

HAMBLETON

DISTRICT COUNCIL

Making life better

**VEHICLE AND DRIVER
LICENSING POLICY**

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1.0 INTRODUCTION:

1.1 Hambleton District Council is the licensing authority for Hackney Carriage and Private Hire services in the district of Hambleton, North Yorkshire.

1.2 The principal legislation under which functions are undertaken is contained in:-

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985

1.3 The Council adopted the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 by a resolution dated 26 September 1991.

1.4 The Council is responsible for regulating the operation of Hackney Carriage and Private Hire services undertaken by third parties, usually businesses, in the district. This involves:-

1.4.1 identifying those operating without a licence;

1.4.2 issuing, revoking and suspending licences;

1.4.3 monitoring the operation of licensees.

1.5 The Council issues the following licences:-

1.5.1 Private Hire Operator's Licence;

1.5.2 Private Hire Vehicle Licence;

1.5.3 Hackney Carriage/Private Hire Driver's Licence;

1.5.4 Hackney Carriage Vehicle Licence;

2.0 THE COUNCIL'S OBJECTIVES/APPROACH TO LICENSING:

2.1 The Council's Objectives are:-

2.1.1 to encourage the provision of high quality and accessible Hackney Carriage/Private Hire services;

2.1.2 to ensure the safety and comfort of users of Hackney Carriage/Private Hire services;

2.1.3 to ensure the safety of the public affected by the operation of Hackney Carriage/Private Hire services.

2.2 The Council will work with those in the Hackney Carriage/Private Hire trade and other agencies to promote the Objectives. Within the resources available to it the Council wishes to support and assist operators provided that this does not adversely affect the safety and comfort of users of the service or the safety of third parties. Any activities of the Council will be limited by the extent of its powers and duties under the relevant legislation.

- 2.3 The Private Hire/Hackney Carriage legislation is not concerned with general health and safety or public safety issues. For example, the Health and Safety at Work Act deals with the health and safety of employees. As a result, the Council's Policy does not relate to the welfare of drivers or other employees. Similarly, other legislation, most notably Planning legislation, governs the effect of businesses on their surroundings. The Council's policy does not deal with these issues.

3.0 POLICY ON SPECIFIC TYPES OF LICENCE:

Private Hire Operator's Licence:

- 3.1 A Private Hire Operator's Licence is required in order to operate a private hire service, that is the provision of pre-booked vehicles for the carriage of up to 8 passengers. There are certain exemptions, for example, vehicles used exclusively for weddings and funerals.
- 3.2 The Council is required to only grant a licence to a person who is "fit and proper".
- 3.3 In order to establish whether a person is "fit and proper" the Council will consider relevant information relating to:-
- 3.3.1 the character of the applicant;
 - 3.3.2 any criminal record of the applicant;
 - 3.3.3 the business history of the applicant;
 - 3.3.4 the ability of the applicant to provide the service;
 - 3.3.5 any previous history of applications.
- 3.4 In particular the following checks/documentation will be required for new applications:-
- 3.4.1 Enhanced Criminal Records Bureau check (or Certificate of Good Conduct for foreign nationals);
 - 3.4.2 information about the applicant's current and previous businesses;
 - 3.4.3 two character references, including last employer.
- 3.5 If consideration of any of these factors suggest that the applicant is not a "fit and proper" person then a licence will be refused.
- 3.6 A licence will normally be granted for one year.

Private Hire Vehicle Licence:

- 3.7 Private Hire vehicles are licensed to perform pre-booked work only which is obtained through a Private Hire Operator. They cannot "ply for hire" or wait on a Hackney Carriage stand.

- 3.8 The Council will only grant a licence for a Private Hire Vehicle if it is fit for its purpose, that is it will be safe and comfortable for users and safe in respect of the public. The Council will consider:-
- 3.8.1 whether the vehicle is of a type which is appropriate to be licensed;
 - 3.8.2 whether the vehicle is mechanically sound;
 - 3.8.3 whether the vehicle can legally be operated on a highway;
 - 3.8.4 whether the vehicle has basic facilities for the comfort of passengers;
 - 3.8.5 whether the vehicle is adequately insured.
- 3.9 In particular the following checks/documentation will be required on each application/renewal:-
- 3.9.1 valid vehicle registration document;
 - 3.9.2 valid tax disc;
 - 3.9.3 valid insurance certificate;
 - 3.9.4 valid M.O.T certificate (if over one year old);
 - 3.9.5 a vehicle fitness check carried out by the Council's authorised Inspector (the Council's current check-list of requirements is attached as Annex 1);
 - 3.9.6 a Qualified Vehicle Modifier Certificate for a "stretched limousine".
- 3.10 The Council will licence any vehicle manufactured or adapted to carry up to 8 passengers provided it meets minimum physical requirements. For example, the vehicle should have at least 4 wheels, right hand drive and be of minimum dimensions. The specific requirements are set out in Annex 2.
- 3.11 If the vehicle cannot lawfully be driven on a highway a licence will be refused. If consideration of any of the above factors suggest that use of the vehicle would adversely affect the safety or comfort of customers or the safety of third parties then a licence will be refused.

Private Hire/Hackney Carriage Driver's Licence:

- 3.12 A licence is required by any person wishing to drive a Private Hire Vehicle or a Hackney Carriage. A licence will normally be granted for up to 1 year terminating on 31 July in any year.
- 3.13 The Council is required to only grant a licence to a person who is "fit and proper" and who has been authorised to drive a motor car for at least twelve months.
- 3.14 In order to establish whether a person is a "fit and proper" person the Council will consider relevant information relating to:-
- 3.14.1 the character of the applicant;

- 3.14.2 experience as an employed driver or Private Hire/Hackney Carriage driver;
- 3.14.3 any criminal record of the applicant;
- 3.14.4 the applicant's driving ability;
- 3.14.5 the applicant's knowledge of spoken/written English, the locality and rules governing licensees;
- 3.14.6 any physical or medical disabilities/conditions that might affect the driver.

The Council will also check whether the driver can legally drive a vehicle on a highway.

3.15 In particular the following checks/documentation will be required for new applicants:-

- 3.15.1 proof of identity;
- 3.15.2 two character references, including last employer where applicable;
- 3.15.3 Enhanced Criminal Records Bureau check (and/or Certificate of Good Conduct from applicants who have lived abroad);
- 3.15.4 Hambleton District Council medical certificate;
- 3.15.5 written/oral test in English on knowledge of the locality and rules governing licensees;
- 3.15.6 current Driving Licence;
- 3.15.7 certificate of passing approved customer care (including disability) training course;
- 3.15.8 proof of passing of the Driver Standards Agency test for taxi drivers.

3.16 In considering an applicant's character and current employment, the Council will seek to establish whether his/her character would adversely affect them in providing a safe, reliable, appropriate and comfortable service to the public. The Council will be looking at whether the applicant is trustworthy, reliable, inclined to comply with rules and regulations, customer-focused, helpful, considerate and even-tempered.

3.17 In considering an applicant's experience as a previously employed driver, the Council will be looking to identify whether this will add to the service that can be provided to the public.

3.18 The Council's consideration of an applicant's criminal record will focus on whether a previous history of criminal convictions indicates that the applicant cannot provide a safe or comfortable service to the public. The Council's policy and procedure on the disclosure of Criminal Records is detailed in Annex 3. The Council's approach to previous convictions including "spent" convictions is set out in Annex 4. Further Criminal Record Bureau checks will be required at 3 year intervals.

- 3.19 Production of an appropriate valid Driving Licence will prove the applicant's ability to legally drive on the public highway. The Council will accept a licence granted by the DVLA under Part III of the Road Traffic Act 1988 (other than a provisional licence), a "Community Licence" authorised by virtue of Section 99A(1) or Section 109(1) of that Act or certain other foreign licences as defined in Section 108 of that Act. The Council will accept the existence of a licence as proof of the ability to drive provided the licence has been in force for at least 1 year at the time of application. Driving a vehicle for hire requires enhanced driving skills and therefore new drivers will have to produce a certificate confirming that they have passed the Driving Standards Agency's Private Hire/Hackney Carriage Assessment before a licence is granted.
- 3.20 The applicant will be required to have a Hambleton District Council Medical Form completed by a General Practitioner. Occasionally, a report from a Specialist may be required. Only medical conditions/disabilities which affect the safety and comfort of passengers or the safety of the general public will be taken into consideration. Details of the Council's requirements in respect of medical checks and medical conditions/disabilities are contained in Annex 5. Further medical checks will be required every five years for drivers under sixty five years of age and yearly for drivers over sixty five years unless specified otherwise by a medical practitioner or the Council.
- 3.21 All new drivers are required to pass an authorised written/spoken test relating to knowledge of the area, the law and rules applying to licensable activities. This will ensure they can communicate with passengers and third parties and have a reasonable knowledge of the requirements of being a hackney carriage/private hire driver in Hambleton.
- 3.22 All drivers will be required within 12 months of a licence being issued or re-issued to produce evidence that they have passed an approved customer care (including disability) training course.

Hackney Carriage Vehicle Licence:

- 3.23 Hackney Carriages are licensed to "ply for hire", that is pick up passengers in the street or whilst waiting at Hambleton District Council Hackney Carriage stands. They can also take pre-booked fares.
- 3.24 The Council will only grant a licence for a Hackney Carriage Vehicle if it is fit for its purpose, that is it will be safe and comfortable for users and safe in respect of the public and it is intended to use the vehicle predominantly, or entirely, within the district of Hambleton. The Council will consider:-
- 3.24.1 whether the vehicle is of a type which is appropriate to be licensed;
- 3.24.2 whether the vehicle is mechanically sound;
- 3.24.3 whether the vehicle can legally be operated on a highway;
- 3.24.4 whether the vehicle has basic facilities for the comfort of passengers;
- 3.24.5 whether the vehicle is adequately insured.
- 3.25 In particular the following checks/documentation will be required on each application/renewal:-

- 3.25.1 valid vehicle registration document;
 - 3.25.2 valid tax disc;
 - 3.25.3 valid insurance certificate;
 - 3.25.4 valid M.O.T certificate (if over one year old);
 - 3.25.5 a vehicle fitness check carried out by the Council's authorised Inspector (the Council's current check-list of requirements is attached as Annex 1).
- 3.26 Tests will be undertaken at an approved MOT Testing Station by approved MOT Testers to VOSA standards plus additional requirements. Any vehicle involved in a serious accident will be re-tested before it is allowed to be used as a licensed vehicle. If a vehicle which has failed a test is not re-presented within 10 working days it will have to pass a full test.
- 3.27 The Council will license any vehicle manufactured or adapted to carry up to 8 passengers provided it meets minimum physical requirements. For example, the vehicle should have at least 4 wheels, right hand drive and be of minimum dimensions. The specific requirements are set out in Annex 2.
- 3.28 If the vehicle cannot lawfully be driven on a highway a licence will be refused. If consideration of any of the above factors suggest that use of the vehicle would adversely affect the safety or comfort of customers or the safety of third parties then a licence will be refused.

4.0 LIMITATIONS ON LICENSEES:

- 4.1 The legislation governing Private Hire/Hackney Carriage imposes certain limitations on how licensees can operate. For example, it requires plates to be displayed on vehicles. The Council is also allowed to impose restrictions on operation. This is normally done through Byelaws or Conditions attached to licences.

Byelaws and Conditions:

- 4.2 The Council's policy is only to make Byelaws or apply Conditions which it considers necessary to maintain the safety and comfort of customers and the safety of the public and to facilitate its regulatory functions.
- 4.3 The Council made Byelaws for Hackney Carriages on 19 December 1986. These were based on Model Byelaws produced by the Government. It is the Council's policy to maintain these Byelaws. A copy of the Byelaws is attached as Annex 6.
- 4.4 The Council also has Pools of Conditions for:-
- 4.4.1 Private Hire Operators Licences;
 - 4.4.2 Private Hire Vehicle Licences;
 - 4.4.3 Private Hire/Hackney Carriage Drivers Licences;
 - 4.4.4 Hackney Carriage Vehicle Licences.

Copies of these Conditions are attached as Annex 7. These will normally be attached to licences unless any are considered unnecessary.

- 4.5 The Council's policies on a number of areas of requirements or restrictions on licensees are set out below:-

Vehicle Identification:

- 4.6 The Council does not require licensed vehicles to be a specific colour. However, vehicles are required to display approved plates, side panels and internal notices unless the "Executive Hire" or "Special Event Vehicles" exemptions apply. The requirements for identification are contained in Annex 8. The policy on exemptions for "Executive Hire" is attached as Annex 9. The policy on exemptions for "Special Events Vehicles" is attached at Annex 10.

Advertising:

- 4.7 The Council requires all advertisements on licensed vehicles to be approved by the Council. The Council will not control the content, size, number, text or colours of advertisements and will normally grant approval provided:-

4.7.1 the advertisement is of materials and construction and is attached to the vehicle in a way which does not affect the safe operation of the vehicle or the safety of the public;

4.7.2 the advertisement does not obscure or interfere with the windows, lights or other equipment on the vehicle sufficient to affect the ability of the driver to drive safely;

4.7.3 no part of the advertisement is within 20 centimetres of any identifying plates, side panels or other markings which the Council has required to be displayed;

4.7.4 that on a Private Hire Vehicle it does not indicate or imply that it is a Hackney Carriage or is immediately available for hire as if it were a Hackney Carriage.

Fares:

- 4.8 The Council may control the maximum fares to be charged for the hire of Hackney Carriages. The Council will set maximum fares from time to time which will aim to balance the needs of operators to receive adequate income with the needs of the public to have accessible forms of transport. The fares currently covered by limits are set out in Annex 11. The current limits can be obtained from the Council.

- 4.9 The Council does not require a vehicle to be fitted with a taxi meter but if one is fitted it must meet certain statutory requirements and its accuracy be maintained.

Customer Care:

- 4.10 The Council will expect high standards of customer care from licensees. This includes providing reasonable assistance, being courteous and engendering a sense of public confidence in licensed vehicles and persons. All complaints will be properly investigated and action taken against licensees who fall short

of the expected standards. Reference should be made to the section of this Policy on Enforcement.

Record Keeping:

- 4.11 The keeping of proper records is an important aspect of the functioning of the system, particularly in the Private Hire trade. The Council will take action if records are not adequately maintained.

Vehicle Maintenance:

- 4.12 The Council's policy is to ensure that vehicles remain fit for their purpose throughout the duration of the licence and not just on the date of official vehicle inspections. Immediate action will be taken against unfit vehicles.
- 4.13 A vehicle test is required upon the grant/renewal of a licence. In certain circumstances additional tests may be required.

Insurance:

- 4.14 Adequate insurance shall be maintained for licensed vehicles at all times when they are being used. Insurance must cover the use of the vehicle for all licensable activities.

5.0 HACKNEY CARRIAGE STANDS:

- 5.1 The Council may appoint Hackney Carriage Stands ("Taxi Ranks"). Hackney carriages may wait at these stands whilst waiting for customers.
- 5.2 The Council has appointed a number of stands, the location of which can be provided on request.
- 5.3 The Council's policy is to review the location and operation of stands from time to time and seek to provide stands which are convenient and adequate for customers and the trade.

