

Date: 10 March 2009

To: Members of the Licensing (Regulatory) Committee

Mr. K. Nichols (Chairman)	Mr. P. Hall
Mr. C. G. Joyce (Vice-Chairman)	Mr. R. Mayne
Mr. P. R. Batty	Mr. K. Morrell
Mr. J. C. Bown	Mr. O. O'Shea
Mr. S. L. Bray	Mr. A.J. Smith
Mr. M. B. Cartwright	Mrs. S. Sprason
Mrs. S. Francks	Mr. B.E. Sutton
Mr. D. M Gould	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor

There will be a meeting of the **LICENSING (REGULATORY) COMMITTEE** in the Council Chamber, Council Offices, Hinckley on **WEDNESDAY 18 MARCH 2009 at 6.30 pm** and your attendance is required.

PLEASE NOTE THAT IMMEDIATELY FOLLOWING THIS MEETING THERE WILL BE A MEETING OF THE LICENSING COMMITTEE.

The agenda for the meeting is set out overleaf.

Yours sincerely

Pat Pitt (Mrs.)
Corporate Governance Officer

LICENSING (REGULATORY) COMMITTEE

18 MARCH 2009

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED 2. MINUTES

To confirm the minutes of the meeting held on 24 September 2008 - copy attached marked LR3.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the Agenda.**

RESOLVED 5. DRAFT TAXI AND PRIVATE HIRE LICENSING POLICY

Report of Director of Community and Planning Services attached marked LR4. (Pages 1-108)

WOULD YOU PLEASE NOTE THAT COPIES OF THIS DRAFT POLICY IS BEING CIRCULATED TO MEMBERS OF THE COMMITTEE ONLY. IN ADDITION THERE WILL BE HARD COPIES AVAILABLE IN THE MEMBERS ROOM AND THE DOCUMENT WILL BE POSTED ON THE COUNCIL'S WEBSITE.

6. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

To: All Members of the **Licensing (Regulatory) Committee** with a copy to all other Members of the Council.

NOTE: AGENDA ITEMS AGAINST WHICH THE WORD "RESOLVED" APPEARS ARE MATTERS WHICH ARE DELEGATED TO THE COMMITTEE FOR A DECISION.

**OTHER MATTERS ON THIS AGENDA WILL BE THE SUBJECT OF
RECOMMENDATIONS TO COUNCIL.**

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
LICENSING (REGULATORY) COMMITTEE
24 SEPTEMBER 2008 AT 6.30PM

PRESENT: Mr. K. Nichols - CHAIRMAN

Mr. J.G. Bannister, Mr. J.C. Bown, Mr. M.B. Cartwright,
Mrs. S. Francks, Mr. D.M. Gould, Mrs. A. Hall, Mr. R. Mayne,
Mr. K. Morrell and Mr. A.J. Smith

Officers in attendance: Mr. Mark Brymer, Mr. S. Merry,
Mrs. P.I. Pitt and Mr. M. Rice

199 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Messrs. P.R. Batty, S.L. Bray, P.A.S. Hall, C.G. Joyce, L.J.P. O'Shea and Mr. B.E. Sutton and the following substitutions authorised in accordance with Council Procedure Rule 4.3:-

Mr. Bannister for Mr. Joyce
Mrs. Hall for Mr. Hall

200 MINUTES (LR1)

It was moved by Mr. Bannister, seconded by Mr. Mayne and

RESOLVED - the minutes of the meeting held on 30 April 2008 be confirmed and signed by the Chairman.

At this juncture, by invitation of the Chairman and further to Minute No. 326 of 13 November 2007, the Principal Licensing Officer updated the Committee on the possible introduction of a Designated Public Place Order. There were ongoing discussions with the Police as to whether alcohol-free zones should be created other than within Hinckley town centre and a Borough-wide order introduced.

Mr. Morrell entered the meeting at 6.37 pm.

It was emphasised that before any decision was taken there would be widespread consultation and a comprehensive report brought to this Committee for consideration.

201 DECLARATIONS OF INTEREST

No interests were declared at this stage.

