietor and drivers to work in accordance with this Code. The Code provides:

- (a) guidance for new and existing drivers of horse drawn vehicles carrying passengers;
- (b) a road driving assessment for single, pair and teams of horses;
- (c) a detailed carriage safety checklist.

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