6.0 LICENSING REGISTER, DATA PROTECTION AND FREEDOM OF INFORMATION:

- 6.1 The Council is required to maintain a public Register containing specified information about Hackney Carriage Vehicles and Private Hire Drivers. Subject to the following paragraphs, the Council will not make records generally available to the public.
- 6.2 Under the Freedom of Information Act the Council is required to provide certain information to the public upon request. There are exemptions to this duty which include certain personal data, confidential information and business information. The Council's policy on providing information is to be as open as possible, but it will consider using exemptions where it is considered reasonable. A public interest test is likely to be applied. Details of the Council's policy on Freedom of Information can be obtained separately.
- 6.3 The Council will hold personal data (about applicants, licensees, complainants, etc.) in connection with its licensing function. The Council will

comply with its obligations under the Data Protection legislation. The Council's aim is to minimise the unnecessary disclosure of personal data. Personal data will only be obtained, kept or used as authorised by the Data Protection legislation or required by other legislation. This may involve revealing this information to Members, other officers, agencies or members of the public (e.g., complainants). Where appropriate, safeguards will be introduced to minimise unauthorised use of personal data.

7.0 DIVERSITY:

- 7.1 The Council recognises that Hackney Carriage and Private Hire services provide useful facilities to the community in Hambleton and particularly to certain sections of the community such as the young, the elderly, those with disabilities and those on low incomes who find it difficult to use other forms of transport. Adequate taxi services also improve safety for vulnerable people, particularly those travelling at night. It is the Council's policy to do all that it can to promote the provision of services that will assist those sections of the Community who rely on and benefit from the service.
- 7.2 The Council has adopted advice for drivers about meeting the needs of disabled people. This is attached as Annex 12.
- 7.3 The Council's policies and procedures will be applied fairly to all irrespective of race, religion, gender, disability, sexual orientation or age. This will apply to applicants for licences, customers and complainants.
- 7.4 The Council will take a very serious view of any complaints of discrimination by licensees against customers based on these factors or of any similar incidents involving licensees and other licensees.
- 7.5 From 1 August 2008 all drivers will be required to have undertaken an authorised training course on disability issues.

8.0 CONSULTATION/LIAISON:

- 8.1 The Council's policy is to liaise as fully as possible with the Private Hire/Hackney Carriage trade in the district and their representatives.
- 8.2 The Council also wishes to liaise fully with other agencies or bodies with an interest in this area of licensing (e.g., Police, North Yorkshire County Council, Customs and Excise, DVLA).
- 8.3 The Council also welcomes the views of the public on the vehicle licensing function.
- 8.4 The Council has established a Forum, comprising representatives of the trade, the Police and other interested parties. Details of the Forum are attached as Annex 13. The Council will seek to involve representatives of the trades' customers such as Chambers of Commerce, groups representing disabled people, women's groups and local traders or organisations with a wider transport interest (e.g., Transport 2000 and other transport providers).

9.0 OPERATIONAL MATTERS:

- 9.1 The vehicle licensing functions of the Council are the responsibility of the Licensing and Environmental Protection Committee. Most functions have been delegated to officers of the Council.
- 9.2 It is expected that significant policy issues and contentious decisions on applications, suspensions and revocations will be dealt with by the Committee, but almost all day-to-day matters will be dealt with by officers, currently in the Chief Executive's department.
- 9.3 Matters affecting individual applicants and licence holders which are dealt with by the Committee will be conducted by way of a hearing. The rules of natural justice will apply and applicants/licensees may be represented. The procedure to be followed by the Committee when conducting hearings is attached as Annex 14.
- 9.4 A number of officers have been authorised for the purposes of the Local Government (Miscellaneous Provisions) Act 1976. Those officers are listed in Annex 15. They are authorised to carry out various functions under the legislation.
- 9.5 It is the Council's policy to remove unnecessary bureaucracy in the licensing process and to maximise the use of technology (e.g., the internet) to minimise the burden on businesses.

10.0 ENFORCEMENT POLICY:

- 10.1 The Council has the power to monitor and enforce compliance with the vehicle licensing regime. This covers:-
- 10.1.1 action against those operating without or outside the terms of a licence;
 - 10.1.2 action against those operating in breach of licence conditions and other requirements.
 - 10.1.3 action against those vehicles whose condition, or those persons whose actions, may affect whether they should continue to be licensed.
- 10.2 The Council's enforcement strategy will be to:-
- 10.2.1 undertake routine inspections of licensees, vehicles and premises;
 - 10.2.2 undertake impromptu inspections, possibly with other agencies.
 - 10.2.3 respond positively to written complaints/information from the public about breaches of the legislation.
- 10.3 It is the Council's policy to take all necessary action and impose any appropriate sanctions to protect the public and maintain the credibility of the licensing regime. These responses vary from oral warnings to prosecutions.
- 10.4 Full details of the Council's Enforcement Policy including sanctions are attached at Annex 16.

HAMBLETON

DISTRICT COUNCIL

Making life better

**LICENSING OF HACKNEY CARRIAGES AND
PRIVATE HIRE VEHICLES**

TESTING MANUAL

December 2005

Revised January 2008

Revised February 2009

Annex 1

INDEX:

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1. EXTERIOR OF THE VEHICLE:

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
1.1 The exterior of the bodywork, the underside of the vehicle and the engine compartment must be free from mud, oil and grease to allow for proper inspection of these areas (see Notes), i.e., steam cleaned.	1. Contamination preventing proper inspection.	If the vehicle comes for annual inspection in a filthy condition the inspection will not be carried out.
1.2 Check the operation of all external door catches and locks to ensure that all doors can be securely closed and easily opened.	2. Defective external door catches which prevent a door opening and closing properly. Missing or ineffective door locks.	
1.3 Check all doors to ensure that they are properly aligned and will close easily.	3. Poorly fitting doors to the vehicle.	
1.4 Ensure that the door hinges are in good condition allowing free movement of the door.	4. Defective door hinges.	
1.5 Check all wind-check positions to ensure that doors are held in place when opened.	5. Wind-checks which fail to hold the doors in place when opened.	Any wind-check straps must be of a type approved by the manufacturer.
1.6 Examine the external body panels and structure for evidence of corrosion, damage and/or unsatisfactory repairs.	6. Corrosion or damage to the vehicle body or structure which adversely affects the appearance and/or safety of the vehicle.	Engineers certification may be required to satisfy the vehicle examiner that repairs have been properly carried out.

EXTERIOR OF THE VEHICLE Cont'd

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
1.7 Examine the external paintwork for damage which adversely affects the appearance of the vehicle (see Notes).	<p>7. Exterior of vehicle so dirty that the overall finish of the paintwork cannot be assessed.</p> <p>Paintwork so deteriorated, damaged, rust blistered or stone chipped, that it detracts from the overall appearance of the vehicle.</p> <p>Renovations to paintwork which produce runs, flat or uneven finish or of non matching colour, i.e., not compatible with adjacent panels.</p> <p>Repairs incomplete in primer or undercoat.</p> <p>Overspray on glass or other fittings.</p> <p>Finisher moulding insecure, incorrectly fitted or missing.</p>	
1.8 Check that the nearside and offside door/wing mirrors are fitted to the vehicle in a secure manner and that they function correctly.	8. Missing or defective door/wing mirrors.	

EXTERIOR OF VEHICLE: Cont'd

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
1.9 Ensure that the front and rear bumpers are in good order (without damage) and are securely fixed to the vehicle.	9. Damaged or inadequately secured front or rear bumpers.	
1.10 Ensure that front and rear number plates comply with the Vehicle Excise and Registration Act 1994 and the Road Vehicles (Registration and Licensing) Regulations. (See Notes).	10. Damaged front or rear number plates. Number plates which do not comply with the Vehicle Excise and Registration Act 1994 and Road Vehicles (Registration and Licensing) Regulations.	<p>Registration mark obscured or indistinguishable is contrary to Section 43(1) of Vehicle Excise and Registration Act 1994.</p> <p>Registration mark failing to conform is contrary to Regulation 17 of Road Vehicles (Registration and Licensing) regulations and Section 59(1) of the Vehicle Excise and Registration Act 1994.</p> <p>Registration numbers should be (cars/mini bus)</p> <p>80mm Height 57mm Width 14mm Stroke width 11mm Space between letters 33mm Space between group of letters and figures</p> <p>The year letter shall be regarded as a figure.</p> <p>Italic or gothic will normally contravene the stroke width measurement. It is an offence to rearrange, alter or misrepresent figures to form words or names.</p>

EXTERIOR OF THE VEHICLE Cont'd

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
1.11 Examine the rubber seals to every door for serious damage, looseness or absence.	11. Damaged, missing or loose door seals which are likely to cause draught, rainwater penetration, unreasonable road noise or a trip hazard.	The vehicle will fail the test where defects in a door seal are considered to be likely to cause rain penetration, excessive draught, excessive road noise inside the vehicle or represent a trip hazard to users of the vehicle.
1.12 Ensure that the vehicle boot lid opens, closes and locks properly, and that the hinges and opening mechanism adequately support the lid when it is in the open position.	12. Worn hinges to boot lid, defective boot lock, weak or defective boot opening device.	
1.13 Check the roof (including any sun roof) is water-tight.	13. Leaks in roof or sun-roof when closed.	
1.14 Check all windows to ensure that they give a clear view both into and out of the vehicle.		Tinted windows which prevent clear views will not be permitted except in the passenger area of special events private hire vehicles. Vehicles with tinted glass covering more than 25% of the surface of a front windscreen or driver's side window will not be permitted. There shall be no tinted glass between the driver and passenger compartment.

2. LIGHTING EQUIPMENT:

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
2.1 Check the following to ensure that they operate correctly:- <ul style="list-style-type: none">• Front and rear lamps• Headlamps• Stop lamps• Rear reflectors• Direction indicators and hazard lamps• Reversing lamps	1. Inoperable or insufficient lights.	Lights may be of insufficient intensity when incorrect bulbs have been fitted. Any lamps fitted must work correctly and be properly aligned.

3. STEERING AND SUSPENSION:

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
3.1 Check the following to ensure that they operate correctly:- <ul style="list-style-type: none">• Steering control• Steering mechanism/system• Power steering (if any)• Front and rear suspension• Transmission shafts• Wheel bearings• Shock absorbers• Wheel alignment	1. Inoperable, worn or faulty steering or suspension.	

4. BRAKES:

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
4.1 Check the following to ensure that they operate correctly:- <ul style="list-style-type: none">• ABS warning system/controls• Service brake system and performance• Parking brake system and performance	1. Any of the systems do not operate effectively and/or safely.	

5. TYRES AND SPARE WHEEL

<u>METHOD OF INPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
5.1 Main tyres must all be of the same type. (See Notes). Ensure that the tyre provided on the spare wheel is of the same size and construction as those fitted to the road wheels or is a manufacturer's approved "get you home" spare wheel. (See Notes)	1. Variation in type of main tyres. A spare wheel not provided with the vehicle. A main tyre which is of a different size or construction.	<p>SPARE WHEEL MUST BE PROVIDED</p> <p>Recut tyres are not acceptable.</p> <p>A remould will only be acceptable if it carries a clearly legible manufacturer's mark that the tyre conforms to the current British Standard – BSAU144E.</p> <p>Tyre tread pattern should be a minimum of 1.6mm in depth throughout the complete circumference and tread breadth of the tyre.</p> <p>"Stretched Limousines" must have tyres which meet the specific requirements of the weight of the vehicle (e.g., 225/70 – R16 107T reinforced tyres or 245/60 R17 108T Energy L x 4 tyres)</p>
5.2 Examine the tyres for signs of damage or excessive wear. (See Notes) Ensure that the spare tyre complies with all legal requirements for tyres when fixed to the vehicle.	2. Damaged, worn, substandard or otherwise illegal tyres. Tyres below the Council's minimum tread depth. (See Notes)	
5.3 Check spare tyre pressure to ensure that it is inflated to the correct pressure for the vehicle.	3. Under or over inflated spare tyre.	
5.4 Examine the jack and wheelbrace provided with the vehicle to ensure that they are in good working order.	4. Failure to provide a suitable jack and/or wheelbrace with the vehicle.	
5.5 Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position.	5. Failure to satisfactorily secure the spare wheel.	
5.6 Check the rims of all wheels for any signs of distortion or damage.	6. A damaged or distorted wheel rim.	

6. SEATBELTS:

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
6.1 Check the security of all seatbelt mountings, the condition of all seatbelts and the operation of all seatbelts to ensure they operate safely.	1. Damaged, worn or incorrectly operating seatbelts.	
6.2 Check there is a seatbelt for each driver and passenger seat.	2. Insufficient seatbelts.	A seatbelt is required for every driver and passenger seat unless it is a "stretched limousine" in which case seat belts are not required for side-facing or rear-facing seats.

7. LICENCE PLATES (ON VEHICLES CURRENTLY LICENSED):

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
7.1 Inspect the vehicle licence plate fixed to the rear of the vehicle for signs of damage or excessive wear and ensure that it is securely fixed. Ensure that the information on the plate is clearly legible.	1. A damaged plate or a plate with information not clearly legible.	The Council requires the licence plate to be displayed so as not to obscure the registration mark.
7.2 Examine the plate fixing to the vehicle to ensure that it is securely fixed using bolts, screws or tape in accordance with the Local Authority's Conditions.	2. A plate which is not adequately secured to the vehicle.	
7.3 Ensure that the internal licence plate is affixed to the dashboard of the vehicle and is clearly visible to the passenger.	3. Missing or damaged plate with information not clearly visible.	Not applicable for new/transfer applications.
7.4 Ensure that the side panels are displayed and clearly legible.	4. Missing or illegible side panels.	The Council requires a side panel to be displayed on each of the front doors of the vehicle at all times.

8. BOOT/LUGGAGE COMPARTMENT:

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
8.1 Examine for evidence of damage, corrosion or water penetration.	1. Damage or corrosion to the floor, inner wing panels or lid.	
8.2 Examine floor covering to ensure that it is in good condition and offers adequate protection to luggage stored.	2. Excessive wear, damage or staining to floor covering.	
8.3 Examine the interior for accumulations of dirt, dust, grease, litter, etc., or staining of any surface with which luggage may come into contact.	3. Accumulations of dirt, grease, rubbish, etc., which could soil or damage luggage stored therein.	
8.4 Check for the presence of containers of any flammable or corrosive material (e.g., oil, petrol).	4. Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle.	These materials are a fire hazard. They may also contaminate passengers' luggage, taint food, etc.
8.5 Ensure that all interior panels are in position, covering electrical wiring and associated fittings.	5. Panels insecure or missing.	

NOTE:

Where applicable, a jack, first aid kit, fire extinguisher and wheelchair ramps may be carried in the luggage compartment provided they are firmly secured.