202 DRAFT TAXI AND PRIVATE HIRE LICENSING POLICY (LR2)

Further to discussions at the conclusion of the Committee meeting on 30 April 2008 on a review of the Council's Taxi and Private Hire Licensing

Policy, the Principal Licensing Officer presented a draft revised Policy to Members for approval, prior to consultation. Although a relatively complex and technical document which was aimed at the taxi and private hire trade the consultation would be wide-ranging. At the conclusion of the consultation period all responses would be collated and a Summary of Responses produced. A decision would then be made by this Committee as to which policies and procedures it was proposing to adopt and which would be applied when the Council exercised its taxi licence functions.

Discussion ensued regarding the following:-

- The introduction of a Driving Standards Agency (DSA) assessment for all new drivers.
- The maximum age of vehicles.
- The wearing of seat belts by rear seat passengers.

The Principal Licensing Officer indicated that the new Policy had been drafted following guidelines of "Best or Good Practice" issued by the Department for Transport and that it was the intention to implement this Policy next year. However, certain aspects of the Policy will be phased in over the next three years, such as the DSA driving tests, the NVQ qualification and the issuing of new Hackney Carriage plates to wheelchair accessible vehicles from 1 January 2010.

There was discussion about an age restriction on licensed vehicles and the Principal Licensing Officer advised Members of the need to be careful about fettering their discretion, although many authorities had a five year age policy. It was important that such a Policy was not applied arbitrarily.

Additionally, standards within this Authority were high. So far as a reference within the Policy to seatbelts was concerned the Principal Licensing Officer undertook to add more text. A Member indicated anomalies in relation to the refund of fees and again the Principal Licensing Officer undertook to amend these.

It was moved by Mr. Cartwright, seconded by Mr. Bown and

RESOLVED - the draft Taxi and Private Hire Licensing Policy be approved for consultation.

(The meeting closed at 7.12 pm)

LICENSING (REGULATORY) COMMITTEE – 18 MARCH 2009

REPORT OF DIRECTOR OF COMMUNITY AND PLANNING SERVICES
RE: DRAFT TAXI AND PRIVATE HIRE LICENSING POLICY

1. **PURPOSE OF REPORT**

1.1 This report is to present for adoption the revised Taxi & Private Hire Licensing Policy which has been amended to incorporate the results of the consultation exercise.

2. **RECOMMENDATION**

2.1 That the Licensing Regulatory Committee recommends that the Council adopt the revised Taxi Licensing Policy appended to this report.

3. **BACKGROUND TO THE REPORT**

3.1 Following a meeting of the Licensing Regulatory Committee on the 30 April 2008, the Licensing Service was asked to undertake a full review of the Councils Taxi and Private Hire Licensing Policy.

3.2 Hinckley & Bosworth Borough Council has responsibility for licensing taxi and private hire vehicles, drivers and operators within the borough of Hinckley & Bosworth. It has traditionally exercised this responsibility through a number of different policies and procedures that have been developed over a significant number of years.

3.3 Many of these policies have, however, now become rather historic and do not adequately assist the trade or the public or indeed truly reflect the situation today in respect of these trades.

3.4 Against the above background and in order to ensure that the Council is able to maintain an up to date, and forward looking licensing service, the opportunity has been taken to undertake a root and branch review of all policies and practices relevant to the taxi and private hire licensing service.

3.5 The review process has resulted in this draft Hackney Carriage & Private Hire Licensing Policy that sets out the policies and procedures that the Council intends now to apply in exercising its taxi licensing function. The Licensing Regulatory Committee approved the draft policy for consultation on 24 September 2008 and consultation was undertaken between October 2008 and January 2009. The council has considered all comments made and as a result has amended the policy in the light of representations received.

3.6 EXECUTIVE SUMMARY OF MAIN PROPOSALS

For ease of reference, the main proposals contained in the draft policy are summarised below:

- Revising and extending the specification of licensed vehicles including introducing new requirements in respect of disability access, Liquid Petroleum Gas powered vehicles and tinted windows.
- Amending the medical fitness standard for licensed drivers to be to Driver and Vehicle Licensing Agency Group 2 Standard (Lorry Drivers).
- Revising and extending the conditions attached to private hire driver's and operators licences.
- Revising requirements in respect of advertising and signage on both hackney and private hire vehicles
- Introducing Disciplinary Hearings,
- Introducing an Enforcement Policy.
- Introducing a Code of Conduct for licensed drivers
- Introducing a formal policy for Licensing Regulatory Committee
- Introduction of policies to help promote the use of cleaner and greener fuels
- Introducing new controls and conditions to bring stretched limousines and similar vehicles properly under licensing control.
- Introducing the requirement of the National Vocational Qualification Level 2 in Road Passenger Transport.
- Introducing the requirement of the Driving Standards Agency driving assessment for all new drivers.

