



**Middlesbrough Council
Private Hire and
Hackney Carriage
Licensing Policy 2018**

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Section 1 – Introduction

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General

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

Powers and Duties

5. The Council adopted Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A) as amended on 6 February 1979. This legislation, together with the provisions of The Town Police Clauses Act 1847 (TPCA), places on the Council the powers and duties to carry out licensing functions in respect of hackney carriage and private hire licensing. As such the Council is responsible for the licensing of private hire drivers, vehicles and operators and hackney carriage drivers and vehicles. This document sets out the policy that the Council

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

Aims and Objectives

6. The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety. The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

- **The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,**
- **The safety and health of the public and drivers,**
- **Vehicle safety, comfort and access,**
- **Encouraging environmental sustainability,**
- **Promoting the vision of Middlesbrough**
- **Providing clarity for licensees with regard to the Council's expectations and the decision making process.**

In promoting these licensing aims and objectives, the Council will generally expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council.

a) The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder

- Raising awareness amongst the licensed trade, and the general public, of issues of safeguarding children and vulnerable adults.
- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Measures to prevent nuisance from Hackney Carriage and Private Hire activities.
- Commitment to work with the police and other licensing authorities.
- An expectation that licence holders will treat all customers, passengers, the general public and Council officers with respect and courtesy at all times.

b) The safety and health of the public and drivers

- The establishment of professional and respected Hackney Carriage and Private Hire trades
- Consideration of history of convictions and cautions.
- Driver training, qualification and performance.
- Knowledge of the Middlesbrough Borough area.
- Health and fitness to fulfil the role of a licensed driver.
- Crime prevention measures.
- Vehicle specifications.
- Safety at ranks including protection of drivers.

- Regular driver health checks.
- Public education campaigns.

c) Vehicle safety, comfort and access

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks.
- Use of ranks.
- Provision of disabled facilities.
- Provision for the aged and the young.
- Provision of safe and comfortable premises for customers to use.

d) Encouraging environmental sustainability

Working with stakeholders in the trade in finding methods of reducing vehicle emissions and not issuing licences for vehicles that are unable to comply with any agreed European Emissions Standards.

e) Promoting the vision of Middlesbrough

“The place to live, work and visit”

This policy will contribute to promoting the priorities of the Council will be enhanced by:

- Ensuring children and vulnerable adults are safeguarded from intentional and unintentional harm
- Reducing crime and anti-social behaviour so that Middlesbrough remains a safe place to live
- Improving health outcomes of local people so that they live longer and healthier
- Promoting a local economy that is vibrant and diverse
- Improving the visitor experience

7. This Policy shall apply in respect of applications, renewals, transfers and any other matter connected to the following licences:

- Private hire vehicle
- Private hire driver
- Private hire operator
- Hackney carriage driver
- Hackney carriage vehicle

8. This Policy shall also apply in respect of disciplinary and enforcement measures and will include codes of conduct to be followed by all persons licensed under this Policy.

Methods

9. The methods to be employed will be:

- Setting the standards for the licensing of drivers, vehicles and operators.
- Periodical licensing and routine inspection of vehicles, with appropriate follow up action.
- Inspection of insurance policies and MOT certificates, with appropriate follow up action.
- Checks of driver's immigration status, medical condition, criminal record, DVLA record, knowledge of safeguarding vulnerable passengers and knowledge of the Borough and legislative controls.
- Checks of operator's immigration status, criminal record, knowledge of safeguarding vulnerable passengers and legislative controls
- Investigation of complaints with appropriate follow up action.
- Liaison and exchange of information with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
- Liaison with the hackney carriage and private hire trade by way of meetings and the issue of trade newsletters.
- Taking enforcement against licensed and unlicensed drivers and vehicles and/or disciplinary action including the issue of legal proceedings, verbal and written warnings, cautions, suspension or revocation of existing licences for breaches of legislation or conditions
- Giving advice
- Conditions attached to licences.
- The issue of guidance notes.
- Safeguarding Vulnerable Passengers awareness training
- Disability awareness training

10. When developing policies, considering applications and taking enforcement action the Council is subject to the requirements of the Government's Regulators' Code and the Council's Regulatory Services Enforcement Policy and will make evidence based decisions and notwithstanding this policy each case will be treated .

Statutory and Best Practice Guidance

11. In formulating this Policy consideration has been given to Best Practice Guidance and Statutory Guidance issued by the Department of Transport and to guidance issued by the Local Government Association and the Secretary of State

Status

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

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

Implementation and Review

14. This Policy will take effect from 1 March 2018.
15. The Council will keep this Policy under review and will consult where appropriate on proposed revisions. A full review of the Policy will be conducted every five years from the date of effect above or at sooner intervals as may be deemed appropriate.
16. This policy will be implemented and become effective on the 1 March 2018 and will apply to all applicants and licensees. It is generally expected that applicants and licensees comply with the policy and standards set by the licensing authority. If the authority is requested to depart from its policy it will consider whether there is good reason or justification in that particular case to do so. .
17. From the effective date, this Policy will override and supersede all existing policies in relation to private hire and hackney carriage licensing.
18. The Council may monitor and review this Policy or areas of the Policy prior to the five year period when considered necessary.
19. Subsequent to the introduction of this Policy, the Council may make decisions which change the content of this Policy. The changes may have immediate effect or be expressed as coming into effect on a given date. This Policy document will be regularly updated to reflect these changes. Amended copies of the Policy will be available via the Council's website.
20. The Council is also aware of the Government's ongoing review of the legislation and guidance appertaining to taxi and private hire licensing and will review this Policy in line with any changes to that legislation and/or any guidance issued should they be introduced during the term of the Policy.

Consultation

21. In preparing this Policy the Council has taken into account the views of:

- Licensees
- Cleveland Police
- British Transport Police
- Local transport providers
- Disability groups
- Local residents
- Planning Authority
- Service users

- Members of the Public
- Tees Valley Licensing Liaison Authorities
- Safeguarding Children's Board
- Other Local Authority Departments
- Elected Members

22. The Council will also consult with other organisations when necessary.

23. The results of any consultation will be referred to the Licensing Committee for comment and Executive for final approval.

Partnership Working

24. The Council will work in partnership with the following agencies and individuals to promote the policy objectives:

- Local hackney carriage and private hire trade
- Police and Crime Commissioner
- Planning Authority
- Local Transport Authorities and Committees
- Local residents
- Disability groups
- Service users
- Driver and Vehicle Standards Agency (DVSA)
- Driver and Vehicle Licensing Agency (DVLA)
- HM Revenue and Customs
- Department of Work and Pensions
- Other Council Departments
- UK Border Agency
- Other Government Departments and Agencies
- Tees Valley Licensing Authorities
- North East Strategic Licensing Group

25. The Council will hold meetings with the hackney carriage and private hire trade to consider future licensing issues.

Related Policies and Strategies

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

27. The Council will work in partnership with other agencies, including those referred to in paragraph 24.

28. The Council will work with the other neighbouring council representatives to seek harmonisation of policies and conditions, where applicable, across the Tees Valley District.

Equality

29. As an employer and service provider the Council is committed to ensuring equality in employment and service delivery. In achieving appropriate standards the Council is aware of its duties under the following legislation:

- Equality Act 2010 including the Public Sector Equality Duty in Part 11 of that Act and any statutory instruments made under that Part
- Human Rights Act 1998

30. The Council will strive to ensure that all persons (including those who may have a physical or mental disability) are fully represented and have their interests protected when dealing with the licensing service and will consider appointing an advocate or appropriate adult when requested or where deemed appropriate in the circumstances.

Duties and Obligations under Equality Act 2010

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

32. The Council has agreed that it will maintain a list of “designated vehicles”, (that is, a list of licensed wheelchair accessible HCVs and PHVs) under the provisions of Section 167 of the Equality Act 2010. The consequence of being on this list is that the driver of the vehicle must, under the provisions of Section 165 of the Equality Act 2010, undertake the duties detailed below to carry and assist passengers who use wheelchairs and not to make any additional charge for doing so, unless an exemption has been issued by the Council.

The duties are:

- to carry the passenger in a wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- to give the passenger such mobility assistance as is reasonably required;
 - To enable the passenger to get into or out of the vehicle;
 - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
 - To load the passenger’s luggage into or out of the vehicle;
 - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Under the provisions of section 172 of the Act there is a right of appeal to the Magistrates Court by a vehicle owner against the decision of the Council to include their vehicle on the designated list. Any appeal must be made before the end of 28 days beginning with the date of the inclusion.

33. It is a requirement of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as to transport passengers in wheelchairs safely and in reasonable comfort at all times. Any vehicle proprietor and/or driver found in breach of this may be subject to enforcement action.
34. Licensed drivers are also under a duty under this legislation to carry passengers with guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. When carrying such passengers, drivers have a duty to:
 - a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
 - b) Not to make any additional charge for doing so

Drivers who have a certifiable medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require or where that condition is aggravated by exposure to dogs may apply to the Council for an exemption from the above duties on medical grounds. Applications for exemption must be made using the Council's application form along with evidence supporting their claim. This must include a medical certificate provided at the driver's expense, from the driver's own GP which demonstrates the driver has a genuine medical condition that is aggravated by exposure to dogs. This evidence should be in the form of a blood test, a skin prick test or clinical history. If granted, the Council will issue a tactile notice of exemption which must be displayed in any licensed vehicle driven by the driver and must be made available for inspection upon request and a register will be kept of exempt drivers.

If the application is unsuccessful the applicant will be informed in writing when an explanation of the reasons for the decision will be given. Under Section 172 of the Act there is a right of appeal to the Magistrates Court against the decision not to issue an exemption certificate. Any appeal must be made before the end of 28 days beginning with the date of the refusal.

35. Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence removed.

Immigration Status

36. The prevention of illegal migrant working in the UK is governed by the Immigration Act 2016

37. Applicants for the grant and renewal of a private hire operator's and private hire and hackney carriage driver's licences are required to prove that they have been granted leave to enter or remain in the UK and have a right to work in the UK before being considered for a licence. A list of acceptable documents can be found at www.middlesbrough.gov.uk/taxis. If an applicant has an indefinite right to remain and work in the UK they will only be required to prove that entitlement once.
38. No licence will be granted or renewed until the Council is satisfied that the applicant is not disqualified by reason of the applicant's immigration status.
39. Consideration will be given to any guidance issued by the Secretary of State.

No Smoking Policy

40. Smoking in a smoke-free place is prohibited under the Health Act 2006. In this context a 'smoke-free place' will include a licensed private hire and hackney carriage vehicle as well as a private hire operator's. In the context of the Health Act 2006, smoking relates to the smoking of cigarettes and other tobacco products.
41. However, the prevalence of e-cigarettes is now on the increase. Although not tobacco products, e-cigarettes enable the inhalation of nicotine containing vapour. Whilst not all e-cigarettes contain nicotine, they are battery powered products that can often look like real cigarettes.
42. At the present time e-cigarettes are unlicensed and unregulated. The vapour could be an annoyance or health risk and the use of e-cigarettes helps create an impression that it is acceptable to smoke, particularly to young children. Whilst the tobacco substitute benefits of e-cigarettes are acknowledged, the public perception of perceived smoking, smoking tolerance and adverse imagery outweigh the as yet to be established benefits of smoking e-cigarettes.
43. To this end drivers must not smoke e-cigarettes or allow passengers to smoke e-cigarettes whilst in a licensed vehicle. In addition e-cigarettes should not be smoked in a private hire operator's premise which is open to the public. This is in line with the requirements of the Council's own No Smoking Policy which includes e-cigarettes.

Safeguarding Vulnerable Passengers and Child Sexual Exploitation (CSE)

44. Everyone is becoming aware of the well-publicised issues relating to CSE and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and the Council as the Licensing Authority has a duty to assist the Hackney Carriage and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and/or being exploited. Taxi drivers have a unique role to play in transporting the general public and as a result may become aware of illegal activity, such as CSE and other

vulnerability issues that might be taking place and should therefore know what to do if such a situation is recognised.

45. All new applicants for hackney carriage and private hire drivers licences and private hire operators (who do not hold a drivers licence) are therefore required to undertake Council approved Safeguarding Vulnerable Passengers awareness training and produce a certificate as evidence of such training before a licence can be granted so as to equip them with the knowledge and skills to identify signs of potential abuse and how they should respond.
46. All existing hackney carriage and private hire drivers and a representative from existing private hire operators who do not hold a drivers licence, licensed prior to December 2016 were required to complete Council approved Safeguarding Vulnerable Passengers awareness training and produce a certificate as evidence of such training by December 2017.
47. Applicants for Private Hire Operator licences are required to submit a Safeguarding Vulnerable Passengers policy in respect of their business to the satisfaction of the Council as part of the application process and existing Private Hire Operators licensed prior to December 2016 were required to produce such a policy document to the satisfaction of the Council before December 2017
48. Failure to complete approved Safeguarding Vulnerable Passengers awareness training and/or produce the appropriate certificate or policy document may result in new applicants being refused a licence and may result in the suspension or revocation of an existing licence.
49. Questions relating to this subject are also posed in the Knowledge Test that all new applicants for driver licences must undertake as part of the criteria for the grant of a licence.
50. Private hire operators are also required to carry out their own 'fit and proper' checks on all persons employed or otherwise used or engaged in their business that have direct contact with customers, other than those licensed by the Council, and to notify the Council of any concerns or complaints received concerning any drivers employed/used by them concerning safeguarding issues.
51. The Tees Valley Licensing Liaison Group, which comprises representatives from Middlesbrough, Hartlepool, Stockton, Darlington and Redcar and Cleveland Councils, through its representative from Hartlepool Council have worked in partnership with Barnardo's to develop a taxi specific CSE/vulnerable person awareness programme and their e-learning course is an approved training course to comply with this part of the policy.
52. The Council has also produced a Code of Conduct When Working With Vulnerable Passengers (Appendix J) to help promote a better understanding of this subject and to assist the trade in being able to identify those at risk, how to protect those who may be vulnerable or being exploited and to ensure that

the actions of drivers do not negatively contribute to such persons becoming victims, and to whom to report concerns.

53. As the licensing authority for hackney carriages and private hire vehicles, the Council believes it is important that any children or vulnerable people using such vehicles can be safe and feel safe. To help ensure this, the Council considers that it is reasonable and proportionate even though licensed drivers are subject to enhanced criminal record checks, to take steps to ensure that people remain visible once they have entered a licensed vehicle – or to put it another way, that they do not become invisible. This can be partly achieved by ensuring that front and rear windows allow a minimum amount of light to pass through – thereby allowing front and rear passengers to be seen from outside the vehicle. Therefore the Council has set standards in respect of the level of window tints that will be deemed acceptable. These can be found in the next section dealing with vehicle specifications.

Service standards

54. Licences, badges and plates will be produced for collection as soon as possible and normally within 5 working days of the Council receiving a complete vehicle, driver or operator application, the licence fee and all relevant supporting documentation and either:
- The applicant meets all necessary licensing requirements and the licence can be granted under delegated powers by an officer, or
 - The applicant does not automatically meet all necessary licensing requirements and a licence is only granted when the Licensing Committee has very carefully considered the application.
55. Complaints will be acknowledged within 2 working days and investigations will commence or the complaint referred to the appropriate authority within 5 working days.
56. Public registers of Private Hire Drivers, Hackney Carriages and Designated Wheelchair Accessible Vehicles are available on the Council's website.
57. Compliance and enforcement statistics/information will be published on the Council's website monthly.
58. Licence fees will be reviewed annually.

Section 2 – Vehicles – Private Hire and Hackney Carriage

- Specifications
- Private Hire Vehicles
- Hackney Carriage Vehicles
- Meters
- Trailers and tow bars
- Limitation of Numbers
- Accessibility – Wheelchair Accessible Vehicles
- Insurance
- Advertisements, Signs, Notices etc.
- Accident Notification
- Vehicle and Meter Testing
- Vehicle Licence Application Procedure
 - New Vehicle Application
 - Vehicle Renewal Application
 - General
- Change of Address
- Transfer of Interest
- Novelty Vehicle and Stretched Limousines
- Exempted Private Hire Vehicles
- Tinted Windows
- CCTV
- Environmental Considerations
- Demand Responsive Transport

Specifications

59. The Department for Transport Best Practice Guidance recommends that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible. They are, however, encouraged to make use of the “type approval” rules within any specifications they determine. Vehicle type approval is the confirmation that production samples of a design will meet specified technical, safety and performance standards. The specification of the vehicle is recorded and only that specification is approved.
60. All vehicles subject to new applications for hackney carriage and private hire vehicle licences, shall have M1 European Whole Vehicle Type Approval (EWVTA). EWVTA is based around EC Directives and provides for the approval of whole vehicles which is accepted throughout the EU without the need for further testing until standards or designs change. Category M1 covers vehicles designed and constructed for the carriage of passengers, comprising no more than 8 seats in addition to the driver’s seat.
61. Most large volume production vehicles produced in the UK and EU states after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non EU State since its original manufacture will require separate Individual Vehicle Approval (IVA) and/or Department for Transport

approval and such documentation must be submitted with an application when it will be considered on its merits.

62. Applications for wheelchair accessible vehicles must be either, purpose built or converted prior to first registration. Applications in respect of wheelchair accessible vehicles converted prior to registration must be accompanied by a EC Certificate of Conformity for Completed Vehicles issued by the conversion company and endorsed by the Vehicle Certification Agency (VCA). Any wheelchair accessible vehicle having been converted since its date of registration will not be accepted for licensing as a hackney carriage or private hire vehicle.
63. Applications in respect of novelty vehicles and stretched limousines will be determined on their individual merits but should as a minimum have either:
 - British National Type approval: or
 - British Single Vehicle Approval (SVA) (before 29 April 2009) or;
 - Individual Vehicle Approval (from 29 April 2009)
64. Vehicles will, in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles. Vehicles may also be licensed to carry fewer passengers subject to compliance with specifications relating to passenger comfort and vehicle conditions.
65. Appendix A sets out the minimum specifications which are expected in respect of vehicles licensed by the Council.
66. In order to achieve and maintain a high quality of licensed vehicles, vehicles that have been deemed to be an insurance “write off” in accident damage category A and B will not be licensed. Vehicles that have been declared a category C, D, or S may be licensed providing the applicant provides an appropriate Engineer’s report and body alignment JIG report, approved by the Council, verifying the quality and standards of repair. Vehicles that have been deemed to be an insurance “write off” in accident damage category N may be licensed providing the applicant provides an appropriate Engineer’s report.

Private Hire Vehicles

67. A private hire vehicle is a motor vehicle constructed or adapted to seat fewer than 9 passengers, which is provided for hire with the services of a driver for the purpose of carrying passengers. All hirings for a private hire vehicle must be pre-booked thorough a licensed private hire operator. Any vehicle used as a private hire vehicle must be licensed under the provisions of the Local Government (Miscellaneous Provisions) Act 1976. In determining what vehicles fall within this definition the Council will give consideration to the

guidance "Taxi and Private Hire Vehicle Licensing Best Practice Guidance" issued by the Department of Transport.

68. Under the provisions of the Act the Council must be satisfied that the following criteria is met before granting a private hire vehicle licence. The vehicle is:

- Suitable in type, size and design for use as a private hire vehicle.
- Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage.
- In a suitable mechanical condition.
- Safe.
- Comfortable.

69. In addition to the above legislative requirements this Policy also requires that vehicles be exceptionally well maintained at all times (see Appendix M) and the Council has imposed requirements relating to the specifications of the vehicle. These are attached at Appendix A.

70. All private hire vehicles must:

- Comply with the prescribed vehicle specification.
- Not be black in colour with a yellow bonnet and boot/tailgate.
- Be mechanically safe and roadworthy at all times.
- Not be fitted with a roof sign of any description.
- If the vehicle is fitted with a meter, it must be of a type approved by the Council.
- Meters, after being checked for accuracy, must be sealed by an agent approved by the Council.
- Display the Council's licence plates, which must be securely attached to the exterior front and rear of the vehicle as prescribed by a condition of licence.
- Display decals issued by the Council, attached centrally to both front doors of the vehicle.
- Display any signs required by the Council.

71. General conditions are attached to a private hire vehicle licence relating to the identification of the vehicle and safety issues. These are attached at Appendix B.

72. Additional conditions may be attached to the grant of a licence as are considered reasonably necessary.

Hackney Carriage Vehicles

73. A hackney carriage vehicle is a wheeled vehicle used in standing or plying for hire that is required to have a numbered plate fixed upon it. The legal definition of a hackney carriage is contained in the Town Police Clauses Act 1847.

74. A hackney carriage can ply for hire and also wait at a hackney carriage stand within the controlled district of Middlesbrough.

75. Hackney Carriages are also permitted to undertake pre-booked hirings, this Council requires that applicants for hackney carriage vehicle licences shall be expected to demonstrate a bona fide intention to predominantly* ply for hire within the Borough of Middlesbrough. There shall therefore be a presumption that applicants who intend to operate remotely for the majority of the time shall not normally be granted a hackney carriage vehicle licence. (***Note:** predominantly is deemed to be '90% of all pre-booked work over any continuous seven day period'.)
76. Each application shall however be decided on its own merit and the above presumption may be rebutted only in exceptional circumstances. The Council shall place public safety above all other considerations.
77. Conditions can be imposed upon the grant of a hackney carriage vehicle licence and the Council has byelaws to control the conduct of both proprietors and drivers. These byelaws are attached at Appendix N.
78. The Council has imposed requirements relating to the specifications of the vehicle. These are attached at Appendix A.
79. General conditions are attached to a hackney carriage vehicle licence relating to the identification of the vehicle and safety issues. These are attached at Appendix C.
80. Additional conditions may be attached to the grant of a licence as are considered reasonably necessary.
81. All hackney carriage vehicles must:
- Comply with the prescribed vehicle specification.
 - Be black in colour with a yellow bonnet and boot/tailgate.
 - Be mechanically safe and roadworthy at all times.
 - Fitted with an approved roof sign bearing the word "TAXI"
 - Fitted with a 'for hire' sign
 - Fitted with a meter of a type approved by the Council, calibrated with the fares charged as determined by the Council.
 - Meters, after being checked for accuracy, must be sealed by an agent approved by the Council.
 - Display decals issued by the Council to both front doors of the vehicle.
 - Display the Council's licence plates, which must be securely attached to the exterior front and rear of the vehicle as prescribed by a condition of licence.
 - Display any signs required by the Council.

Meters

82. Meters, where fitted, shall be of a type approved by the Council and shall be calendar controlled and locked and sealed by the manufacturer/supplier so that tariff rates change automatically and cannot be changed or tampered with manually by any person.

83. The use of remote controls is prohibited.
84. Meters shall be fitted in a position approved by the Council's vehicle examiner, where they are not obstructed by other fixtures and fittings within the vehicle and so that all passengers conveyed in the vehicle can easily read the display. If the vehicle comes with a taximeter already fitted then the taximeter must not be moved to another location within the vehicle without prior approval of the Council.

Trailers and Tow Bars

85. Vehicles will not be permitted to draw a trailer.

Limitation on Numbers

86. No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.
87. The present legal provisions on quantity restrictions for hackney carriages are set out in Section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused for the purpose of limiting the number of licensed taxis "if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet".
88. The Council has decided that it will not place a limit on the total number of hackney carriages it licences but will rely on market forces to dictate the number of applications it receives. However, all new applications must be for wheelchair accessible vehicles, subject to paragraphs 91 and 92 below.

Accessibility – Wheelchair Accessible Vehicles

89. In considering how accessible licensed taxis should be the Council has taken note that the Department of Transport recognises that some local licensing authorities will want to make progress on enhancing accessible taxi provision and encourages Councils to introduce taxi accessibility policies for their areas.
90. The Council is in favour of a mixed fleet of wheelchair accessible hackney carriages and saloon vehicles and has therefore restricted the number of saloon vehicles that are to be licensed as hackney carriages, which at the time of writing this policy is 190, through the adoption of a revised vehicle specification for new applications. Therefore, only saloon hackney carriages will be permitted to be replaced by another saloon vehicle. Wheelchair accessible vehicles must be replaced with another wheelchair accessible vehicle.
91. A specification for wheelchair accessible vehicles (WAVs) is set out at Appendix A, and all new applications for hackney carriage vehicle licences shall be required to comply with this specification.

92. The private hire trade will continue to be encouraged to licence a proportion of their fleet as wheelchair accessible vehicles which will be expected to comply with the same specification set out at Appendix A.
93. The Council has also agreed that it will maintain a list of “designated vehicles”, being a list of licensed wheelchair accessible vehicles under the provisions of Section 167 of the Equality Act 2010. The consequence of being on this list is that the driver of the vehicle must undertake the duties to carry and assist passengers who use wheelchairs, unless a medical exemption has been issued by the Council. The proprietor of a wheelchair accessible vehicle shall therefore ensure that every driver of the vehicle has had proper training in the use of all the equipment such as ramps and restraining straps provided to ensure the safe loading, unloading and transportation of passengers in wheelchairs.
94. The Department of Transport has indicated that it is considering the wider legislative framework governing hackney carriages and private hire vehicles to see whether there are any further changes that could be made with the objective of enhancing provision for disabled people. The Council will review this Policy in line with any changes to that legislation or the issue of any further guidance should they be introduced during the term of the Policy.

Insurance

95. All vehicles must have a current valid policy of insurance at all times appropriate to the vehicle and its use. This policy must be in place before a licence can be granted.
96. Insurance certificates/policies for private hire vehicles will not be considered acceptable if they include cover for public hire purposes, unless a valid reason can be demonstrated as to why the vehicle should be insured for public hire as well
97. Individual policies shall be provided for each vehicle. However a fleet insurance policy will be accepted as long as it includes a schedule of all the vehicles covered. If the fleet policy covers a mixed fleet of both private hire and hackney carriage vehicles, the policy shall make it clear that cover for private and public hire services is subject to the appropriate local authority licences being held. It is the responsibility of the applicant to produce a valid certificate of insurance and the policy document when applying for the grant or renewal of a vehicle licence.
98. It is an offence to drive a vehicle without the appropriate insurance in place and all private hire and hackney carriage drivers must check with their employer that they are insured to drive a vehicle before they commence work. They should ensure that they have sight of the insurance document that covers them to drive before they drive the vehicle.