9. ENGINE COMPARTMENT/TRANSMISSION/MOUNTINGS

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
9.1 Carry out a visual inspection of the engine compartment for signs of oil or fuel leaks.	1. Any fuel leakage. 2. Any oil leakage where oil contamination is apparent over parts of the engine or underside of the vehicle or where oil is seen to be dripping from the vehicle.	Inspection to be carried out from both above and below the vehicle.
9.2 Ensure that the battery is properly secured in position.	3. Insecure battery.	
9.3 Examine all rubber/plastic hoses for signs of wear or deterioration.	4. Significantly worn or deteriorated hoses.	
9.4 Check the fan belt for signs of incorrect adjustment and/or deterioration.	5. An incorrectly adjusted or deteriorated fan belt.	
9.5 Examine the engine mountings for signs of deterioration.	6. Insecure or deteriorated engine mountings.	
9.6 Ensure that the radiator is properly secured to the vehicle and check for signs of any leaks.	7. A leaking or inadequately secured radiator.	
9.7 Examine the inner wing panels and suspension mounting tops for evidence of corrosion. (See Notes).	8. Corrosion to the inner wing panels and suspension mounting tops.	This should include any corrosion around headlamp mountings.
9.8 Check the braking system for any signs of spillage or leakage of fluid.	9. Brake fluid leak.	

ENGINE COMPARTMENT/TRANSMISSION/MOUNTINGS: Cont'd

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
9.9 Check the clutch mechanisms for correct operation.	10. Fluid leakage or mechanical component wear in the clutch mechanisms.	
9.10 Check the operation of the bonnet release catch.	11. Defective bonnet release catch/mechanism and safety catch.	

10. INTERIOR OF VEHICLE:

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
10.1 Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris, cigarette ash, staining or excessive wear.	1. A vehicle which is in a dirty condition with accumulations of dust, litter, debris, etc., or staining to the carpets or upholstery.	Vehicle will be failed if cushion/backrests, upholstery, carpeting or matting are collapsed, holed, split, temporarily repaired, dirty or stained. Correctly fitted seat covers will be acceptable.
10.2 Check that there are no excessive unpleasant odours noticeable inside the vehicle.	2. Unacceptable smells of vomit, food or other contaminants.	
10.3 Remove any mats from the floor and examine the carpeting for signs of leakage of water into the vehicle.	3. Evidence of leakage of water into the vehicle from rainwater penetration or leaking cooling/heating system.	
10.4 Examine any mats provided to ensure that they are not worn or damaged.		
10.5 Ensure that all seat cushions and back rests are in a good condition and offer proper support to passengers and the driver.		
10.6 Examine all seats to ensure that they are properly secured to the vehicle; with a fixed rear seat ensure that the seat cushion is not loose.	4. Seats which are not adequately secured to the vehicle.	
10.7 Check the adequacy and operation of the interior light within the vehicle, both the manual switch and the door operated switches.	5. Inadequate interior lighting. Faulty interior light fitting. Faulty interior light switch. Faulty interior light door switches.	The light should be adequate to illuminate the interior of the vehicle so that the passenger(s) can clearly see the driver and all of the interior of the vehicle if necessary.

INTERIOR OF VEHICLE: Cont'd

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
10.8 Examine the interior rear view mirror and ensure that it is securely fixed.	6. A loose, damaged or missing rear view mirror.	
10.9 Check the operation of the heater/windscreen demister to ensure that it is in satisfactory working order.	7. Defective heater/windscreen demister.	
10.10 Examine the clutch and brake pedal rubbers for signs of excessive wear.	8. Worn or missing brake and/or clutch pedal rubbers.	
10.11 Check the operation of all window winders ensuring that they allow all windows to be fully lowered and raised easily.	9. Window winders that do not allow windows to be easily lowered or raised.	
10.12 Check the operation of all door release catches to ensure that doors can be opened easily from within the vehicle.	10. Defective interior door release catches.	
10.13 Ensure that childproof locks (if fitted) to rear doors are in working order.	11. Defective child proof locks.	
10.14 Check that in special events vehicles any facilities (such as drinks bars) are safe and free from hazards.	12. Unsafe facilities.	Hazards could include sharp or exposed parts or electrical equipment.
10.15 Check that estate cars are fitted with a luggage guard or cover.	13. Luggage guard/cover not fitted or ineffective.	A grille or luggage guard/cover which will prevent luggage injuring passengers in an accident should be fitted if a boot is not available.

INTERIOR OF VEHICLE: Cont'd

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
10.16 If a metal grille or luggage bar(s) is fitted, check to ensure that there are no sharp or exposed parts which could cause injury to a passenger or driver.	14. Loose or incorrectly fitted grille or exposed parts which could cause injury	A grille or luggage guard/cover which will prevent luggage injuring passengers in an accident should be fitted if a boot is not available.

11. FIRST AID KIT:

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
11.1 Ensure that a first aid kit is provided within the vehicle.	1. Failure to provide a first aid kit.	<p>The Council's specification for first aid kits states that each kit should contain the following:-</p> <ul style="list-style-type: none"> (a) 6 individually wrapped sterile adhesive dressings; (b) one medium sized sterile unmedicated dressing (approx 10cm x 8cm; examples of suitable dressings currently available are the Standard Dressings No.8 and No.13 B.P.C.); (c) one triangular bandage (this should if possible, be sterile; if not, a sterile covering appropriate for serious wounds should also be included); (d) 6 safety pins. <p>Contents will not be checked during the vehicle inspection, but may be checked by the Enforcement Officer.</p>
11.2 Ensure that the first aid kit is correctly sited and there is a sign on the dashboard indicating the location. (See Notes)	2. (a) A first aid kit is not correctly sited. (See Notes) (b) A legible sign is not displayed on the dashboard indicating the location of the first aid kit.	<p>The first aid kit should be sited in the front centre of the vehicle or in the front passenger compartment and should be visible from the front and rear seats of the vehicle and readily accessible to the passengers. In certain circumstances where, because of the design of the vehicle, the kit cannot be sited in the above positions it may be positioned in an alternative location.</p>

FIRST AID KIT: Cont'd

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
11.3 See that the first aid kit is permanently legibly marked with the Registration No. or the Licence Plate No. of the vehicle being tested.	3. A first aid kit which is not permanently legibly marked with the Registration No. or the Licence Plate No. of the vehicle.	

12. FIRE EXTINGUISHERS:

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
12.1 Ensure that the fire extinguisher provided is a minimum size of 1kg dry powder or 1 ltr AFFF foam of a stored pressure type which complies with both British and European Standards and is marked BS. EN3.	1. Failure to provide a fire extinguisher, or a fire extinguisher of the stated type, within the vehicle.	
12.2 See that the fire extinguisher is secured within the vehicle and there is a sign on the dashboard indicating the location.	2. (a) A fire extinguisher which is not secured. (b) A legible sign is not displayed on the dashboard indicating the location of the fire extinguisher.	A fire extinguisher may be secured in the boot area.
12.3 Examine the fire extinguisher to ensure that it is within the test date and that the seal is not broken. Where a pressure gauge is fitted ensure that the extinguisher is at the correct pressure.	3. (a) a fire extinguisher which has a broken seal; (b) a fire extinguisher which is not pressurised (stored pressure type of extinguisher); (c) a fire extinguisher which is more than 5 years old from date of manufacture.	
12.4 Examine the fire extinguisher mounting to see that it is sufficiently well secured to the vehicle to prevent it becoming dislodged by normal use of the vehicle.	4. A fire extinguisher which is not securely fixed within the vehicle.	
12.5 Check whether the fire extinguisher is permanently legibly marked with the Registration No. of the vehicle or the Licence Plate No. of the vehicle.	5. A fire extinguisher which is not permanently, and legibly marked with the Registration No. of the vehicle or the Licence Plate No. of the vehicle.	

13. ROAD TEST: (All vehicles will undergo a short road test)

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
13.1 Check for any vibrations through the steering column or transmission.	1. Any unreasonable vibration through the steering column or transmission.	
13.2 Check that the steering is true and positive and does not 'pull' to the nearside or offside.	2. Steering which pulls to the nearside or offside or which is not positive.	
13.3 Check that the operation of the footbrake does not cause the vehicle to judder, or to pull the vehicle to the nearside or offside.	3. Juddering or pulling to nearside/offside when the footbrake is applied.	
13.4 Listen for any unusual noise from the engine and transmission.	4. Unacceptable engine or transmission noise.	
13.5 Check the clutch for correct operation.	5. A clutch which fails to give proper clearance or slips in operation.	
13.6 Check the operation of the gearlever for signs of wear in the mechanism.	6. Evidence of wear in gearlever mechanism.	
13.7 Test the vehicle exhaust emission for evidence of excessive smoke.	7. Excessive smoke emission.	
13.8 Observe the performance of the engine during the road test for signs of any misfiring, lack of engine power, etc., or any indication that the engine is not functioning in the correct manner.	8. Any evidence that there is a problem affecting the performance or reliability of the vehicle.	

ROAD TEST: (Cont'd)

13.9 Check the operation of the speedometer.	9. Speedometer inoperative or defective.	
13.10 Report any other matters which affect the fitness of the vehicle for use as a Hackney Carriage or Private Hire Vehicle.		

14. WHEELCHAIR FACILITIES (IF PROVIDED):

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
14.1 Check condition and operation of wheelchair restraints.	1. Wheelchair restraint(s) missing, anchorage(s) insecure, webbing frayed, electrical or mechanical locking device ineffective.	
14.2 Check disabled persons seatbelt in accordance with Section 6.	2. See Section 6.	

15. RAMPS (IF PROVIDED):

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
15.1 Check that appropriate ramps are securely installed in the boot compartment.	1. Inappropriate ramps installed, retaining device missing, or ineffective. Ramps missing.	Any ramps stored other than in the vehicle will need to be presented at the time of test.
15.2 Examine the ramps for damage, sharp edges or corners.	2. See Section 6.	
15.3 Check, as applicable, the non-slip provision and locating dowel pins.	3. Non-slip provision worn, missing or ineffective. Locating dowel pins damaged, loose or missing.	
15.4 Check that the ramps if not stored in the boot are stored in such a position as not to cause any trip hazard or obstruction to any exit door or route and can be secured when not in use.	4. Ramps cause an obstruction or trip hazard or are not capable of being secured when not in use.	If ramps not normally kept in vehicle they will still be required to be presented for inspection with the vehicle.

16. LIFTS (IF PROVIDED):

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
16.1 Examine the lift and all visible fastenings for security and wear.	1. There is obvious wear or lack of security.	1. The proprietor of the vehicle shall provide to the Council at the time of the inspection, a certificate signed by a suitably qualified person. The certificate shall be in accordance with Regulation 9 of the Lifting Operations and Lifting Equipment Regulations 1998. If the certificate expires in the period of any licence issued by the Council then the proprietor of the vehicle shall present the continuation certificate when received.
16.2 Have the proprietor of the vehicle operate the lift and check any wiring and hydraulic pipes together with the incline of the load platform and safety barriers.	2. Any wiring defects or leaking hydraulic pipes, tilting load platform or of lack of safety barriers.	
	3. Safe working load not displayed on lift.	

17. VEHICLES PROPELLED BY LIQUID PETROLEUM GAS:

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
17.1 Examine the fuel system for leaks and wear.	1. There is obvious wear or leaks on the system.	Notwithstanding any other policy of the Council which may be relevant to an application for a licence, where an application is made for the grant or renewal of a Hackney Carriage licence or a Private Hire Vehicle licence in respect of a vehicle propelled by Liquid Petroleum Gas (LPG), it shall be accompanied by a certificate, duly signed by the person who installed the system that he is an installer approved by the Liquid Petroleum Gas Association and that he has installed the system in accordance with the Liquid Petroleum Gas Association Code of Practice 11 Autogas Installations.
17.2 Examine fuel pipes for chaffing, fouling.	2. Evidence that fuel pipes are chaffing, or fouling.	

18. ANY OTHER DEFECTS:

<u>METHOD OF INSPECTION:</u>	<u>REASONS FOR FAILURE:</u>	<u>NOTES:</u>
18.1 If in the opinion of the Council's vehicle examiner, there is a defect or fault present on the vehicle which is not specifically catered for within this manual which is detrimental to the fitness or safety of the vehicle then that defect will constitute a failure.		

**SPECIFICATION FOR HACKNEY CARRIAGES
AND PRIVATE HIRE VEHICLES**

A VEHICLE MUST HAVE:-

1. Right hand drive.
2. At least two doors and windows.
3. The vehicle should be equipped with a minimum of four road wheels fitted with manufacturer's recommended size tyres. All tyres must be either all crossply or all radials. (Remould tyres are NOT acceptable unless they are clearly marked showing that they comply with British Standard BSAU144E).
4. A spare tyre of the same type as fitted to the road wheels, a jack and wheelbrace.
5. A permanent roof which is watertight – standard sunroof allowed (i.e., sunroof fitted when new by manufacturer).
6. A separate locking luggage area (i.e., boot) or in the case of an estate vehicle, a permanent grille, luggage bar(s) or manufacturer's recommended device fitted sufficiently to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat.
7. Rear seat belts (irrespective of age).
8. Nearside and offside exterior rear view mirrors.
9. An appropriate taxi sign (Hackneys only).
10. Sufficient means by which a passenger can communicate with the driver.
11. A fully serviceable fire extinguisher, fitted in such a position to be readily available for use and a capacity of not less than 1.0 litre AFFF or 1kg dry powder.
12. An approved first aid kit (as per Testing Manual).
13. A clean and smart appearance, both externally and internally.
14. Passenger seats shall comply with manufacturer's specification and comply with the current Construction and Use Regulations applicable to the vehicle.
15. All seating arrangements shall be in accordance with manufacturer's specification and comply with the current Construction and Use Regulations applicable to the vehicle.
16. No more than 25% of each window tinted and no tinting which will affect clear views.

EXEMPTIONS AND VARIATIONS FOR SPECIAL EVENTS PRIVATE HIRE VEHICLES

1. The vehicle may be left-hand drive.
2. All tyres shall be sufficient for the weight of the vehicle (e.g., 225/70 – R16 107T reinforced tyres or 245/60 - R17 108T Energy L x 4 tyres).
3. Seat belts shall not be required for side-facing or rear-facing seats.
4. Side facing seats are not allowed in the driver compartment.
5. Any conversion which creates a “stretched limousine” which varies from the original manufacturer’s specification shall require a Single Vehicle Approval Certificate (for imported vehicles) or a Cadillac Master Coachbuilder (CMC) Certificate or a Qualified Vehicle Modifier (QVM) Certificate issued by a Coachbuilder approved by the vehicle’s original manufacturer.
6. Tinted glass will be allowed in passenger compartments. No more than 25% of the front windscreen or driver’s side windows shall be tinted and no tinted glass shall be allowed between the driver compartment and the passenger compartment.
7. Non-traditional vehicles may need to meet other specifications to satisfy the Licensing Authority that they are safe.

NOTE:

- An MOT Certificate is required after the first year of registration.
- Additional requirements relating to mechanical/equipment issues are contained in the Council’s Testing Manual.
- A Test will be undertaken by the Council’s Approved Inspector.