3.7 Because of the volume of paperwork a hard copy of the draft policy will only be sent to members of the Licensing Regulatory Committee. Further hard copies will be made available upon request to members. The draft policy will also be made available electronically via the intranet.

4. **FINANCIAL IMPLICATIONS [HF]**

4.1 There are no financial implications arising from the adoption of this policy.

5. **LEGAL IMPLICATIONS [MR]**

5.1 None.

6. **CORPORATE PLAN IMPLICATIONS [MB]**

6.1 Objective three – A Safer and Healthier Borough.

7. **CONSULTATION [MB]**

7.1 In accordance with the Department for Transport's guidance consultation was undertaken with the following:

- HBBC District Licensed Hackney Drivers
- HBBC District Taxi and Private Hire Proprietors
- HBBC District Councillors
- HBBC District Town and Parish Councils
- Neighbouring Authorities
- HBBC Community Safety Unit
- Hinckley Chamber of Trade
- Local businesses and their representatives
- Local residents via their Ward representatives
- Leicestershire Constabulary
- Leicestershire County Council Traffic & Road Safety
- Age Concern
- The National Private Hire Association
- Members of the Public

7.2 A total of six individual responses were received. Several of the points have been incorporated into the proposed policy. The revised policy can be found at Appendix A.

8. **RISK IMPLICATIONS**

8.1 It is the Council's policy to proactively identify and manage significant risks, which may prevent delivery of business objectives.

8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the risks associated with this decision have been identified, assessed and that controls are in place to manage them effectively.

8.3 The significant risks associated with this report were identified from the assessment as follows.

Management of Significant Risks		
Risk Description	Mitigating actions	Owner
Reputation	In adopting the revised policy the Council is demonstrating its flexibility and responsiveness to changing needs/requirements.	Mark Brymer

9. **RURAL IMPLICATIONS**

9.1 The policy will have equal impact on all areas of the Borough.

10. **CORPORATE IMPLICATIONS**

10.1 By submitting this report, the report author has taken the following into account:

- Community Safety Implications [RG] - None.
- Environmental Implications [JN] - The Environmental Considerations are covered in the report.
- ICT Implications - None.
- Asset Management Implications - None.
- Human Resources Implications - None

Background Papers:

Department for Transport Taxi & Private Hire Licensing Best Practice Guidance 2006
The National Association of Licensing and Enforcement Officers - Model Standard for Taxi and Private Hire Licensing - Published 2007
Department for Transport Guidance for operators of stretch limousines - Published January 2008
Hinckley & Bosworth Borough Council current Taxi and Private Hire Guidance Document
Town Police Causes Act 1847
Local Government (Miscellaneous Provisions) Act 1976
Transport Act 1985
Road Safety Act 2006
Hinckley & Bosworth Borough Council Constitution
DVLA Medical aspects of Fitness to Drive (Medical Practitioners) Responses to Consultation

Contact Officer: Mark Brymer Principal Licensing Officer ext 5645

1LR18mar09



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Draft
***Hackney Carriage & Private Hire
Licensing Policy***

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GLOSSARY OF TERMS

Throughout this document:

"**The Council**" means Hinckley & Bosworth Borough Council.

"**The Borough**" means the geographical area of Hinckley & Bosworth.

"**The Licensing Authority**" means Hinckley & Bosworth Borough Council.

"**Driver's Licence**" means a licence granted by the Council to drive a Taxi or a Private Hire Vehicle under Section 46, Town Police Clauses Act 1847 or Section 51, Local Government (Miscellaneous Provisions) Act 1976 (as amended) respectively.

"**Licence**" means a vehicle licence granted by the Council under Section 37, Town Police Clauses Act 1847 or Section 48, Local Government (Miscellaneous Provisions) Act 1976 (as amended).

"**Licensee**" means the holder of a licence.

"**Licensing Officer**" and "**Authorised Officer**" are the officers appointed from time to time by the Council to administer the statutory provisions relating to the licensing of Taxis and Private Hire Vehicles within the Council's administrative area.

"**Operator**" is the holder of a Private Hire Operator's (PHO) Licence granted by the Council under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).

"**Private Hire Vehicle**" (PHV) is as defined in Section 80(1) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).