99. Requests to produce insurance may be made during the term of the licence. These requests must be complied with in accordance with the time scales stipulated in the request. Failure to present insurance is a criminal offence.
100. If a vehicle is off the road and uninsured at any time, the proprietor must advise the Council in writing as soon as practicable but in any event within 72 hours.

Advertisements, Signs, Notices etc.

101. No signs, notices, advertisements, video or audio display etc. or other marking shall be displayed on, in or from the vehicle subject to the following exceptions:
- a) Any sign, notice or other marking required to be displayed by legislation or any condition attached to a licence.
 - b) Advertising approved by the Council.
102. Signs, notices or advertisements must not be of a content that the Council deems to be offensive or abusive. Further guidance as to the content of an advert may be sought from the Advertisement Standards Authority, www.asa.org.uk
103. No advertising on vehicles shall be allowed or affixed on any vehicle, without prior, formal written approval of the Council and specifically shall not:
- a) Be affixed to any window of the vehicle, unless specifically exempted in writing.
 - b) Detract from or obscure any signage required by any licence condition.
 - c) Affect the yellow boot and bonnet of hackney carriage vehicles and all other panels must be not less than 25% black
- Applications for advertising consisting of full or partial 'body wraps' of vehicles will be considered on their individual merits.
104. All advertisements shall be approved by the Council and any unauthorised advertisements will be required to be removed and appropriate action will be taken for failure to comply with this Policy.
105. Any queries regarding advertisements must be referred to the Council.

Accident Notification

106. The proprietor must comply with any request to produce the vehicle for inspection at the Council Offices or other appropriate place, so that its condition can be assessed. Any failure to do so, without reasonable excuse, is an offence and the appropriate action will be taken.

107. The proprietor shall submit the vehicle for any further testing and/or examination as requested by the Council and shall be responsible for the production of any independent engineer's reports and/or body alignment JIG report considered necessary by the Council. Vehicles deemed to be an insurance "write-off" (i.e. in accident damage category A or B) will have their licence revoked. Category C, D, S "write-offs" may continue to be licensed subject to an appropriate, approved engineer's report and body alignment JIG report, approved by the Council. Vehicles that have been deemed to be an insurance "write off" in accident damage category N may continue to be licensed providing the applicant provides an appropriate Engineer's report.
108. In order to verify the 'accident damage' and 'write off' status of a vehicle, a HPI check will be carried out by the Council. .

Vehicle and Meter Testing

109. All vehicles shall undergo an inspection by the Council's own vehicle examiners at initial application and thereafter annually until the vehicle is three years old from the date of first registration and then every six months thereafter. Such inspections will include the testing of any meter fitted in the vehicle but the frequency of meter tests will be annually irrespective of the age of the vehicle. A calibration certificate from a Council approved agent will be required for new applications and upon any subsequent tariff change. Annual testing of meters will be of the time element only.
110. It shall be the proprietor's responsibility to ensure that their licensed vehicle(s) is roadworthy, maintained to the Council's standards and specifications and fit for hire and reward purposes at all times. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If in the opinion of the vehicle examiner the vehicle has not been fully prepared, the test will be terminated and the vehicle failed. Proprietors failing to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended or revoked by the Council.
111. Vehicles are to be tested in accordance with the Council's agreed test criteria and/or in respect of any issues identified by an authorised officer of the Council. For assistance see the Council's separate guidelines. The Council will also give consideration to any guidance issued by the Driver and Vehicle Standards Agency (DVSA) and the Public Authority Transport Network (PATN) regarding the testing of vehicles. Their current best practice guide "Hackney Carriage and Private Hire Vehicle National Inspection Standards" is considered to be the minimum standard acceptable to the Council.
112. Any vehicles failing this test will be required to have a further test, unless it has been agreed by an authorised officer that it is not necessary. A test failure may result in the suspension of the vehicle licence.

Vehicle Licence Application Procedures

New Vehicle Application

113. The following documents are required to be submitted with new vehicle applications:

- Vehicle application form, this must be from a named person(s), recognised legal person such as a limited company but must not be in a business name with no legal standing
- DVLA vehicle registration document (V5C) bearing the applicant's correct name and address. Where an applicant has joined the Driver and Vehicle Licensing Agency (DVLA) V5C on Demand Scheme the printable PDF of the vehicle details from within their View Vehicle Record will be accepted as an alternative to the V5C document so long as it is accompanied by a copy of the letter from the DVLA confirming that the applicant has joined the V5C on Demand scheme.
- A certificate of motor insurance and the policy document, which must be valid on the commencement date of the licence.
- Details of the operator of the vehicle (private hire only)
- Meter calibration certificate (hackney carriage only)

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

115. In order to verify the 'accident damage' status of a vehicle, a HPI check will be carried out by the Council at the expense of the applicant. (Note this cost is included as part of the application fee).

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

Vehicle Renewal Application

117. The following documents are to be submitted for annual vehicle renewal applications:

- Vehicle renewal application form in the name of the vehicle proprietor.
- A certificate of motor insurance, which must be valid on the commencement date of the licence.
- Details of the operator of the vehicle (private hire only)

118. Renewal vehicle applications submitted without all of the supporting documents and the appropriate fee will not be processed. Please note the

existing rear plate must be returned before the new licence and plate can be issued.

119. Applicants for licence renewals are encouraged to make their application at least 10 working days prior to the licence expiry date to ensure that a test appointment is secured prior to the expiry of the licence.

General

120. Licence plates must be collected in person.
121. If an application is refused the fee will be refundable minus a proportion of the charge for an administration charge.
122. When granting a licence the Council has the discretion to attach, amend or remove a condition of the licence.

Change of Address

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

Transfer of Interest

124. The proprietor shall notify the Council on the appropriate form within 14 days, giving the name and address of the new proprietor, if the interest or part interest in the vehicle is transferred to another person not currently named on the licence.
125. If the interest is transferred to a person currently named on the licence the Council should be advised to remove the outgoing proprietor.
126. The new proprietor shall complete the appropriate application form and will be requested to provide the following documents to the Council:
- Vehicle registration document (V5C) in new proprietor's name. If this has not yet been received then, once the application has been submitted, 28 days will be given in order to produce the appropriate V5C document.
 - Valid certificate of motor insurance.
 - Details of the operator of the vehicle (private hire only)
127. The owner of a PHV is required to inform the Council, in writing, within 48 hours should they change the licensed PHV operator through which they operate their vehicle.

Novelty Vehicles and Stretched Limousines

128. The Council recognises the role novelty vehicles (e.g. converted fire engines) and stretched limousines have to play in the private hire trade to meet a

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public demand. However, the Council has not developed a separate licensing regime for such vehicles, rather it has widened the criteria of the current vehicle specifications and conditions that licensed vehicles must meet. Please see Appendices A and B. Therefore such vehicles will only be licensed as private hire vehicles.

129. It is not considered appropriate for such vehicles to be used for standard hirings and licensed operators shall only send such a vehicle when it has been specifically requested by the hirer.
130. Most novelty vehicles, in particular stretched limousines are imported for commercial purposes and are required to have undertaken an Individual test. This ensures that the vehicles meet modern safety standards and environmental standards before being used on public roads. Proof of type approval shall be submitted with the application documents.
131. Stretched limousines shall also have Qualified Vehicle Modifier or Cadillac Coach Builder approval where appropriate.
132. The operator of a novelty vehicle fitted with side facing seats shall provide a declaration that they will never be used to carry passengers under 12 years of age regardless of whether the vehicle is fitted with seatbelts.
133. There shall be no sale or provision of alcohol from any vehicle without a current premises licence under the Licensing Act 2003 being in force and if all of the occupants, save for the driver, are under the age of 18 then there shall be no alcohol at all in the vehicle for consumption or otherwise.
134. Where all the passengers in the vehicle consist of persons under the age of 14 years they must be accompanied by a responsible adult, other than the driver, who is over the age of 18.
135. There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.
136. A vehicle does not need to be licensed while it is being used in connection with a wedding.

Exemptions from Displaying Licence Plates on a Private Hire Vehicle

137. Private hire vehicles used exclusively for executive hire or novelty vehicles and stretched limousines will be permitted to apply for an exemption under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate.
138. Any proprietor of a licensed private hire vehicle wishing to apply for this exemption should be engaged exclusively in the provision of a 'chauffer style'

executive service or the vehicle operated should be a stretched limousine or other novelty vehicle as agreed by the Council. The applicant should satisfy the Council that the specification of the vehicle and the overall level of service provision constitute an executive hire or novelty service. It is recommended that this is done by way of submission of contract specifications and/or evidence of all contract and account customers, including usage.

139. Applications are to be made in writing on the appropriate form and each application will be judged on its merits.
140. If granted then an Exemption Notice will be issued to the proprietor. The Exemption Notice shall not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence.
141. The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice. The conditions are attached at Appendix E to this Policy.
142. A private hire operator, proprietor and driver operating under the provisions of an Exemption Notice remain subject to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 with regard to the respective licences and the conditions attached in each case.
143. A proprietor of any vehicle operating under this exemption may also request in writing to be exempt from the condition limiting the tint on the rear passenger windows (rear passenger windows, back window and any rear side windows if present).

Tinted Windows

144. In the interests of public safety it is important that passengers carried in licensed vehicles are capable of being seen when viewed from outside the vehicle.

Therefore, the Council's specification relating to the use of tinted windows in licensed vehicles is as follows: -

- a) The windscreen shall have a minimum light transmission of 75%
- b) All other front windows of the vehicle shall have a minimum of 70% light transmission,
- c) All rear windows of the vehicle shall have a minimum of 30% light transmission, unless the following criteria can be met in which case there will be no minimum light transmission:
 - The vehicle is an executive hire or novelty hire vehicle or stretched limousine operating under an Exemption Notice or exceptional circumstances apply; and
 - The vehicle will not be engaged at all in any contract or provision of vehicle for the carriage of school children or based around the carriage

of unaccompanied children/young persons (i.e. under age 18 years).
The driver must not act as the accompanying adult; and

- Approval has been given by the Council.
- d) the Council will allow a 3% (of the minimum specified reading) error margin in line with the testing instruments manufacturers recommendation. For example therefore, a 3% error margin for a rear window reading equals 0.9% (rounded to 1%). This means that a reading of not less than 29% light transmission will be accepted for rear windows.

CCTV In Vehicles

145. The Department for Transport Best Practice Guidance recommends licensing authorities look sympathetically on, or actively encourage, the installation of security measures such as a screen between driver and passenger or CCTV systems as a means of providing some protection for drivers.
146. It is not proposed that such measures should be required as part of the licensing regime at this time, it is considered that they are best left to the judgment of the owners and drivers themselves. However proprietors wanting to install CCTV must seek formal written approval from the Council. The hackney carriage and private hire trades are also encouraged to build good links with the local police force, including participation in any Community Safety Partnerships.
147. The proprietor of any vehicle with CCTV must register with the Information Commissioners Office ('notification') and produce documented evidence of that registration to the Council and display a sign approved by the Council advising passengers that a CCTV system is in operation in the vehicle.
148. It shall be the proprietor's responsibility to comply with Data Protection legislation.
149. The CCTV recording must be available for viewing by a Police Officer or an authorised officer of the Council on request. Any failure to comply with this request will be reported to the Council for consideration of the appropriate action to be taken.
150. Any reports of misuse of CCTV or recorded images may result in the immediate suspension or revocation of both the vehicle and driver's licences and/or referral to the Licensing Committee for consideration as to any disciplinary action.
151. It should be noted that external facing front and rear cameras used for the purposes of recording accidents or incidents outside the vehicle may also be installed without prior authorisation from the Council. Such cameras shall not be used for recording audio from within the vehicle, nor shall they be moved to record images inside the vehicle.

Environmental Considerations

152. The DOT guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that may have been adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards or promoting cleaner fuels.
153. Hackney carriage and private hire vehicles are an essential form of transport in the Middlesbrough Council area. Many people depend on such vehicles for trips that buses or other forms of public transport are incapable of making. They are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the Borough. It is, however, clearly important that emissions from hackney carriage and private hire vehicles are reduced as far as possible.
154. It is therefore considered that efforts should be made to improve, as far as possible, the efficiency of licensed hackney carriage and private hire vehicles by, in particular, reducing the levels of CO₂ emitted. Liquid petroleum gas (LPG) conversions to vehicles already licensed or to be licensed are therefore acceptable. Any conversion to LPG must be done by an LPG Association approved converter (unless manufactured as a dual fuel vehicle) and the conversion certificate produced to the Council for inspection and all equipment and its installation shall comply with the Motor Vehicle (Construction and Use) Regulations 1986 and any current code of practice of the LPG Association.
155. It will be conditional that any spare wheel displaced as a result of any conversion must be stored in a location that does not impinge on the passenger carrying area of the vehicle.
156. Other alternative fuel arrangements will be encouraged as technology improves e.g. electric/hybrid low emission vehicles.
157. Clearly emissions from hackney carriage and private hire vehicles could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks. It is, however, proposed that this aspect be tackled through education and promotion.

Age Restriction and European Emission Standards

158. A Government report suggests that, by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere. It highlights the impact European wide emission

limits are having on improving air quality. In private cars, these standards were introduced for new vehicles as follows:

- **Euro 1** became mandatory for new cars from 1993.
- **Euro 2** became mandatory for new cars from 1997.
- **Euro 3** became mandatory for new cars from 2001.
- **Euro 4** became mandatory for new cars from 2006.
- **Euro 5** became mandatory for new cars from 2011.
- **Euro 6** became mandatory for new cars from 2015.

159. Current vehicle policy requirements are that applications for new vehicle licences will only be accepted in respect of vehicles that are no more than three years old from the date of first registration. The licence of any vehicle will then terminate not more than eight years from the date of first registration. This will be extended to 10 years for London Style Cabs and side loading wheelchair accessible vehicles approved by the Council.

Attached at Appendix F is a table showing the breakdown of the current number of licensed vehicles by age which shows:

- all vehicle meet Euro 4 standards
- 968 vehicles meet Euro 5 standards and 5 do not
- 641 vehicles meet Euro 6 standards and 332 do not

160. Middlesbrough's air quality is consistently measured as meeting the National Air Quality Standards. However recent concerns have been raised about levels of Nitrogen Dioxide at two short stretches of the A66, identified by a computer model as part of a national exercise. The Council is looking to validate the results of the model and develop a plan as necessary to reduce levels to meet the national standard in the shortest possible time.

Demand Responsive Transport

161. The Council welcomes initiatives such as taxi sharing schemes and taxi buses with the environmental and improved service benefits that they bring.

162. The Council recognises that these services can play a valuable role in meeting a range of transport needs and is keen to promote such services in order to increase the availability of transport to the travelling public.

163. The Council will work with service providers to bring about such schemes where there is a demand for them.

164. The main legal provisions under which flexible services can be operated are listed below:

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

165. The local licensing authority can develop a scheme whereby hackney carriages can be hired at separate fares by up to eight people from ranks or

other places that have been designated by the authority. The authority is required to set up such a scheme if 10% or more of the hackney carriage proprietors in the Borough ask for one.

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

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

Taxibuses (Section 12, Transport Act 1985):

167. Hackney carriage and private hire vehicle proprietors can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator's licence'. The hackney carriage proprietor can use the vehicle to run a bus service for up to eight passengers.

168. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the hackney carriage/private hire vehicle, though it can go beyond it.

Section 3 – Drivers

- General
- The fit and proper test
- Licences
- Driving Experience
- Immigration status
- Driver Knowledge/Locality Test
- Level of spoken English
- Criminal Records Check
- Applicants Who Have Spent Time Abroad
- Relevance of Convictions, Cautions and Character
- Medical Assessment
- DVLA Licence Check
- Safeguarding Vulnerable Passengers Awareness Training
- Disability Awareness Training
- Drug Testing
- Application Procedure
- Term of Licence
- Conditions of Licence
- General Code of Conduct
- Code of Conduct When Working with Vulnerable Passengers
- Driver's Dress Code
- Changes to Licence Details
- Voluntary Return of Licence

General

169. The position of a licensed driver is one of trust. The public must feel that they and their property are safe when using private hire vehicles and hackney carriages. Given that private hire vehicles are pre-booked and often collect passengers from their homes, drivers will often be aware when houses are left unattended (e.g. taking someone to the airport for a holiday). Furthermore, in response to Police drink drive initiatives, more people are using private hire vehicles and hackney carriages socially and passengers are often transported home at the end of a social evening in a less than sober condition. They may therefore be vulnerable and reliant on the driver to take them home safely at reasonable cost.
170. Also, lone women, children and people with disabilities are frequently transported in private hire vehicles and hackney carriages. It is therefore imperative, that prospective drivers are thoroughly vetted prior to the grant of a licence and are required, by conditions imposed upon them, to maintain the high standard set by the Council for the duration of their licence.
171. Hackney carriage drivers have a slightly different role to private hire drivers in that the hackney carriage driver can also 'ply for hire' on the streets of Middlesbrough. We do however, for the above same reasons, expect the same qualities of safe driving, courteous behaviour, honesty and integrity from all our hackney carriage drivers as well as a thorough knowledge of the

roads and places of special interest and of importance, e.g. museums, hospitals, recreation facilities.

172. Hackney carriage driver applicants are subject to the same rigorous vetting procedure as private hire drivers. The Council, however, cannot attach conditions to the hackney carriage driver licence and so ensures the continuing high standards by making byelaws to, amongst other things, regulate the hackney carriage driver's behaviour throughout the duration of his/her licence. In addition the Council through this policy places certain requirements upon new applicants for hackney carriage driver licences and indicates to licensed drivers, the standards which the Council expects them to maintain.

The 'fit and proper' test

173. Before licensing any driver, the Council has to be satisfied that the applicant is a 'fit and proper' person to hold such a licence. In simple terms, we expect our licensed drivers to drive safely, behave courteously and be persons of honesty and integrity.

174. In assessing whether someone is fit and proper the Council will determine each application on its merits and shall take into account the following (this list is not exhaustive):

- Criminality (including driving related offences)
- Driving entitlement and experience
- Medical fitness
- Driver knowledge
- Complaints and/or previous history
- Licence refusal/revocation history
- Safeguarding awareness
- Disability awareness
- Conduct during the application process
- Human Rights

175. Applicants should also note the Council's Policy on the Relevance, of Convictions, Cautions, Reprimands, Warnings, Complaints and Character which is at Appendix G and which will be referred to in the determination of fitness.

176 The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a Hackney Carriage (HC) or Private Hire Vehicle Driver (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV Driver licence

Therefore:

- Where a hackney carriage/ PHV Driver licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new driver licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

177. All decisions regarding the fit and proper test are made on the lower test of the 'balance of probability' and not the higher test of 'beyond all reasonable doubt'.
178. Where the Council considers that an applicant is not fit and proper then a licence shall not be granted. Where an applicant is unable to satisfy the Council he is a fit and proper person a licence will not be granted. Each case shall be treated on its own merit.
179. Where the Council considers that an existing licence holder is no longer fit and proper, then the Council will consider, in the interests of public safety to immediately suspend or revoke a licence prior to the outcome of any investigation

Licences

180. The Council issues the following driver's licences:
- Private hire driver
 - Hackney carriage driver
 - Dual (Combined) private hire and hackney carriage driver
181. Licences are issued subject to proof of eligibility – including driving licence, driving assessment, immigration status, knowledge/locality test, criminal records check, medical assessment and safeguarding vulnerable passengers awareness training, and disability awareness training.
182. The statutory and practical criteria and qualifications for each licence are broadly identical and therefore this chapter will apply to all driver licences, unless otherwise stated.

Driving Experience

183. A driver's licence cannot be granted to anyone who has not held a full driving licence for a period of at least twelve months. Only full driving licences issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) or from some designated countries that have exchange agreements with the UK, will count towards this qualification requirement. Equal recognition can now also be given to Northern Ireland driving licences. Further details can be found at www.dvla.gov.uk

184. In addition new applicants are required to have passed a Council approved driving assessment at their own expense. If a driver does not renew his licence and a new application is not made within 28 days of its expiry then he will be required to pass this assessment if he has not already done so.

Immigration status

185. All applicants for the grant or renewal of a driver licence are required to demonstrate that they are not disqualified by their immigration status from holding a licence by submitting in person one of a number of prescribed acceptable documents which show that the applicant has permission to be in the UK and undertake work as a driver. The application will be refused if the applicant fails to provide such evidence.

186. The Home Office, via the UK Border Agency, have compiled a list of documents, which prove that someone has the right to remain and work (RTW) in the UK. Documents will fall into List A or List B and guidance notes on these documents are available at www.middlesbrough.gov.uk/taxis.

187. An applicant will need to provide one document from List A, which shows an on-going RTW in the UK. If a document from List A cannot be produced, then relevant documents from List B must be produced. These documents show restrictions on RTW in the UK.

188. If an applicant produces acceptable documents from list A and is subsequently granted a licence then there will be no requirement to carry out further checks should any further applications be received to renew that licence.

189. If an applicant produces a document from List B to prove their RTW in the UK then a licence can only be granted up until the expiry date on the document. Upon expiry of the document, they will be required to produce further documentation showing their ability to continue working should they wish to renew their licence.

190. Where verification from the Home Office is required on a person's RTW because:

- a) a Certificate of Application which is less than six months old and indicates work is permitted is produced; or
- b) acceptable documents are not produced because the applicant has an outstanding application for permission to be in the UK or has an appeal or administrative review pending; then,

subject to confirmation of the applicants immigration status a license will only be issued for six months from the date of the licence decision.

191. All RTW documents must be original copies; photocopies, scans and faxes will not be acceptable, and be produced by the applicant in person. The Council will copy the document(s) and retain the copy on the applicants file.
192. It is illegal to discriminate on grounds of race, colour, ethnic or nationality. No presumptions about a person's RTW in the UK will be made based on a person's background, appearance or accent. Each applicant will be required to comply with the RTW policy and provide the necessary documentation.
193. A licence will lapse when the holder's permission to be in the UK comes to an end.

Driver Knowledge/Locality Test

194. In order to determine the fitness of a person to hold a licence, all new applicants are required to sit and pass a test on their knowledge of driver conduct requirements, safeguarding vulnerable passengers, licence conditions and licensing legislation, highway code and the local geography and places of interest and local importance . The test will also include a section on basic numeracy and literacy. Tests for hackney carriage and combined driver's licences include a more detailed assessment of local geography, location of hackney carriage ranks, routes and journeys, and knowledge of tariffs and charges.
195. Every applicant will be provided with a pass/fail notice following the test.
196. The fee for one knowledge test is currently included in the application fee for a licence. If an applicant fails to pass the test, a further fee will be charged for every subsequent test. Applicants are not permitted to sit a re-test without payment of the fee.
197. Should an applicant fail to pass the knowledge test within five attempts, they should normally expect to have their application refused and they will be required to wait for a period of at least six months before a further application will be considered. This should provide the applicant with sufficient time to develop the necessary knowledge required in order to successfully undertake the knowledge test.
198. If an applicant fails to attend a test or attends late, a further test shall be required for which a charge will be made.
199. No driver's licence will be issued without the applicant first gaining a knowledge test pass certificate. This certificate will stand for future renewals. If a driver does not renew their licence and 2 years lapses before re-applying, a new test certificate will be required.

Level of spoken English

200. Applicants who cannot demonstrate a reasonable level of spoken English to be able to provide the service that they wish to be licensed for may be

required to undertake an assessment of their spoken English. This assessment will be undertaken by an Authorised Officer at the Council offices.

Criminal Records Check

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

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

202. The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendments) Order 2002 allows the Council to take into account all relevant convictions recorded against an applicant for a hackney carriage or private hire driver's licences (see Section 7 for more information.) Applicants are therefore required to disclose all unprotected convictions, including those that would normally be regarded as spent. A list of unprotected convictions can be found at www.gov.uk/government/publications/dbs-filtering

203. Before an application for a driver's licence will be considered, the applicant must, via the Council or any agreed partner, apply to the DBS for an enhanced disclosure of criminal convictions including barring list information for people working with children and vulnerable adults, unless the applicant has subscribed to the DBS update service previously for the same level of check and provides the Council with a copy of their original disclosure certificate and the appropriate consent to access their record.

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

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

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

207. All licence holders must also subscribe to the Disclosure and Barring Service Online Update Service throughout the duration of their licence. Any costs associated with maintaining this subscription must be met by the licence holder. The licence holder must give consent for the Council to undertake checks of their DBS status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed. Failure to maintain subscription to the update service will result in the suspension of the driver's licence until a new disclosure is provided. Existing licence holders who have not already subscribed to the updating service will be required to do so when their next DBS disclosure application is submitted. Further details and guidance can be found at: www.gov.uk/dbs-update-service.
208. If a driver does not renew their licence a new disclosure will be required at the time of any subsequent application unless the driver has continued to subscribe to the update service.

Applicants Who Have Previously Resided Abroad

209. If an applicant is newly resident in the UK they must still apply for an enhanced DBS check regardless of the period of time they have spent in the UK.
210. Where an applicant has not been resident in the UK for the past 5 years an enhanced DBS disclosure in itself will usually be insufficient to satisfy the Council that the applicant is a fit and proper person. This is because the DBS does not routinely provide criminal record information from non UK countries. These applicants will be required to provide a Certificate of Good Conduct or an equivalent document, translated into English, from each country where they have been resident/domiciled.
- Further information is available from:
- <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.
211. A Certificate of Good Conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to good conduct and/or to any criminal convictions recorded against the individual. The Council will take advice from the DBS in identifying the appropriate authority where available.
212. The Council may also approach the relevant Embassy or appropriate body directly to verify documents provided. Any costs involved must be met by the applicant.