HAMBLETON DISTRICT COUNCIL

DISCLOSURE(S) OF CRIMINAL RECORDS

**APPLICANTS FOR HACKNEY CARRIAGE/
PRIVATE HIRE VEHICLE DRIVERS' LICENCES**

As Hambleton District Council meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, all applicants for a Hackney Carriage or Private Hire Vehicle drivers licence will be subject to a criminal record disclosure from the Criminal Records Bureau (CRB) before a licence is granted. This will include details of cautions, reprimands or final warnings, as well as convictions.

SCOPE:

1. The legislation provides that Local Authorities with responsibilities under the Local Government (Miscellaneous Provisions) Act 1976 may require applicants for a Hackney Carriage or Private Hire Vehicle (PHV) driver licence to apply for a Criminal Records Disclosure.

CRIMINAL RECORDS BUREAU (CRB) DISCLOSURE

2. In all cases of new applications and every three years for renewals a CRB Disclosure will be made against Government Records and the national collection of criminal records maintained on the Police National Computer (PNC). A fee (for each individual enquiry) is payable to the Council by the Applicant with the application for a licence.

LEAD COUNTERSIGNATORY:

3. An officer in the Council known as the Lead Countersignatory (currently the Human Resources Manager) will take responsibility for use of the Disclosure Service. He or she will be responsible for:-
 - overseeing the operation of the disclosure procedure within the Authority and act as the principal point of contact with the CRB;
 - ensuring that disclosure requests fall within the terms of the legislation;
 - ensuring that requests are made at the right time;
 - ensuring that the provisions of Rehabilitation of Offenders Act 1974 are observed;
 - ensuring that information received from the CRB is released only to those who need to see it; and
 - ensuring that records are kept securely and for no longer than is necessary;

- disposal of documents in an appropriate manner;
- specify additional Countersignatories to assist in the Disclosure application process.

ROLES OF THE COUNTERSIGNATORY:

4. The Electoral and Licensing Manager is a Countersignatory for the purposes of CRB checks for drivers' licences. He/she will be required to:-
 - countersign applications and receive the Disclosures;
 - control the use of, access to, and security of disclosures;
 - confirm the details of the documentary evidence requested by the CRB, to establish the identity of the applicant applying for the Disclosure;
 - ensure compliance with the Code of Practice; and

PROCEDURE

5. CRB Disclosures form an integral and important part of the licensing procedures. Other checks, however, to establish a person's integrity and fitness to hold a licence to drive a Hackney Carriage or Private Hire Vehicle will be carried out, and attempts may be made to account satisfactorily for any unexplained gaps in residential addresses.
6. In considering applications from potential licence holders the Council are aware that applicants have to reveal offences which are spent under the Rehabilitation of Offenders Act 1974, and these may be included in any record provided by the CRB. The Council reserves the right to act as a judicial authority in the case of spent convictions involving serious offences (i.e., death by dangerous driving, drugs, violence, sexual offences or offences of a habitual nature). This means that, the Council may take these into account when they come to light.
7. An applicant will be required to undertake an Enhanced CRB Disclosure.
8. The Hambleton District Council area is predominately a rural area with limited public transport options. Vulnerable adults and persons under 18 regularly use Hackney Carriage and Private Hire Vehicles as a means of transport. The logistics of the area are such that these journeys will often be in the early hours of the morning or late at night and be unsupervised. Licensed vehicles are regularly used by parents, guardians, schools and welfare organisations as a means of transporting persons under 18. Furthermore, legislation is such that when waiting on a taxi rank a Hackney Carriage driver is unable, without reasonable cause, to refuse a hiring from a person under 18. When plying for hire, Hackney Carriage drivers are therefore not in a position to decline hirings from young persons. The majority of Hackney Carriage and Private Hire hirings will be unsupervised, placing the driver in a position of trust. When entrusting young persons to the care of licensed drivers, the public expect those drivers to have been through rigorous checking procedures.
9. They expect the licensing system to ensure a high level of protection. For these reasons the Council are of the opinion that an Enhanced Level of CRB Disclosure is required.

10. The Council will make every effort to confirm the identity of the applicant before the CRB are asked to process a Disclosure. Verification of identity, date of birth, address and any change of name will be obtained. Incomplete or incorrect identification details may invalidate the CRB Disclosure.
11. Where an applicant claims to have changed his/her name by Deed Poll or any other mechanism (e.g., marriage, adoption, statutory declaration) he/she must produce documentary evidence of such a change.
12. Photocopies of any of the above documentation will not be acceptable. Original documents must be produced.
13. The Council may take copies of photographic evidence and any Birth Certificates presented, but will not normally make photocopies of any address-related evidence. With regard to address-related evidence applicants will be assured that it is only the address section of the evidence that will be scrutinised by Officers.
14. When a CRB Disclosure is desired, the Council, using the official Disclosure Request Form will send the request to the CRB. However the costs are the responsibility of the applicant.
15. The CRB will reply to the nominated Council Countersignatory and the applicant either indicating that there is no trace on CRB records of a record which matches the details provided, or that those details appear identical with the person whose record will be attached. The record will contain details of all convictions recorded nationally against that person.
16. Where the information provided by the CRB differs from that provided by the applicant, and is of significance, the nominated Countersignatory will discuss the discrepancy with the applicant before reaching any final decision in which the nature of the information received is a factor.
17. It is noted that applicants themselves may reveal certain minor convictions or cautions which are not recorded in the national collection of criminal records and, therefore, not included in the convictions provided by the CRB. In general, corroboration of such convictions or cautions will not be sought from the CRB.
18. A person who believes the information provided by the CRB is incorrect and who wishes to make representations to the Council regarding the matter, may do so. Applicants should approach the CRB if they think a mistake has been made on a disclosure.

CHECKS ON PERSONS ALREADY IN POSSESSION OF HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS' LICENCES:

19. Checks will not normally be made on persons other than in connection with an application for grant or renewal of a licence. If, however, serious allegations are made against a driver, or previously unrevealed information comes to light and the Council is satisfied that the information cannot be verified in any other way, the licence holder may be asked to produce a current Disclosure. The Council will undertake to pay the cost of the Disclosure. The Disclosure cannot be undertaken without the knowledge of the individual concerned who will be given an opportunity to discuss the outcome of the same.

20. The Council will not cover the cost of Disclosures in respect of first time and renewal applications for a licence.
21. Should a licence holder refuse to co-operate with a request to produce a Disclosure, then the Council will take action accordingly, which could lead to the revocation or suspension of a licence.

USE OF INFORMATION

22. The fact that a person has a criminal record or is known to the Police does not necessarily mean that he or she is unfit to hold a driver's licence. The Council will make a balanced judgement about a person's suitability, taking into account only those offences which are considered relevant to the person's suitability to hold a licence. A person's suitability will be looked at as a whole in the light of all the information available.
23. In deciding the relevance of convictions, the Council will bear in mind that offences, which took place many years in the past, may often have less relevance than recent offences. Similarly, a series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. In any event the importance of rehabilitation will be weighed against the need to protect the public.
24. In order to ensure consistent and fair treatment when determining whether or not criminal convictions render an applicant unsuitable to hold a licence, the Council has drawn up detailed policy guidelines containing general criteria against which applications may be considered. These are contained in the Guidelines Relating to the Relevance of Convictions – Hackney Carriage and Private Hire Vehicle Drivers.
25. Where it is discovered that a driver, licensed prior to implementation of the Criminal Records Bureau, had failed to disclose past convictions, the Council will consider carefully whether they should now refuse to re-grant the driver licence. In most cases, if those convictions are such that they would now lead to the refusal of a licence, refusal will be considered. If, however, previously unrevealed convictions are discovered which would not now disqualify the individual from holding a license, consideration may be given to granting it.

APPEALS:

26. Any person who is aggrieved by the Council's decision to refuse a driver's licence may appeal to a Magistrates' Court.

STORAGE AND DESTRUCTION OF RECORDS:

27. Any information the CRB supply will be of a sensitive and personal nature. It will be used only in connection with the application, which gave rise to the request for a Disclosure to be made. The Lead Countersignatory must ensure it is kept securely while the licensing process takes its course and that the information is not kept for longer than is necessary. Generally information will not be kept for more than 6 months. Disclosure information will be kept securely in lockable, non-portable, storage containers with access strictly controlled and limited to those entitled to see it as part of their duties.

28. Once the retention period has lapsed the Disclosure information will be destroyed by secure means, i.e., by shredding, pulping or burning.

CHECKS ON APPLICANTS FROM OVERSEAS:

29. Other than in exceptional circumstances, the Council cannot:-
- make enquiries about the antecedents of people from overseas; or
 - establish details of convictions acquired outside the United Kingdom.
30. Applicants from certain other countries will, however, be required to produce certificates of good conduct from a reputable source such as a Government Department or an Embassy covering the whole period of their residence in the other country during the 10 years prior to their application. The certificate will have to include a check on previous convictions from a reputable source. An inability to provide an appropriate certificate will normally lead to a refusal of a licence.

MONITORING:

31. Where possible the Council will collate the following information in respect of CRB Disclosures:-
- number of CRB disclosures requested in respect of taxi applicants;
 - any apparent difficulties with these arrangements, including the resource implications.

MEMBERS' RESPONSIBILITIES:

32. Members of the Council have the same responsibilities as Officers of the Council in dealing with criminal records and the Council will draw those responsibilities to the attention of Members from time to time.

HACKNEY CARRIAGE AND PHV DRIVERS UNDERTAKING CONTRACT HIRE WORK:

33. Applicants who intend to undertake Contract Hire work may be required to undertake a further CRB Disclosure by the hirer. North Yorkshire County Council (NYCC), for example, require Hackney Carriage and Private Hire Vehicle drivers to undertake a Disclosure before undertaking contract work involving the transport of schoolchildren or vulnerable adults.

HAMBLETON DISTRICT COUNCIL

**GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS – HACKNEY
CARRIAGE AND PRIVATE HIRE VEHICLE (PHV) DRIVERS**

1.0 GENERAL POLICY:

- 1.1. Each case will be decided on its own merits.
- 1.2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
- 1.3. A series of offences over a period of time is more likely to give cause for concern than an isolated, minor conviction. A serious view will be taken when an applicant shows a pattern of offences.
- 1.4. Persons with convictions for sexual offences involving children or of a child related nature or other very serious crime will not normally be issued with a licence.
- 1.5. The Council reserves the right to act as a judicial authority in the case of spent convictions involving serious offences (i.e., death by dangerous driving, drugs, violence, sexual offences or offences of a habitual nature).
- 1.6. The Council generally considers that offences committed by licensed Hackney Carriage/Private Hire drivers should be considered more seriously than offences committed by individuals when not licensed. This is because current licensees have previously been judged as fit and proper and are aware of the standards required of them and are expected to maintain those high standards of personal conduct.
- 1.7. The aim should not be to punish twice but to ensure that public safety is not compromised.
- 1.8. Periods free from conviction should run from the date of the last relevant conviction or the end of any custodial sentence (if later).
- 1.9. The following examples afford a general guide on the action to be taken where convictions occur.

2.0 MINOR TRAFFIC OFFENCES:

New Applicants:

- 2.1 Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc., should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. In certain instances it may be appropriate to

issue a licence together with a strong warning as to future driving requirements. If a significant history of offences is disclosed, refusal of an application may result.

- 2.2 New applicants who have received 9 or more penalty points (in respect of minor traffic offences) on their driving licence during the 12 months prior to the date of application may be refused. Applicants who have recently been disqualified from driving under the "totting-up" procedure will not normally be granted a licence unless they have held a licence for at least 1 year following the expiry of the period of disqualification without receiving any further penalty points.
- 2.3 Any new applicants who have been disqualified from holding a DVLA licence under the Road Traffic (New Drivers) Act 1995 will not normally be granted a licence unless they have held a licence for at least one year (after the restoration of the DVLA licence) without receiving any further penalty points before he/she is granted a licence.

Existing Licence Holders:

- 2.4 A Hackney Carriage/Private Hire Vehicle driver receiving 6 or more penalty points during any three year period will normally be issued with a written warning as to future conduct.
- 2.5 Any current driver disqualified from holding a DVLA licence under the "totting-up" procedure should normally expect to have his/her Hackney Carriage or Private Hire Vehicle driver licence revoked. Normally at least 2 years should then elapse (after the restoration of the DVLA licence) without receiving any further penalty points before he/she is granted a licence.
- 2.6 In the case of an existing Hackney Carriage/Private Hire Vehicle driver where the Court considers the "totting-up" disqualification of a DVLA licence, even if the Court does not disqualify, the Council is likely to revoke the Hackney Carriage or Private Hire Vehicle licence. Normally at least 2 years should elapse (after the restoration of the DVLA licence) without receiving any further penalty points before the individual is granted a licence.
- 2.7 Any current driver disqualified from holding a DVLA licence under the Road Traffic (New Drivers) Act 1995 should normally expect to have his/her Hackney Carriage or Private Hire Vehicle driver licence revoked. Normally at least two years should then elapse (after the restoration of the DVLA licence) without receiving any further penalty points before he/she is granted a licence.

3.0 MAJOR TRAFFIC OFFENCES:

New Applicants:

- 3.1 An isolated conviction for reckless driving or driving without due care and attention etc., should normally merit a warning as to future driving and advice on the standard expected of Hackney Carriage/Private Hire Vehicle drivers. More than one conviction for this type of offence within the last two years should normally merit refusal and no licence should be granted until a period of 2 years free from convictions has elapsed.

Existing Licence Holders:

- 3.2 Similarly, a first conviction during the period of a Hackney Carriage/Private Hire Vehicle drivers licence will lead to a warning as to future conduct, and may lead to revocation of that licence for subsequent convictions. Normally at least 3 years should elapse before the individual is reconsidered for a licence.

4.0 INSURANCE OFFENCES (WITH A MOTOR VEHICLE):

New Applicants:

- 4.1 A serious view should be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past should not necessarily debar an applicant, but strict warning should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to an applicant's fitness to hold a Hackney Carriage or Private Hire Vehicle drivers licence. At least 2 years should elapse without a further similar offence before an applicant, who has been convicted of insurance offences, is granted a Hackney Carriage or Private Hire Vehicle driving licence.
- 4.2 Any applicant with three insurance offences or more within the last 5 years should not be considered fit and proper to hold a Hackney Carriage or Private Hire Vehicle drivers licence with the Council.

Existing Licence Holders:

- 4.3 A driver found guilty of driving passengers for hire and reward whilst without insurance should normally expect to have his/her Hackney Carriage or Private Hire Vehicle drivers licence revoked and no new driver's licence issued until a period of 3 years has elapsed without further similar offences. A driver with three offences within five years should never normally be considered for a new licence.

5.0 DRUNKENESS:

With an Unlicensed Motor Vehicle:

New Applicants:

- 5.1 A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse without a further similar offence before an applicant is granted a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment before a licence is granted.