"**Taxi**" means a hackney carriage (HC) as defined in the Town Police Clauses Act 1847.

"**Taxi Proprietor**" means the holder of a vehicle licence granted by the Council under Section 37, Town Police Clauses Act 1847.

"**Vehicle**" or "**Licensed Vehicle**" means either a Taxi or Private Hire Vehicle the subject of the licence to which these conditions are attached.

"**Internal Vehicle licence**" is a laminated replica of the licence plate issued by the Council on the grant and renewal of the licence giving details of the vehicle and licence for display within the vehicle.

"**Licence Plate**" is the plate issued by the Council in respect of a Taxi under Section 51 Town Police Clauses Act 1847 and in respect of a Private Hire Vehicle under Section 48(5) Local Government (Miscellaneous Provisions) Act 1976 (as amended).

"**Committee or Licensing Committee**," means Licensing Committee

"**Licensing Sub-Committee**" is a panel of 3 members of the full Licensing Committee chosen to make decisions on taxi and private hire applications.

"**DFT**" means Department for Transport

"**Fit and Proper Person**" A person who is of no threat to the general public, has a good character and is therefore deemed fit and able to hold a licence.

"**CRB**" means Criminal Records Bureau.

1. BACKGROUND

1.1 Role of Taxis and Private Hire Vehicles

Taxis and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

1.2 Aims and Objectives of Licensing

The aim of licensing of the hackney carriage (taxi) and private hire vehicle (PHV) trades is, primarily, to protect the public as well as to ensure that the public have reasonable access to taxi and private hire services because of the part they play in local transport provision. It is important that the authority’s taxi and licensing powers are used to ensure that taxis and PHVs in the borough are safe, comfortable, properly insured and available where and when required. Hinckley & Bosworth Borough Council’s taxi and PHV industry is fairly comprehensive and provides its population with a reasonable service.

1.3 Licensing Profile

Hinckley & Bosworth Borough Council as at 25 September 2008 currently licences 152 hackney carriages and 20 private hire vehicles including 1 stretched limousine and has 188 licensed drivers. The majority of Hinckley & Bosworth Borough Council drivers are licensed to drive both hackney carriages and private hire vehicles.

1.4 Review of Policies & Practices

Hinckley & Bosworth Borough Council has responsibility for licensing taxi and private hire vehicles, drivers and operators within the borough of Hinckley & Bosworth. It has traditionally exercised this responsibility through a number of different policies and procedures that have been developed over a significant number of years.

Many of these policies have, however, now become rather historic and do not adequately assist the trade or the public or indeed truly reflect the situation today in respect of these trades. Written policies do not currently exist in respect of some important aspects of the service. At the same time, guidance has, for the first time, been issued to licensing authorities detailing what is considered to be best practice in terms of taxi and private hire licensing.

Against the above background and in order to ensure that the Council is able to maintain an up to date, vibrant and forward looking licensing service, the opportunity has been taken to undertake a root and branch review of all policies and practices relevant to the taxi and private hire licensing service.

The review process has resulted in this draft Hackney Carriage & Private Hire Licensing Policy that sets out the policies and procedures that the Council intends now to apply in exercising its taxi licensing function. Before adopting the policy, however, the council is consulting with those who may be affected by it (see 1.7) It is committed to considering any representations made as a result and, if necessary, to amending the draft in the light of representations received.

1.5 Best Practice Guidance

The Department for Transport (DFT) has national responsibility for taxi and private hire legislation outside of London in England and Wales. The DFT Best Practice Guidance was produced in 2006 and is directed at local authorities in England and Wales with responsibility for taxi and PHV licensing. The document represents the Department for Transport’s considered views about what constitutes “Best or Good Practice” in terms of hackney carriage and private hire licensing. It has, therefore, been used as a valuable tool to shape this policy.

1.6 Consultation

There are a number of groups and organisations that have an interest in the provision of taxi and Private Hire Vehicle services, including the trade itself, residents and enforcers, all of whom have views and concerns that require consideration.