213. If an applicant is unable to provide a Certificate of Good Conduct then an application may be refused and in such cases applicants are advised to contact the Council before submitting their application.

214. The Council's legitimate aim at all times is to protect members of the public and if any of the documentation produced does not satisfy the Council, the application may be refused or an existing licence suspended.

215. The Licensing Manager may determine such applications or refer them to the Licensing Committee and each case will be judged on its merits.

Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character

216. In assessing whether an applicant is a fit and proper person to hold a licence, the Council will consider each case on its own merits and will have regard to the adopted Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character, a copy of which is attached at Appendix G.

217. If a disclosure certificate is more than 6 months old at the time of assessing whether an applicant is a fit and proper person to hold a licence the Council may require additional DBS checks at a cost to the licensee unless the driver has subscribed to the update service.

Medical Assessment

218. Under Section 57 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may require an applicant for a driver's licence to produce a certificate signed by a registered medical practitioner to the effect that they are physically and mentally fit to be the driver of a hackney carriage or private hire vehicle.

219. The Council requires a medical certificate upon an initial application for a driver's licence. In addition or in place of such a certificate the Council may require an applicant to submit to examination by a registered medical practitioner selected by the Council as to their fitness to be a driver of a hackney carriage or private hire vehicle.

220. In line with Department of Transport guidelines, the Council applies the DVLA Group 2 driver standards for the medical fitness of hackney carriage and private hire drivers. This is a higher medical standard than that required of drivers of other motor vehicles and is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public.

221. Upon an initial application for a driver's licence the applicant shall produce a completed medical examination report provided by the Council. This report includes a vision assessment form and a certificate of fitness that must be completed **by the applicant's own G.P. or a medical practitioner with**

access to the applicant's full medical history. The applicant is responsible for paying the fee for the examination. If necessary the G.P. may return the completed form direct to the Licensing Office. If the Council requires any further information in respect of any matter identified in the medical report the Council may either contact the G.P. direct, when appropriate, or alternatively request the applicant to obtain the information.

222. During the application process the medical examination report will be deemed valid for a period of 6 months after which, if the application process is still ongoing, either a new medical form or a letter from the G.P. who carried out the original medical assessment, confirming that there has been no change in the medical fitness of the applicant, will be required.
223. The medical practitioner must confirm that:
- They have examined the applicant.
 - The applicant is registered with the practice and/or they have full access to the applicant's full medical records.
 - The medical examination was carried out to the DVLA's Group 2 standard.
 - They consider the applicant meets Group 2 standard and to be fit to act as the driver of a hackney carriage or private hire vehicle.
224. Existing licensees aged over 45 years must provide a medical examination report as evidence of their medical fitness to hold a licence every five years and after the age of 65 years, annually.
225. If a driver has any change in their medical condition or a medical condition that requires notification to the DVLA e.g. sleep apnoea, they shall also be required to notify the Council within 7 days.
226. In addition to the above requirements, where a driver suffers from a condition that requires monitoring but which would not prevent them from driving, they are required to provide written confirmation from their G.P. or consultant at intervals, as recommended by the DVLA standards, that they continue to meet Group 2 standards and remain fit to carry out the duties of a licensed driver.
227. Applicants with insulin treated diabetes should refer to the specific guidance notes at www.middlesbrough.gov.uk Such applicants may be licensed but will be required to meet the criteria contained in the guidelines and if a licence is granted will then be subject to the submission of an annual medical report from a hospital consultant specialising in treating diabetes.
228. If the Council is not satisfied as to the medical fitness of a new applicant, a hackney carriage or private hire driver's licence will not be granted.
229. If the Council is not satisfied as to the medical fitness of an existing licensed hackney carriage or private hire driver, there may be reasonable cause to suspend, revoke or refuse to renew the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

DVLA Licence Check

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

231. This process will involve the provision, by the driver of a licence 'check code'. This code can be obtained from www.gov.uk/view-driving-licence and allows the Council to check the status of a DVLA driving licence.

Safeguarding Vulnerable Passengers Awareness Training

232. All new applicants for hackney carriage and private hire drivers licences are required to undertake Council approved Safeguarding Vulnerable Passengers awareness training and produce a certificate as evidence of such training before a licence can be granted so as to equip them with the knowledge and skills to identify signs of potential abuse and how they should respond.

~~233.~~

Disability Awareness Training

234~~3~~. All new applicants for hackney carriage and private hire drivers licences are required to undertake Council approved Disability Awareness training and produce a certificate as evidence of such training before a licence can be granted so as to give them confidence and self-assurance to be able to give disabled people the same high-level of service that is given to everyone else.

~~235~~

236~~4~~. There will be an exemption from this requirement for applicants who have previously obtained the Transporting of Passengers by Taxi and Private Hire Level 2 BTEC Award.

Drug Testing

237~~5~~. In view of the increase in the number of applicants/drivers with cautions and or convictions for drug related offences and to provide equity with drivers of other forms of public transport, the Council will conduct drug tests on existing drivers and new applicants on an intelligence led and random basis. Selected drivers will be expected to either submit to any tests deemed appropriate by an authorised officer of the Council or to attend a medical practitioner chosen by the Council and submit to any tests deemed appropriate.

Failure to comply with any request for a test or positive test results may result in the suspension of the drivers licence and referral to the Licensing Committee.

Application Procedure

2386. The following documents are to be submitted for a **new application**:

- Completed application form.
- Immigration status documentation.
- Medical examination report.
- Knowledge test pass certificate if previously undertaken.
- Disclosure and Barring Service (DBS) application form with appropriate identity documents (or alternative).
- Certificate of good conduct or equivalent where appropriate.
- Driving assessment certificate
- Driving licence
- DVLA mandate form.
- Pass/completion certificate for Safeguarding Awareness training
- Licence fee including DVLA mandate form and DBS Disclosure application fee.
- Disability Awareness training certificate.

2397. Applications submitted without all of the supporting documents and the appropriate fee will not be processed.

24038. Any incorrectly completed forms will not be processed.

24439. All documents **must correspond in respect of the full name and address of the applicant** or the application will not be processed.

2420. Applicants who are found to be disqualified from holding a licence by virtue of their immigration status will have their application refused.

2431. The medical examination report and DVLA mandate form should not be completed and signed earlier than 28 days before submission to the Licensing Office.

2442. Applicants will be given appointments to undertake the disability awareness training and the knowledge test and the application will not be determined until the driving assessment, disability awareness training and knowledge test have been taken and passed and a satisfactory medical examination report, and DBS disclosure and the results of a DVLA licence check/mandate are received.

2453. If the application is withdrawn or refused the fee will be refundable minus the proportion of the charge for the DBS application, the DVLA mandate form, the knowledge test fee (if undertaken), the disability awareness training (if undertaken) and an administration charge.

2464. The following documents are required for a **renewal application**:

- Application renewal form.
- Immigration status documentation, if required
- DVLA driving licence.
- DVLA mandate form.
- Medical examination report, if required.
- DBS application form with appropriate identity documents, if required.
- Licence fee including any disclosure application fee, if required.
- Pass/completion certificate for safeguarding awareness training, if required

2475. If the renewal application is refused the fee will be refundable minus the proportion of the charge for any DBS application, the DVLA mandate form and an administration charge.

2486. The legislation does not allow for continuity of licence and it is the driver's responsibility to ensure that a renewal application is made in good time. Drivers who expect to be out of the country at the time their licence expires must contact the Council before they leave so that renewal arrangements can be made.

2497. Renewal applications received after the expiry date of a licence will not be accepted for processing and a new driver's licence application will need to be made and the driver will not be permitted to work until the new application has been approved. In such cases any grandfather rights given to existing drivers i.e. in respect of the exemption from the requirement to complete the council's driving assessment, medical and DBS check will lapse if the new application is not made within 28 days from the expiry date of the licence.

25048. Renewal applications will be processed and issued pending any required enhanced DBS check or DVLA mandate, unless the Council has reasonable grounds for concern. In such circumstances the renewal application will not be determined until or unless these concerns have been satisfactorily resolved and each case will be determined on its merits.

~~254249.~~ If details of new convictions or charges are received during the renewal process the application to renew will be dealt with on its merits according to this Policy.

2520. If details of any convictions or cautions are received through the DBS and the DVLA checking process and a declaration has been signed stating that there are no new convictions or cautions, this will be treated very seriously and the appropriate action taken.

2531. The Licensing Manager may at any time refer a decision to grant or renew a driver's licence to the Licensing Committee.

2542. If a licence is refused the decision and reasons for the decision will be sent to the applicant within 5 working days of the decision.

2553. All drivers will be issued with a badge detailing their licence number, expiry date and a photograph of the licence holder. This badge must be worn at all times when the driver is working and shown when requested by an authorised officer of the Council, a Police Officer, or a passenger in a licensed vehicle. A paper licence is also issued which should be deposited with the licensed private hire/hackney carriage vehicle proprietor that the driver works for.

2564. All Private Hire drivers will be issued with a private hire driver licence record card that shall be given to and retained by the licensed Private Hire Operator he/she is currently employed by or working through.

2575. Lost or stolen badges and/or licences/record cards must be reported on the next working day to the Licensing Office. Damaged badges, licences or record cards should be reported to the Licensing Office.

Term of Licence

2586. Driver licences are normally issued for a period of one or three years, but a licence can be issued for a shorter period if the Council consider it appropriate.

2597. Where an applicant's leave to remain in the UK is restricted by their immigration status any licence issued will be for a limited period and will have a corresponding expiry date. Where an applicant has been granted a continuation of leave pending variation decision under S3C of the Immigration Act 1971 a licence will only be issued for a period of six months maximum. The appropriate pro-rata fee will be charged.

Conditions of Licence

26058. The Council is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire driver's licence and this includes combined private hire/hackney carriage drivers as are considered reasonably necessary.

26459. The conditions set out at Appendix H are considered reasonably necessary and appropriate, and as such may be legally imposed in respect of private hire drivers.

2620. Hackney carriage drivers will be provided with Notes for Drivers, which are a summary of the legislative/byelaw requirements together with the requirements and expectations of this policy, a copy of which is attached at Appendix I. All licence holders will be provided with a copy of the conditions/notes at the time their licence is issued and the driver's file will be updated to confirm receipt.

2631. This Policy also includes a driver's General Code of Conduct, a Code of Conduct when working with Vulnerable Passengers and Dress Code which

are detailed in the following paragraphs and which the Council will require all drivers to adhere to.

General Code of Conduct

2642. This Policy includes a General Code of Conduct for all drivers that the Council wishes drivers to operate in accordance with. This serves to promote the Council's licensing objective in respect of hackney carriage and private hire licensing. This Code of Conduct may be taken into consideration in disciplinary matters.

2653. All licence holders will be provided with a copy of the Code and the driver's file will be updated to confirm receipt.

2664. The Code of Conduct is attached at Appendix J to this Policy.

Code of Conduct When working With Vulnerable Passengers

2675. This Policy includes a Code of Conduct when working with Vulnerable Passengers for all drivers and operators that the Council wishes drivers to operate in accordance with. This serves to promote the Council's licensing objective in respect of hackney carriage and private hire licensing. This Code of Conduct may be taken into consideration in disciplinary matters.

2686. All licence holders will be provided with a copy of the Code and the driver's file will be updated to confirm receipt.

2697. The Code of Conduct is attached at Appendix K to this Policy.

Driver's Dress Code

27068. A Dress Code serves to enhance the image of the hackney carriage and private hire trade and promotes the concept that drivers of licensed vehicles are professional drivers.

27469. In order to raise the profile of the licensed trade, drivers should operate at all times in an appropriate manner and conform to a minimum standard of dress. A Dress Code for licensed drivers is therefore included at Appendix H.

2720. Failure to comply with the Dress Code may be taken into consideration in disciplinary matters.

Changes to Licence Details

2731. Drivers shall notify the Council in writing within 7 days of any change to their home address or any change to their name that appears on their licence

Voluntary Return of Licence

| 2742. Although there are no statutory provisions within the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 which allow for the voluntary return of a driver's licence, the Council recognises that there are many legitimate reasons why a driver may wish to return their licence. This could include, for example, changes in their medical condition, personal circumstances or the driver may simply wish to pursue another career path. In such circumstances it is likely that the Council will accept the return of the driver's licence and arrange for a pro-rata refund of the licence fee, minus any administration charges.

| 2753. Any request to return a driver's licence shall be made in writing and the Council will consider each case on its merits.

Section 4 – Private Hire Operators

- Requirements and Obligations
- Immigration Status
- Criminal Record Checks
- Safeguarding
- Conditions
- Insurance
- Planning Consent
- Application Procedure
- Licence Duration
- Address from with an Operator may operate
- Location of Private Hire Vehicles when not booked
- Record Keeping
- Change of Address
- Complaints
- Material Change

Requirements and Obligations

2764. Any person who operates private hire vehicles must apply to the Council for a private hire operator's licence. The Local Government (Miscellaneous Provisions) Act 1976 defines the terms 'operate' as meaning 'in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle'.
2775. The Council takes the view that as the person responsible for recruiting private hire vehicles and drivers, for accepting bookings and for fulfilling customer expectations the role of the private hire operator is crucial. It is he/she who can set the standards expected by the Company and the Council and ensure that vehicle proprietors and drivers meet those standards and customers' expectations. It is also important that the private hire operator recognises the role of the Council as the Licensing Authority and works in partnership with the Council to achieve high standards.
2786. The objective in licensing private hire operators is therefore to ensure that only persons who are honest, professional and committed to meeting the Councils high standards are licensed as private hire operators and ensuring the protection of the public who will be using the operator's premises and the vehicles and drivers arranged through them.
2797. A private hire vehicle may only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle. An operator may subcontract a booking to another private hire operator anywhere in England, Wales and Scotland.
28078. A private hire operator must ensure that every private hire vehicle despatched by him is licensed and driven by a person who holds a valid

private hire driver's licence. The operator, vehicle and driver must be licensed by Middlesbrough Council.

| 28479. It is a criminal offence to operate a private hire vehicle without an operator's licence.

| 2820. Operators need to familiarise themselves with the appropriate legal requirements and licence conditions and ensure they employ suitable work methods in order to comply with the legal requirements and avoid committing licensing offences. Part of the application process will include an interview in this respect.

| 2831. It shall be a condition that the applicant operates from a premise within the controlled district of the Council. A fixed landline telephone number for bookings must be provided at this premise. (A licence will not be issued without this.)

| 2842. The Licensing Office may request additional information as may reasonably be considered necessary with regard to new and renewal applications to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.

| 2853. The operator is responsible for all persons that are employed, contracted or otherwise used in the course of their private hire business. To that end, the operator must undertake sufficient checks* to satisfy themselves that only 'fit and proper' persons who have direct contact with customers are used (and continue to be used) in the course of their private hire business. The failure of an operator to ensure that sufficient checks are carried out may call into question the operator's fitness and propriety.

*Note: Sufficient checks on persons should include references from previous employers in the case of persons who are not licensed private hire and hackney carriage drivers and the production of a basic criminal conviction certificate issued under the Police Act 1997 which has been issued no earlier than one calendar month before their offer of employment, contract, or use.

| 2864. The operator shall also provide all drivers employed or used to fulfil private hire bookings with suitable training on their roles and responsibilities and in particular the law regarding plying for hire and accepting un-booked fares.

| 2875. The following are examples of circumstances that may affect the fitness and propriety of an operator:

- Operating vehicles that are unlicensed or are in an unsuitable condition;
- Failure to satisfactorily address concerns in relation to licensed drivers and other employees (including matters related to child/adult safeguarding);
- Licensed drivers or vehicle proprietors persistently breaching the conditions of their licence whilst working for/under the instruction of a particular operator.

Immigration Status

2886. All applicants for the grant or renewal of a private hire operator's licence are required to demonstrate that they are not disqualified by their immigration status from holding a licence by submitting in person one of a number of prescribed acceptable documents which show that the applicant has permission to be in the UK and undertake work as an operator. . A list of acceptable documents can be found at www.middlesbrough.gov.uk/taxis. If an applicant has an indefinite right to remain and work in the UK they will only be required to prove that entitlement once.

2897. No licence will be granted until the applicant is able to provide such evidence

2908. Further details on the right to work process can be found at paragraphs 185 – 193 above.

Criminal Record Checks

2919. This is a position of trust as operators gain detailed knowledge as to a person's movements, travel arrangements etc.

2902. The Council will only grant a private hire operator's licences when it is satisfied that the applicant is a fit and proper person.

2931. The Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character (Appendix G refers) will be used to help determine whether an operator is a fit and proper person to hold a licence.

2942. At the present time the Council is not able to obtain any DBS disclosure on applicants for a private hire operator's licence. If the applicant is not a licensed driver then before an application for the grant of a private hire operator's licence will be considered the applicant must provide a basic criminal conviction certificate used under the Police Act 1997 which has been issued no earlier than one calendar month before making the application.

2953. If the applicant is a limited company, then a basic criminal conviction certificate must be provided by each director. If the applicant is a partnership then this certificate must be submitted by each partner.

2964. If the applicant is currently licensed as a driver with the Council they will be exempt from this requirement, as they are already subject to DBS checks.

2975. Applicants for renewal of an operator's licence will be required to provide a new certificate or search results every fifth year.

2986. Any concerns highlighted during this process will be carefully considered and may be referred to the Licensing Committee for determination.

Safeguarding Vulnerable Passengers

| 2997. The Council expects licensed Private Hire Operators to support the Council in its aims to raise awareness of and tackle issues around child and adult safeguarding

| ~~3002~~998. All new applicants for Private Hire Operator licences (who do not hold a drivers licence) are required to undertake Council approved Safeguarding Vulnerable Passengers awareness training and produce a certificate as evidence of such training before a licence can be granted so as to equip them with the knowledge and skills to identify signs of potential abuse and how they should respond.

| ~~304~~299. Unless they are a licensed driver, all existing private hire operators, licensed prior to December 2016, or their nominated representative, must complete Council approved Safeguarding Vulnerable Passengers awareness training and produce a certificate as evidence of such training by December 2017.

| 3020. Applicants for Private Hire Operator licences are required to submit a Safeguarding Vulnerable Passengers policy in respect of their business to the satisfaction of the Council as part of the application process and existing Private Hire Operators licensed prior to December 2016 are required to produce such a policy document to the satisfaction of the Council before December 2017

Conditions

| 3031. The Council has power to impose such conditions on an operator's licence as it considers reasonably necessary.

| 3042. Appendix L sets out the general conditions to be attached to an operator's licence which covers the standards of service expected.

| 3053. Additional conditions may be imposed depending upon individual circumstances.

Insurance

| 3064. Applicants are required to ensure that appropriate public liability insurance has been taken out and may be required to produce evidence of the same on request. Where necessary operators must also hold employers liability insurance.

Planning Consent

| 3075. Applicants are required to obtain planning consent, where necessary, for the premise they intend to operate from.

3086. If the planning consent is time restricted, it is the operator's responsibility to ensure that a new permission is applied for prior to the current planning permission expiring.

Application Procedure

3097. The following documents are to be submitted for a new application and for a renewal application when appropriate:

- Application form, including signed statutory declaration.
- Immigration status documentation
- Basic criminal conviction certificate used under the Police Act 1997 which has been issued no earlier than one calendar month before making the application. (if not currently licensed as a driver)
- Safeguarding Vulnerable Passengers policy
- Pass/completion certificate for Safeguarding Awareness training (unless the applicant is a licensed driver)
- Licence fee.

3408. Officers may require a site visit prior to the determination of the licence application.

3409. Applicants will be interviewed regarding their knowledge of the legislation, customer care and conditions appertaining to private hire work.

Licence Duration

3120. Licences will be issued for a period of five years unless a lesser period is deemed appropriate.

3131. Where an applicant's leave to remain in the UK is restricted by their immigration status any licence issued will be for a limited period and will have a corresponding expiry date. Where an applicant has been granted a continuation of leave pending variation decision under S3C of the Immigration Act 1971 a licence will only be issued for a period of six months maximum.

Address from Which an Operator May Operate

3142. Upon the grant of an operator's licence the Council will specify the address from which the operator may operate. These premises must be in the controlled district of the Council, and will be expected to have planning consent for use as a private hire office when deemed applicable.

3153. If an operator wishes to change the base from which they operate they shall seek written approval from the Council prior to any change taking place.

Location of Private Hire Vehicles when Not Booked

31~~64~~. The operator shall direct its Private Hire Vehicle drivers that when a Private Hire Vehicle (operating as such) is not on route to, engaged in, or returning from a pre-booked journey it is kept at the operating base or other appropriate, lawful location, and use all reasonable endeavours to ensure compliance with that direction.

31~~75~~. In determining what is an appropriate location the operator shall take all reasonable steps to ensure that the Private Hire Vehicle is not parked in such a position as to cause annoyance or disturbance to any other person or damage to property and which could give rise to complaints e.g. parking in residential areas.

Record Keeping

31~~86~~. Records are required to be kept by the operator of every booking invited or accepted by them. These shall be kept either in a suitable book duly approved by the Council, the pages of which shall be numbered consecutively or by use of a computer data base. (Appendix L refers to the details to be recorded).

31~~7. 9~~. Records must be preserved for a period of at least 1 year and be available for inspection and/or be produced at the request of a Police Officer or authorised officer of the Council.

3~~20~~18. The operator must ensure that any staff responsible for taking bookings are competent to do so and are capable of using the system used for the keeping of records.

Change of Contact Address

3~~24~~19. The operator must advise the Council in writing of a change of any contact address that appears on the licence, within 7 days of such a change taking place.

Complaints

32~~20~~. The operator must identify a point of contact for consumer related complaints and provide details of the point of contact to the Council on the grant of licence. Any change to this point of contact must be notified to the Council within 7 days of the change of contact.

32~~31~~. The operator shall keep a record of the particulars set out in lines a) to f) below of any complaints received concerning a private hire booking accepted by him, and the particulars set out at d) to f) below of any other complaint made in respect of his undertaking as a licensed operator. The records shall be retained for a period of not less than 12 months and shall be made available for inspection and/or be produced to an authorised officer of the Council or a Police Officer on request.

- a) The date of the related booking;
- b) The name of the driver who carried out the booking;
- c) The registration mark of the vehicle used;
- d) The name of the complainant and any address, telephone number or other contact details provided by him;
- e) The nature of the complaint; and
- f) Details of any investigation carried out and subsequent action taken as a result.

3242. Whilst it is expected that the Operator shall attempt to resolve all complaints initially, Operators must also notify the Council by the next working day of receipt of any allegation, concern or complaint received and of any action taken or proposed, which relates to any person licensed by the Council and which involves the following:

- Allegations of sexual misconduct, sexual harassment or inappropriate sexual attention
- Racist behaviour
- Any other inappropriate behaviour or safeguarding concern
- Violence
- Dishonesty
- Equality breaches
- Plying for hire
- Standard of driving

Operators must also provide complainants who are dissatisfied with the outcome of their investigation/response into their complaint with contact details for the Council's Licensing Section.

Material Change

3253. A private hire operator's licence is not transferable and operators must notify any proposed changes, substitution or removal of the person(s) authorised to operate under the terms of the licence to the Council immediately in writing prior to the changes taking place.

Section 5 – Fares

- General
- Table of Fares
- Receipts
- Overcharging

General

3264. Councils have the powers to set hackney carriage fares for journeys within their area.

3275. When a journey ends outside the Council's area a fare greater than that shown on the meter may be charged but only if an agreement has been made with the hirer in advance. In the absence of such an agreement, only the metered fare can be charged. Failure to comply is an offence.

3286. Hackney carriage fares, set by the Council, are the maximum and can be negotiated downwards by the hirer.

3297. The Council will review the table of fares when requested by the trade. When determining the level of fares consideration will be given to what is reasonable to expect the travelling public to pay as well as the need to give the drivers an incentive to provide a service at all times it is needed. The current table of fares in not part of this Policy as it is subject to its own review.

33028. A notice of any proposed variation to the maximum fares will be advertised in a local newspaper with a date set not less than 14 days from publication for making objections to the proposed variation.

33429. If no objections are received the fare variation will have immediate effect at the end of the statutory period set for objections to be made. If any objections are received the matter will be referred to the Licensing Committee for consideration and/or modification and a further implementation date will be set.

3320. The Council is not empowered to set fares for private hire operators. It is a matter for negotiation between the hirer and operator at the time of booking and the operator should make this clear. When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages.

Table of Fares

3331. A table of fares will be provided to each hackney carriage licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.

Receipts

| 3342. A driver must, if requested by the hirer, provide a written receipt for the fare paid.

| 3353. It is a condition of a private hire driver's licence that the driver shall provide the hirer with a written receipt of the fare paid if requested. Conditions cannot be attached to a hackney carriage driver's licence but in the notes given to drivers a similarly worded recommendation is made to reflect this policy requirement.

| 3364. It shall be a requirement that any receipt when requested, should show:

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

Overcharging

| 3375. All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter or agreed at the time of hiring with certain exceptions.

Section 6 – Fees

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

Fee Structure

3386. The legislation provides that the fees charged may be sufficient to cover the reasonable costs of the issue and administration of driver licences; and for the grant of vehicle and operator licences as may be sufficient to cover the reasonable cost of:

- a) inspections of vehicles for the purpose of determining whether any such licence should be granted or renewed;
- b) providing hackney carriage stands; and
- c) administrative or other costs in connection with vehicle and operator licences and with the control and supervision of hackney carriages and private hire vehicles.

Licensing income from these fees is 'ring-fenced' which means that none of the income can be spent on other areas of council activity.

3397. The current fees payable for the grant and renewal of hackney carriage and private hire licences and the basis on which the fees are calculated are available from the Licensing Office and the Council's website at <https://www.middlesbrough.gov.uk/taxis>

Variation to Fee Structure

34038. The fee structure is reviewed as part of the budgetary process. Notice of the current scale of fees will be supplied to new applicants at the time of application.