Existing Licence Holders:

- 5.2 A Hackney Carriage or Private Hire Vehicle driver found guilty of a drink driving offence should normally expect to have his/her drivers licence revoked

immediately. They would not normally be granted a fresh licence unless a period of 5 years has elapsed without a similar offence.

With a Licensed Vehicle:

Existing Licence Holders:

- 5.3 A driver found guilty of drunk driving offences whilst plying for hire or driving passengers for hire and reward should normally expect to have his Hackney Carriage or Private Hire Vehicle drivers licence revoked immediately. They would not normally be granted a fresh licence unless a period of 5 years has elapsed without a similar offence.

Not in Motor Vehicle:

New Applicants:

- 5.4 An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see 5.1 above). In some cases, a warning may be sufficient.

Existing Licence Holders:

- 5.5 An isolated conviction for drunkenness need not lead to revocation of a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see 5.1 above). In some cases, a warning may be sufficient.

6.0 DRUGS:

New Applicants:

- 6.1 A serious view is taken of any drug related offence. An applicant with a conviction for a drug related offence (including the supply or trafficking of drugs) should normally be required to show a period of at least 3 years free of convictions before a licence is granted, or 5 years after detoxification treatment if he/she was an addict. More than one conviction for a drugs related offence should normally require a period of 5 years free from similar convictions.

Existing Licence Holders:

- 6.2 A Hackney Carriage or Private Hire Vehicle driver found guilty of driving whilst under the influence of drugs, or found guilty of any drug-related offence should normally expect to have his/her drivers licence revoked immediately. They would not normally be granted a fresh licence unless a period of 5 years has elapsed without a similar offence.
- 6.4 A specialist medical examination may be required.

7.0 INDECENCY OFFENCES:

New Applicants:

- 7.1 As Hackney Carriage and Private Hire Vehicle drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, will normally be refused until they can show a substantial period (at least 5 years from the end of any sentence) free of such offences. It is unlikely that anyone with more than one conviction of this kind will ever be licensed. If a licence is granted a strict warning as to future conduct should be issued.

Existing Applicants:

- 7.2 A driver found guilty of indecency offences during the period of a licence should normally expect to have his/her Hackney Carriage or Private Hire Vehicle licence revoked immediately. It is unlikely that anyone in this situation will ever be licensed again.

8.0 VIOLENCE:

New Applicants:

- 8.1 As Hackney Carriage and Private Hire Vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should normally be shown before a licence is granted and even then a strict warning should be administered.

Existing Licence Holders:

- 8.2 A Hackney Carriage or Private Hire Vehicle driver found guilty of a violent offence in connection with carrying passengers or otherwise should normally expect to have his/her licence revoked immediately. Normally a period of 4 years should elapse without a similar offence before he/she is granted a fresh licence.

9.0 DISHONESTY:

New Applicants:

- 9.1 Hackney Carriage and Private Hire Vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday, is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any lost property being kept by an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 years free of conviction should be required before granting a licence.

Existing Licence Holders:

- 9.2 A Hackney Carriage or Private Hire Vehicle driver found guilty of an offence involving dishonesty should normally expect to have his/her licence revoked immediately. They would not normally be granted a fresh licence unless a period of 4 years has elapsed without a similar offence.

10. OFFENCES UNDER HACKNEY CARRIAGE/PRIVATE HIRE LEGISLATION:

New Applicants:

10.1 One of the main purposes of the licensing regime is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Licensing Acts. A serious view will be taken of an applicant who has been convicted of an offence under the Acts at any time during the 12 months preceding the application. In certain instances it may be appropriate to issue a licence together with a strong warning as to future conduct. An applicant who has more than one conviction within the last 2 years preceding the date of application, will normally be refused a licence.

Existing Licence Holders:

10.2 In the case of a current Hackney Carriage or Private Hire Vehicle driver the Council may consider revocation of the licence. Normally a period of two years should elapse without a similar offence before he/she is granted a fresh licence. A licensee who has more than one conviction within the last two years preceding the date of application will normally be refused a licence.

11.0 CAUTIONS:

11.1 Adult cautions are not regarded as convictions, but being admissions of guilt, may be taken into consideration as if they were convictions.

12.0 OTHER OFFENCES:

12.1 This section includes offences which do not easily fit within one of the above categories but are considered relevant to the suitability of an individual to hold a Hackney Carriage and/or Private Hire Vehicle drivers licence. It suggests the period which should be free of convictions before a licence is granted.

OFFENCES	COMMITTED WHILST NOT LICENSED	COMMITTED WHILST LICENSED
	Applicant	Former Licensee
	Normal period since conviction (or end of sentence if later) or caution before licence granted	Normal period since conviction (or end of sentence if later) or caution before licence granted
Perverting the course of justice	3 years	4 years
Arson	3 years	4 years
Possession of a weapon	2 years	3 years
Harassment	1 year	18 months
Minor public order offences	1 year	18 months
Offences under Equalities legislation	1 year	18 months

13.0 SUMMARY OF REHABILITATION PERIODS:

Offence	Committed Whilst Not Licensed	Committed Whilst Licensed
	Applicant	Former Licensee
	Normal Period since conviction (or end of sentence if later) or caution before licence granted	Normal period since conviction (or end of sentence if later) or caution before licence granted
Minor Traffic Offence Disqualification	1 year	2 years
Major Traffic Offence (more than 1 offence)	2 years	3 years
Insurance (1 offence)	-	3 years
Insurance (2 offences)	2 years	3 years
Insurance (3 or more offences)	Never	Never
Drunkenness	3 years	5 years
Drugs	3 years	5 years
Indecency (one offence)	5 years	Never
Indecency (two or more offences)	Never	Never
Violence	3 years	4 years
Dishonesty	3 years	4 years
Hackney Carriage/PHV Legislation (one offence)	1 year	2 years
Hackney Carriage/PHV Legislation (two or more offences)	Never	Never

MEDICAL CHECKS

1. The Council will require its own medical form to be completed by a qualified General Practitioner. The form will be supplied by the Council. The fee for the examination and report is payable by the applicant direct to the doctor.

2. The Council applies the “Group 2” medical standards applied by the DVLA to the licensing of lorry and bus drivers. The standard can be viewed on the DVLA website. The “Group 2” standard precludes the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers of C1 vehicles who can meet a series of medical criteria. The Council will apply the C1 standards to Hackney Carriage/Private Hire drivers with insulin treated diabetes.

3. If a medical form raises a question about an applicant’s medical fitness the applicant may be required to provide a further report or reports, at his/her own cost, from a medical specialist.

4. Further medical checks will be required every five years for drivers under sixty five years of age and yearly for drivers over sixty five years unless specified otherwise by a medical practitioner or the Council.

BYELAWS FOR HACKNEY CARRIAGES

BYELAWS made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the Council of the District of Hambleton with respect to Hackney Carriages in the District of Hambleton.

INTERPRETATION:

1. Throughout these Byelaws “the Council” means the Council of the District of Hambleton and “the District” means the District of Hambleton.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED

2. (a) The Proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto in positions approved by the Council.
- (b) A proprietor or driver of a Hackney Carriage shall:-
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a Hackney Carriage shall:-
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept watertight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;

- (f) cause the carriage both externally and internally, including the fittings and furniture generally, to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
- (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver;
- (j) provide efficient interior lighting.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

4. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
5. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
6. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
7. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
8. The proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage:-
 - (a) any greater number of persons than the number of persons specified on the plate affixed to the carriage;
 - (b) any child under the age of ten years on any front passenger seat.
9. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge on the outermost garment in or adjacent to the lapel position and in such a manner as to be plainly visible.
10. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
 - (a) convey a reasonable quantity of luggage;

- (b) afford reasonable assistance in loading and unloading;
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES, FIXING THE CHARGES TO BE MADE IN RESPECT OF

- 11. The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
- 12. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
 - (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Chief Executive, Council Offices, Stone Cross, Northallerton and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

CONVEYANCE OF DEAD BODY OR PERSON SUFFERING FROM INFECTIOUS OR CONTAGIOUS DISEASE

- 13. Every proprietor or driver of a Hackney Carriage who shall knowingly convey in the carriage any person having any highly infectious or contagious disease or the body of any person shall immediately thereafter notify the Chief Environmental Health Officer of the Council.

PENALTIES

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

GIVEN under the Common Seal of the District Council this

19th Day of December 1986

THE COMMON SEAL OF THE COUNCIL)

OF THE DISTRICT OF HAMBLETON)
was hereunto affixed in the)

presence of)

Vice-Chairman

Deputy Clerk

CONDITIONS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCES

CONDITIONS OF LICENCE

Conduct of Driver

1. The driver shall:-
 - (a) give all reasonable assistance with passengers' luggage;
 - (b) at all times be clean respectable in his/her dress and person and behave in a civil and orderly manner;
 - (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or leaving the vehicle driven by him/her;
 - (d) not without the express consent of the hirer, drink or eat in the vehicle;
 - (e) 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;
 - (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle while he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

Passengers

2. The driver shall not convey or permit to be conveyed in a vehicle a greater number of persons than that prescribed in the licence for the vehicle.
3. The driver shall not allow there to be conveyed in the front of a vehicle beside him/her any child below the age of ten years.
4. The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

Lost Property

5. The driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.

6. If any property accidentally left in a vehicle by any person who may have been conveyed therein is found by or handed to the driver, he/she shall take it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of its owner, to a convenient Police Station and leave it in the custody of the officer in charge on his giving a receipt for it.

Written Receipts

7. The driver shall if requested by the hirer of a vehicle provide him/her with a written receipt for the fare paid.

Animals

8. The driver shall not convey in a vehicle any animal belonging to or in the custody of himself/herself or the proprietor or operator of the vehicle and he/she shall ensure that any animal belonging to or in the custody of any passengers is conveyed in the rear of the vehicle.

Prompt Attendance

9. The driver of a vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

Deposit of Licence

10. If the driver is permitted or employed to drive a vehicle of which the proprietor is someone other than himself/herself, he/she shall before commencing to drive that vehicle deposit this licence with that proprietor for retention by him/her until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his/hers.

Change of Address

11. The driver shall notify the Council in writing of any change of his/her address or telephone number during the period of the licence within seven days of such change taking place.

Convictions

12. The driver shall, as soon as practicable and in any event within seven days from the date of any conviction or fixed penalty fine, disclose to the Council in writing details of the sentence or fine imposed on him/her.

Return of Badge

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

Taxi Meter

14. If a vehicle being driven by a driver is fitted with a taxi meter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

Fare to be Demanded

15. The driver shall not demand from any hirer of a vehicle, fare in excess of any previously agreed for that hiring between the hirer and operator, or if the vehicle is fitted with a taxi meter and there has been no previous agreement as to the fare, the fare shown on the face of the taxi meter.

Road Safety

16. The driver shall not drive a vehicle in such a manner as to be dangerous or potentially dangerous to passengers, other road users or the public.

Driver's Badge

17. The driver's badge issued by the Council shall be displayed on the driver's person at all times when the vehicle is available for hire so that it is visible.

Knowledge of Vehicle

18. The driver shall not drive a vehicle unless he/she understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.

Customer Care

19. The Licensee shall (within 12 months of the commencement of the Licence) have completed and provided written evidence to the Council of completion of a course on Customer Care (including Disability) approved by the Council.

Medical Condition

20. The driver shall notify the Council in writing as soon as practicable and in any event within 7 days of his/her becoming aware of any medical condition suffered by him/her which may affect his/her ability to drive and operate a hackney carriage/private hire vehicle.

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

1. Licensed vehicles must comply in all respects with the requirements of any Act and Regulation in relation to the use of motor vehicle and any Code of Practice implemented by the Council.
2. The holder of this licence shall report to the Council details of any road traffic accident involving the vehicle as soon as practicable and in any event within 72 hours of its occurrence.
3. (a) The exterior licence plate and side panels shall be properly fixed externally to the vehicle bodywork in the positions required by the Council and the internal plate to the passenger side of the dashboard and displayed at all times in accordance with the reasonable instructions of the authorised Officer of the Council. The exterior licence plate and side panels must be maintained and kept in such condition that the information contained thereon is clearly visible to public view and the interior plate must remain clearly visible to passengers travelling in the vehicle at all times. It shall be fixed in such a manner as to be easily removable by an authorised Officer of the Council or Constable. Any defects to the plate should be reported to the Council for repair.
(b) The licence plates and side panels are the property of the Council. The licence plates and side panels shall be returned to the Council forthwith upon termination of the licence through either suspension, surrender, revocation or normal expiry.
4. The holder of this licence shall cause to be affixed and maintained in a conspicuous position, in accordance with the directions of the Council, any sign or notice as required from time to time by the Council.
5. (a) All wheelchair accessible vehicles shall display the recognised disability symbol.
(b) All specialist equipment shall be maintained in good working order.
6. (a) The private hire vehicle, including all fittings, must be well maintained and kept in good working order.
(b) If requested by the Council, an authorised Officer or a Constable, the vehicle shall be submitted for test and inspection.
7. The interior and exterior of the private hire vehicle shall be kept in a clean and tidy condition and all body work shall be sound and reasonably well maintained, free from dents and other distortions/damage. Any repairs and cosmetic improvements shall be of a reasonable quality and a good paint match achieved. Doors, door locks, boot/tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods shall operate correctly and all upholstery should be reasonably well maintained and free from unsightly repairs, stains and burns.

8. Where a licensed vehicle is manufactured or has been converted to be propelled by Liquid Petroleum Gas the holder of the licence shall produce, to the Council, a Certificate showing that the vehicle has been examined by a person approved by the Liquid Petroleum Gas Association and that the installation is safe, well maintained and in good working order.
9. The holder of this licence shall:-
 - (a) provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
 - (b) cause the interior of the vehicle to be kept wind and water tight;
 - (c) provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment;
 - (d) ensure that glass in all windows shall be kept clean and clear of obstruction to ensure that there is a clear view, both into and out of the vehicle. No more than 25% of the area of any window shall be tinted;
 - (e) cause the seats in the passenger compartment to be properly cushioned and covered;
 - (f) ensure that all seating is fitted and maintained in accordance with the vehicle manufacturer's specification and any Construction and Use Regulations applicable to the type of vehicle and seats shall not face sideways to the direction of travel unless approved in writing by the Council;
 - (g) cause the floor in the passenger compartment to be provided with proper carpet, mat or other suitable covering;
 - (h) carry a fire extinguisher in such a position as to be readily available for use and the extinguisher must comply with the requirements of the Council in its Testing Manual;
 - (i) ensure that provision for carrying luggage sufficient for the number of persons, for which the vehicle is licensed, is available and provision made to protect the luggage from inclement weather.
10. The holder of this licence shall not allow the colour, mechanical, structural/or seating specification of the private hire vehicle to be varied without the written consent of the Council.
11. (a) No signs, notices, advertisements, marks or other devices whatsoever shall be displayed on, in or from the vehicle except as may be required by statutory provisions or authorised by the Council.
 - (b) The foregoing provisions shall not apply to any sign which requests passengers not to smoke or which shows the name or logo of the Private Hire Operator provided the colour, size location and content are approved in advance by the Chief Executive of the Council.