The following organisations and people have been consulted in developing this policy: -

Representatives of HBBC District Licensed Hackney & Private Hire Drivers
Representatives of HBBC District Taxi and Private Hire Proprietors
HBBC District Councillors
HBBC District Town and Parish Councils
Neighbouring Authorities
Hinckley Town Centre Partnership
HBBC Community Safety Unit
Hinckley Chamber of Trade
Local businesses and their representatives
Local residents via their Ward representatives
The Primary Care Trust
Leicestershire Constabulary
Leicestershire County Council Traffic & Road Safety
Leicestershire County Council (School Contracts)
Citizens Advice Bureau
Age Concern
The National Private Hire Association
Members of the Public

2 INTRODUCTION

2.1 Powers and Duties

2.1.1 This draft statement of licensing policy has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Hinckley & Bosworth Borough Council (the “Authority”) the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

2.2 Objectives

2.2.1 In setting out its policy, Hinckley & Bosworth Borough Council seeks to promote the following objectives:

- The protection of public health and safety;
- The maintenance of a professional and respected hackney carriage and private hire trade;
- Access to an efficient and effective transport service;
- The protection of the environment.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Authority’s wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public.

2.3 Regulatory Functions

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

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

2.4 Implementation

2.4.1 Following the consultation, this policy will be phased in following adoption by Full Council. The policy will remain in existence for a period of three years, during which time it shall be kept under review and revised as appropriate.

2.4.2 Upon implementation of this policy, the Authority expects licence-holders to comply with its terms immediately (except wheelchair accessible side-loading vehicles, which is date sensitive 01/01/2010).

3 CLARIFICATION OF SECTIONS

3.1 In order to provide clarity for potential applicants for licences and current licence holders, this policy document sets out the Authority’s expectations, intentions and guiding principles under the following headings:

Vehicles (section 4);
Drivers (section 5);
Disciplinary and enforcement measures (section 6);
Offences (section 7);
Delegated powers (section 8)
Private Hire Operators (section 9);
Fares (section 10);
Fees (section 11);
Equality & Diversity (section 12)

4 VEHICLES – (Hackney Carriage & Private Hire)

4.1 Limitation of Numbers

4.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. The present legal provisions on quantity restrictions for hackney vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis ***“if, but only if, the local Authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet”***. In the event of a challenge to a decision to refuse a licence, it would, therefore, have to be established that the authority had reasonably been satisfied that there was no significant unmet demand.

4.1.2 Hinckley & Bosworth Borough Council considered a policy of limiting hackney carriage numbers on 30 April 2008, but voted unanimously to retain the current policy not to restrict licences.

4.2 Specifications and Conditions

4.2.1 The DFT Draft Best Practice Guidance suggests that local licensing authorities should specify as many different types of vehicle as possible.

4.2.2 The Authority is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence.

Appendix A sets out the minimum standards, which are proposed in respect of all licensed vehicles.

4.2.3 The Council can only license vehicles for the carriage of not more than eight passengers, provided that there is compliance with the specifications applicable to such vehicles.

4.3 Vehicle Accessibility

4.3.1 The government proposes to implement the taxi provisions of the Disability Discrimination Act 1995 (which is currently out to consultation again until 31/03/2009). Hinckley & Bosworth Borough Council are looking at a mixed fleet of vehicles for the future as 4.36 and 4.37 explain.

4.3.2 Hinckley & Bosworth Borough Council is committed to social inclusion and ensuring a wide variety of opportunities is available for disabled residents to enjoy a high quality of life.

4.3.3 Different accessibility considerations apply as between taxis and PHVs. Taxis can be hired on the spot – in the street or at a rank – by the customer dealing directly with a driver; but PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps make that possible.

4.3.4 The National Private Hire & Taxi Association, supported by ROSPA and a number of disabled groups, have written to all licensing authorities asking them to prohibit the use of hackney vehicles which are adapted for disabled passengers, where the wheelchair is loaded from the rear rather than the side of the vehicle. The argument for this approach is that the wheelchair user has to be on the road during loading and unloading and is, therefore, exposed to risk.

4.3.5 The Council agree with this approach as being particularly relevant for taxis, which, of necessity, operate from side loading ranks.

4.3.6 From 01 January 2010 new hackney carriage plates (licences) will only be issued to side-loading wheelchair accessible vehicles. Not rear loading and non-wheelchair accessible.

4.3.7 Existing hackney carriage vehicle licence holders will receive grandfather rights to be able to continue to licence a vehicle type of the proprietor’s choice within the constraints of their existing licence as at 01 January 2010.