34139. A notice of any variation to the maximum fees in respect of vehicles, drivers and operators will be advertised in a local newspaper with a date set not less than 28 days from publication for making objections to the proposed variation of fees.

34240. If no objections are received the fee variation will have immediate effect at the end of the 28 day consultation period. If any objections are received they will be considered by the Council and the variations confirmed or varied accordingly.

Payment Refunds

3431. Fees paid in relation to hackney carriage and private hire driver and vehicle licences and private hire operator licences are subject to a partial refund on the unexpired portion of the licence should the licence holder choose to

surrender their licence during the period of the licence. Refunds shall be determined by the Council and an administration fee will also be levied.

| 3442. Fees paid in respect of an unsuccessful application will be subject to a refund minus an administrative fee determined by the Council.

Section 7 – Convictions, Cautions, Conduct and Character

- Rehabilitation of Offenders Act 1974
- Hackney Carriage and Private Hire Drivers
- Operators
- Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings and Complaints and Character
- Simple Cautions and Endorsable Fixed Penalties
- Conduct and Character

Rehabilitation of Offenders Act 1974

3453. Hackney carriage and private hire drivers as an occupation are excluded from the provisions of the Rehabilitation of Offenders Act 1974. All relevant convictions, including spent convictions, may therefore be considered.

36544. However, in 2013, amendments were made to the Rehabilitation of Offenders Act (Exceptions) Order 1975 (the Order) so that certain old and minor cautions and spent convictions are 'protected' and are not subject to disclosure under the Exceptions Order, nor will they appear on a standard or enhanced disclosure certificate issued by the DBS. Applicants for driver licences are required to disclose all convictions cautions, final warnings and reprimands whether they are spent or not, **unless** they are protected under the Order. Further information can be obtained from:
<https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates/filtering-rules-for-dbs-certificates-criminal-record-checks>

3475. In December 2016 The Immigration Act 2016 included convictions for immigration offences or requirements to pay an immigration penalty as grounds for the suspension, revocation or refusal to renew a drivers or an operator's licence but the Rehabilitation of Offenders Act provisions in relation to spent convictions applies when considering such convictions.

Hackney Carriage and Private Hire Drivers

3486. When an application is made for a hackney carriage or private hire driver licence the Council must be satisfied that the applicant is a fit and proper person and not disqualified by reason of their immigration status before issuing the licence. By law the council shall not grant a drivers licence unless they are satisfied of this (S.51 & S.59 Local Government (Miscellaneous Provisions) Act 1976 refer).

3497. The legislation is worded in such a way as to put the onus on the applicant to provide evidence that they are a fit and proper person, rather than for the Council to prove that they are not.

35048. The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver's licence for any good reason. If adequate information that a person is a fit and proper person is not adduced or if there are grounds

to question or doubt the information provided, then that could amount to good reason to refuse a licence.

35449. In addition, the Council may:

- Suspend;
- Revoke; or
- Refuse to renew

a hackney carriage or private hire driver licence if the licensee has since the grant of the licence:

- Been convicted of an offence involving dishonesty, indecency or violence; or
- Been convicted of an immigration offence or required to pay an immigration penalty; or
- Been convicted of a private hire/hackney carriage licensing offence; or
- For any other reasonable cause (S.61 LG (MP) Act 1976 refers).

3520. Reasonable cause encompasses a wide variety of issues, including other convictions, cautions, medical fitness and conduct, but the onus is now on the Council to prove that a driver is no longer considered to be a fit and proper person.

3531. If it appears to be in the interests of public safety to do so then a suspension or revocation will have immediate effect and the driver will be given notice of that decision. The effect of this decision will mean that a driver cannot continue to drive licensed vehicles should an appeal be made against the decision.

Operators

3542. The Council must also be satisfied that applicants for operator licences are fit and proper persons and not disqualified by reason of their immigration status before issuing a licence. This policy will therefore be referred to when considering an operator's licence application.

3553. It is accepted that an operator does not have the same level of direct contact with the public as they will not drive the customer (unless they also hold a driver's licence). However, it is acknowledged that the operator will be in possession of information about people's whereabouts and movements and will deal with the public either face to face or over the telephone and as such there is a need for them to be fit and proper persons.

3564. In addition, the Council may:

- Suspend;
- Revoke; or
- Refuse to renew

an operator's licence for:

- Any offence, or non-compliance with the provisions of the LG (MP) Act 1976;
or
- That he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty;
- Any conduct on the part of the operator which appears to the Council to render him unfit to hold an operator's licence;
- Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- Any other reasonable cause.

Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character

3575. The overriding consideration of the licensing regime is the safety of the public. The Council has a duty to ensure that, as far as possible, those licensed to drive the public in hackney carriage or private hire vehicles are suitable persons to do so, that they are safe drivers with a good driving record and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who might take advantage of their position to abuse or assault customers.

3586. The Council has a Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character (see Appendix G). This policy is intended to assist Licensing Officers and the Committee in making decisions and to ensure a consistent approach is maintained. However, each case is to be decided upon its own merits and Officers and the Committee may decide not to adhere rigidly to the policy if there are exceptional circumstances. Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence. Applicants should also demonstrate evidence of good character.

3597. It may be appropriate to depart from the general policy in some cases, for example, situations where the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. Where there has been a conviction for a sexual offence, murder or manslaughter, a licence will normally be refused. Where an applicant has served a custodial sentence the Council will consider the number of years since their release and the period for which they have been free from conviction when determining their fitness to be licensed. When calculating the period an Applicant is free from conviction or incident the Council will calculate the period from completion of any sentence imposed.

| 36958. The policy should also assist applicants and licensees and those that represent them by clearly setting out the expectations the Council have in relation to the behaviour of applicants/licensees. This should also minimise the time (and associated costs) incurred by both the Council and applicants/licensees. Prior to submitting an application an applicant can therefore discuss further what effect a conviction/caution may have on any application by contacting the Licensing Office for advice.

| 36459. The policy will be taken into account and in general will be followed, when dealing with a new application, a renewal application and when considering whether to issue a warning, suspend or revoke an existing licence.

| 3620. The aim of the policy is not to punish the applicant/licensee twice for a conviction or caution but to ensure that public safety is not compromised and to protect the public from those who have demonstrated a propensity towards wrongdoing.

| 3631. In considering evidence of an applicant's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal matters are disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant. However, where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction (Nottingham City Council v Mohammed Farooq (1998) refers).

| 3642. The policy is not an attempt to define what a 'fit and proper person' is.

| 3653. The policy does not deal with every type of offence. However, offences described in the policy and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the policy.

Simple Cautions and Endorsable Fixed Penalties

| 3646. For the purpose of the guidelines simple cautions, endorsable fixed penalties and public order fixed penalties shall be treated as though they were convictions and they shall be disclosed to the Council accordingly.

Conduct and Character

| 3675. Criminal convictions are not the only criteria used when considering whether an individual is a fit and proper person to be licensed. Other factors, including the applicant or licensee's demeanour and appearance (dress) and behaviour during the application process may be taken into account in determining fitness and propriety.

| 3686. The Council may require an applicant to submit additional information it reasonably considers necessary to enable it to determine whether a licence

should be granted or whether conditions should be attached (S.57 LG(MP)Act 1976 refers).

| 3697. The Courts have found that one purpose of licensing powers is to prevent licences being given to, or used by, those who are not suitable, taking into account their driving records, driving experience, sobriety, mental and physical fitness, honesty and ensuring that they would not take advantage of their employment to abuse or assault passengers (Leeds City Council v Hussain (2002) refers).

| 37068. When determining the fitness and propriety of drivers, Council Officers and Members may consider whether they would allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a vehicle with the applicant/licensee alone.

| 37469. If the answer to this question is an unqualified yes, then the test is probably satisfied. If the Officers or Members have doubts then further consideration will need be given as to whether the individual is a fit and proper person.

| 3720. The Council can consider circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence. The Council's focus is the impact of the applicant or licence holder upon members of the public.

Section 8 – Enforcement, Discipline and Offences

3731. This section provides an overview of enforcement and disciplinary action and the main offences concerned with the private hire and hackney carriage trade. It is not intended to be an exhaustive list and does not constitute legal advice. All enforcement action will be carried out having due regard to the requirements of the Council's Regulatory Services Enforcement Policy and the Regulators' Code.

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- Suspension of Vehicle Licence – Section 68 Notice
- Suspension/revocation of a Vehicle Licence – Section 60 Notice
- Suspension/revocation of a Driver's Licence – Section 61
- Suspension/revocation of an Operator's Licence – Section 62
- Requests for Insurance and MOTs
- Simple Caution
- Prosecution
- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Hackney Carriage Provisions
- Private Hire Provisions
- Transport Act 1980 – Private Hire Provisions
- Road Traffic Act 1988, S.143 – Using a Vehicle without Insurance
- Criminal Justice and Public Order Act 1994, S.167 – Touting for Hire
- Health Act 2006 – Smoking in Vehicles
- Hackney Carriage Byelaws
- Equality Act 2010

Council Officers

3742. Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated

in order to instil confidence in the travelling public who wish to use the service.

3753. Enforcement of hackney carriage and private hire matters is undertaken by the Council. The Police may also take action in certain circumstances.

3764. Council officers can be authorised to undertake enforcement work and may take appropriate disciplinary action against unlicensed vehicles, drivers and operators and existing licence holders. In undertaking such work, officers will abide by this Policy and the appropriate Regulatory Services Enforcement Policy. Enforcement work includes routine checks and inspections, plying for hire test purchasing, investigating complaints made about drivers, vehicles and operators, in addition to matters observed by officers e.g. vehicle defects, overcrowding of hackney carriage ranks etc. The Council can consider all circumstances of concern even though a conviction has not been obtained or the conduct does not amount to a criminal offence.

3775. Authorised officers may refuse to grant or renew licences and may suspend licences. Officers also have delegated powers, in consultation with the Licensing Committee Chair and Vice Chair, to grant licence applications where such applications do not comply with this Policy and it is considered that sufficient reasons have been submitted as to why the Council should depart from the Policy.

If considered appropriate the Council will develop a joint authorisation of officers' protocol with neighbouring licensing authorities in the Tees Valley area. This will allow the councils involved to authorise officers from other councils to use enforcement powers on their behalf. This will enable those councils to take action against vehicles/drivers which are licensed by the other authority when they cross over council boundaries.

The Licensing Committee

Introduction

3786. The Council's Licensing Committee exercises the Council's functions in relation to the licensing of hackney carriage vehicle, hackney carriage drivers, private hire vehicle, private hire operators and private hire drivers under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation.

3797. When considering any of the above matters the Licensing Committee will have regard to this Policy.

Determination of Appeals, Disciplinary or Referred Matters Concerning Individual Licensees/Applicants by the Licensing Committee

38078. Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the licensee/applicant and the possible risks to the safety and comfort of the public.

| 38479. When the Committee considers such matters concerning a licensee/applicant it is operating in a quasi-judicial capacity and the rules of natural justice must be observed. The licensee/applicant must be treated fairly and be seen to be treated fairly. The Committee must be impartial, unbiased and act in good faith.

| 3820. The Committee is required to make judgements based on the evidence submitted to it. It is not the Members' role to sit as advocates of either Council Officers, the Police or the licensee/applicant but to weigh the merits of the case as presented – ensuring that the proper considerations are taken into account and irrelevant factors are ignored, thereby reaching a balanced decision. The Committee must also state the reasons for its decisions.

| 3831. If the matter before the Committee is a new application then the onus is on the applicant to satisfy the Committee that they are a fit and proper person. In the case of an existing licence holder the onus is on the Committee to determine whether they are still considered to be fit and proper.

| 3842. Only Committee Members who have heard the entire application, appeal, or disciplinary matter are able to take part in the decision making process.

| 3853. Committee Members should not participate in the hearing of a matter if there is apparent bias. This can arise where a Member's outside connections make it appear that there is a real danger of bias or a Member has a prejudicial interest. Personal interest in a matter under consideration must be declared. Where a prejudicial interest exists the Member must withdraw from the meeting room.

| 3864. A prejudicial interest exists where a Member has a personal interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest and it either:

- Affects the financial position of the relevant person or body; or
- Relates to the determination for any approval, consent, licence, permission or registration in relation to that person or body.

Disciplinary or Referred Matters

| 3875. In accordance with Council's constitution, the Committee is authorised to:

- Determine the appropriate disciplinary action (if any) to take against licensees referred to it by officers.
- Determine any licensing application or other matter concerning individual licensees referred to it by officers.

| 3886. When considering a referred matter e.g. an application for a licence, the Committee will have regard to the appropriate sections of this Policy.

3897. Appropriate disciplinary action can take a number of forms, for example:

- Grant or renew a licence
- Grant or renew a licence with additional conditions (except in relation to a hackney carriage driver's licence)
- Refuse to grant or renew a licence.
- Suspend or revoke a licence) which may be with immediate effect in relation to a driver's licence)
- Issue a warning expressing the Council's dissatisfaction with the licensee's behaviour, whilst also advising that future conduct incompatible with that expected of a licensee could lead to a revocation or refusal to renew.
- Require a driver to undertake a further course, test etc.

39088. The action to be taken in any particular case will depend on the seriousness of the conduct/conviction/medical condition etc. concerned.

Licensing Committee – Procedure

39489. The Licensing Committee hearing aims to ensure that the licensee/applicant and complainant (where applicable) have the fullest opportunity to present all of the information they wish. The Committee is required to give full and fair consideration to the cases presented by the officers and the licensee/applicant and must reach a decision based on all of the relevant information presented to it at the hearing. To achieve this, the following procedure is adopted:

Before The Hearing

3920. Where the matter is referred to the Licensing Committee for determination, officers shall inform the licensee/applicant of this and submit a report to the Committee.

3931. A full copy of the report to Committee and the procedure to be followed at the hearing is supplied to the licensee/applicant prior to the hearing. Copies of this Policy are available on the Council's website. Licensees/applicants are strongly advised to read this document when preparing for the hearing.

3942. The licensee/applicant will be given notice in writing at least 5 working days in advance of the date, time and place of the hearing and of his right to be accompanied/represented by a friend or other person, including a solicitor, and shall be allowed to call witnesses.

3953. The licensee/applicant shall also be given the opportunity to submit a written statement of their case or other supporting documents prior to the hearing. Documentation should be provided to the Council in advance of the hearing. The Committee may consider information provided at the hearing if it considers it is in the public interest to consider that information and if it considers the applicant or other party is not prejudiced as a result.

Absence of the Licensee/Applicant

- | 3964. The meeting may proceed in the absence of the licensee/applicant if they have informed the Council that they do not wish to attend or be represented at the hearing. If the licensee/applicant would like the meeting to be adjourned to enable them to attend then they must make this clear and provide reasons for the request.
- | 3975. If the licensee/applicant fails to attend or be represented at a meeting without notifying the Council, the Committee may adjourn the hearing to a specific date if it considers it to be appropriate to do so, alternatively it may proceed with the meeting in their absence.
- | 3986. Where it is decided to proceed in the absence of the licensee/applicant the Committee will consider the information they have supplied (if any) along with the report from Council officers.
- | 3997. If a decision is made to adjourn a hearing the licensee/applicant will be advised in writing of the new date, time and venue.

At The Hearing

- | 400398. Members of the Committee may ask questions at all stages.
- | 401399. Council officers or their representative shall present the report in the presence of the licensee/applicant and his/her representative and may call witnesses.
- | 4020. The Licensing Committee, the licensee/applicant and/or representative shall have the opportunity to ask questions of the information provided by the officers and any witnesses called.
- | 4031. The licensee/applicant and/or representative shall then put forward their case and may call witnesses.
- | 4042. The Licensing Committee as well as the officers and witnesses shall have the opportunity to ask questions of the licensee/applicant and/or representative and any witnesses called by or on behalf of the licensee/applicant.
- | 4053. The officer presenting the report and the licensee/applicant and/or representative shall have the opportunity to sum up their case if they so wish. If all parties opt to sum up, the licensee/applicant or representative may speak last.
- | 4064. The licensee/applicant, officers, representatives and any witnesses shall then withdraw from the meeting. Officers from Legal and Democratic Services will remain in the meeting to provide procedural and legal advice.

4075. The Licensing Committee shall deliberate in private, only recalling the licensee/applicant or representative and officers to clear points of uncertainty. If this occurs all parties will be invited back into the hearing together. If the Committee has no additional queries then all parties will be called back into the meeting when the Chairman of the Committee will announce the decision of the Committee.

4086. The licensee/applicant will also be notified of the Committee's decision and the reasons for it, in writing, within five working days.

Statutory Appeals

4097. There is a statutory right of appeal to the Magistrates Court in relation to:

- A refusal to grant a private hire or hackney carriage driver's licence.
- Any conditions attached to a private hire driver's licence.
- A decision to suspend, revoke or refuse to renew a private hire or hackney carriage driver's licence.
- A refusal to grant a private hire vehicle licence
- Any conditions attached to a private hire or hackney carriage vehicle licence.
- A decision to suspend, revoke or refuse to renew a private hire or hackney carriage vehicle licence under S. 60 LG(MP)Act 1976
- A refusal to grant an operator's licence
- Any conditions attached to the grant of an operator's licence.
- A decision to suspend, revoke or refuse to renew an operator's licence.
- A decision to include a vehicle on the Council's designated list of vehicles
- A decision to refuse to grant a medical exemption certificate under the Equality Act 2010
- A decision to specify a wheelchair accessible vehicle as a designated wheelchair accessible vehicle under the Equality Act 2010

4108. An appeal against a refusal to grant a hackney carriage vehicle licence lies direct to the Crown Court.

4109. Any appeal must be lodged with the appropriate Court 28 days from the date on which the notice was served.

4120. Costs may be awarded by the Court against an unsuccessful appellant and therefore a licensee/applicant may wish to take independent legal advice with regard to the merits of an appeal.

4131. Usually, when an appeal has been lodged, any action against an existing licence is stayed pending the outcome of the court appeal (S.77(2) LG(MP) Act 1976 refers) and the driver, operator or vehicle can still work. However, in cases where, in the interests of public safety, a decision has been made that a suspension or revocation of a driver's licence should take immediate effect S.77(2) shall not apply and a driver is not allowed to continue driving pending the outcome of the appeal. In such cases the driver must be notified in writing, with an explanation as to why such action has been taken.

Non Statutory Appeals

- | 4142. Appeals against written warnings given by an authorised officer shall be to the Licensing Committee and should be made in writing within 14 days of receiving the warning. Appellants must explain in their application to appeal why they consider the decision to issue a warning was wrong.
- | 4153. If the above requirements have been complied with, the application to appeal will be referred to the Licensing Committee whereupon the Licensing Committee will review all the relevant information and may determine whether to uphold the appeal and remove the warning, uphold the officer's decision to issue the warning or substitute the officer's decision for any other decision that the Licensing Committee could make.
- | 4164. If the Committee determine that the warning stands then this decision is final and there is no internal or statutory route of appeal, however, licensees have the option of judicially reviewing the lawfulness of the decision to the High Court if grounds have been made out. If it is decided to challenge the decision by way of judicial review independent legal advice should be sought as to the grounds and time limits that may apply.

Who Is Who?

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

Enforcement/Disciplinary Options

4175. There are various options to take depending upon the circumstances including:

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

4186. An Authorised Officer may refuse to grant or renew licences and may suspend licences. Officers also have delegated powers in consultation with the Licensing Committee Chair and Vice Chair, to grant licence applications where such applications do not comply with this Policy and it is considered that sufficient reasons have been submitted as to why the Council should depart from the Policy. However, only the Licensing Committee can revoke a licence, except in the case of vehicle licences deemed revoked under the provisions of S.68 LG(MP) Act 1976.

Informal Action

4197. Informal action to secure compliance with legislation and policy includes giving verbal and written advice and warnings or requiring attendance at a Driver Improvement Scheme.

42018. Informal action may be appropriate where:

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

41924. Even where the above criteria are not met, there may be circumstances in which informal action will be more effective than more formal action.

4220. Repeated incidents of licence infringements, complaints etc. are however likely to lead to a referral to the Licensing Committee.

4231. Existing licensed drivers who incur nine penalty points on their DVLA drivers licence for offences relating to their standard of driving will be offered the opportunity to attend the Council's Driver Improvement Scheme at their own expense, as an alternative to being referred to the Licensing Committee.

Vehicle Defect Rectification Notices (VDR)

4232. In situations where there is non-compliance with vehicle licence conditions, contravention of the legislation or byelaws, or when a vehicle has failed its Council test, officers may issue a vehicle defect rectification notice to the proprietor. Such notices are appropriate where the immediate suspension of the vehicle licence is not required. The notice will require the proprietor to remedy the defect and present the vehicle for further inspection within a specified time period, usually 14 days. If the defect has been remedied then usually no further action will be taken. If the defect is not remedied or the vehicle is not presented for inspection, the vehicle licence may be suspended and/or the proprietor may be prosecuted.

Suspension, Revocation or Refusal to Renew a Licence

Suspension of Vehicle Licence – Section 68 Notice

4253. An authorised officer (or Police officer) has the power at all reasonable times to inspect and test any hackney carriage or private hire vehicle (or taximeter affixed to such a vehicle) licensed by the Council to ascertain its fitness. If the officer is not satisfied as to the fitness of the vehicle or the accuracy of the taximeter, he may by a written notice require the proprietor to make the vehicle or taximeter available for further inspection and testing at a reasonable time and place specified in the notice. The officer may suspend the vehicle licence until such time as they are satisfied as to fitness/accuracy (S.68 Local Government (Miscellaneous Provisions) Act 1976 refers). Suspension under Section 68 takes immediate effect. There is no right of appeal against such a suspension.

4264. If the officer is not satisfied of the fitness/accuracy of the vehicle within 2 months from the issue of the suspension notice, the vehicle licence is deemed to be revoked. Such matters therefore do not need to be referred to the Licensing Committee. The proprietor will be given written notice of the revocation. There is a right of appeal against the revocation of the licence to a Magistrates Court and any appeal must be lodged within 21 days of notification of the decision.

Suspension/revocation of Vehicle Licence – Section 60 Notice

4275. In accordance with S.60 Local Government (Miscellaneous Provisions) Act 1976, the Council, through its authorised officers and/or Licensing Committee, may suspend, revoke, or refuse to renew a private hire or hackney carriage vehicle licence on any of the following grounds:

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

***Note:** this can include any inappropriate conduct or behaviour on the part of the driver or vehicle proprietor without the need for any conviction.

~~4286~~. Where the Council suspends, revokes or refuses to renew a vehicle licence under this section it shall give the proprietor written notice of the grounds for the decision within fourteen days. The proprietor may appeal to a Magistrates Court within 21 days of notification of the decision and the notice will not take effect until this period has expired

Suspension/revocation of a Driver's Licence – Section 61

~~4297~~. The Council may suspend, revoke or refuse to renew a driver's licence (private hire or hackney carriage) on any of the following grounds:

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

~~43028~~. In addition the following revisions to Section 61 were introduced under the Road Safety Act 2006:

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

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

~~43429~~. Action to suspend or revoke a driver with immediate effect will only be taken after consultation in accordance with the Councils scheme of delegation.

~~432-0~~. Where the Council suspends, revokes or refuses to renew a driver licence under this section, it shall give the driver written notice of the grounds for the decision within fourteen days. The driver must, on demand, return to the Council the driver's badge. The driver may appeal to a Magistrates Court. Any appeal must be lodged within 21 days of notification of the decision.

Suspension/revocation of an Operator's Licence – Section 62

4331. The Council may suspend or revoke or refuse to renew an operator's licence on any of the following grounds:

- Any offence under or non-compliance with Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- Any conduct on the part of the operator which appears to render him unfit to hold an operator's licence.
- Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted.
- That since the grant of the licence the operator has been convicted of an immigration offence or required to pay an immigration penalty.
- Any other reasonable cause.

4342. Where the Council suspends, revokes or refuses to renew an operator's licence under this section, it shall give the operator written notice of the grounds for the decision within fourteen days. The operator may appeal to a Magistrates Court within 21 days of notification of the decision and the notice will not take effect until this period has expired.

Stay of Action Pending Outcome of Court Appeal

4353. S.77(2) LG(MP) Act 1976 – stays any action against a licence pending the outcome of the Court appeal. This means that if a driver, operator or proprietor appeals against a decision to refuse to renew, suspend, or revoke his licence, the licence is deemed to remain in force until the appeal has been determined.

4364. The licensee has 21 days from receipt of written notification of the decision to lodge an appeal with the Court. The licensee can continue to use the licence during that period and if an appeal is lodged, can continue to use it until the appeal has been dealt with, otherwise the terms of the notice come into effect. If the Magistrates dismiss the appeal the licensee has 21 days within which to lodge an appeal in the Crown Court and again, can continue to use the licence until the appeal is determined.

4375. The Council may decide that a suspension or revocation of a driver's licence should take immediate effect where they consider it is in the interests of public safety to do so. In such cases the notice given to the driver must include a statement that it is an immediate suspension/revocation and an explanation why. In this case the suspension or revocation takes effect when the notice is given to the driver and the driver will not be able to continue working pending an appeal.

4386. When a licensee's Court appeal is unsuccessful the Court may order them to pay the Council's costs.

Requests for Production of Insurance

4397. The Council has a programme whereby reminder requests to produce renewed insurance may be sent to proprietors before they are due to expire. If a valid insurance is then not produced the vehicle licence may be suspended and the proprietor may also be prosecuted for failing to produce a valid insurance certificate (S.50 LG(MP) Act 1976).