- (c) The word "taxi" or cab or any similar word which in the opinion of the Council may imply that the vehicle is a Hackney Carriage shall not appear on the vehicle.
12. Where a private hire vehicle is fitted with a taximeter, the meter must be maintained in good working order at all times.
 13. The holder of this licence shall give notice in writing to the Licensing Section of the Council of any change of address or telephone number during the period of the licence within 7 days of such change taking place.
 14. Any damage to the private hire vehicle materially affecting the safety, performance or appearance of the vehicle shall be reported to the Council by the proprietor as soon as practicable and in any event within 72 hours of its occurrence in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and, until such time as it is repaired to the satisfaction of the authorised Officer of the Council, the vehicle shall not be used for hire.
 15. The holder of the licence shall not permit the private hire vehicle to be used to carry a greater number of passengers than the number prescribed in the licence.
 16. Seat belts, where supplied, shall be properly and securely fitted for each passenger authorised to be carried in the vehicle and shall be maintained in a safe condition. The holder of the licence shall ensure that seat belts (or child restraints where appropriate) are worn by all passengers when the vehicle is in motion.
 17. The holder of this licence shall not permit any animal belonging to the proprietor or the driver to ride in the vehicle and any animal of the hirer is to be conveyed in the rear of the vehicle. The holder of the licence must carry a guide dog or assistance dog belonging to a passenger, free of charge unless the driver has a proven medical condition that would preclude such action.
 18. The holder of this licence shall, as soon as practicable and in any event within 7 days of conviction or fixed penalty fine, disclose to the Licensing Section of the Council, in writing, details of any conviction or fine imposed on him/her during the currency of the licence.
 19. The holder of this licence shall retain the licence of all drivers driving the vehicle and produce the same to an authorised Officer of the Council or Constable on request.
 - 20.(a) The holder of this licence shall ensure that a valid Certificate of Insurance which complies with the requirements of the road traffic legislation is kept in force in respect of each driver of the private hire vehicle and in relation to its use for all potential hire uses (whether or not the vehicle is being used for that purpose) and the original Certificate of Insurance or a copy shall be kept in the vehicle at all times when it is in use.
 - (b) On being required by an authorised Officer of the Council or Constable, the holder of the licence or a driver shall produce the original certificate for examination, provided that, if he/she fails to provide such certificate on request, the holder of this licence shall within 7 days of such request produce it to the Licensing Section at the offices of the Council.

- 21.(a) The holder of this licence shall only permit the private hire vehicle to be driven by a driver licensed to drive a private hire vehicle by the Council and shall instruct such driver to comply with the appropriate conditions of this licence and the licence to drive issued by the Council.
- (b) The holder of this licence shall only permit the private hire vehicle to be driven by a driver who understands how to operate the vehicle and any equipment fitted to make the vehicle accessible by disabled persons.
22. The holder of this licence is strictly prohibited from transferring or purporting to transfer any interest in the private hire vehicle licence and if at any time during the period of the vehicle licence the proprietor for any reason does not wish to retain the vehicle licence he must immediately surrender and return the vehicle licence, the licence plates and side panels to the Licensing Section of the Council.
23. The holder of this licence shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left in it.
24. The licence holder, who is in possession of property left in the vehicle by a passenger shall:-

take it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of the owner, to a convenient Police Station and leave it in the custody of the Officer in charge on being given a receipt for it.

ADDITIONAL CONDITIONS FOR SPECIAL EVENTS VEHICLES

25. No passenger under the age of 14 shall be carried unless accompanied by a parent, guardian, carer or similarly responsible adult (other than the driver).
26. The vehicle shall not be in motion unless all passengers are seated.
27. Any drinking vessels or receptacles for liquids in the vehicle shall be made of either shatterproof glass or plastic.
28. No paying passenger shall travel in the driver's compartment.

HACKNEY CARRIAGE VEHICLE (PROPRIETOR'S) LICENCE **CONDITIONS**

1. Licensed vehicles must comply in all respects with the requirements of any Act and Regulation in relation to the use of motor vehicle and any Code of Practice implemented by the Council.
2. The holder of this licence shall report to the Council details of any road traffic accident involving the vehicle as soon as practicable and in any event within 72 hours of its occurrence.
3. (a) The exterior licence plate, side panels and any "taxi" sign shall be properly fixed externally to the vehicle bodywork in the positions required by the Council and the internal plate to the passenger side of the dashboard and displayed at all times in accordance with the reasonable instructions of the authorised Officer of the Council. The exterior licence plate and side Panels must be maintained and kept in such condition that the information contained thereon is clearly visible to public view and the interior plate must remain clearly visible to passengers travelling in the vehicle at all times. It shall be fixed in such a manner as to be easily removable by an authorised officer of the Council or Constable. Any defects to the plate should be reported to the Council for repair.

(b) The licence plates and side panels are the property of the Council. The licence plates and side panels shall be returned to the Council forthwith upon termination of the licence through either suspension, surrender, revocation or normal expiry.
4. The holder of this licence shall cause to be affixed and maintained in a conspicuous position, in accordance with the directions of the Council, any sign or notice as required from time to time by the Council.
5. (a) All wheelchair accessible vehicles shall display the recognised disability symbol.

(b) All specialist equipment shall be maintained in good working order.
6. (a) The hackney carriage, including all fittings, must be well maintained and kept in good working order.

(b) If requested by the Council, an authorised Officer or a Constable, the vehicle shall be submitted for test and inspection.
7. The interior and exterior of the hackney carriage shall be kept in a clean and tidy condition and all body work shall be sound and reasonably well maintained, free from dents and other distortions/damage. Any repairs and cosmetic improvements shall be of a reasonable quality and a good paint match achieved. Doors, door locks, boot/tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods shall operate correctly and all upholstery shall be reasonably well maintained and free from unsightly repairs, stains and burns.

8. Where a licensed vehicle is manufactured or has been converted to be propelled by Liquid Petroleum Gas the holder of the licence shall produce, to the Council, a certificate showing that the vehicle has been examined by a person approved by the Liquid Petroleum Gas Association and that the installation is safe, well maintained and in good working order.
9. The holder of this licence shall:-
 - (a) provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
 - (b) cause the interior of the vehicle to be kept wind and water tight;
 - (c) provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment;
 - (d) ensure that glass in all windows shall be kept clean and clear of obstruction to ensure that there is a clear view, both into and out of the vehicle. No more than 25% of the area of any window shall be tinted;
 - (e) cause the seats in the passenger compartment to be properly cushioned and covered;
 - (f) ensure that all seating is fitted and maintained in accordance with the vehicle manufacturer's specification and any Construction and Use Regulations applicable to the type of vehicle and seats shall not face sideways to the direction of travel;
 - (g) cause the floor in the passenger compartment to be provided with proper carpet, mat or other suitable covering;
 - (h) carry a fire extinguisher in such a position as to be readily available for use and the extinguisher must comply with the requirements of the Council in its Testing Manual;
 - (i) ensure that provision for carrying luggage sufficient for the number of persons for which the vehicle is licensed is available and provision made to protect the luggage from inclement weather.
10. The holder of this licence shall not allow the colour, mechanical, structural/or seating specification of the hackney carriage to be varied without the written consent of the Council.
11. (a) No signs, notices, advertisements, marks or other devices whatsoever shall be displayed on, in or from the vehicle, except as may be required by statutory provisions or authorised by the Council.
 - (b) The foregoing provisions shall not apply to any sign which requests passengers not to smoke or which shows the name or logo of the Private Hire Operator provided the colour, size location and content are approved in advance by the Chief Executive of the Council
12. The proprietor shall ensure that a copy of the fare table in the form approved by the Council, from time to time, is exhibited inside the vehicle at all times in a place approved by the Council and that it is not concealed from view while the vehicle is being used for hire or rendered illegible.

13. Where a hackney carriage is fitted with a taximeter, the meter must be maintained in good working order at all times and shall be set to display the hackney carriage fare table approved by the Council.
14. The holder of this licence shall give notice in writing to the Licensing Section of the Council of any change of address or telephone number during the period of the licence as soon as practicable and in any event within 7 days of such change taking place.
15. Any damage to the hackney carriage materially affecting the safety, performance or appearance of the vehicle shall be reported to the Council by the proprietor as soon as practicable and in any event within 72 hours of its occurrence in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and, until such time as it is repaired to the satisfaction of the authorised officer of the Council, the vehicle shall not be used for hire.
16. The holder of the licence shall not permit the hackney carriage to be used to carry a greater number of passengers than the number prescribed in the licence.
17. Seat belts, where supplied, shall be properly and securely fitted for each passenger authorised to be carried in the vehicle and shall be maintained in a safe condition. The holder of the licence shall ensure that seat belts (or child restraints where appropriate) are worn by all passengers when the vehicle is in motion.
18. The holder of this licence shall not permit any animal belonging to the proprietor or the driver to ride in the vehicle and any animal of the hirer is to be conveyed in the rear of the vehicle. The holder of the licence shall not refuse any reasonable request to carry a dog accompanying a blind/deaf passenger.
19. The holder of this licence shall as soon as practicable and in any event within 7 days of any conviction or fixed penalty fine disclose to the Licensing Section of the Council, in writing, details of any conviction or fine imposed on him/her during the currency of the licence.
20. The holder of this licence shall retain the licence of all drivers driving the vehicle and produce the same to an authorised officer of the Council or Constable on request.
21. (a) The holder of this licence shall ensure that a valid Certificate of Insurance which complies with the requirements of the road traffic legislation is kept in force in respect of each driver of the hackney carriage and in relation to its use for all potential hackney carriage uses (including private hire use) and the original Certificate of Insurance or a copy shall be kept in the vehicle at all times when it is in use.

(b) On being required by an authorised Officer of the Council or Constable, the holder of this licence or a driver shall produce the original certificate for examination, provided that, if he/she fails to provide such certificate on request, the holder of this licence shall within 7 days of such request produce it to the Licensing Section at the offices of the Council.
22. (a) The holder of this licence shall only permit the hackney carriage to be driven by a driver licensed to drive a hackney carriage by the Council and shall

instruct such driver to comply with the appropriate conditions of this licence and the licence to drive issued by the Council.

- (b) The holder of this licence shall only permit the hackney carriage to be driven by a driver who understands how to operate the vehicle and any equipment fitted to make the vehicle accessible for disabled persons.
- 23. The holder of this licence is strictly prohibited from transferring or purporting to transfer any interest in the hackney carriage licence and if at any time during the period of the vehicle licence the proprietor for any reason does not wish to retain the vehicle licence he must immediately surrender and return the vehicle licence, the licence plates and side panels to the Licensing Section of the Council.
- 24. The holder of this licence, when the hackney carriage is hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 25. The holder of this licence shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left in it.
- 26. The licence holder, who is in possession of property left in the vehicle by a passenger shall take it as soon as possible and in any event within 24 hours, if not sooner claimed by or on behalf of the owner, to a convenient Police Station and leave it in the custody of the officer in charge on being given a receipt for it.
- 27. No vehicle shall be left unoccupied on a hackney carriage stand.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE OPERATOR'S LICENCE

CONDITIONS OF LICENCE

RECORDS:

1. The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book (the pages of which are numbered consecutively) or by an alternative method approved in writing by the Council. The operator shall enter or cause to be entered in the record, before the commencement of each journey, the following details of every booking of a private hire vehicle accepted by him/her:-
 - (a) the time and date of the booking;
 - (b) the name of the hirer;
 - (c) the time of pick-up;
 - (d) the point of pick-up;
 - (e) the destination;
 - (f) the time at which a driver was allocated to the booking;
 - (g) the licence number of the vehicle allocated for the booking;
 - (h) remarks (including details of any sub-contract).
2. The operator shall keep records of the particulars of all private hire vehicles operated by him/her, including details of the owners, registration numbers and drivers of such vehicles, together with any radio or other communication call signs used.
3. All records kept by the operator shall be preserved for a period of not less than two years following the date of the last entry.

Standard of Service:

4. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-
 - (a) ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
 - (b) keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting;
 - (c) ensure that any waiting area provided by the operator has adequate seating facilities;

- (d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

Complaints:

- 5. The operator shall immediately upon receipt notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposed to take in respect thereof.

Change of Address:

- 6. The operator shall notify the Council in writing of any change of his/her address or telephone number during the period of the licence within seven days of such change taking place.

Convictions:

- 7. The operator or if the operator is a company, any of its Directors, shall within seven days from the date of any convictions disclose to the Council in writing details of the conviction and the sentence imposed on him/her.

Operator's Licence:

- 8. The operator shall display the Operator's Licence issued by the Local Authority in a conspicuous position at the premises from which he/she operates his/her private hire business.

Equipment and Facilities for Disabled Persons:

- 9. (a) any specialist equipment provided for disabled persons shall be maintained and kept in good working order;
- (b) all persons using this equipment shall be fully aware and trained in its function and use.

IDENTIFICATION REQUIREMENTS

Vehicles:

- | | | |
|--------------------------------------|---|---|
| External Plate | - | the external plate provided by the Council shall be securely fixed at all times on the rear of the vehicle. |
| Side Panel | - | one side panel shall be fixed on the upper half of each of the front doors of the vehicle. |
| Internal Plate | - | the internal plate provided by the Council shall be displayed at all times on the passenger side of the dashboard facing into the vehicle. |
| Roof Signs
(from 1 April
2007) | - | each hackney carriage shall display a sign mounted on the roof or just above the windscreen on purpose built vehicles so as to be clearly visible at all times when the vehicle is available for hire; |
| | - | the sign shall have the word "TAXI" facing towards the front of the vehicle. |
| | - | the roof sign shall be of overall measurements no smaller than 254mm (10") wide, 101mm (4") high and 152mm (6") deep and no greater than 914mm (36") wide, 165mm (6 ¹ / ₂ ") high and 152mm (6") deep and the word "Taxi" shall be in capitals with a font size of at least 250. The only other text on the sign shall be the firm's name and/or telephone number. These dimensions shall not apply to signs on purpose-built vehicles. |
| <u>Drivers</u> | - | the driver's badge provided by the Council shall be worn at all times by the driver so that it is clearly visible. |

**EXECUTIVE HIRE - POLICY FOR EXEMPTION FROM DISPLAYING
PLATES AND SIDE PANELS**

1. The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles and drivers display the relevant licence plate and badge respectively. The same legislation also permits a Licensing Authority to exempt the display of private hire vehicle licence plates and, where that exemption applies, the requirement to wear a private hire driver's badge does not apply.
2. The 1976 Act also allows the Council to impose conditions requiring, amongst other things, the display of markings to identify vehicles. The Council has introduced a requirement to display side panels on hackney carriages and private hire vehicles.
3. The open display of these identifying plates and badges is important in terms of protecting both the public and the taxi trade. However, there are limited occasions when the display of such identification may have the opposite effect, both in terms of customer safety and commercial implications for the operating business. The operation of chauffeured, executive and limousine vehicles is a case in point. Identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted, putting both them and the driver at risk. The display of Local Authority licence plates externally may also deter some customers from using the service.
4. In these circumstances it is considered appropriate to use the exemption notice provisions in the legislation.
5. It is not intended that all private hire vehicles should have access to this exemption, only a small minority operating the type of service described above. To that end it is only considered appropriate to consider issue of exemption notices and relaxation in respect of side panels where the following requirements are met:-
 - a) The vehicle to be exempted is of a high quality, both in terms of brand and condition.
 - b) Vehicles be "luxury" brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus or equivalent. American style stretched vehicles will not normally qualify for exemption.
 - c) The vehicle will be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.
 - d) Evidence of the service being provided must be supplied to justify the exemption. The service provided must only be for executives and other VIPs, weddings, etc. An 'executive' is a senior manager in an organisation travelling as part of his/her employment. The use of limousine type vehicles as a novelty form of transport, e.g., for birthday presents, will not warrant this exemption.
 - e) Drivers will wear chauffeur uniforms or jacket, collar and tie.