4.4 Maximum Age of Vehicles

4.4.1 In the interests of the public to improve reliability, safety, air quality and overall standards of the vehicles licensed by the Council: -

4.4.2 All vehicles must be no more than 5 years old when first presented for licensing.

4.4.3 At 7 years of age from the date the vehicle was registered and whilst already licensed with the Council may continue on a 6 monthly licence subject to it passing the compliance test and the car being in good condition.

4.4.4 The renewal of the vehicle can continue until it is 10 years old when it will have to be replaced, each application will be considered on its own merits.

4.5 Vehicle Testing

4.5.1 Hackney carriage and private hire vehicles will be tested once per year until they are 3 years old, and thereafter twice per year. The test must take place at the nominated testing station approved by the Council.

4.5.2 The Council has more than one vehicle testing station as per best practice guidance.

4.6 Signage/Advertising

4.6.1 Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot legally respond to a hail in the street. It is, therefore, important that the public are able to easily distinguish each type of vehicle.

4.6.2 It is possible to prohibit PHVs from displaying any identification at all apart from the local authority licence plate. Some clearer identification is, however, seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver, and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring.

4.6.3 Roof-mounted signs will not be permitted on PHV's even if they indicate 'pre-booked only' as any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi.

4.6.4 Within the Hinckley & Bosworth Borough Council area, both hackney and private hire vehicles are required to display an internal plate on the front windscreen and an external plate at the rear of the vehicle. This is a key feature in helping to identify vehicles that are properly licensed.

4.6.5 Private hire vehicles are required to display yellow internal and external private hire plates, whilst Hackney Carriage vehicles display the Councils corporate green colour internally and at the rear of the vehicle.

4.6.6 All hackney vehicles, except vehicles with built-in roof signs, must carry illuminated roof-mounted signs indicating that they are a taxi. In order to differentiate between the two types of licensed vehicle, private hire vehicles will not be able to carry any references to the words "Taxi". Any vehicles which do not have built in roof signs, will have to display a roof sign with the single word "Taxi" on the front, with the words CAB and their external licence number at the rear.

4.6.10 It is further proposed that some advertising, generally limited to the proprietor's company name, logo and telephone number along with details of fare scales or discounts given by the owner/proprietor be allowed on vehicles.

4.6.11 Advertising being kept to a minimum on private hire vehicles with more latitude being allowed for hackneys. Full details of the proposals in respect of advertising are set out in Section 15 of Appendix A.

4.7 **Security/CCTV**

4.7.1 The installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers is acceptable. The CCTV system must have an encrypted recorder that only the police and council can access.

4.7.2 Such measures may be required, as part of the licensing regime, it is considered that they are best left to the judgement of the owners and drivers themselves. The taxi and PHV trades are, however, encouraged to build good links with the local police, including participation in any Town Centre Safety or Crime and Disorder Reduction Partnerships if they are minded to do so.

4.8 **Application Procedures**

4.8.1 An application for a hackney carriage or private hire vehicle licence must be made on the specified form in accordance with the procedure below: -

Applications for Hackney Carriage or Private Hire Drivers' Licences are not limited and may be made at any time of the year. This is subject to the proviso that the Applicant must have held a full driving licence (which may be a European driving licence) for more than 12 months.

The Applicant must provide the following:

1. A current full driving licence, held for at least one year.
2. Enhanced Disclosure from the CRB, which shall be obtained through the Authority;
3. The specified fee, which is part -refundable in the event of **refusal** of the licence;
4. A Group 2 medical certificate* (See section 5.7);
5. Two recent passport quality sized photographs.
6. DSA Driving assessment Pass Certificate. * (New Applicants)
7. NVQ Qualification in Transporting Passengers by Taxi / Private Hire vehicles. * (New Applicants on application, existing drivers within 3 years)

Vehicle Licences: – (Hackney Carriage and Private Hire)

When presenting an application, the following documents **MUST** accompany the application form: -

1 REGISTRATION BOOK (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s) thereof);

2 INSURANCE CERTIFICATE (if a cover note, licence holders will be required to produce further insurance certificates on or before the expiry of the cover note).

3 Sight will be required initially of the vehicle's Vehicle Registration Document or a Bill of Sale.

4 Appointments are currently arranged for a vehicle to be tested following application being made through the Council's reception or licensing admin section.

5 Prior to submitting the vehicle for testing owners must ensure that the vehicle is in good condition, i.e., mechanically sound and bodywork in a satisfactory condition.