44038. In addition, anyone driving an uninsured vehicle may be prosecuted (S.143 Road Traffic Act 1988).

Simple Caution

44139. A simple caution may be issued as an alternative to a prosecution in appropriate circumstances, where the criteria for prosecution are satisfied but an offence is of a less serious nature. The Council will have regard to Home Office Guidance and other relevant guidance. It is necessary for the offence to be admitted prior to administering a simple caution.

4420. A simple caution may be used to:

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

Prosecution

4431. In certain cases the Council will prosecute offenders. Due regard to the Council's Regulatory Services Enforcement Policy and the Regulators' Code will be taken when determining if legal proceedings should be instituted.

4442. In addition to prosecution, the licensee may be referred to the Licensing Committee for consideration of further disciplinary action (e.g. warning, suspension, revocation, refusal to renew).

Offences

Town Police Clauses Act 1847 (TPCA)

4453. The following offences under the TPCA 1847 relate to hackney carriages:

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

61	Drunken driving of HC	Level 1
61	Wanton or furious driving or wilful misconduct leading to injury or danger	Level 1
62	Driver leaving HC unattended	Level 1
64	HC driver obstructing other HCs	Level 1

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

4464. Offences under the LG(MP)A 1976 relate to hackney carriage and private hire vehicle proprietors, drivers and operators, as follows:

LG(MP)A 1976 – Hackney Carriage Provisions

Section	Offence	Maximum Penalty
49	Failure of proprietor to notify Council of transfer of HC proprietor's licence	Level 3
50(1)	Failure of proprietor to present HC for inspection as requested	Level 3
50(2)	Failure of proprietor to inform Council where HC is kept if requested	Level 3
50(3)	Failure of proprietor to report an accident to the Council	Level 3
50(4)	Failure of proprietor to produce HC proprietors licence and insurance certificate	Level 3
53(3)	Failure of driver to produce HC driver's licence	Level 3
57	Making false statement or omitting information to obtain a HC proprietor's licence	Level 3
58(2)	Failure of proprietor to return plate after notice given after expiry, revocation or suspension of HC proprietor's licence	Level 3
61(2)	Failure to surrender drivers licence after suspension, revocation or refusal to renew	Level 1
64	Cause or permit any vehicle other than HC to wait on a HC stand	Level 3

66	Charging more than metered fare for a journey ending outside the district, without prior agreement	Level 3
67	Charging more than metered fare when HC used as PH vehicle	Level 3
69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Wilful obstruction of authorised office or constable	Level 3
73(1)(b)	Failure to comply with requirement of authorised officer or constable without reasonable excuse	Level 3
73(1)(c)	Failure to give information or assistance to authorised officer or constable without reasonable cause	Level 3

LG(MP)A 1976 – Private Hire Provisions

Section	Offence	Maximum Penalty
46(1)(a)	Proprietor using or permitting use of an unlicensed PH vehicle	Level 3
46(1)(b)	Driving a PH vehicle without a PH driver's licence	Level 3
46(1)(c)	Proprietor of PH vehicle using an unlicensed driver	Level 3
46(1)(d)	Operating a PH vehicle without a PH operator's licence	Level 3
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle	Level 3
46(1)(e)	Operating a vehicle as a PH vehicle when the driver is not licensed as a PH driver	Level 3
48(6)	Failure to display PH vehicle plate when using or permitting use of PH vehicle	Level 3
49	Failure to notify the Council of transfer of PH vehicle licence	Level 3
50(1)	Failure of proprietor to present PH vehicle for inspection and testing as required	Level 3
50(2)	Failure of proprietor to inform Council where PH vehicle is kept when not in use if requested	Level 3
50(3)	Failure of proprietor to report an accident to the Council	Level 3
50(4)	Failure of proprietor to produce PH vehicle licence and insurance certificate	Level 3
53(3)	Failure to produce PH driver's licence	Level 3
54(2)	Failure to wear PH drivers' badge	Level 3

56(2)	Failure by PH operator to keep records of bookings	Level 3
56(3)	Failure by PH operator to keep records of PH vehicles operated by him	Level 3
56(4)	Failure to produce PH operator's licence on request	Level 3
57	Making false statement or omitting information to obtain PH driver's or operator's licence	Level 3
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence	Level 3 (plus daily fine of £10)
61(2)	Failure to surrender driver's badge after suspension, revocation or refusal to renew	Level 3
67	Charging more than the metered fare when HC used as PH vehicle	Level 3
69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Obstruction of authorised officer or constable	Level 3
73(1)(b)	Failure to comply with requirement of authorised officer or constable	Level 3
73(1)(c)	Failure to give information or assistance to authorised office or constable	Level 3

Transport Act 1980 – Private Hire Provisions

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

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

| 4475. Drivers may be prosecuted by the Police or the Council in relation to driving without insurance.

| 4486. The maximum penalty is a level 5 fine. The driver's licence must be endorsed with between 6-8 penalty points and the Court has discretion to disqualify the driver. The Court may impose a curfew or community rehabilitation order.

| 4497. When sentencing the Court will consider aggravating and mitigating factors. If the vehicle concerned is a hackney carriage or private hire vehicle this will be an aggravating factor.

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

| 45048. It is an offence in a public place, to solicit persons to hire vehicles to carry them as passengers. The penalty is a level 4 fine.

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

| 45149. It is an offence for anyone to smoke in a 'smoke-free place' which would include a licensed vehicle and an operator's premise which is open to the public. The maximum penalty is a level 1 fine. In addition, it is an offence for anyone in control of a smoke-free place e.g. the driver or operator, to fail to prevent someone from smoking in such a place. The penalty is a level 4 fine.

| 4520. It is also an offence to fail to display appropriate no-smoking signs in the smoke-free place.

Hackney Carriage Byelaws

| 4531. Prosecutions may be brought against hackney carriage proprietors and drivers for breach of the Council's Byelaws.

Equality Act 2010

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

Section 9 – Hackney Carriage Stands

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

Appointed Stands

4542. The purpose of hackney carriage stands (also known as hackney carriage ranks) is to provide the public with a set location where they can hire a licensed hackney carriage. The stand is the only situation where a hackney carriage may ply for hire in a stationary position and should be situated in locations where the public most need hackney carriages, for example adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands should be sited so that passengers can board or alight from the vehicle safely. Stands can be for continual or part-time use.

4553. The Council will review the provision of hackney carriage stands in the Borough annually. In this respect officers will work closely with representatives of the trade.

4564. As stands can be regularly reviewed and repealed please contact the Council or see the Council's website for a list of current stands.

Creation of a Stand

4575. A new hackney carriage stand can be appointed under s.63 Local Government (Miscellaneous Provisions) Act 1976. This allows new stands to be created on public highways or private land with the appropriate consent of the land owner and they can be for continual or part-time use.

4586. Prior to a new stand being created, or the maximum number of vehicles that can use a stand being varied, a notice will be given to the Chief Officer of Police and a public notice published in a local newspaper.

4597. New stands are subject to formal approval by the Council and will not normally be approved where they may lead to obstruction or road safety issues.

Waiting on Stands

46058. It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any hackney carriage stand.

46459. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare.

| 46~~20~~. Drivers who park on a stand and leave their hackney carriage vehicle unattended commit an offence.

Section 10 – Complaints Procedure

- | 4631. The Council is proud of its private hire and hackney carriage trade and expects them to uphold high standards at all times. However, it is recognised that there may be occasions for transport users and other members of the trade to make complaints. Any complaints will be considered and appropriate action will be taken in accordance with this policy and the Council's Regulatory Services Enforcement Policy.
- | 4642. All complaints received will be considered on their merits.
- | 4653. Complainants will be asked to put their complaint in writing or provide a witness statement if the complaint is such that formal action may result.
- | 4664. The Council recognises that some complaints can be frivolous or vexatious. These complaints will not be taken further.
- | 4675. Licensees are expected to assist officers in their investigations and make themselves available for interview when reasonable requests have been made.
- | 4686. At the conclusion of the investigation all parties concerned will receive confirmation of the result and action to be taken (if any).
- | 4697. If any party is not satisfied as to the outcome of the complaint investigation the Council has a corporate complaints procedure in place to deal with these issues.

Appendix A

Private Hire and Hackney Carriage Vehicle Specifications

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

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

All vehicles must be mechanically safe, exceptionally well maintained and roadworthy at all times.

All vehicles must be 'type approved'.

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

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

Section A - General specification for all vehicles

General Construction

1. The vehicle shall comply fully with all relevant statutory provisions relating to the construction of motor vehicles and including in particular those contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. No modification may be carried out on a vehicle (e.g. alteration of the original seat configuration or any other 'adaptation') without prior approval from the Council and/or the appropriate certificate produced.
3. No fittings, other than those approved by the Council, may be attached to, or carried on the inside or outside of, the vehicle.
4. The steering must be on the offside of the vehicle (unless exempted by the Council).
5. The chassis/VIN plate and engine numbers must match the numbers recorded with the DVLA.

6. All tyres must comply with the relevant legislation and tyres must be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer. Re-treaded tyres must be marked accordingly. Tyres on the same axle must be of the same nominal size and aspect ratio.
7. Vehicles shall have a spare wheel to fit the vehicle and equipment to change a wheel on the vehicle with that wheel e.g. a jack and wheel brace. Where vehicles are fitted with a space saver spare tyre the Council will permit their use in licensed vehicles subject to the following:
 - i) The tyre used must be supplied or recommended by the manufacturer of the vehicle concerned;
 - ii) The tyre must be used in accordance with the manufacturer's guidelines;
 - iii) The tyre is used only for an emergency or temporary purpose.

Where the vehicle is supplied by the manufacturer with 'run-flat' tyres the Council will licence such vehicles without the need for a spare wheel subject to the following:

- i) The tyres must be supplied or recommended by the manufacturer of the vehicle concerned as original equipment;
- ii) The vehicle must be provided with a Tyre Pressure Monitoring System (TPMS) which must be fully operational at all times and which alerts the driver to a drop in tyre pressure;
- iii) In the event of a puncture the tyres must be used and replaced in accordance with the manufacturer's guidelines;
- iv) If run-flat tyres are to be replaced by conventional tyres then advice from the vehicle manufacturer must be sought regarding any modifications to the vehicle's suspension that may be required and the vehicle must then be provided with a spare wheel, jack and wheel brace.

The use of pressurised tyre sealants will not be permitted as an alternative to the above requirements.

8. The vehicle shall be capable of carrying in reasonable comfort a minimum of four passengers unless the Council approves a smaller number.
9. The body shall be of the fixed head type.
10. The vehicle must not be fitted with a roof rack.

Passenger Comfort

11. The rear seat dimensions must be adequate to carry the appropriate number of passengers and must provide a minimum seat width of 406mm (16") for each person. Seats must be properly cushioned and covered. Whilst the Council do not provide a detailed specification in relation to the minimum legroom between seats the Council will reserve the right to restrict the number of seats the vehicle will be permitted to be licensed for to allow for the safety

and comfort of passengers. This may be the case for some types of vehicle, for example MPV with flip down seats which may not be regarded suitable for adult passengers. If you are considering purchasing such a vehicle please contact the Licensing Office for advice.

12. The vehicle shall have an adequate heating and ventilation system for the comfort of all passengers.
13. The vehicle must be wind and watertight.
14. The floor must be completely carpeted/covered with appropriate flooring.
15. The vehicle shall have interior lighting fitted in the passenger compartment sufficient to illuminate the whole of that compartment. The light(s) shall be switched such that they may be turned on and off both from the driving and passenger compartments and shall operate automatically when a door is opened.
16. Sufficient means must be available for any passenger to communicate with the driver.

Passenger Safety

17. The windows should maximise passenger visibility into and out of the vehicle. If tinted glass is fitted, it shall have minimum light transmittance of 75% for the front windscreen, 70% for all other front vehicle window glass and 30% for all other window glass (unless previously exempted by the Council). When testing vehicles, the Council will allow a 3% (of the minimum specified reading) error margin in line with the testing instruments manufacturers recommendation. For example therefore, a 3% error margin for a rear window reading equals 0.9% (rounded to 1%). This means that a reading of not less than 29% light transmission will be accepted for rear windows.
18. A proportion of the window area in the passenger compartment must be available for opening by the seated passenger.
19. The vehicle shall have at least 4 doors (NB: a tailgate is not considered to be a door) which open sufficiently wide so as to allow safe and easy access and egress.
20. Each passenger, other than a front-seated passenger, must have access to at least two doors. If access to exit doors is impeded by a flip down/tip up seat, then the method of operating the seat and the location of any lever for the seat should be displayed on a notice which can be clearly seen by all passengers.
21. Lap and diagonal seatbelts must be fitted to all seats.
22. Head restraints must be fitted for all (forward and rear facing) seats.

23. The exterior and interior of the vehicle and its fittings must be clean and exceptionally well maintained, being fit and safe for use by the driver and passengers.
24. Where a swivel seat is fitted as a passenger seat, certificates of fitting from an authorised fitter must be obtained and produced to the Council before a vehicle can be tested and/or licensed.

Luggage Capacity

25. Suitable dedicated provision for the secure carriage of luggage must be made separated from the passenger compartment. Estate and hatch back models of vehicles must provide a fixed grill between the luggage and passenger compartment, sufficient to prevent luggage from entering the passenger compartment in the event of an accident. Each vehicle model will be determined on its merits.

Age of Vehicles

26. Vehicles in respect of new and replacement applications must be no more than three years of age from the date of first registration on the date of the initial application. The vehicle must be licensed within 28 days of the initial application.
27. The licence of any vehicle will terminate not more than eight years from the date of first registration. This will be extended to 10 years for London Style Cabs and side loading wheelchair accessible vehicles approved by the Council.

Section B – Specification for new and replacement Private Hire Vehicles

28. The vehicle must have M1 European Whole Vehicle Type Approval and be of an approved type and which is not black and yellow in colour.
29. All body panels must be painted the same colour.
30. If the private hire vehicle is fitted with a meter, it must comply with the requirements of this policy in relation to meters.
31. Private hire vehicles must not have a roof sign.

Section C – Additional specifications for novelty vehicles and stretched limousine private hire vehicles

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

Section D – Specification for saloon hackney carriage vehicles

34. Hackney carriage vehicles must have M1 European Whole Vehicle Type Approval and be of an approved type and be black in colour with a yellow bonnet and boot.
35. Hackney carriage vehicles must have fitted on the roof, an internally illuminated “TAXI” top sign which is capable of being switched off.
36. Hackney carriage vehicles must be fitted with an approved calendar controlled taximeter in accordance with the requirements of this Policy and the Byelaws with Respect to Hackney Carriages.
37. Hackney carriages must be fitted with a “FOR HIRE” sign which is capable of being switched off.

Section E – Specification for New (Wheelchair Accessible) Hackney Carriages

38. The vehicle shall accommodate a minimum of one passenger in a wheelchair (reference) and must be either, purpose built or converted prior to first registration. Applications in respect of wheelchair accessible vehicles converted prior to registration must be accompanied by a EC Certificate of Conformity for Completed Vehicles issued by the conversion company and endorsed by the Vehicle Certification Agency (VCA). Any wheelchair accessible vehicle having been converted since its date of registration will not be accepted for licensing as a hackney carriage.
39. The vehicle must be fitted with ramps, lifts, wheelchair restraints and/or any other device supplied by the vehicle manufacturer for the safe loading/unloading and carriage of a person in a wheelchair.
40. The vehicle must comply fully with Section A and the applicable parts of section D of the preceding specification.

Passenger Safety and Comfort

41. The vehicle must be capable of accommodating one or more wheelchairs in either a forward or rear facing position allowing adequate space to ensure the safety and comfort of the wheelchair user, without interfering with the safety and comfort of any other passengers.
42. Approved anchorages must be provided for wheelchair tie-downs and the wheelchair passenger restraint. These anchorages must either be chassis or floor linked and shall comply with the strength requirements for M1 standards and any current European directives. Restraints for wheelchair and occupant must be independent of each other. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

43. The design of the vehicle must allow safe access and egress of passengers including elderly and disabled passengers.
44. The door and doorway must be constructed as to permit an unrestricted opening across the doorway of at least 75cm.
45. The clear height of the doorway must not be less than 1.2 metres.
46. Wheelchair access may be from the rear or the side of the vehicle.
47. Grab handles must be placed at one or more passenger door entrances as appropriate, to assist the elderly and disabled. Grab handles must be in a contrasting colour.
48. At the main access door into the passenger area of the vehicle, steps shall be provided to aid ingress/egress as follows:
 - where the internal floor height of the vehicle exceeds 300mm an intermediate step shall be fitted every 250mm from road level up to the internal floor height. All steps must be capable of supporting a minimum weight of 150kg.
 - The tread area of all steps must have a minimum depth of 150mm and shall have a slip resistant surface. All steps, both internally and externally shall have all open edges highlighted in a contrasting high-visibility colour.
 - Not be capable of operation when the vehicle is in motion
 - If automatic powered, be fitted with a safety device which stops the motion of the step if that motion could cause injury to the passenger
 - Can fold or retract so that it does not project beyond the side face of the vehicle and the vehicle is not capable of being driven away unless the step is so folded or retracted.
49. A means of illuminating the entrance step at all access doors shall be fitted and switched such that they operate automatically when a door is opened.
50. The vertical distance between the highest part of the floor and the roof in the wheelchair passenger area must be no less than 1.3 metres.
51. A ramp for the loading of a wheelchair and occupant must be available at all times for use at either the nearside or offside or rear passenger door. The ramp must have a safety lip, be at least 70cm wide as a minimum, and comprise a single non-slip surface. The ramp shall have a visible reference to safe working load of at least 250 kgs and certified to BS 6109. Provision must be made for the ramp to be stowed safely when not in use.

52. Where seats are placed facing each other, there must be a minimum space of 42.5cm between any part of the front seat and any part of any other seat which faces it.
53. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66cm in front of every part of each seat squab, measured along a horizontal plane at the centre of the cushion.
54. When fitted, occasional seats must be at least 40cm in width and the distance from the back of the upholstery to the front edge of the seat must not be less than 35.5cm
55. Occasional seats must be so arranged as to rise automatically when not in use. When not in use, they must not obstruct doorways.
56. Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.
57. Colour contrasting sight patches are required on all passenger seats.
58. An induction loop system or (equivalent) must be fitted and clearly signed.
59. A swivel facility may be fitted to the nearside rear tip seat to assist disabled passengers.

Driver's Compartment

60. Every vehicle must be provided with an approved means of communication between the passenger and the driver.
61. Where a single-piece glazed partition is fitted, a facility must be provided for making payment to the driver

Section F – Specification for New and/or Replacement Wheelchair Accessible Private Hire Vehicles

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

Appendix B

Conditions of Private Hire Vehicle Licence

1. Maintenance of Vehicles

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

2. Alteration of Vehicle

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

3. Interior Identification Marking

The proprietor shall cause to be clearly displayed inside the vehicle either on the dashboard or in such other prominent position so as to be clearly visible at all times to persons conveyed therein, the internal sticker as supplied by the Council "This vehicle is a PRIVATE HIRE VEHICLE. If you did not book this journey in advance you may not be insured in the event of an accident and the driver may be committing an offence", and at the top of each rear passenger door window a window sticker as supplied by the Council indicating the vehicle identification number and contact details for the Council.

4. Interior Lighting

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

5. Lights

No decorative lighting shall be permitted other than lighting which comes fitted as standard by the vehicle manufacturer.

6. Convictions

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

7. Change of Address

The proprietor shall notify the Council in writing of any change of his home address, business address or registered address (if different from home address) during the period of the licence within seven days of such change taking place.

8. Identification Plate

The plate, issued by the Council, identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant of Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall unless exempted in writing

be securely fixed to the rear of the vehicle in a conspicuous position duly approved by the Council and in such manner so as to be easily removable by an authorised officer of the Council or a Police Officer. The plate shall be kept clean at all times so that no details contained upon it are obscured.

9. Signs, Notices Etc.

- 1) No signs, notices, advertisements, video or audio display, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign, approved and located in accordance with the directions of the Council which is displayed in, on, or from the vehicle.
- 2) No signs may be displayed on a private hire vehicle containing the words 'taxi', 'cab' or 'hackney carriage'
- 3) The proprietor shall unless exempted in writing cause to be affixed and maintained in or on the vehicle in a conspicuous position and so positioned that the details are not concealed in any way the following:
 - (a) A door sign of such design and appearance as may be approved and supplied by the Council to be located beneath the window on the nearside and offside front doors of the vehicle.
 - (b) On both rear passenger doors, beneath the window, the operator's trading name. The operator's logo and telephone number may also be displayed.
 - (c) A front identification sign as may be approved and supplied by the Council and fixed in such manner so as to be easily removable by an authorised officer of the Council or a Police Officer.
 - (d) In the case of wheelchair accessible vehicles, a wheelchair accessibility sticker must be displayed.

Note: The use of magnetised signs are not permitted

- 4) Without prejudice to the generality of the foregoing condition any advertisement shall not be allowed or affixed without the prior approval of the Council and:
 - a) shall not be affixed to any window of the vehicle, unless specifically authorised in writing; and
 - b) must adhere to the current Advertising Standards Authority Code
- 5) The proprietor or such person in charge of the vehicle when requested to do so by an authorised officer of the Council or a Police Officer shall return to them, any sign, door sign, emblem or device. If any proprietor or such person in charge of the vehicle fails without reasonable excuse to comply, an

authorised officer of the Council or a Police Officer shall be entitled to remove and retain any identification plate, sign, door sign, badge, emblem or device.

- 6) There may be displayed within the vehicle for the information of passengers a table of fares in a form and printing previously submitted to and approved by the Council.
- 7) The proprietor shall notify the Council of the loss or theft of any identification plate, door sign, sign, or notice relating to the private hire vehicle as soon as the loss becomes known and in any case within two working days. The loss or theft must also be notified to the Police.
- 8) All signs and stickers must be clearly legible and must be replaced when worn.

10. Insurance and MOT Certificates

The vehicle shall have a current valid policy of insurance and MOT Certificate at all times appropriate to the use authorised by this licence. A copy of these certificates shall be given to the vehicles licensed Private Hire Operator

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

11. Change of Engine

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

12. Change of Private Hire Operator

This vehicle may only be operated under the provisions of one private hire operator's licence at any moment in time and the proprietor shall notify the Council in writing of any change to the licensed operator during the period of this licence within 48 hours.

13. Complaints

The vehicle proprietor shall report any complaint received by them in relation to the licensed vehicle or its driver to their licensed Private Hire Operator immediately upon receipt or the next working day if not practicable.

14. Fitting of after-market equipment

Approved after-market equipment e.g. data systems, satellite navigation, cameras etc. shall be so positioned so as not to obscure the drivers vision of the road.

15. Luggage space

The luggage space of the vehicle shall be kept clean and free from the proprietor's/driver's personal property so that it is available to store passenger's luggage.

16. Pushchairs and buggies

Pushchairs or buggies carried in the vehicle shall be collapsed and the child carried in accordance with the law in relation to seat belts. Pushchairs or buggies if not collapsed shall not be carried at any time.

17. Facilities for wheelchairs

All equipment and fittings provided in a wheelchair accessible vehicle for the safe loading/unloading and carriage of a person in a wheelchair shall be present in the vehicle at all times and maintained in good working order.

All portable equipment such as ramps and wheelchair restraining straps must be identified in a permanent manner with the vehicle licence number e.g. PV 999.

The vehicle proprietor shall ensure that the driver of the vehicle has had adequate training in the use of all equipment within the vehicle associated with the loading/unloading and safe securing of wheelchairs. i.e. the correct and safe use of any ramps, wheelchair restraints or lifting equipment supplied with the vehicle to ensure the safe access, transportation and egress of any wheelchair bound passenger.

Drivers must also sign an undertaking for the proprietor stating that they are competent in the correct use of the securing systems used in the particular wheelchair accessible PHV they are intending to drive.

18. Sliding doors

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

Additional Conditions to Be Applied To Novelty Vehicles and Stretched Limousines

19. Vehicles must not carry front seat passengers
20. All passengers must remain seated at all times and must wear seat belts and any other safety restraint when the vehicle is in motion.
21. Where passengers in the vehicle consist of any persons under the age of 14 years they must be accompanied by a responsible adult, other than the driver, who must be over the age of 18 years.
22. If all the occupants of the vehicle, save for the driver and responsible adult, are under the age of 18, then there shall be no alcohol allowed at all in the vehicle for consumption or otherwise.
23. Advertisements will not be allowed on the vehicle's windows.

24. Novelty vehicles fitted with side facing seats shall not be used to carry passengers under 12 years of age regardless of whether the vehicle is fitted with or without seatbelts.
26. Notices forbidding children to be carried in side facing seats must be clearly displayed in prominent positions and be visible at all times on entrance doors to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment.

Appendix C

Conditions of Hackney Vehicle Licence

1. Maintenance of Vehicles

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

2. Alteration of Vehicle

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

3. Facilities for wheelchairs

All equipment and fittings provided in a wheelchair accessible vehicle for the safe loading/unloading and carriage of a person in a wheelchair shall be present in the vehicle at all times and maintained in good working order.

All portable equipment such as ramps and wheelchair restraining straps must be identified in a permanent manner with the vehicle hackney carriage licence number e.g. HC 999.

The vehicle proprietor shall ensure that the driver of the vehicle has had adequate training in the use of all equipment within the vehicle associated with the loading/unloading and safe securing of wheelchairs. i.e. the correct and safe use of any ramps, wheelchair restraints or lifting equipment supplied with the vehicle to ensure the safe access, transportation and egress of any wheelchair bound passenger.

Drivers must also sign an undertaking for the proprietor stating that they are competent in the correct use of the securing systems used in the particular wheelchair accessible PHV they are intending to drive.

4. Interior Identification Marking

The proprietor shall cause to be clearly displayed inside the vehicle at the top of each rear passenger door window a window sticker as supplied by the Council indicating the vehicle identification number and contact details for the Council.

5. Interior Lighting

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

6. Lights

No decorative lighting shall be permitted other than lighting which comes fitted as standard by the vehicle manufacturer.