- f) Vehicles will have no external advertising, signs, logos or insignia which would identify it as a private hire vehicle other than the Council's executive plate.
 - g) Vehicles will be only used for "executive" hire and not general private hire.
6. Applications for exemption will be made to the Licensing Authority in writing by a person holding a private hire operator's licence issued by the Licensing Authority. The application must be accompanied by documentation to evidence compliance with points 5 a) – h) excluding c).
 7. Provided that all other points are satisfactorily met, an appropriate appointment will be made to inspect the vehicle to satisfy the requirement of section 5 c).
 8. If all points above are satisfied then an exemption notice will be issued. Exemptions will be granted for such period as the Conditions at 5 (a) to (h) are met. If at any time any of the Conditions at 5 (a) to (h) do not apply the exemptions may be withdrawn.
 9. If all points are not satisfied then the application will be refused. In the event of an applicant being dissatisfied with this decision, written application may be made for a review of the decision by the Licensing and Environmental Protection Committee.
 10. No additional fee will be charged for the exemption process.
 11. An alternative, smaller licence plate or badge will be required to be displayed. No side panels will be required. The drivers badge will not have to be worn, but would have to be kept about the driver's person.

**SPECIAL EVENTS VEHICLE HIRE - POLICY FOR EXEMPTION FROM
DISPLAYING PLATES AND SIDE PANELS**

1. The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles and drivers display the relevant licence plate and badge respectively. The same legislation also permits a Licensing Authority to exempt the display of private hire vehicle licence plates and, where that exemption applies, the requirement to wear a private hire driver's badge does not apply.
2. The 1976 Act also allows the Council to impose conditions requiring, amongst other things, the display of markings to identify vehicles. The Council has introduced a requirement to display side panels on hackney carriages and private hire vehicles.
3. The open display of these identifying plates and badges is important in terms of protecting both the public and the taxi trade. However, there are limited occasions when the display of such identification may have the opposite effect, both in terms of customer safety and commercial implications for the operating business. The operation of chauffeured novelty vehicles is a case in point. The display of Local Authority licence plates externally may deter some customers from using the service.
4. In these circumstances it is considered appropriate to use the exemption notice provisions in the legislation.
5. It is not intended that all private hire vehicles should have access to this exemption, only a small minority operating the type of service described above. To that end it is only considered appropriate to consider issue of exemption notices and relaxation in respect of side panels where the following requirements are met:-
 - a) The novelty of the vehicle to be exempted is integral to the business and the vehicle is of a high quality in terms of condition.
 - b) Vehicles be "luxury" brands such as Cadillac, Lincoln or equivalent. American style stretched vehicles will normally qualify for exemption.
 - c) The vehicle will be in immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.
 - d) Evidence of the service being provided must be supplied to justify the exemption. The service provided must only be as a novelty form of transport, e.g., for birthday presents, parties, etc.
 - e) Drivers will wear chauffeur uniforms or jacket, collar and tie or other smart uniforms.
 - f) Vehicles will have no external advertising, signs, logos or insignia which would identify it as a private hire vehicle other than the Council's special events vehicle plate.

- g) Vehicles will be only used for “novelty” hire and not general private hire.
6. Applications for exemption will be made to the Licensing Authority in writing by a person holding a private hire operator’s licence issued by the Licensing Authority. The application must be accompanied by documentation to evidence compliance with points 5 a) – f) excluding c).
 7. Provided that all other points are satisfactorily met, an appropriate appointment will be made to inspect the vehicle to satisfy the requirement of section 5 c).
 8. If all points above are satisfied then an exemption notice will be issued. Exemptions will be granted for such period as the Conditions at 5 (a) to (f) are met. If at any time any of the Conditions at 5 (a) to (f) do not apply the exemptions may be withdrawn.
 9. If all points are not satisfied then the application will be refused. In the event of an applicant being dissatisfied with this decision, written application may be made for a review of the decision by the Licensing and Environmental Protection Committee.
 10. No additional fee will be charged for the exemption process.
 11. An alternative, smaller licence plate or badge will be required to be displayed. No side panels will be required. The drivers badge will not have to be worn, but would have to be kept about the driver’s person.

APPROVED HACKNEY CARRIAGE FARES

INITIAL CHARGE	
If the distance does not exceed 1 mile(1,609.3 metres) or any part thereof	£2.70
If the distance exceeds 1 mile (1,609.3 metres) for the first 1 mile (1,609.3 metres)	£2.70
UNIT DISTANCE CHARGE	
Subsequently for each $\frac{1}{10}$ mile (160.9 metres) or part thereof	£0.19
WAITING TIME	
For each period of 45 seconds or part thereof (equivalent £15.20 per hour)	£0.19
EXTRA CHARGES	
(a) For hirings commencing between 11.00pm and 7.00am	Additional 50%
(b) After 6.00pm on Christmas Eve and New Year's Eve	Additional 50%
(c) All Public Holidays except Christmas Day and New Year's Day	Additional 50%
(d) On Christmas Day	Additional 200%
(e) On New Year's Day	Additional 100%
CALL OUT OR SUMMONSING CHARGE	
Maximum to be added to any journey at any time (not subject to percentage extras shown above)	£3.00
SOILING CHARGE	Maximum £50
EXTRAS	
For carriage of persons in excess of four, where licensed to do so.	Additional 50%

ADVICE FOR TAXI DRIVERS

Taxis are an invaluable means of door-to-door transport for many people. For a large and growing number of elderly and disabled people, they are quite literally a lifeline. Often taxis provide the only means of accessible local transport, or the only accessible link to long distance transport, for example, by rail or air. In fact, they are the most flexible form of public transport there is.

You may have a vehicle which has been designed to make travelling easier for many elderly and disabled people, including those who use wheelchairs. But the vehicle design is only part of the answer. **Your attitude and understanding are vital.** If you are not sure how to help ask the passenger. You may also find it useful to obtain training on disability issues.

Here is some basic advice to help you give the best service to your passenger and get the best from your vehicle:-

1. Make sure you are familiar with the access and safety equipment in your vehicle.
2. Carrying ramps in a purpose built vehicle may be a condition of your licence.
3. You have a responsibility to know how to use them safely and correctly.
4. Never make assumptions.
5. Always ask what help (if any) a passenger may need from you.
6. Disability comes in many forms – some visible, some invisible.

If the passenger is a wheelchair user and you drive a wheelchair accessible vehicle you should always:-

- pull up as close as possible to the kerb;
- always use the ramps if available;
- insist that the passenger travels in the correct position as recommended by the vehicle manufacturer, or conversion team. In the case of Fairway or Metrocab models, this position will be facing to the rear of the vehicle. In the case of wheelchair accessible vehicles which have been specially converted for the purpose of conveying wheelchairs, you should follow the converter's recommendations. **Any other travelling position is unsafe;**
- always make sure that the brakes of the wheelchair are on;
- be polite and ask before touching or moving your customer;
- secure the wheelchair in accordance with the restraint instructions and suggest that the passenger also uses the seat belt provided (they may need your help with this);
- avoid sudden braking or acceleration;

- if it has been raised, lower the back seat, if the passenger would prefer it;
- bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once it is unloaded;
- ask the passenger where they wish to be left;
- leave the passenger in a safe and convenient place which enables them to move away independently.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile.

Remember, many disabled people who have mobility difficulties may not use any aid. People with arthritis in particular may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:-

- offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into the vehicles. Ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars, this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey;
- offer the use of the swivel seat (if you have one);
- be ready to help but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist and act accordingly;
- if you have used the swivel seat, make sure it is locked back in position once inside the vehicle.

If the passenger is blind or partially sighted, ask what assistance they require and always:-

- look out for the “TAXI” sign which is held out by some blind and partially sighted people to hail a cab;
- if you are collecting a blind or partially sighted passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and hoot your horn;
- tell your passenger whether they are entering a saloon or purpose built cab;
- inform passengers which way the doors open;
- if possible, place the blind person’s hand on the open door and indicate the position of the roof;

- make sure they know which way the vehicle is facing;
- make sure they are seated and have secured the seat belt (where applicable) before you move off. Ask if they would like help with the belt;
- tell them if you are taking a different route from that which they might expect due to a hold-up or diversion;
- tell them the fare and count out the change;
- set them down in a safe place and make sure they know where they are going. If they would like to be accompanied to an entrance of a building, offer them your arm; grip just above your elbow enabling them to be guided by your lead;
- remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry a guide dog is a contravention of the conditions attached to your licence and the Disability Discrimination Act. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

If the passenger has communication difficulties always:-

- look at them when you are speaking and speak at normal speed. Speak clearly – but don't shout!
- always have a pad of paper and pen handy as it is sometimes easier to communicate in writing;
- make sure that they are aware that you have understood their instructions and that you know where you are going.

Maintenance of Vehicles:

- Keep door handles, locks and hinges well oiled. This reduces the amount of physical effort (often painful) required to operate them.

If you drive a purpose built vehicle, make sure you know how to use the equipment. For example, you should know the correct way to secure and load a wheelchair and to operate the swivel seat for vehicles such as the Fairway or Metrocab models. In the case of vehicles specially converted for the conveyance of wheelchairs such as the Vauxhall Midi, Volkswagen, Nissan, etc., methods may vary according to the conversion; therefore, you should consult your conversion specialist.

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TAXI LICENSING FORUM

1. The Forum shall comprise the following representatives:-
 - 3 representatives of the Hackney Carriage/Private Hire trade:-
 - Northallerton and Bedale Area (1 representative)
 - Stokesley and Great Ayton Area (1 representative)
 - Thirsk and Easingwold Area (1 representative)
 - 5 representatives from Hambleton District Council:-
 - Head of Legal and Democratic Services
 - Electoral and Licensing Manager
 - Licensing Enforcement Officer
 - Chairman of Licensing and Environmental Protection Committee
 - Officer from Design and Maintenance Section (if appropriate)
 - 2 representatives from North Yorkshire Police
 - 1 representative from North Yorkshire County Council
 - 3 representatives of users of the service.
2. The terms of reference of the Forum will be:-
 - to promote high quality and accessible Hackney Carriage/Private Hire services in the district of Hambleton;
 - to provide a method of consultation and discussion on matters of mutual interest between the Licensing Authority, representatives of the trade, representatives of customers and other interested agencies.
3. The representatives of the trade will be selected by the trade to represent it for 3 years in the following manner:-
 - all licensees will be asked to make nominations;
 - all licensees will be asked to vote on those nominated in their area.

The geographical areas will be identified by the Forum and licensees' home/business address will identify to which area they relate.

HAMBLETON
DISTRICT COUNCIL

HACKNEY CARRIAGE/PRIVATE HIRE LICENSING

LICENSING HEARINGS PANEL

PROCEDURE

1. The hearing of matters will be less formal than hearings before, for instance, a Magistrates' Court. In particular, strict rules of evidence are not adhered to and information is not provided under oath. Nevertheless, proceedings before the Panel will observe basic rules of natural justice.
2. At the beginning of the hearing the Chairman shall:-
 - ask those present to introduce themselves;
 - explain the procedure;
 - ask the parties whether they consider the public should be excluded from all or part of the hearing;
 - ask the parties whether they wish permission for another person to appear at the hearing.
3. The Panel will consider whether the public should be excluded from all or any part of the hearing. This will only be done if the Panel considers that the public interest in so doing outweighs the public interest in the hearing taking place in public.
4. The Panel will consider requests for permission for other persons to appear at the hearing. Such permission will not be unreasonably withheld.
5. The Chairman will ask the Head of Service – Legal to outline the background to the case. The Head of Service – Legal's role will be to provide factual information to the Panel.
6. The hearing shall take the form of a discussion led by the Panel (through the Chairman) and cross-examination shall not be permitted unless the Panel considers that cross-examination is required for it to consider the matter.

7. The Chairman is likely to ask for the views of the parties in the following order:-
 - (a) the applicant/licence holder (including any other persons who have been given permission to participate);
 - (b) any party making representations (including any other persons who have been given permission to participate).
8. The applicant/licence holder will be given the final opportunity to address the Panel.
9. The Panel may exclude disruptive persons.
10. The Panel may adjourn the hearing.
11. The Panel may ask the parties to withdraw so that it can consider its determination. In considering its determination, the Panel may ask its Legal Advisor to provide it with legal and procedural advice. The nature of this advice will be notified to the parties.
12. The Panel will make its determination at the end of the hearing and this will be confirmed in writing.

January 2005

Revised April 2007

AUTHORISED OFFICERS

The officers listed in Part 1 below are authorised by Hambleton District Council to undertake enforcement activities under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Public Health Act 1875 listed in Part 2 below.