6 Owners of vehicles will be subject to a re-charge fee in respect of vehicles that have to be re-submitted for a separate second inspection test (Not including retest within 7 day period) on the grounds of mechanical/C.O.C. related re-inspections pertaining to the specified requirements for hackney/private hire vehicles.

When a vehicle is successfully tested it should be licensed at the Council Offices as soon as practicable.

Proprietorship Requisition Declaration

7 Before a hackney carriage/private hire licence is granted, Proprietorship Requisition Declaration shall be made and signed by the proprietor or one of the proprietors of the hackney carriage/private hire vehicle in respect of which such licence is applied for.

8 In every such application, the forename and surname and place of abode shall be given of:

- the person applying for such licence, and
- every proprietor or part proprietor of such carriage, or
- any person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such carriage and any person who, on applying for such a licence, states in such application.

Any person, who wilfully omits to specify the name of any person who is a proprietor or part-proprietor of a hackney carriage, or who is concerned as in the keeping, employing or letting to hire of such carriage, shall be liable to a penalty.

9 The names that appear on the Proprietorship Requisition Declaration will be entered on to the hackney carriage/private hire vehicle licence and in every such licence shall specify the forename and surname and place of abode of every person who is a proprietor or part proprietor of the hackney carriage/private hire vehicle in respect of which such licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of any such carriage.

4.9 Consideration of Applications

4.9.1 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

4.9.2 If satisfied, from the information available, that the applicant is a “fit and proper person” to hold a hackney carriage or private hire licence, the Officer has the delegated power to grant the application.

4.9.3 Successful applicants will be notified and issued with the appropriate licence. Those who are granted driver’s licences shall be issued with a driver’s badge, which shall remain the property of the Council and must be surrendered when the driver ceases employment as a licensed driver.

4.9.4 Where the Licensing Officer is not satisfied, on the information before him/her, that the applicant should be granted a licence; the matter must be referred to the Licensing Committee. The applicant will be advised of the date, time and venue of the Committee at which the application will be considered.

4.9.5 At the Licensing Committee meeting, the Council members present will receive a report from the Licensing Officer, and shall then hear representations from the applicant and may ask any questions of the applicant, before deciding upon whether a licence should be granted. The applicant will be told of the outcome immediately and this will be confirmed in writing within 5 working days.

4.9.6 Unsuccessful applicants will be informed of their right to appeal against the decision to the Magistrates’ Court within 21 days of receipt of the formal notice of refusal of the application.

4.10 Grant and Renewal of Licences

4.10.1 Whilst the “norm” is for vehicle licences to be issued for 1 year, as per section 48 of the LGMPA 1976, the DFT Guidance makes no recommendations in respect of the duration of Hackney carriage or private hire vehicle licences.

4.10.2 It is, therefore, proposed that Hackney carriage or private hire vehicle licences will be granted for a one year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.

4.10.3 The Council will continue to endeavour to remind holders of existing hackney carriage or private hire vehicle licences to renew their licences, in the months preceding their expiry, when their licences are due to be renewed. Application forms, appropriate fees, and supporting documentation, must be submitted at least 10 days prior to the expiry of the previous licence. Not having received a reminder will not be accepted as a reason for non-renewal of licences as all licenses are issued either six months or one year prior to expiry.

4.11 Environmental Considerations

4.11.1 The Council fully supports the use of vehicles that use cleaner environmentally-friendly fuels.

4.11.2 It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the borough by, in particular, reducing the levels of CO2 emitted. Appendix A, therefore, at section 20 makes it clear that LPG conversions to vehicles are perfectly acceptable. The policy proposed at 4.4.3 above will, furthermore, assist in this respect by ensuring that older and therefore less efficient vehicles will no longer be licensed.

4.11.3 It is further proposed that the possibility of reducing licensing fees for fuel-efficient vehicles. The Council could promote the uptake initially of LPG, petrol-electric or compressed natural gas by offering a reduction of 10% in Private Hire and Hackney Carriage vehicle licence fees upon conversion to LPG fuel. Other alternative fuels will then be considered to qualify for a reduction in the licence fee as technology improves.

4.11.4 Clearly emissions from taxis and PHVs could be reduced further by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at taxi ranks. This aspect will be tackled through education and promotion but is not mandatory.

4.12 Stretched Limousines

4.12.1 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing.

4.12.2 The guidance suggests that such requests should be approached on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand. It is suggested that licence applications for such vehicles should not be automatically rejected (for example just because the vehicles may be left-hand drive).