7. Convictions

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

8. Change of Address

The proprietor shall notify the Council in writing of any change of his home address, business address or registered address (if different from home address) during the period of the licence within seven days of such change taking place.

9. Identification Plate

The plate, loaned by the Council, identifying the vehicle as a hackney carriage and required to be exhibited on the vehicle pursuant to the Byelaws With Respect To Hackney Carriages shall be securely fixed to the rear of the vehicle in a conspicuous position duly approved by the Council and in such manner, unless the vehicle has a purpose built plate display/fixing location, so as to be easily removable by an authorised officer of the Council or a Police Officer.

The plate shall be kept clean at all times so that no details contained upon it are obscured.

10. Signs, Notices Etc.

- 1) No signs, notices, advertisements, video or audio display, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision (including byelaws) or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign, approved and located in accordance with the directions of the Council which is displayed in, on, or from the vehicle.
- 2) The proprietor shall unless exempted in writing cause to be affixed and maintained in or on the vehicle in a conspicuous position and so positioned that the details are not concealed in any way the following:
 - (a) A door sign of such design and appearance as may be approved and supplied by the Council to be located beneath the window on the nearside and offside front doors of the vehicle.
 - (b) A front identification sign as may be approved and supplied by the Council and fixed in such manner so as to be easily removable by an authorised officer of the Council or a Police Officer.
 - (c) In the case of wheelchair accessible vehicles, a wheelchair accessibility sticker must be displayed.
 - (d) A roof sign displaying the word TAXI shall be fixed to the roof of the vehicle and shall be maintained and connected to the taxi meter and "for hire" sign and capable of being illuminated in such

a manner as to indicate clearly to persons outside the vehicle whether or not the vehicle is for hire.

Note: The use of magnetised signs is not permitted.

- 3) Without prejudice to the generality of the foregoing condition any advertisement shall not be allowed or affixed without the prior approval of the Council and:
 - a) shall not be affixed to any window of the vehicle unless specifically authorised in writing; and
 - b) must adhere to the current Advertising Standards Authority Code
- 4) The proprietor or such person in charge of the vehicle when requested to do so by an authorised officer of the Council or a Police Officer shall return to them, any identification plate, sign, door sign, badge, emblem or device. If any proprietor or such person in charge of the vehicle fails without reasonable excuse to comply, an authorised officer of the Council or a Police Officer shall be entitled to remove and retain any identification plate, sign, door sign, badge, emblem or device.
- 5) The proprietor shall notify the Council of the loss or theft of any identification plate, door sign, sign, or notice relating to the private hire vehicle as soon as the loss becomes known and in any case within two working days. The loss or theft must also be notified to the Police.
- 6) All signs and stickers must be clearly legible and must be replaced when worn.

11. Insurance and MOT Certificates

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

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

12. Change of Engine

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

13. Complaints

The vehicle proprietor shall report any complaint received by them in relation to the licensed vehicle or its driver to the Council the next working day.

14. Receipts

The proprietor of the vehicle shall ensure that the driver of the vehicle has available to them, sufficient means by which they may issue a receipt to passengers if required. Any receipt shall contain the date, time, point of pick up, destination, cost and driver licence number.

15. Luggage space

The luggage space of the vehicle shall be kept clean and free from the proprietor's/driver's personal property so that it is available to store passenger's luggage.

16. Pushchairs and buggies

Pushchairs or buggies carried in the vehicle shall be collapsed and the child carried in accordance with the law in relation to seat belts. Pushchairs or buggies if not collapsed shall not be carried at any time.

17. Table of Fares

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

18. Records

The vehicle proprietor shall keep a record of the name and licence number of all drivers employed by them and shall record the time and date each driver started and finished driving or hiring the vehicle. Such records shall be retained for a minimum period of 12 months and provided to the Council when requested.

19. Sliding doors

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

20. Fitting of after-market equipment

Approved after-market equipment e.g. data systems, satellite navigation, cameras etc. shall be so positioned so as not to obscure the drivers vision of the road.

Appendix D

Vehicle Testing Arrangements



Supplementary Testing Manual for Hackney Carriage and Private Hire Vehicles

**Vehicles will be tested to MOT standards
unless otherwise indicated in this
Supplementary Testing Manual**

CONTENTS

Section

- 1. Vehicle Exterior**
- 2. Vehicle Signs & Stickers**
- 3. Licence Plates**
- 4. Tyres and Spare Wheels**
- 5. Boot/Luggage Compartment**
- 6. Engine Compartment / Transmission & Mountings**
- 7. Interior of Vehicle**
- 8. Ancillary Equipment**
- 9. Road Test**
- 10. Meters**

1. VEHICLE EXTERIOR

General: If during a vehicle fitness test, the Council tester has reason to believe that the vehicle has been involved in an accident or that repairs carried out to a vehicle are sub-standard, then the tester may, at their own discretion, require the vehicle to be further inspected. The tester may require the vehicle proprietor to produce a JIG report and/or an engineer's report and/or a steering geometry check at the proprietor's own expense. Such reports will only be accepted if produced by an approved garage.

Vehicles must be right hand drive and must not be convertible.

Ref	Method of Inspection	Reasons for Failure	Notes
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.	Contamination preventing proper inspection.	If the vehicle comes for 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.	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.	Poorly fitting doors to the vehicle.	The vehicle must have at least four doors (the tailgate is not a door)
1.4	Ensure that the door hinges are in good condition allowing free movement of the door.	Defective door hinges.	
1.5	Check all wind-check positions to ensure that doors are held in place when opened.	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.	Corrosion or damage to the vehicle body or structure which adversely affects the appearance and/or safety of the vehicle.	Engineers' Certificate/Jig Report may be required to satisfy the vehicle examiner that repairs have been properly carried out.
1.7	Examine the external paint work for damage which adversely affects the appearance of the vehicle.	Exterior of vehicle so dirty that the overall finish of the paint work cannot be assessed. Paint work so deteriorated, damaged, rust blistered or stone chipped, that it detracts from the overall appearance of the vehicle. Renovations to paint work that produce runs, flat or uneven finish or of non-matching colour, i.e. not compatible with adjacent panels. Repairs incomplete in primer or undercoat. Overspray on glass or other fittings. Vinyl roof covering dirty, stained, discoloured, painted (other than with vinyl refurbishment product), torn or becoming detached. Roof covered in unapproved material. Finisher moulding insecure, incorrectly fitted or missing.	A Hackney Carriage must be black with a yellow bonnet and boot / tailgate. Private Hire Vehicles may be any colour other than black and yellow.
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.	Missing or defective door / wing mirrors.	
1.9	Ensure that the front and rear bumpers are in good order (without damage) and are securely fixed to the vehicle.	Damaged or inadequately secured front or rear bumpers.	Vehicle will have all factory-fitted bumpers and body mouldings in place in good order and repair.

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.	Damaged front or rear number plates e.g. cracks, splits or discolouration. Number plates which do not comply with the Vehicle Excise and Registration Act 1994 and Road Vehicles Registration and Licensing.	Registration mark obscured or indistinguishable is contrary to Section 43(1) of Vehicle Excise and Registration Act 1994. 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.
1.11	Examine the rubber seals to every door for serious damage, looseness or absence.	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 and 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.	Worn hinges to boot lid, defective boot lock, weak or defective boot opening device.	
1.13	Check the operation of the number plate light, reversing lights and front and rear fog lights.	Inoperable or insufficient number plate, reversing or fog lights.	Lights may be of insufficient intensity when incorrect bulbs have been fitted. Any lamp fitted must work correctly and be properly aligned.
1.14	Check operation on all wiper blades and mechanisms.	Wiper mechanism incorrectly parking, torn or damaged causing poor clearance of glass.	Front wipers tested only.
1.15	No vehicle shall have tinted windows beyond the following levels:	Transmittable light below permitted levels (given margin of error).	The Council testing centre will allow up to a 3% error margin. This comfortably takes into

	<p>Light transmissible through windscreen should be no less than 75%</p> <p>All other front windows of the vehicle shall have a minimum of 70% light transmission</p> <p>All rear windows of the vehicle shall have a minimum of 30% light transmission, unless the vehicle is an executive hire/novelty hire vehicle/stretched limousine operating under an exemption notice.</p>	<p>3% margin of error for a rear window 0.9% rounded to 1%</p>	<p>account an error margin of 1-3% recommended by the testing instrument's manufacturer.</p>
1.16	Check for presence of roof rack or roof rack fittings.	Presence of a roof rack.	Vehicle must not be fitted with a roof rack.
1.17	Check for presence of tow bar.	Presence of a tow bar / ball.	Vehicle must not tow a trailer, a tow bar may be present if the ball is removed.

2. VEHICLE SIGNS & STICKERS

General: THE ONLY ADVERTISING ALLOWED ON VEHICLES IS THE COMPANY NAME AND TELEPHONE NUMBER CONFINED TO A NOTICE FIXED TO BOTH FRONT DOOR PANELS – Unless vehicles have other advertising with the Council’s permission.

Hackney Carriage Vehicles – You may display advertising that does not detract from, or obscure the signage required by other licence conditions. Any advertising must not affect the yellow boot and bonnet of the vehicle and all other panels must be no less than 25% black. Any advertising must adhere to the current Advertising Standards Authority code and must be formally approved by the Council’s Licensing Section before being placed on any vehicle.

Private Hire Vehicles – You may display advertising that does not detract from, or obscure the signage required by other licence conditions. Any advertising must adhere to the current Advertising Standards Authority code and must be formally approved by the Council’s Licensing Section prior to being placed on any vehicle.

Ref	Method of Inspection	Reasons for Failure	Notes
2.1	Examine the roof-mounted sign affixed to the vehicle. Ensure that the sign is undamaged and the lettering clearly legible.	A sign that does not conform to the above standards affixed to the vehicle.	
2.2	Examine the fixing brackets which affix the roof mounted signs to the vehicle to ensure that the signs are secured in a satisfactory manner and are not likely to work loose.	A sign that is not satisfactorily secured to the vehicle.	
2.3	Check that roof-mounted signs are properly illuminated.	A sign which is damaged or has lettering which is not clearly legible.	The roof sign should be connected to the meter switch so that the cancelling of the meter automatically illuminates the sign and activating or switching off of the meter by other means (e.g. an isolator switch) automatically extinguishes the sign.

2.4	Check that the roof mounted sign may not be switched off by separate switch.	A sign which cannot be switched off by separate means.	
2.5	<p>Examine the signs where affixed to the vehicle to ensure that they comply with the Council's vehicle licence conditions i.e.</p> <p>All Vehicles:</p> <p>Comment stickers – inside vehicle, on rear passenger windows.</p> <p>No smoking signs.</p> <p>Disabled accessibility sticker – for wheelchair accessible vehicles only.</p> <p>Hackney Carriage Vehicles:</p> <p>Illuminated roof sign</p> <p>Tariff card – current table of fares, on dashboard or other prominent position.</p> <p>Door roundels – on both front doors, beneath windows.</p> <p>Private Hire Vehicles:</p> <p>Insurance sticker – on dashboard or other prominent position.</p>	<p>Non-compliance with conditions.</p> <p>Use of magnetised stickers.</p>	<p>Stickers must be affixed using the adhesive backing on the reverse of each sticker and must be placed so that the details upon the sticker are not concealed in any way. Magnetised stickers must not be used.</p> <p>Internal signs and stickers must be in a position clearly visible to passengers and not obscured / concealed in any way.</p> <p>All signs and stickers must be clearly legible and must be replaced when worn.</p>

	<p>Private hire operator signage – on both rear doors, beneath windows, must display operator trading name, may display logo and phone number.</p> <p>Private hire door signage – on both front doors, beneath windows.</p>		
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3. LICENCE PLATES

Ref	Method of Inspection	Reasons for Failure	Notes
3.1	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.	A damaged plate or a plate with information not clearly legible.	The Council's licence conditions require: The licence plate to be fixed in a conspicuous position, kept clean at all times and not obscured in any way.
3.2	Examine the plate fixing to the vehicle to ensure that it is securely fixed using bolts, screws or other method approved by the Council in accordance with the Local Authority's conditions.	A plate which is not adequately secured to the vehicle.	Plates should be securely fixed to vehicle using bolts or screws and must be able to be removed by a police officer or authorised officer of the Council.

4. TYRES AND WHEELS

General: Where wheel trims are fitted these should be removed by the driver before the test to enable the wheel to be properly checked.

Ref	Method of Inspection	Reasons for Failure	Notes
4.1	<p>Tyres must be of the same type. Ensure that the tyre provided on the spare wheel is of the same size and construction as those fitted to the road wheels.</p> <p>See notes re Space Savers and Run Flat tyres</p>	<p>Variation in type of tyres. A spare wheel not provided with the vehicle. A tyre which is of a different size or construction.</p>	<p>SPARE WHEEL – If a car has tyres in a combination which conforms to current legal requirements (e.g. radial and cross-ply), the carrying of one spare wheel/tyre cannot be accepted since it can only be used in limited circumstances. The vehicle must, therefore, fail the test, even if the spare tyre is in good condition and matches one pair of the tyres fitted to the vehicle.</p> <p>SPACE SAVERS – Space saver wheels may be carried if supplied with the vehicle by the manufacturer and must be used in accordance with the manufacturers’ guidelines.</p> <p>RUN FLAT TYRES – Run Flat tyres permitted without the need for a spare wheel, subject to manufacturers standards</p>
4.2	<p>Examine the tyres for signs of damage or excessive wear. Ensure that the spare tyre complies with all legal requirements for tyres when fixed to the vehicle.</p>	<p>Damaged (e.g. nails or objects embedded in the tyre causing puncture or other problems), worn, substandard or otherwise illegal tyres.</p>	<p>A mix of steel and cord radials on one axle will not be accepted.</p> <p>Re-cut 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>

4.3	Visually check all tyres (including spare) to ensure that they are inflated.	Failure due to any tyres being flat (including spare).	
4.4	Examine the jack and wheel brace provided with the vehicle to ensure that they are in good working order.	Failure to provide a suitable jack and/or wheel brace with the vehicle.	
4.5	Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position.	Failure to satisfactorily secure the spare wheel.	
4.6	Check the rims of all wheels for any signs of distortion or damage.	A damaged or distorted wheel rim.	
4.7	Check brake discs and pads for excess wear.	Pad wear down to 2.5mm or less. Excess disc wear or disc faults.	

5. BOOT / LUGGAGE COMPARTMENT

General: The boot space of the vehicle must be clean and free from the proprietor/driver's personal property so that it may be used by passengers to store luggage.

Ref	Method of Inspection	Reasons for Failure	Notes
5.1	Examine for evidence of damage, corrosion or water penetration.	Damage or corrosion to the floor inner wing panels or lid.	
5.2	Examine floor covering to ensure that it is in good condition and offers adequate protection to luggage stores.	Excessive wear, damage or staining to floor covering.	
5.3	Examine the interior for accumulations of dirt, dust, grease, litter etc. or staining of any surface with which luggage may come into contact.	Accumulations of dirt, grease, rubbish etc. which could soil or damage luggage stored therein.	
5.4	Check for the presence of containers of any flammable or corrosive material (e.g. oil, petrol etc.).	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. A jack, first aid kit, fire extinguisher and wheelchair ramps (where applicable) may be carried in the luggage compartment.
5.5	Ensure that all interior panels are in position, covering electrical wiring and associated fittings.	Panels insecure or missing.	

6. ENGINE COMPARTMENT / TRANSMISSION & MOUNTINGS

General: If a LPG or alternative fuel system is installed and maintained on a HC, then the system must be fitted by a LPGA approved UK vehicle conversion company (unless manufactured as a dual fuel vehicle) and all equipment and its installation shall comply with the Motor Vehicles (Construction and Use) regulations 1978 and the current code of practice of the LPG Association. When in use, a daily check should be made of all LPG valves and connections and a report kept by the owner of such checks and findings.

Ref	Method of Inspection	Reasons for Failure	Notes
6.1	Carry out a visual inspection of the engine compartment for signs of oil or fuel leaks.	Any fuel leakage. 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. Engine must be 1500cc or higher.
6.2	Ensure that the battery is properly secured in position.	Insecure battery.	
6.3	Examine all rubber/plastic hoses for signs of wear or deterioration.	Significantly worn or deteriorated hoses.	
6.4	Check the fan belt for signs of incorrect adjustment and/or deterioration.	An incorrectly adjusted or deteriorated fan belt.	
6.5	Examine the engine mountings for signs of deterioration.	Insecure or deteriorated engine mountings.	
6.6	Ensure that the radiator is properly secured to the vehicle and check for signs of any leaks.	A leaking or inadequately secured radiator.	
6.7	Examine the inner wing panels and suspension mounting tops for evidence of corrosion.	Corrosion to the inner wing panels and suspension mounting tops.	This should include any corrosion around headlamp mountings.

6.8	Check the master cylinders for any signs of spillage or leakage of fluid.	A leaking or inadequately secured radiator.	
6.9	Check the clutch mechanisms for correct operation.	Fluid leakage or mechanical components worn in the clutch mechanism.	
6.10	Check the operations of the bonnet release catch.	Defective bonnet release catch/mechanism.	

7. INTERIOR OF VEHICLE

General: All hackney carriages licensed by this Council have to be either wheelchair accessible or may be fitted with a Council approved swivel seat (optional and not a requirement) to provide for the needs of people with disabilities. The interior of the vehicle must be clean and well maintained, being fit and safe for use by the driver and passengers.

Ref	Method of Inspection	Reasons for Failure	Notes
7.1	Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris and staining or excessive wear.	Vehicle will be failed if cushion / backrests, upholstery, carpeting or matting is collapsed, holed, split, temporarily repaired, stained, dirty, has accumulations of dust, litter, debris etc. or has evidence of smoking.	Seats must be properly cushioned and covered. The floor must be completely carpeted / covered with appropriate flooring.
7.2.	Check that there are no excessive unpleasant odours noticeable inside the vehicle.	Unacceptable smells of vomit, food, smoke or other contaminants.	
7.3	Remove any mats from the floor and examine the carpeting for signs of leakage of water into the vehicle.	Evidence of leakage of water into the vehicle from rainwater penetration or leaking cooling/heating system.	The vehicle must be wind and water tight.
7.4	Sit in each of the passenger seats within the vehicle to ensure that all seat cushions and back rests are in a good condition and offer proper support to passengers and the driver.		Correctly fitted seat covers will be acceptable.
7.5	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.	Seats which are not adequately secured to the vehicle.	

7.6	Check that all seats have seat belts fitted and that the seat belts work.	No seat belt(s) or seat belt(s) that do not work.	The Council's conditions specify that a seatbelt should be provided for every passenger the vehicle is licenced to carry.
7.7	Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches.	Faulty interior light fitting. Faulty interior light switch. Faulty interior light door switches.	The vehicle must have adequate internal lighting to enable passengers to enter and exit the vehicle safely. No decorative lighting will be permitted other than lighting which comes fitted as standard by the vehicle manufacturer.
7.8	Examine the interior rear view mirror and ensure that it is securely fixed.	A loose, damaged or missing rear view mirror.	
7.9	Check the operation of the heater/windscreen demister to ensure that it is in satisfactory working order.	Defective heater/windscreen demister.	
7.10	Examine the clutch and brake pedal rubbers for signs of excessive wear.	Worn or missing brake and/or clutch pedal rubbers.	
7.11	Check the operation of all window winders ensuring that they allow all windows to be fully lowered and raised easily.	Window winders that do not allow windows to be easily lowered or raised.	
7.12	Check the operation of all door release catches to ensure that doors can be opened easily from within the vehicle.	Defective interior door release catches.	

7.13	Ensure that child proof locks (if fitted) to rear doors are in working order.	Defective child proof locks.	
7.14	Check that any rubbish trays provided for the vehicle are intact and capable of being used (where trays have been removed they should be blanked off).	Unserviceable trays or trays that have not been blanked off.	
7.15	If a metal grille is fitted, check to ensure that there are no sharp or exposed parts, which could cause injury to a passenger or driver.	Loose or incorrectly fitted grille or exposed parts which could cause injury.	The fitting of a metal grille is not compulsory. Sufficient means must be available for any passenger to communicate with the driver.
7.16	Check that estate & hatchback cars are fitted with a suitable luggage guard.	Luggage guard not fitted or ineffective.	A hatchback or estate car must be fitted with a dog guard or other device, sufficient to prevent luggage from entering the passenger compartment in the event of an accident.
7.17	Check steering wheel in sound condition.	Steering wheel fabric / leather twists on wheel causing insecurity.	
7.18	Examine the seating capacity to check for maximum allowance of 8 passengers.	Over 8 passenger seats (excluding driver).	The vehicle must have seating capacity for at least four adults with a minimum seating space of 16 inches per person.
7.19	Check position of seating for clear access to all seats and escape routes.	No clear and unobstructed access for passengers to and from all seats to exits. There should be two entrances / exits available to all seats without moving or tilting seats in any way.	If the seating plan is to be altered the Licensing Section must be informed and the layout approved in line with the testing manual. If access to exits is impeded by a flip down / tip up seat, then the method of operating the

			lever for the seat should be able to be clearly seen by all passengers. If necessary a notice shall be displayed in the vehicle advising of the position of the lever.
7.20	Check airbag system for damage/failure.	Steering wheel or dashboard has damage to airbag area. Airbag warning lamp does not illuminate when ignition turned on or fails to go out after engine starts.	
7.21	Check all dashboard warning lamps for correct use.		

8. ANCILLIARY EQUIPMENT

General: Any equipment such as ramps, restraining straps, must be marked in a permanent manner, with the plate number of the hackney carriage e.g. HV 999.

Ref	Method of Inspection	Reasons for Failure	Notes
8.1	Where vehicles have been adapted for wheelchair access check all the fixings necessary to carry wheelchairs.	Wheelchair fixings not working or missing.	

9. METERS

General: After 1 April 2014 all taximeters must be calendar controlled and locked & sealed by the manufacturer / supplier so that tariff rates change automatically and cannot be changed or tampered with manually by any person. The use of remote controls is not allowed. Where fitted, taximeters or data systems must be maintained in a safe condition in accordance with manufacturer's guidelines.

Ref	Method of Inspection	Reasons for Failure	Notes
9.1	Ensure that the meter is sited in a position where it can be clearly seen from all passengers' seats within the vehicle.	Absence of a meter or a meter which is not suitably sited within the vehicle.	PHVs are not required to have a meter fitted within the vehicle. When fitted to a PHV a meter must comply with the specifications set out here. All taximeters should be fitted in a position, approved by the Council's vehicle tester, where they are not obstructed by other fixtures or fittings within the vehicle
9.2	Examine the meter mounting to ensure that it is satisfactorily secured within the vehicle.	A meter which is not adequately secured within the vehicle.	If HC's are supplied with a taximeter already fitted, then the taximeter must not be moved to another position within the vehicle without prior approval from the Council.
9.3	Check the meter to ensure that the figures indicating the fare are illuminated.	Lack of adequate illumination to the meter display.	
9.4	Ensure that the meter is correctly calibrated and sealed in accordance with the agreed table of fares.	An incorrectly calibrated meter. An unsealed meter.	The calibrated test should be carried out by test driving the vehicle over the agreed measured distance and ensuring the appropriate fare displays corresponds to the distance covered, check all tariff rates. PHV's with a meter should be tested using the tariff

			set by the private hire operator and the private hire operator's tariff card should be displayed in the vehicle.
9.5	Check the table of fares is displayed in the vehicle in a position where it can be clearly seen by passengers in the front and rear of the vehicle.	Failure to display a table of fares in a conspicuous position within the vehicle.	A list of the current HC table of fares supplied by the Council must be displayed on the vehicle's dashboard or other prominent position where it can be easily seen by all passengers and must not be concealed in any way by either the driver or vehicle proprietor.
9.6	Check the "FOR HIRE" window sign function including illumination.	Sign does not illuminate on deactivation of meter or does not go out when on hire.	

Appendix E

Private Hire Vehicle Exemption Notice Conditions

General Conditions

1. The proprietor shall be exempt from the requirement to display the private hire vehicle identification plates and Council issued and operator door signs issued by the Council during the period of exemption.
2. The proprietor shall ensure that the Private Hire sticker issued by the council is displayed within the vehicle in such a position as to be able to be clearly read by passengers.
3. The 'Exemption Notice' issued by the Council in respect of the licensed private hire vehicle shall be carried within the vehicle at all times, and presented for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
4. Other than the Council's Private hire sticker, internal comment card and driver identification badge; the proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicles' status as a licensed private hire vehicle, without the prior written approval of the Council.
5. No taximeter shall be displayed within the vehicle at any time.
6. No table of fares/tariff cards shall be displayed in the vehicle at any time.
7. The proprietor shall inform the hirer that an exempted vehicle will be used for each individual booking.
8. The proprietor shall notify the Council within 7 days in writing if there is any material change in the nature of the use of the vehicle during the period of exemption.

Additional Conditions

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

Appendix F

Table of Existing Vehicles by Age (At 26/06/2019)

Year first Registered	No. of HCVS	No. of PHVs	Age	Total
2009	1	0	10	1
2010	4	0	9	4
2011	10	5	8	15
2012	32	39	7	71
2013	50	68	6	118
2014	34	89	5	123
2015	50	196	4	246
2016	32	196	3	228
2017	24	113	2	137
2018	5	23	2	28
2019	1	1	1	2
Total	243	730		973

— Appendix G

Policy on the Relevance of Convictions, Cautions, Reprimands, Warnings, Complaints and Character

Replace with

Purpose

The Council use this policy to make fair and, so far as possible, consistent decisions when considering convictions, cautions, reprimands, warnings, information or complaints received regarding an applicant for a private hire or hackney carriage vehicle driver's licence or an existing licensee.

This policy will be taken into account and in general will be followed when dealing with a new application, a renewal application and when considering whether to take action including a warning, suspension or revocation in relation to an existing licensee.