PART I

Head of Legal and Democratic Services
Electoral and Licensing Manager
Electoral and Licensing Officer
Senior Electoral and Licensing Assistant
Electoral and Licensing Assistant
Licensing Enforcement Officer

PART 2

Local Government (Miscellaneous Provisions) Act 1976

Enforcement Table – Hackney Carriage Provisions

<u>Section:</u>	<u>Offence:</u>	<u>Maximum Penalty:</u>
49	Failure to notify transfer of Hackney Carriage proprietor's licence.	Level 3 (by virtue of s 76)
50(1)	Failure to present Hackney Carriage for inspection as required.	Level 3 (by virtue of s 76)
50(2)	Failure to inform Local Authority where Hackney Carriage is stored if requested.	Level 3 (by virtue of s 76)
50(3)	Failure to report an accident to Local Authority.	Level 3 (by virtue of s 76)
50(4)	Failure to produce Hackney Carriage proprietor's licence and insurance certificate.	Level 3 (by virtue of s 76)
53(3)	Failure to produce Hackney Carriage driver's licence.	Level 3 (by virtue of s 76)
57	Making false statement or withholding information to obtain Hackney Carriage driver's licence.	Level 3 (by virtue of s 76)

<u>Section:</u>	<u>Offence:</u>	<u>Maximum Penalty:</u>
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of Hackney Carriage proprietor's licence.	Level 3 plus daily fine of £10
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s 76)
64	Permitting any vehicle other than Hackney Carriage to wait on a Hackney Carriage stand.	Level 3 (by virtue of s 76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3 (by virtue of s 76)
67	Charging more than the meter fare when Hackney Carriage used as Private Hire Vehicle.	Level 3 (by virtue of s 76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s 76)
71	Interfering with a taximeter.	Level 3 (by virtue of s 76)
73(1)(a)	Obstruction of authorised officer or constable.	Level 3 (by virtue of s 76)
73(1)(b)	Failure to comply with requirement of authorised officer or constable.	Level 3 (by virtue of s 76)
73(1)(c)	Failure to give information or assistance to authorised officer or constable.	Level 3 (by virtue of s 76)

Enforcement Table – Private Hire Provisions

<u>Section:</u>	<u>Offence:</u>	<u>Maximum Penalty:</u>
46(1)(a)	Using an unlicensed Private Hire Vehicle.	Level 3 (by virtue of s 76)
46(1)(b)	Driving a Private Hire Vehicle without a Private Hire driver's licence.	Level 3 (by virtue of s 76)
46(1)(c)	Proprietor of a Private Hire Vehicle using an unlicensed driver.	Level 3 (by virtue of s 76)
46(1)(d)	Operating a Private Hire Vehicle without a Private Hire operator's licence.	Level 3 (by virtue of s 76)

<u>Section:</u>	<u>Offence:</u>	<u>Maximum Penalty:</u>
46(1)(e)	Operating a vehicle as a Private Hire Vehicle when the vehicle is not licensed as a Private Hire Vehicle.	Level 3 (by virtue of s 76)
46(1)(e)	Operating a Private Hire Vehicle when the driver is not licensed as a Private Hire driver.	Level 3 (by virtue of s 76)
48(6)	Failure to display Private Hire Vehicle plate.	Level 3 (by virtue of s 76)
49	Failure to notify transfer of Private Hire Vehicle licence.	Level 3 (by virtue of s 76)
50(1)	Failure to present Private Hire Vehicle for inspection as required.	Level 3 (by virtue of s 76)
50(2)	Failure to inform Local Authority where Private Hire Vehicle is stored if requested.	Level 3 (by virtue of s 76)
50(3)	Failure to report an accident to the Local Authority.	Level 3 (by virtue of s 76)
50(4)	Failure to produce Private Hire Vehicle licence and insurance certificate.	Level 3 (by virtue of s 76)
53(3)	Failure to produce Private Hire driver's licence.	Level 3 (by virtue of s 76)
54(2)	Failure to wear Private Hire driver's badge.	Level 3 (by virtue of s 76)
56(2)	Failure by Private Hire operator to keep records of bookings.	Level 3 (by virtue of s 76)
56(3)	Failure by Private Hire Operator to keep records of Private Hire Vehicles operated by him.	Level 3 (by virtue of s 76)
56(4)	Failure to produce Private Hire operator's licence on request.	Level 3 (by virtue of s 76)
57	Making false statement or withholding information to obtain Private Hire driver's or operator's licence.	Level 3 (by virtue of s 76)
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of Private Hire vehicle licence.	Level 3 plus daily fine of £10
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s 76)

<u>Section:</u>	<u>Offence:</u>	<u>Maximum Penalty:</u>
67	Charging more than the meter fare when Hackney Carriage used as Private Hire Vehicle.	Level 3 (by virtue of s 76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s 76)
71	Interfering with a taximeter.	Level 3 (by virtue of s 76)
73(1)(a)	Obstruction of authorised officer or constable.	Level 3 (by virtue of s 76)
73(1)(b)	Failure to comply with requirement of authorised officer or constable.	Level 3 (by virtue of s 76)
73(1)(c)	Failure to give information or assistance to authorised officer or constable.	Level 3 (by virtue of s 76)

Town Police Clauses Act 1847

<u>Section:</u>	<u>Offence:</u>	<u>Maximum Penalty:</u>
40	Giving false information on application for Hackney Carriage proprietor's licence.	Level 1
44	Failure to notify change of address of Hackney Carriage proprietor.	Level 1
45	Plying for hire without Hackney Carriage proprietor's licence.	Level 4
47	Driving a Hackney Carriage without a Hackney Carriage driver's licence.	Level 3
47	Lending or parting with Hackney Carriage driver's licence.	Level 3
47	Hackney Carriage proprietor employing unlicensed driver.	Level 3
48	Failure by Hackney Carriage proprietor to hold Hackney Carriage driver's licence.	Level 1
48	Failure by Hackney Carriage proprietor to produce Hackney Carriage driver's licence.	Level 1
52	Failure to display Hackney Carriage plate.	Level 1

<u>Section:</u>	<u>Offence:</u>	<u>Maximum Penalty:</u>
53	Refusal to take a fare.	Level 2
54	Charging more than the agreed fare.	Level 1
55	Obtaining more than the legal fare.	Level 3 and 1 month's imprisonment until the excess is refunded.
56	Travelling less than the lawful distance for an agreed fare.	Level 1
57	Failing to wait after a deposit to wait has been paid.	Level 1
58	Charging more than the legal fare.	Level 3
59	Carrying other person than the hirer without consent.	Level 1
60	Driving Hackney Carriage without proprietor's consent.	Level 1
60	Person allowing another to drive Hackney Carriage without proprietor's consent.	Level 1
61	Drunken driving of Hackney Carriage.	Level 1
61	Wanton or furious driving or wilful misconduct leading to injury or danger.	Level 1
62	Driver leaving Hackney Carriage unattended.	Level 1
64	Hackney Carriage driver obstructing other Hackney Carriages.	Level 1

Public Health Act 1875

<u>Section:</u>	<u>Offence:</u>	<u>Maximum Penalty:</u>
183	Breach of byelaws	Level 2

**VEHICLE LICENSING
ENFORCEMENT POLICY**

INTRODUCTON:

This Policy sets out the standards and guidance that will be applied by the Council when acting in its role as regulator and enforcement agency for Vehicle Licensing. Vehicle Licensing covers the licensing of Hackney Carriage and Private Hire Vehicles and Drivers and Private Hire Proprietors in the District of Hambleton.

The Policy applies to enforcement and regulation affecting businesses and members of the public.

The statutory basis for enforcement is contained principally in the:-

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985

but also in other legislation, Council Byelaws and Licence Conditions.

OVERALL AIM:

The Council's aim is to undertake its regulatory and enforcement role in a fair, open and consistent manner. In doing this it will act in accordance with the guidance and standards set out in this policy, and in any supplementary Departmental policies.

In particular the Council will:-

- consult with parties subject to regulation and enforcement by the Council about the standards it sets in undertaking this role;
- work with individuals and businesses to assist them in complying with their legal duties and obligations;
- ensure its staff are appropriately trained and apply the Policy and standards professionally and consistently;
- make information about the Policy and the standards widely available to the public and businesses within the District;
- monitor compliance with the Policy and review it from time to time in consultation with parties subject to its application.

GUIDING PRINCIPLES:

In undertaking its regulatory and enforcement role the Council will have regard to the following Guiding Principles:-

- any decision regarding enforcement action will be impartial and objective, and will not be affected by race, gender, sexual orientation or religious beliefs of any alleged offender, complainant or witness;
- the Council believes the vast majority of individuals and businesses wish to comply with the legal requirements placed upon them and should be assisted in doing so;
- in dealing with any enforcement situation, the Council's actions will be proportionate to the scale, seriousness and intentionality of any non-compliance;
- there will be consistency of enforcement whilst recognising individual circumstances which may modify the appropriate action to be taken in each case;
- except in the most serious cases where advice/warnings have not been heeded, adequate opportunity will be given to rectify non-compliance before formal legal action is commenced;
- enforcement is seen as a final means of securing compliance with the appropriate standards, and not as an end in itself;
- prosecution will normally only be considered where it is in the public interest to do so and in serious or blatant cases, or where other approaches have failed;
- regard shall be had to the relevant legislation and codes of practice which protect the rights of the individual and guide enforcement action, (e.g., Human Rights Act 1998, Code for Crown Prosecutors);
- regard shall be had to the Council's Equal Opportunities and Customer Care Policies.

STANDARDS:

The Council will always endeavour to meet the highest standards of service in undertaking its regulatory and enforcement function. The following specific level of service standards will be applied:-

- matters relating to enforcement and regulation will be dealt with promptly, with enquiries and complaints receiving a response or acknowledgement within five working days;
- except in the case of necessary and approved covert investigations, (e.g., the making of test purchases by Enforcement Officers), officers will announce themselves on arrival at premises and show identification unless they are already well known to the person;
- officers will provide their name and a contact telephone number to those persons or businesses with whom they are in contact concerning a regulatory or enforcement matter;
- complaints relating to enforcement or regulatory matters will normally only be dealt with if the name and address of the complainant is given. Any such identification will be treated in confidence, but may need to be disclosed (with prior consent) should formal legal proceedings be taken against the person or

business to which the complaint relates. Anonymous complaints may, however, be investigated if they relate to protection of children or other vulnerable groups, or matters relating to serious safety issues, etc;

- officers will not be able to act as consultants or legal advisors to individuals or businesses, but will be available (by appointment if necessary) to discuss general issues or matters of specific enforcement with the aim of assisting or guiding compliance;
- officers will be professional, courteous and helpful in their conduct of regulatory or enforcement matters, and wherever possible will seek to work with individuals and businesses towards compliance;
- officers will endeavour to provide advice in a clear and simple manner and where any corrective or remedial work is necessary, an explanation will be given as to why it is necessary, and over what timescale it is required. Where non-compliance may result in further enforcement action or prosecution, the matter will normally be confirmed in writing within ten working days, and any legal requirements will be identified separately from best practice advice;
- officers will generally seek an informal resolution to cases of non-compliance except where immediate formal enforcement action is required (e.g., serious issues relating to evidence gathering, etc);
- where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken;
- where there is known to be involvement of any other enforcement agency, or any case involves joint enforcement arrangements, the Council will consult with that other agency prior to taking any formal enforcement action;
- where any changes or fees are to be levied for a service, individuals and businesses will be informed of the cost or rate of charge prior to the service being provided;
- any dissatisfaction with the actions of an officer of the Council will be dealt with under the Council's Complaints Procedure, copies of which are available from offices of the Council by accessing the Council's web site (www.hambleton.gov.uk) or by telephoning the Council on 0845 1211 555 and asking for the Enforcement Officer.

ENFORCEMENT ACTIVITIES:

The Council will undertake most enforcement activities through its Enforcement Officer, but other officers in the Licensing Section may be involved. In addition, the Police and other agencies may be involved in enforcing licensing and related matters.

Enforcement activities will fall into the following broad areas:-

- undertaking routine inspections of licensees, vehicles and premises
- undertaking impromptu inspections, possibly with other agencies;

- responding positively to complaints/information from the public;
- offering general and specific advice to applicants, licensees and the public about the requirements of the licensing regime;
- taking action and (where necessary) imposing sanctions to respond to breaches of the requirements of the licensing regime.

Records of enforcement will be kept.

ASSESSING APPROPRIATE ACTION IN CASES OF INFRINGEMENT:

The seriousness of the infringement is the starting point for action to be taken in particular circumstances. Final action taken will depend on any modifying or mitigating factors present.

Advice will normally be given orally and is the Council's informal approach to enforcement.

Formal action will normally be instigated where one or more of the following apply:-

- it is prescribed by law as obligatory;
- informal approaches have failed;
- the matter is of such seriousness or urgency that informal action is inappropriate;
- enforcement is necessary to remedy an unsatisfactory condition relating to safety;
- there is a need to ensure a decision or policy of the Council is enforced.

Written Warnings will be given where it is considered important to formally document the breach. It will be evidence that the licensee knew about the issue should it arise again and may override any claimed mitigation.

Cautions are formal, documented admissions of guilt which do not result in a criminal conviction. They may be appropriate where the seriousness of the offence merits formal documentation, but does not merit the expense or time of a prosecution.

Suspension/Revocation may affect the livelihood of the licensee and will not be undertaken lightly. However, if a situation arises involving the safety of the public (e.g., a dangerous vehicle or lapsed insurance) then suspension may be applied immediately. Revocation is unlikely to be used as a sanction without affording the licensee a full hearing.

Prosecution will normally only be considered where one or more of the following Public Interest criteria are satisfied:-

- there is a significant risk to safety of persons;
- the offence involves the threat of violence against any person, or obstruction of an Officer of the Council;

- false information, either in written or verbal form, is deliberately provided to the Council or to an investigating officer;
- the victim is part of a vulnerable group, e.g., children, elderly persons;
- the offender has relevant previous convictions, or formal cautions;
- the offender has repeatedly ignored advice;
- there is a widespread disregard of the law and appropriate notice has been given to the public or the business community that legal proceedings will be considered for future breaches;
- some other significant public purpose would be served.

Mitigating factors could include the examples below, but these should always be balanced against the seriousness of the offence and the likelihood of it being repeated:-

- the problem was revealed by an approach for advice from the person or business;
- the action was the result of previous advice by the Council or guidance from Government departments;
- co-operative attitude to prevent recurrence;
- previous good history or absence of complaints;
- low general awareness of legislation when prosecution would “single-out” an individual unfairly;
- reluctance of witnesses to testify;
- a conviction is likely to result in a very small or nominal penalty;
- the offence resulted from a genuine mistake and the offender is prepared to rectify the problem;
- the harm caused was minor;
- there has been undue delay in bringing the matter to Court (unless the delay was the fault of the offender);
- a prosecution is likely to have a significantly detrimental effect on the victim’s physical or mental health;
- the offender is elderly or was, at the time of the offence, suffering from significant mental or physical ill health;
- the views of the Council’s legal advisor, or a relevant expert witness(es).

ENFORCEMENT ACTIONS AVAILABLE:

The Council takes a wide view of the term 'Enforcement Action' which includes provision of advice and guidance. Examples of the actions that can be taken are:-

<u>ACTION AVAILABLE:</u>	<u>EXPLANATION:</u>
Advice	Advice on how to comply with the law, typically following a request for advice, a programmed inspection or complaint.
Warning letter	Warning that recurrence or continuation of an infringement will result in further action.
Official Caution (often called 'Home Office Cautions')	A special form of recordable warning which can only be given if:- <ul style="list-style-type: none">➤ an offence has been committed;➤ the person liable admits the offence;➤ a prosecution could be taken;➤ there are mitigating factors suggesting an official caution is the more appropriate course of action.
Prosecution	Prosecution in Magistrates' or Crown Court. There are controls to ensure this only happens in serious cases or when other approaches have failed. Depending on the circumstances, the Council does not always warn before taking prosecutions.
Suspension of Licence	A temporary ban on carrying on the licensable function. This may be done immediately in the case of vehicles or drivers considered to be a danger. In other cases the Council's Licensing and Environmental Protection Committee may conduct a hearing.
Revocation of Licence	The withdrawal of a licence permanently. This will almost always be the subject of a hearing before the Licensing and Environmental Protection Committee.