The policy applies to new applicants and existing licence holders and reference to "an applicant" is construed to include reference to an existing licence holder.

Overriding Duty

The aim of the Council when carrying out its function of licensing hackney carriage and private hire drivers is the protection of the public including those who use or can be affected by hackney carriage and private hire services.

The Council's duty is to ensure, so far as possible, its licensed drivers are fit and proper people to hold such a position of trust. This involves a detailed assessment of an applicant or licensee's character.

The Council's licensed drivers should be safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.

A licensed driver should be courteous, avoid confrontation, not exhibit prejudice, not take the law into their own hands and demonstrate conduct befitting to the trust that is placed in them.

Information

The Council may require an Applicant to submit information it reasonably considers necessary to enable it to determine whether a Licence should be granted or whether conditions should be imposed.

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

The Council will comply fully with the DBS's Code of Practice and the requirements of the Data Protection Act 1998. Disclosure information will be used fairly, stored securely and only be handled by authorised persons. Please see guidance on the DBS website for further information: <https://www.gov.uk/government/publications/dbs-code-of-practice>

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

Spent Convictions

Convictions become spent after a certain period of time depending upon the sentence imposed. These rehabilitation periods are defined by the Rehabilitation of Offenders Act 1974, however, hackney carriage and private hire vehicle drivers are exempt from this Act. This means the Council can take spent convictions into consideration if it considers the convictions have real relevance to the fitness of the applicant, taking into consideration their age, circumstances and seriousness (gauged by the penalty imposed).

On 29 May 2013, amendments were made to the Rehabilitation of Offenders Act (Exceptions) Order 1975 (the Order) so that certain old and minor cautions and spent convictions are 'protected' and are not subject to disclosure under the Exceptions Order, nor will they appear on a standard or enhanced disclosure certificate issued by the DBS. Applicants for driver licences are required to disclose all convictions cautions, final warnings and reprimands whether they are spent or not, unless they are protected under the Order.

Cautions and fixed penalties

A person can be cautioned as an alternative to prosecution for various different offences. For a caution to be administered, the offender must agree to the caution, the evidence must be sufficient to have warranted a prosecution and **the offender must admit his guilt.**

Any action taken against an applicant who has received a caution will depend on the nature and circumstances of the offence, any previous history of criminality or complaints and the applicant's attitude towards the offence. Reference should also be made to other relevant parts of this guidance.

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

General

Each application or review of a current licensee will be judged and determined on its own merits.

The Council will endeavour to make consistent decisions but is not bound by or obliged to follow previous decisions made by them in relation to applications or existing licence holders. Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted.

A person with a conviction, caution, reprimand or final warning issued by the Police, may not be permanently barred from obtaining a licence but should be expected to remain free from conviction or incident for an appropriate period, set out in this policy, before an application is entertained.

For a new application an applicant must produce adequate information that he is a fit and proper person to hold a licence. Simply remaining conviction free may not generally be regarded as adequate evidence that an applicant is a fit and person to hold a licence. Applicants should also demonstrate evidence of good character.

If offences have been committed the Council will consider the nature of the offence, the age of the conviction, the age of the applicant when convicted, the sentence imposed and any other relevant factors.

Any reference in this policy to a conviction or incident free period means a conviction or incident free period from the date of the most recent conviction or the completion of any sentence imposed for that conviction or restoration of a driving licence if disqualified, whichever is the later.

Multiple offences or incidents are likely to give greater cause for concern and may demonstrate an inappropriate pattern of behaviour which shows an applicant is unsuitable to be granted a licence. If taken separately the offences may meet the guidelines in this Policy, however, where there are multiple offences the Council will assess the offending on the whole rather than separately in order to assess the suitability of an applicant.

If a Licence is suspended or revoke and there is a risk to public safety the suspension or revocation may have immediate effect. This means that if a Licensee appeals the decision during the period prior to the appeal being determined the suspension or revocation remains in force.

The Council will generally follow this policy but may depart from it if there are good reasons to do so.

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

(a) Minor Traffic Offences

Any motoring offence shows a lack of responsibility whilst driving, either in terms of the maintenance and safety of their vehicle or in the manner of their driving.

The Council takes a serious view if a licensed driver commits a motoring offence as driving is his profession, he has a responsibility to ensure he drives his passengers safely and is not a risk to other road users.

A conviction, caution, reprimand or final warning issued by the Police, for a minor traffic offences may not normally prevent a person from being considered for a licence, depending on the circumstances.

If an applicant has up to six "valid" penalty points on their driving licence for such offences then the application may be granted subject to a written warning as to future conduct. In this context 'valid' means valid for the purposes of the totting up procedure, which for most minor traffic offences means a period of 3 years from the date of the offence.

If an applicant has between 7 and 9 live points on their licence for such offences and/or a history of poor driving then the application will be referred to the Licensing Committee who may decide to refuse the application.

At the very least the applicant will be required to complete a driver improvement course identified by the Council, at his own expense, and a severe warning will be given that further offences may result in revocation of the licence.

Where an applicant has more than 9 valid penalty points for such convictions, they must show a period of 12 months free from conviction, caution, reprimand or final warning before their application is considered. Even then the application will be referred to the Licensing Committee and may be refused.

If an applicant has a significant history of offences, showing a disregard for safety or has been disqualified, for example through the totting up process, an application will not normally be considered until their DVLA licence has been restored and a conviction free period of at least 12 months to 3 years, depending on the severity of the risk, has lapsed since the date of conviction or reinstatement of the DVLA Licence, whichever is the latter.

If a Licensee has driven unsafely as a result of minor traffic offences or upheld complaints about his driving standards, putting the public at risk, depending on the severity of the risk, the Council may require the Licensee to attend a driver improvement course at his own expense and / or suspend the Licence or revoke the Licence. In view that unsafe driving is a risk to public safety a suspension or revocation may take immediate effect.

(b) Major Traffic Offences

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

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

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

A serious view will also be taken regarding convictions for driving whilst using a mobile phone. There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this an equally serious view will be taken of a conviction for driving whilst using a mobile phone as for driving under the influence of alcohol or drugs.

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

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

DVLA CODE	DESCRIPTION OF OFFENCE
AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
BA10	Driving whilst disqualified by order of court
BA30	Attempting to drive while disqualified by order of court
BA40	Causing death by driving whilst disqualified
BA60	Causing serious injury by driving whilst disqualified
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
CD80	Causing death by careless or inconsiderate driving
CD90	Causing death by driving unlicensed, disqualified or uninsured drivers

CU80	Breach of requirements as to control of vehicle, use of mobile telephone etc.
DD10	Causing serious injury by dangerous driving
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DG10	Driving or attempting to drive with drug level above the specified limit
DG40	In charge of a vehicle while drug level above specified limit
DG60	Causing death by careless driving with drug level above the limit
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive.
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
IN14	Causing or permitting the use of a vehicle uninsured against third party risks
UT50	Aggravated taking of a vehicle

TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified
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Other relevant parts of this guidance should be referred to if a major traffic offence involves the use of drugs or alcohol.

(c) Alcohol Related Offences

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

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

A person with a conviction, caution, reprimand or final warning issued by the Police, for an alcohol related non-driving offence would be required to show a period of at least two years free from such conviction, caution, reprimand or final warning.

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

(d) Drug Related Offences

An applicant with a conviction, caution, reprimand or final warning issued by the Police, for a drug-driving related offence should be required to show a period of four years free of such conviction, caution, reprimand or final warning before an application is considered.

An applicant with an isolated conviction, caution, reprimand or final warning issued by the Police, for a drug related non- driving offence should be required to show a period of at least three years free of conviction, caution, reprimand or final warning before an application is considered.

If the conviction, caution, reprimand or final warning relates to the supply of controlled drugs; possession with intention to supply controlled drugs; the production of controlled drugs (for commercial purposes) or importing drugs then the application will be refused.

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

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

(e) Exploitation, Sexual and Indecency Offences

As licensed drivers often carry unaccompanied and vulnerable passengers, the Council will take a strong line in relation to applicants or Licensees involved in exploitation, illegal sexual activity or indecency.

If an Applicant or Licensee has been convicted of a crime involving, relating to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective whether the victims are adults or children, they will not be licensed. This includes but is not limited to slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse.

If an Applicant or Licensee has been convicted of an offence or has any connection with an offence involving or connected with illegal sexual activity or a form of indecency they will not be licensed.

Examples of such offences or illegal activities are as follows, (but this list is not exhaustive):

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Indecent exposure
- Unlawful sexual intercourse
- Exploitation of prostitution
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).for sexual exploitation
- Making or distributing obscene material
- Possession of indecent photographs, child pornography etc.
- Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- Prostitution
- Soliciting (kerb crawling)
- Making obscene/indecency telephone calls
- Or any similar offences (including attempted or conspiracy to commit).

The Council will refuse a licence to any applicant who is currently on the Sex Offenders Register, DBS barred lists or any other similar lists or registers.

There may be other situations where an Applicant's or Licensee's behaviour, although may not be illegal, nevertheless may result in a Licence not being granted. For example, an Applicant or Licensee having sexual relations, committing sexual acts or discussing matters of a sexual nature with a passenger should expect to have the licence refused or revoked.

(f) Violence

Licensed drivers have close regular contact with the public and are in an extreme position of trust.

A person who has a tendency to be violent, aggressive or who responds with violence when provoked will not be suitable to be granted a licence.

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

A firm line is to be taken with those who have convictions for offences of violence or have been involved in violent acts

A Licence will not be granted where an applicant has a conviction for an offence that involved the loss of life.

A licence will not be granted where the applicant has a conviction for an offence such as:-

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

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

If an applicant is convicted of more than one of the offences or similar offences set out below a Licence will not be granted.

- Arson with intent to endanger life
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm

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

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

If an applicant is convicted of more than one of the offences or similar offences set out below a Licence will normally be refused unless a period of ten years free from conviction or violent incident has elapsed.

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

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

If an applicant is convicted of more than one of the offences or similar offences set out below a Licence will normally be refused unless a period of five to ten years, depending on the severity of the risk, free from conviction or violent incident has elapsed

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

An applicant with a caution for violence may warrant a warning, depending upon the circumstances.

If an applicant has more than one caution and/or if a number of complaints have been received and upheld, the application may be refused or the licence revoked

unless a period of at least 1 – 3 years, free from incident, has lapsed since the date of the last caution or complaint.

If an applicant or Licensee shows a propensity to be violent then the application may be refused or licence revoked irrespective of the period that has lapsed since the last violent incident.

(g) Dishonesty

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

A licence will normally be refused if an applicant has been convicted of a serious offence involving dishonesty or has more than one conviction for a dishonesty offence, showing they are likely to be continually dishonest, regardless of the time elapsed since the conviction or completion of the sentence imposed.

In general, for an isolated conviction involving dishonesty, a minimum period of five years free from conviction is required before granting a licence. Offences involving dishonesty may include:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Fare overcharging
- And any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

An applicant with a caution for a dishonesty offence may warrant a warning depending on the circumstances.

If an applicant has more than one caution and/or if a number of complaints about dishonesty have been received and upheld, the application may be refused or the licence revoked until a minimum period of five years free from further incident can be demonstrated.

However, where such cautions and/or complaints show the applicant to be generally untrustworthy, an application may be refused or licence revoked regardless of the period lapsed since the last dishonest incident.

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

Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will not be issued with a licence.

(h) Licensing Offences or Any Breach of the Conditions or Byelaws Made Under the Relevant Legislation

Any existing licence holder convicted of an offence relating to a hackney carriage or private hire vehicle of which they are the driver, proprietor or operator will normally be referred to the Licensing Committee as any such conviction will bring into question their continued fitness to hold a licence.

The Council will take into consideration the seriousness of the offence, the nature of the offence, any previous criminal history or complaints and the licence holder's attitude towards the offence. Other sections of this guidance will be taken into consideration when deemed relevant, for example dishonesty offences when dealing with a conviction for overcharging a passenger, otherwise new applicants will be expected to demonstrate a period of at least three years free from conviction before a licence will be granted.

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

Proprietor Offences

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

Driver Offences

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

A serious view will be taken if a driver receives a conviction for breaching their duties under the Equality Act 2010 and there will be a presumption that a driver who wilfully fails to comply with section 165 will be unlikely to remain a "fit and proper person".

Operator Offences

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

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

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

Outstanding Charges or Summons

If the applicant is the subject of an outstanding charge or summons their application can continue to be processed, but the application will not be determined until the conclusion of the proceedings.

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

Non-conviction information

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

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

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

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

If a Licensee is arrested or charged with an offence, depending on the severity of the risk to the public, he should expect to have his Licence suspended or revoked. If there is a risk to public safety that suspension or revocation may have immediate effect.

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

Summary

Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (the period of time depending on the conviction and circumstances, as detailed above), before an application is likely to be successful.

While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances.

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

Appendix H

Conditions of Private Hire Driver's Licence

1. Accidents and Damage to Vehicles

Drivers must thoroughly check a vehicle before driving to ensure roadworthiness. Drivers must report immediately to the owner/operator of the vehicle, any defects or damage to the vehicle that make the vehicle unroadworthy, i.e. would cause the vehicle to be suspended, and which occur during the course of their work. They should then return the vehicle to its base until defects/damage have been rectified

2. Animals

Drivers are only permitted to carry animals belonging to their passengers and only when the animal is accompanied by its owner. If drivers do carry an animal then it must be carried in the rear of the vehicle with the exception of assistance dogs. Drivers are not obliged to carry an animal that is not an assistance dog.

3. Assistance Dogs

Unless the driver has been issued a medical exemption in relation to the carriage of assistance dogs, the driver must allow the passenger with the assistance dog to sit in the front seat and for the assistance dog to sit in the foot well.

4. Change of Address or Name

Drivers must notify the Council, in writing, within 7 days if they change their home address or name.

5. Charging

Drivers must ensure that they charge passengers only the fare agreed between the operator and the passenger (unless a deviation of the route is requested by the hirer when an amended fare shall be agreed with the operator). If a taximeter is used then only the fare displayed on the taximeter at the end of the journey can be charged unless a lesser fare has been agreed.

6. Complaints

If a driver receives a complaint from a customer and is unable to resolve the issue himself, then he must give the customer the Council's contact number detailed on the complaint stickers in the private hire vehicle and notify the operator with details of the complaint.

7. Conduct of Driver

Drivers must always be clean, respectable and polite.

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

- 7.1 Assist passengers with their luggage
- 7.2 Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them
- 7.3 Comply with the Councils Dress Code, Code of Conduct for Licensed Drivers and Code of Conduct When working with Vulnerable Passengers
- 7.4 Behave in a civil and orderly manner at all times
- 7.5 At all times treat their passengers or any potential passenger with courtesy and respect. They must not discriminate against any person because of their race, creed, gender, disability or age.
- 7.6 Take particular care with unaccompanied children and vulnerable adults. Drivers must remain alert to safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).

Drivers must not:

- 7.7 Drink, or eat in their vehicle whilst carrying fare paying passengers
- 7.8 Play music in their vehicle without the permission of their passengers
- 7.9 Engage in any sexual activity with their passengers, make inappropriate personal contact or make inappropriate comments of a sexual nature
- 7.10 Make inappropriate remarks about sexuality, disability, race or any other subject that may be discriminatory
- 7.11 Cause any nuisance or annoyance to any person whether inside or outside of their vehicle. This includes the sounding of horns and banging of doors, littering etc.

8. Convictions, Charges, Arrests

If a driver is cautioned for, or convicted of, any motoring or criminal offence or made subject to a CRASBO, ASBO or Injunction or arrested or charged with any motoring or criminal offence they must notify the Council, in writing, within 7 days

9. Deposit of Driver Record Card

The driver of a private hire vehicle, shall before commencing work as a private hire driver, deposit the private hire driver licence record card with the licensed private hire operator for retention by the operator, until such time as the driver ceases to be operated through that operator.

10. Dress Code

Drivers should be clean and tidy at all times and adhere to the Driver's Dress Code:

The purpose of the Driver's Dress Code is to seek a standard of dress that provides a positive image of the hackney carriage and private hire trade in Middlesbrough,

to enhance a professional image of licensed drivers and ensure that public and driver safety is not compromised.

Acceptable Standards of Dress

All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

As a **minimum standard**, males should wear trousers and a shirt which has a full body and short sleeves.

As a **minimum standard**, females should wear long legged trousers, knee length skirt or dress and a shirt / blouse which has a full body and short sleeves.

Shirts or blouses may be worn with a tie or open necked.

Knee length shorts may be worn, for example during periods of warm weather.

Footwear

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

Unacceptable Standard of Dress

The following are deemed unacceptable:

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

The above list is not exhaustive and authorised officers of the LA shall assess whether standards of dress are acceptable or not. In such circumstances, the Officer's decision shall have effect as though it were included in the above lists and the licensed driver shall be required to comply accordingly

11. Fitness of Vehicle

Drivers should check their vehicle for general roadworthiness and cleanliness both inside and out prior to commencing work. These checks should include the lights and tyres of the vehicle. Drivers should also check that the appropriate Council signage and plates are affixed to the vehicle

12. Insurance

Drivers must check with the vehicle proprietor that they are insured to drive a vehicle before they commence work for the first time. The driver must ensure that they have sight of the insurance document which covers them to drive a vehicle BEFORE they drive the vehicle

13. Loss/Theft of Badge/Licence

Drivers must report the loss or theft of their licence/identification badge to the Police as soon as the loss becomes known. They should then report the matter to the Licensing Office the next working day.

14. Loss or Theft of Vehicle Plate

If a driver becomes aware that the PHV licence plate on their vehicle is lost or stolen, then they should report the fact to the Police, the vehicle proprietor and operator as soon as the loss becomes known. They should then report the matter to the Licensing Office the next working day.

15. Lost Property

The driver must check their vehicle after each and every journey to ensure that passengers have not left property within the vehicle. If a driver finds property they should return it to the passenger if possible and if not, then they should hand the property to the Police within 48 hours then report the find to their operator. Property must not be handed to a licensed operator.

16. Medical Condition

Drivers must notify the Council, within 7 days, of any change in their medical condition that may affect their ability to drive.

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

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

17. Obstruction of Plates or Signs

Drivers must not conceal any information displayed on any official sign the Council requires to be affixed to a PHV.

18. Passengers

- a) Drivers must not carry more than the permitted number of passengers displayed on the PHV licence plate
- b) The driver shall not allow there to be conveyed in the front seat of a PHV
 - i) Any child below the age of twelve (unless an appropriate child restraint is in place)
 - ii) More than one person above that age (except where separate seats are provided).

19. Parking/Plying For Hire/Flag Downs

When a driver is not on route to, engaged in, or returning from a pre-booked journey the driver shall either return to the operating base or park at an appropriate, lawful location.

In determining what is an appropriate location the driver shall take all reasonable steps to ensure that the Private Hire Vehicle is not parked in such a position as to cause annoyance or disturbance to any other person or damage to property and which could give rise to complaints e.g. parking in residential areas, and drivers must not wait/park outside night clubs, public houses or any other place where they are likely to attract un-booked fares.

20. Prompt Attendance

If an arrangement has been made to pick up a fare at a certain time and place, then the driver must be on time unless unavoidably delayed when he shall inform either the customer or operator of his delay.

21. Receipts

A driver must provide a receipt to a customer upon request. This receipt should include the following: Name of hirer, date and time of journey, starting point and destination, price, driver name, driver badge number.

22. Taximeters and other technology used to calculate a fare

If a PHV is fitted with a taximeter or other technology used to calculate a fare, the driver must not conceal it or reset it until the passenger has seen it and paid the fare.

23. Wheelchair Accessible Vehicles

Prior to commencing work in a wheelchair accessible vehicle a PHV driver must ensure that the correct ramps and passenger restraints are available for use within the vehicle. If such fittings are not available for use and in good working order, then the vehicle must be returned to its owner as the vehicle is not considered fit for use as a private hire vehicle.

When conveying a passenger using a wheelchair in a wheelchair accessible vehicle, the driver must use any lifts, ramps etc. supplied with the vehicle, to afford easy and safe access into and out of the vehicle. The driver must, unless medically exempt by the Council, give any necessary assistance to the passenger and should secure the wheelchair by means of the restraints in the manner proscribed by the vehicle manufacturer.

24. Smoking and the use of e cigarettes

Drivers shall not smoke or use e-cigarettes or vape in licensed vehicles and should not permit anyone else to do so either.

Appendix I

Notes for Drivers of Hackney Carriages

Please refer to the Conditions of Hackney Carriage Vehicle Licences, the Byelaws with Respect to Hackney Carriages (Appendix N) and the Council's Private Hire and Hackney Carriage licensing Policy for further information

The following pages contain abbreviations of various pieces of legislation as follows:

TPCA – Town Police Clauses Act 1847

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

Laws

1. Authorised Officers (*Section 73 LG(MP)A*)

HC drivers must not obstruct any authorised officer of the Council or Police Officer. Drivers must provide any assistance or information the officer may reasonably require

2. Charging (*Section 58 TPCA/Section 66 LG(MP)A*)

HC drivers must ensure that only the fare displayed on the taximeter at the end of the journey can be charged unless a lesser fare has been agreed. If the journey ends or begins outside of the district a higher fare may be agreed before the journey begins.

3. Drink Driving (*Section 61 TPCA*)

In addition to any offences under other legislation, it is an offence to drink and drive while acting as a HC driver and also to drive in such a way that may harm or put in danger any person.

4. Drivers Must Be Licensed (*Section 46 TPCA*)

Once a vehicle is licensed as a HC, every driver of that vehicle must hold a current HC driver licence, whether the vehicle is used as a HC or a private vehicle.

5. Equal Opportunities (*Equality Act 2010*)

HC drivers must at all times treat their passengers or any potential passenger with courtesy and respect. They must not discriminate against any person because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

6. Carrying of Passengers (*Sections 51 & 59 TPCA*)

- a) The driver of a HC must not carry more persons than the number displayed on the vehicle licence plate.
- b) The driver of a HC must not allow any other person to be carried in the vehicle without the consent of the hirer

7. Obstruction (*Section 64 TPCA*)

It is an offence to wilfully obstruct the driver of another HC in setting down or picking up passengers or prevent another driver from being hired.

8. Other Persons Not To Drive Hackney Carriages (*Section 60 TPCA*)

HC drivers must not allow any other person to drive the HC without consent of the vehicle proprietor.

9. Production of Licence (*Section 53 LG(MP)A*)

A HC driver must produce their HC driver licence when asked to do so by an authorised officer or police constable.

10. Refusal to Carry Passenger (*Section 53 TPCA*)

If the driver of a HC refuses to carry the number of passengers shown on the licence plate or less they will be guilty of an offence.

The driver of a HC who refuses without reasonable cause to drive a passenger to a particular place or refuses to carry a passenger may be prosecuted.

Remember that passengers are not bound by any gentleman's agreement in relation to their selection of a vehicle at a HC rank. A passenger may therefore choose not to travel in the first vehicle available on a rank and drivers must allow them to do so without argument or dispute.

12. Charging/Fares (*Sects 54, 56&58 TPCA, Sects 66&69 LG(MP)A, Byelaw 6*)

- a) If the driver of a HC agrees a fare which will be less than shown on the meter they must not then try to charge more than they originally agreed. If a prior agreement was made for a fare that turns out to be higher than that shown on the meter, the passenger need only pay the metered fare.
- b) If an agreement of a fare was made to carry a passenger for a particular distance, then the passenger must be carried for that full distance.
- c) The driver of a HC is entitled to charge the rate of fare listed on the tariff card in the vehicle. The driver of the HC must not ask for a fare greater than that displayed on the taximeter.
- d) Any driver of a HC who is convicted of taking a fare greater than that authorised by the current table of fares, may be required to return the overcharge as well as being fined for the offence. The driver or the owner of

the vehicle must not conceal the table of fares while the carriage is plying or being used for hire.

- e) If the driver of a HC is carrying a passenger on a journey ending outside of the district of Middlesbrough and where no agreement has been made in relation to a fixed fare for that journey, they must not charge more than the fare shown on the taximeter.
- f) Where a HC driver is carrying passengers they must drive them to their destination by the shortest route, unless an alternative route has been agreed with the passengers prior to the commencement of the journey
- g) The driver of a HC shall, as soon as a HC is hired by distance and before commencing the journey, bring the machinery of the taximeter into action and keep the machinery of the taximeter in action until the termination of the hiring. The taximeter must be activated before each and every journey, regardless of whether a fare has been previously agreed for that journey and regardless of the destination.
- h) The total number of people carried in a HC, including children, must not exceed the maximum number of persons allowed to be carried in the vehicle (indicated on the vehicle's HC licence plate)

13. Return of Badge (*Section 61 LG(MP)A*)

HC drivers must return their driver identification badge to the Council upon request of an authorised officer if it has been suspended or revoked.

14. Vehicles Must Be Licensed (*Section 45 & 52 TPCA, Byelaw 2*)

- a) It is an offence to use a vehicle as a HC without the appropriate HC driver's licence, while the vehicle's licence is suspended or without displaying the number of the HC on the vehicle.
- b) The driver of a HC must ensure the Council's identification plates are properly displayed on the vehicle and not concealed from public view or defaced in any way.

The list of laws above should be taken as a guide only and it is the responsibility of a HC driver to ensure that they are familiar with all laws in relation to driving HC vehicles before they commence work

Council Policies in respect of Hackney Carriage Drivers

1. Fitness of Vehicle

HC drivers must thoroughly check a vehicle before driving to ensure roadworthiness. These checks should include the lights and tyres of the vehicle. Drivers should also check that the appropriate Council signage and plates are affixed to the vehicle.

Drivers must report immediately to the owner/operator of the vehicle, any defects or damage to the vehicle that make the vehicle unroadworthy, i.e. would cause the vehicle to be suspended and which occur during the course of their work. They should then return the vehicle to its base until defects/damage have been rectified.

2. Animals

Drivers are only permitted to carry animals belonging to their passengers and only when the animal is accompanied by its owner. If drivers do carry an animal then it must be carried in the rear of the vehicle with the exception of assistance dogs. Drivers are not obliged to carry an animal that is not an assistance dog.

3. Assistance Dogs

Unless the driver has been issued a medical exemption in relation to the carriage of assistance dogs, the driver must allow the passenger with the assistance dog to sit in the front seat and for the assistance dog to sit in the foot well.

4. Change of Address or Name

HC drivers must let the Council know in writing within 7 days if they change their home address or name.

5. Change of Employer

HC Drivers are required to inform the Council, within 7 days in writing, if they change their employer, i.e. start to drive a hackney carriage belonging to another proprietor.

6. Complaints

If a HC driver receives a complaint from a customer and is unable to resolve the issue himself, then he must advise the customer of the Council's contact number detailed on the complaint stickers in each HC and notify the HC proprietor.

7. Conduct of Driver

Drivers must always be clean, respectable and polite.

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

- 7.1 Assist passengers with their luggage
- 7.2 Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them
- 7.3 Comply with the Councils Dress Code, Code of Conduct for Licensed Drivers and Code of Conduct When working with Vulnerable Passengers
- 7.4 Behave in a civil and orderly manner at all times
- 7.5 At all times treat their passengers or any potential passenger with courtesy and respect. They must not discriminate against any person because of their race, creed, gender, disability or age.
- 7.6 Take particular care with unaccompanied children and vulnerable adults. Drivers must remain alert to safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).

Drivers must not:

- 7.7 Drink, or eat in their vehicle whilst carrying fare paying passengers
- 7.8 Play music in their vehicle without the permission of their passengers
- 7.9 Engage in any sexual activity with their passengers, make inappropriate personal contact or make inappropriate comments of a sexual nature
- 7.10 Make inappropriate remarks about sexuality, disability, race or any other subject that may be discriminatory
- 7.11 Cause any nuisance or annoyance to any person whether inside or outside of their vehicle. This includes the sounding of horns and banging of doors, littering etc.

8. Convictions, Charges, Arrests

If a driver is cautioned for, or convicted of, any motoring or criminal offence or made subject to a CRASBO, ASBO or Injunction or arrested or charged with any motoring or criminal offence they must notify the Council, in writing, within 7 days

9. Dress Code

Drivers should be clean and tidy at all times and adhere to the Driver's Dress Code:

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

Acceptable Standards of Dress

All clothing worn by the driver must be clean and in good condition, and the driver must have good standards of personal hygiene.

As a **minimum standard**, males should wear trousers and a shirt which has a full body and short sleeves.

As a **minimum standard**, females should wear long legged trousers, knee length skirt or dress and a shirt / blouse which has a full body and short sleeves.

Shirts or blouses may be worn with a tie or open necked.

Knee length shorts may be worn, for example during periods of warm weather.

Footwear

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

Unacceptable Standard of Dress

The following are deemed unacceptable:

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

The above list is not exhaustive and authorised officers of the LA shall assess whether standards of dress are acceptable or not. In such circumstances, the Officer's decision shall have effect as though it were included in the above lists and the licensed driver shall be required to comply accordingly

10. Fitness of Vehicle

Drivers should check their vehicle for general roadworthiness and cleanliness both inside and out prior to commencing work. These checks should include the lights and tyres of the vehicle. Drivers should also check that the appropriate Council signage and plates are affixed to the vehicle

11. Insurance

Drivers must check with the vehicle proprietor that they are insured to drive a vehicle before they commence work for the first time. The driver must ensure that they have sight of the insurance document which covers them to drive a vehicle BEFORE they drive the vehicle

12. Loss/Theft of Badge/Licence

Drivers must report the loss or theft of their licence/identification badge to the Police as soon as the loss becomes known. They should then report the matter to the Licensing Office the next working day.

13. Loss or Theft of Vehicle Plate

If a driver becomes aware that the HC licence plate on their vehicle is lost or stolen, then they should report the fact to the Police and to the vehicle proprietor as soon as the loss becomes known. They should then report the matter to the Licensing Office the next working day.

14. Lost Property

The driver must check their vehicle after each and every journey to ensure that passengers have not left property within the vehicle. If a driver finds property they should return it to the passenger if possible and if not, then they should hand the property to the Police within 48 hours.

15. Medical Condition

Drivers must notify the Council, within 7 days, of any change in their medical condition that may affect their ability to drive.

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

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

16. Obstruction of Plates or Signs

Drivers must not conceal any information displayed on any official sign the Council requires to be affixed to a HC.

17. Receipts

A HC driver must provide a receipt to a customer upon request. This receipt should include the following: Name of hirer, date and time of journey, starting point and destination, price, driver name, driver badge number.

18. Wheelchair Accessible Vehicles

Prior to commencing work in a wheelchair accessible vehicle a HC driver must ensure that the correct ramps and passenger restraints are available for use within the vehicle. If such fittings are not available for use and in good working order, then the vehicle must be returned to its owner as the vehicle is not considered fit for use as a hackney carriage.

When conveying a passenger using a wheelchair in a wheelchair accessible vehicle, a HC driver must use any lifts, ramps etc. supplied with the vehicle, to afford easy and safe access into and out of the vehicle. The driver must, unless medically exempt by the Council, give every assistance to the passenger and should secure the wheelchair by means of the restraints in the manner prescribed by the vehicle manufacturer.

19. Smoking and the use of e cigarettes

Drivers shall not smoke or use e-cigarettes or vape in licensed vehicles and should not permit anyone else to do so either.

20. Passengers

The driver shall not allow there to be conveyed in the front seat of a HC

- i) Any child below the age of twelve (unless an appropriate child restraint is in place.
- ii) More than one person above that age (except where separate seats are provided).

Appendix J

Code of Conduct for Licensed Drivers

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

1. Responsibility to the Trade

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

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

2. Responsibility to Customers

Licence holders shall:

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

3. Responsibility to Residents

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

- a) not sound the vehicle's horn;
- b) keep the volume of any radio, music etc low;
- c) switch off the engine if required to wait;
- d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood;
- e) not deposit any litter; and
- f) not urinate in any public place.

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

- a) rank in an orderly manner and proceed along the rank in order and promptly; and
- b) remain in the vehicle; and
- c) not overcrowd the rank

At private hire offices a licence holder shall:

- a) not allow their radio, music etc. to cause disturbance to residents of the neighbourhood; and
- b) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

4. General

Drivers shall:

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

Please Note:

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

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

Appendix K

Code of Conduct When working with Vulnerable Passengers

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example. In addition, an individual should be considered vulnerable if they do fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol).

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

- Drivers must carry their hackney carriage/private hire driver identification badge at all times, and wear it in accordance with the conditions of licence.
- Drivers must not allow a vulnerable passenger to be transported in the front passenger seat of the vehicle other than a passenger with an assistance dog.
- Operators must check at the point of booking if there are any vulnerability issues. This will allow for the driver to prepare for the journey in the right way.
- The driver / operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver / operator must not undertake the journey.
- The driver must let their office know (or keep a record) of the time they picked up the vulnerable passenger, the time and place they dropped them off and whether there was any incident or anything significant on the journey.
- If a driver thinks the passenger is afraid, he/she must offer to call their operator to tell them they have a passenger named XXXX with them and give the address and approximate time of arrival; this reassures the person that they are safe and someone is monitoring the trip
- When making a journey with vulnerable passengers, drivers should produce photo-identification to the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service the driver/operator should inform a responsible person (e.g. hospital staff; family; security staff if from a club/pub) so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council.

- Drivers should always ask if a vulnerable passenger needs help, and should not make assumptions.
- Drivers should ask or explain to passengers if using a centralised locking system - don't just put it on without an explanation.
- Driver should ask before making a journey shorter by going off the main roads/using isolated country roads and explain and give the passenger (or person booking) a choice of route.
- Drivers must remain professional and behave in a civil and orderly manner at all times and should never:
 - i) Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language)
 - ii) Accept an offer of a sexual favour instead of payment or engage in any sexual activity with their passengers.
 - iii) Behave in a way that may make a passenger feel intimidated or threatened
 - iv) Set off with a passenger without a specific destination address
 - v) Double up on a booking – even if passengers are travelling in a similar direction, they may pose a threat or risk to the other passenger.
 - vi) Attempt to misuse personal details obtained via the business about a person such as passenger's telephone numbers or Facebook address.
 - vii) Follow a passenger into the house unless previously agreed and properly authorised.

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

- A hackney carriage driver should maintain a log when a service has been provided to a vulnerable passenger including the details of any incidents occurring / actions taken or refusals of service. Private hire drivers should report any incidents/actions taken to their operator.
- Drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999).
- If a driver/operator is concerned about someone else's conduct, they should report their concerns to the Council's licensing department (01642 728010), Police (101) or Crimestoppers (0800 555111).

Appendix L

Conditions of Private Hire Operator's Licence

1. Standard of Service

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

- (a) Ensure that when a private hire vehicle has been hired for an appointed time and place, the vehicle shall, unless delayed or prevented by a sufficient cause, punctually attend at the appointed time and place.
- (b) The operator must upon receiving a complaint from a customer, passenger or report from anyone else that a vehicle was not roadworthy and/or clean withdraw such vehicle from service until the operator has inspected the vehicle and is satisfied that the vehicle was roadworthy and/or clean.
- (c) Keep clean, adequately heated, ventilated and lit any premises which are provided and to which the public have access whether for the purposes of making a booking or waiting for a vehicle.
- (d) Ensure that any waiting area provided has adequate seating facilities.
- (e) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

2. General Responsibility

The operator is responsible for all persons, other than drivers licensed by the Council (and vehicles) that are employed, contracted or otherwise used in the course of their private hire business. To that end, the operator shall undertake sufficient checks to satisfy themselves that only suitable persons, who have direct contact with customers, and vehicles are used (and continue to be used) in the course of their private hire business and that all appropriate licences are valid.

3. Driver Training

The operator shall provide all drivers employed or used to fulfil private hire bookings with suitable training on their roles and responsibilities and in particular the law regarding plying for hire and accepting un-booked fares.

4. Safeguarding Vulnerable Passengers

The operator shall:

- a) maintain a policy to the satisfaction of the Council in respect of Safeguarding Vulnerable Passengers and shall ensure that all employees and licensed drivers are made aware of the policy; and
- b) comply with the Councils Code of Conduct When working with Vulnerable Passengers

5. Records

- a) The booking records required to be kept by the operator shall be kept either in a suitable book duly approved by the Council, the pages of which shall be numbered consecutively or records may be kept on a computer which keeps backup records and is immediately capable of producing a printed record from the computer onto paper. Records must not be capable of retrospective alteration or amendment. The operator or their agent or employee shall enter or cause to be entered therein particulars of every booking of a private hire vehicle accepted by them, such entries to be made in strict chronological order with each entry immediately following the preceding entry. Automated systems must be capable of recording this same information. The records should detail the following:
- (i) The time and date of the booking
 - (ii) The name or contact details of the hirer or the name of the passenger if different to the hirer.
 - (iii) The date, time and point of pick up
 - (iv) The destination
 - (v) The licence plate number of the vehicle allocated or alternative means of identifying the vehicle
 - (vi) The full name of the driver allocated or alternative means of identification
 - (vii) The amount charged
 - (viii) Any variation in the original contract
 - (ix) Any special requirements by the hirer, if any
- b) Where any bookings are sub-contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking in line with a) above and notes must be included, including the name of the sub-contractor and contact information.
- c) The operator shall keep records of all Private Hire Vehicles operated by them, including, registration numbers, licence numbers and call signs, if any.
- d) The operator shall keep records of all Private Hire drivers employed or used by them including full names, Licence number and call signs, if any.
- e) The operator should keep all records for a period of not less than one year following the date of the last entry.

6. Location of Private Hire Vehicles When Not Booked

The Operator shall direct its Private Hire Vehicle drivers that when a Private Hire Vehicle (operating as such) is not on route to, engaged in, or returning from a pre-booked journey it is kept at the operating base or other appropriate, lawful location, and use all reasonable endeavours to ensure their compliance with that direction.

In determining what is an appropriate location the operator shall take all reasonable steps to ensure that the Private Hire Vehicle is not parked in such a position as to cause annoyance or disturbance to any other person or damage to

property and which could give rise to complaints e.g. parking in residential areas, or at any other place where they are likely to attract un-booked fares.

7. Complaints

The operator must identify a point of contact for consumer related complaints. Any change to this point of contact must be notified to the Council within 7 days of the change of contact.

The operator shall keep a record of the particulars set out in lines a) to f) below of any complaints received concerning a private hire booking accepted by him, and the particulars set out at d) to f) below of any other complaint made in respect of his undertaking as a licensed operator. The records shall be retained for a period of not less than 12 months and shall be made available for inspection and/or be produced to an authorised officer of the Council or a Police Officer on request.

- a) The date of the related booking;
- b) The name of the driver who carried out the booking;
- c) The registration mark of the vehicle used;
- d) The name of the complainant and if available, any address, telephone number or other contact details provided by him;
- e) The nature of the complaint; and
- f) Details of any investigation carried out and subsequent action taken as a result.

The operator must inform the Council by the next working day of receipt of any allegation, concern or complaint received, which relates to any person licensed by the Council and which involves the following:

- Allegations of sexual misconduct, sexual harassment or inappropriate sexual attention
- Racist behaviour
- Any other inappropriate behaviour or safeguarding concern
- Violence
- Dishonesty
- Equality breaches
- Overcharging
- Plying for hire
- Standard of driving

The operator shall inform complainants of their right to complain or make comments to Middlesbrough Council.

Where a complaint is investigated by an Authorised Officer of the Council the operator shall comply with any reasonable directions of the Officer in respect of that complaint.

8. Change of Address

The operator, or if the operator is a limited company or partnership, the directors of a limited company or members of a limited liability partnership shall notify the Council in writing or by e-mail of any change of their home/contact address within 7 days of such change taking place.

9. Change of Premises

A Licence is granted to the operator for the premises detailed at the time of the application. It is not transferable to other persons or premises. Any change from the original application will be dealt with as a new application. The operator must make a fresh application accordingly.

10. Change of Management

The operator must notify the Council in writing or by e-mail of any change in partnership, directorship, ownership, management or control of the business within 7 days.

11. Change of Vehicles Operated

The operator shall notify the Council, in writing or by e-mail, within 2 working days, should they cease to operate any vehicle.

12. Convictions

The operator shall within seven days disclose to the Council in writing details of any caution or conviction, other than a motoring offence, imposed on them or if they are arrested or charged or made subject to a CRASBO, ASBO or Injunction (or, if they are a Company or Partnership, on any of the Directors or Partners) during the period of licence.

13. Display of Licence

If the public have access to operating premises, the operator is required to display the Private Hire Operator Licence in the operating premises together with a copy of these conditions.

14. Equal Opportunities

The operator and their employees must at all times treat customers, or potential customers, with courtesy and respect and must not discriminate against any person because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

15. Hackney Carriages as Private Hire Vehicles

If the operator uses a hackney carriage to carry out private hire bookings, then a record of any bookings shall be kept in the same format as required for all private hire bookings and the driver of the hackney carriage must be informed that:-

- The fare charged must not exceed that displayed on the taximeter.
- The taximeter must be activated for each and every booking undertaken by the hackney carriage
- The taximeter must not be activated prior to the collection of the passengers.

16. Planning Permission

The operator must have planning permission for Private Hire Use at their operating premises. The operator must comply in every respect with the requirements of the current Planning legislation.

17. Public Liability Insurance

The operator shall provide evidence to the Council of current public liability insurance on request.

18. Taximeters

Where any vehicle operated is fitted with an approved taximeter the operator shall ensure that the taximeter is set to the fare rate notified to the Council and is properly sealed in accordance with Council policy.

19. Use of PSV vehicles

Where an operator also holds a PSV operator's licence, PSVs should not be used for private hire bookings without the informed consent of the hirer.

20. Touting

The operator must not by him/herself, his agents, or any other person tout, solicit or importune any person by calling out or by any other means whatsoever to hire any of the licensed vehicles under his control.

21. Receipts

The operator of the vehicle shall ensure that the driver of the vehicle has available to them, sufficient means by which they may issue a receipt to passengers if required. Any receipt shall contain the date, time, point of pick up, destination, cost and driver licence number.

Appendix M

Exceptionally Well Maintained Interior

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

Exceptionally Well Maintained Exterior

1. All bodywork to be clean and sound, free from rust, dents, scrapes, significant scratches or loose panels.
2. All paintwork to be in first class condition - no "egg-shell" finish, or different shades or colours on either external or interior areas which are visible to the public.

3. All wheel trims to be fitted according to manufacturer's specifications and to match.
4. Aerials where fitted to be in good condition and free from rust.
5. Door or wing mirrors to be in good condition, no broken glass or surrounds.
6. Front and rear number plates to be clean, clear and unbroken.
7. Front and rear bumpers to be in first class condition, no rust, dents, scrapes (including any over-riders and end surrounds) and should be securely fitted.
8. Mud flaps (if fitted) should be maintained.
9. No broken or missing glass or surrounds on all front and rear lights and indicators (including repeater indicators where fitted).
10. Radiator grills should be secure and of original specification.
11. Front and rear (where fitted) windscreen wiper heads and arms should be in good condition, free from rust and properly fitted.
12. Door and boot locks should be fitted and in good working order.
13. Doors should be easily opened and closed from the outside and inside.
14. All door handles should be properly fitted, easily operated and of original colour specification.
15. All tyres should conform to legal requirements.
16. All road wheels to be clean and free from rust (where trims are not fitted).

Appendix N

County Borough of Teesside Hackney Carriage Byelaws

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1975, by the Mayor, Alderman and Burgess of the Borough of Teesside acting by the Council with respect to hackney carriages in the County Borough of Teesside.

INTERPRETATION

1(a) Throughout these byelaws 'the Council' means the Mayor Alderman and Burgess of the Borough of Teesside acting by the Council and 'the District' means the County Borough of Teesside

(b) These byelaws do not relate to trolley vehicles.

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 (i) cause the number of the hackney carriage 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.

And

(ii) cause the two official licence plates loaned by the Council to the proprietor in respect of the carriage to be fixed and maintained on the outside of the carriage in positions and in a manner approved by a duly authorised Officer of the Council

(iii) on the expiry, suspension or revocation of the licence granted to him in respect of the carriage, return to the Council any plates supplied to him by the Council showing the number of the licence.

(b) A proprietor or driver of a hackney carriage shall –

(i) not wilfully or negligently cause or suffer any such number painting marking or plate 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 figures or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a hackney carriage shall in respect of the said hackney carriage (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 water tight;

(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 fittings and furniture generally to be kept in an clean condition, well maintained and in every way fit for public service;

(g) provide means for securing luggage if the carriage is so constructed 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) cause adequate internal lighting to be maintained in the said carriage at all times that passengers are entering or leaving the carriage

(k) (If so required by the Council) cause the words 'Licensed Hackney Carriage – Teesside County Borough' (in plain letters at least one inch in height) and a reproduction of the official badge of the Teesside Corporation to be legibly painted or marked on the outside of the nearside panels of the carriage or in such alternative position as is clearly visible from the nearside of the carriage.

(4) From and after a period of two months from the coming into operation of these Byelaws the proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say,

(i) If the taximeter is fitted with a flag or other device bearing the words 'FOR HIRE':

(a) the words 'FOR HIRE' shall be exhibited on each side of the flag or other device in plain letters at least one and a quarter inches in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;

(b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;

(c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter;

(ii) if the taximeter is not fitted with a flag or other device bearing the words 'FOR HIRE':

(a) the taxi meter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;

(b) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter;

(iii) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take in pursuance of the byelaw in that behalf for the hire of the carriage by distance.

(iv) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

(v) the taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall ne capable of being suitably illuminated during any period of hiring;

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

(5) The proprietor of a hackney carriage provided with a taximeter not fitted with a flag or other device bearing the words 'FOR HIRE' shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say;

(a) the sign shall bear the words 'FOR HIRE' in plain letters at least one and a quarter inches in height;

(b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

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 OR OTHERWISE DISPLAY BADGES OR IDENTITY DOCUMENTS

6. The driver of a hackney carriage shall

(i) if the taximeter is fitted with a flag or other device bearing the words 'FOR HIRE':

(a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;

(b) as soon as the carriage is hired by distances, and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring;

(ii) if the taximeter is not fitted with a flag or other device bearing the words 'FOR HIRE':

(a) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of Byelaw 5 so that the words 'FOR HIRE' are clearly and conveniently legible by persons outside the carriage;

(b) as soon as the carriage is hired whether by distance or by time, operate the said sign so that the words 'FOR HIRE' are not conveniently legible by persons outside the carriage;

(c) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;

(iii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act, 1957, and also at any other time at the request of the hirer.

7. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or with the seals affixed thereto.

8. The driver of a hackney carriage, shall, when plying for hire in any street and not actually hired;

(a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;

(b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

(c) on arriving at a stand not already occupied by the full number of hackney carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;

(d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

9. 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.

10. 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.

11. 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.

12. 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.

13. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

14. If a badge or identity document has been provided by the Council and delivered to the driver of a hackney carriage he shall, (a) retain personal possession of such badge or document at all times and (b) when standing or plying for hire and when hired, but at no other time wear that badge in such position and manner as to be plainly visible or display the said identity document in the hackney carriage in a position which will be plainly visible to passengers in the said carriage.

15. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by a 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 FIXING THE STANDS OF HACKNEY CARRIAGES

16. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in that list during the hours respectively specified in relation thereto:

TAXI RANKS	SPACES	OPERATION TIMES
<i>Aintree Oval, Teesside Park (Millennium)</i>	7	7pm-6am
<i>Albert Road (Flares)</i>	4	7pm-5am
<i>Albert Road (Holiday Inn)</i>	2	At All Times
<i>Albert Street (Bongo)</i>	4	7pm-5am
<i>Bolckow Street</i>	4	7pm-5am
<i>Borough Road (Europa)</i>	3	11pm-5am
<i>Bridge Street West</i>	6	At All Times
<i>Brunswick Street (Last Orders)</i>	4	7pm-5am
<i>Cargo Fleet Lane (Cargo Fleet Club)</i>	2	12pm-12am
<i>Cargo Fleet Road (M'bro Leisure Park)</i>	6	At All Times
<i>Cargo Fleet Road (M'bro Leisure Park - McDonalds)</i>	3	Midnight – 5am
<i>Corporation Road (The Central)</i>	8	At All Times
<i>Corporation Road (Vancouver House)</i>	12	Midnight-5am
<i>Corporation Road (Walkabout)</i>	3	7pm-5am
<i>Denmark Street Car Park (Sainsburys)</i>	12	At All Times
<i>Exchange Place (Uncle Alberts)</i>	5	7pm-5am
<i>Grange Road</i>	14	At All Times
<i>James Street, Market Place (North Ormesby)</i>	5	8am-6pm
<i>King's Road (North Ormesby Working Mens Club)</i>	2	12pm-1am
<i>King's Road (Sainsburys)</i>	5	8am-6pm
<i>Linthorpe Road (Inn off the Park)</i>	3	7pm-2am
<i>Linthorpe Road (The Crown)</i>	8	10pm-5am
<i>Linthorpe Road (Rigatonis)</i>	5	7pm-5am
<i>Linthorpe Road (Park Hotel)</i>	2	12pm-2am
<i>Linthorpe Road (Village)</i>	3	At All Times

<i>Linthorpe Road (Florist to junction with Southfield Road)</i>	<i>4</i>	<i>7pm – 5am</i>
<i>Linthorpe Road (Linthorpe Hall 248)</i>	<i>7</i>	<i>Midnight – 5am</i>
<i>Memorial Drive (Rudds Arms)</i>	<i>2</i>	<i>At All Times</i>
<i>Newport Road (Arena)</i>	<i>6</i>	<i>7pm-6am</i>
<i>Newport Road (Bus Station)</i>	<i>7</i>	<i>At All Times</i>
<i>Oak Street (Medicine Bar)</i>	<i>3</i>	<i>7pm-5am</i>
<i>Ormesby Road (Pallister Park)</i>	<i>12</i>	<i>At All Times</i>
<i>Queens Square (feeder rank for Bridge St West)</i>	<i>3</i>	<i>At all times</i>
<i>Southfield Road (Al Forno)</i>	<i>7</i>	<i>7pm – 3am</i>
<i>Wilson Street (Chicago Rock)</i>	<i>6</i>	<i>Midnight-5am</i>
<i>Wilson Street (Dundas St)</i>	<i>9</i>	<i>Midnight-5am</i>
<i>Woodlands Road (Southfield Road)</i>	<i>4</i>	<i>At All Times</i>

PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES

17. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

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

FARES FOR DISTANCE

21. Any person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding xxxx (date)

REPEAL OF BYELAWS

22. All byelaws in force in the County Borough of Teesside or in any part thereof with respect to hackney carriages are hereby repealed.

Provided that such repeal shall not affect anything duly done or suffered or any right or liability acquired, accrued or incurred under the byelaws hereby repealed or any penalty, forfeiture or punishment incurred in respect of any offence committed against such byelaws or any of them or any investigation, legal proceedings, or remedy in respect of any such right, liability, penalty, forfeiture or punishment, and any such investigation, legal proceedings and remedy may be carried on as if these byelaws had not been made.

THE COMMON SEAL OF THE MAYOR, ALDERMAN AND BURGESS OF THE COUNTY BOROUGH OF TEESSIDE was hereto affixed on the 14th day of January, one thousand nine hundred and sixty nine, in the presence of: E C PARR, Town Clerk

The Secretary of State this day confirmed the foregoing byelaws and fixed the date on which they are to come into operation as the 1st day of May 1969. N CAIRCROSS, An Assistant Under Secretary of State

HOME OFFICE
Whitehall
12 March 1969