4.12.3 There are sometimes issues preventing stretched limousines from being licensed including:

- some of the vehicles are capable of carrying more than eight passengers;
- many are fitted with all round darkened glass;
- many have been converted or modified after manufacture;

4.12.4 Accordingly, many Local Authorities have been reluctant to licence the vehicles and to insist that their operators and drivers are also correctly licensed, thereby, perhaps, putting the public at risk. Clearly, stretched limousines will normally fall within the Private Hire Vehicle Licensing regime for licensing and enforcement purposes.

4.12.5 Most limousines are imported for commercial purposes and are therefore required to take a Single Vehicle Type Approval (SVA) test. They cannot be approved as Passenger Carrying Vehicles (PCV) because they cannot meet the required standards for the door arrangements and means of escape in an emergency. The SVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads. When presented for SVA the vehicle is produced with a declaration that it will never carry more than eight passengers.

4.12.6 The Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as a motor vehicle constructed or adapted to carry fewer than nine passengers, other than the hackney carriage or public service vehicle, which is provided for hire with the services of the driver for the purposes of carrying customers. Section 48 of the 1976 Act requires that before a licence is granted the Authority must be satisfied that the vehicle is:

- suitable in type, size and design for the 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; and
- comfortable.

4.12.7 Stretched limousines can be licensed for private hire work providing they may carry no more than eight passengers and meet the requirements of the Act. An exemption under the 1976 Act provides that nothing should:

4.12.8 In accordance with the guidance, all applications to licence stretched limousines as PHVs will be treated on their merits. It is, however, proposed that imported stretched limousine type vehicles be:

- granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive;
- authorised as prestige type private hire vehicles; and
- approved for licensing as private hire vehicles subject to the additional conditions detailed in Appendix B;

4.12.9 There are concerns regarding the use of darkened glass in stretch limousines. It is, accordingly, considered that the glass in any windows should allow at least 50% of light to pass through and this requirement has been reflected in Appendix B.

4.13 Contract Vehicles

4.13.1 Since 28 January 2008, under the revisions of the Road Safety Act 2006 there is now a requirement for all vehicles to be licensed as private hire vehicles where it is used for a contract with any person, organisation, company for carrying passengers for hire or reward under a contract for the hire of the vehicle.

4.14 Funeral Vehicles

4.14.1 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.

4.15 Wedding Vehicles

4.15.1 A vehicle does not need to be licensed while it is being used in connection with a wedding. Written certification from the Authority of the relevant exemption claimed, is not currently required.

4.16 Livery

4.16.1 The licensing authority does not consider it appropriate for the livery and markings of vehicles conform to particular requirements, in order that they may be easily identified. It is proposed that the visual distinction between hackney and private hire vehicles can, over time, be achieved broadly by allowing a reasonable amount of signage on hackneys and restricting it on private hire vehicles. (See Appendix A)

5 DRIVERS

5.1 Parallel Procedures

5.1.1 The statutory and practical criteria and qualifications for a private hire driver are similar to those for a hackney carriage driver. The sections below, therefore, apply equally to private hire and hackney carriage drivers.

5.2 Dual Licences

5.2.1 This Council has not always required that separate driver's licences be held in respect of hackney carriage and private hire vehicles. The common practice at this Council is, to grant a dual licence that serve as a licence to drive both types of vehicle.

5.2.2 However the Council will grant a licence specifically for private hire if the applicant only wants to work in that area of the trade.

5.3 Age and Experience

5.3.1 The guidance recommends against setting a maximum age limit for drivers provided that regular medical checks are made on them. It also considers that minimum age limits, beyond the statutory periods for holding a full driver licence are inappropriate, advising that applicants should be assessed on their merits.

5.4 Topographical Knowledge (Driver Knowledge Tests)

5.4.1 Taxi drivers clearly need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. The DFT recognises that most authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a condition of first grant of a licence. (The stringency of the test reflecting the complexity or otherwise of the local geography, on the principle of ensuring that barriers to entry into the trade are not unnecessarily high).

5.4.2 Such topographical knowledge is, not quite as important for private hire drivers as PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will, it could be argued, have an opportunity to check the details of a route before starting a journey. Whilst it may be unnecessarily burdensome to require a PHV driver to pass the same 'knowledge' test as a taxi driver, it may be appropriate for candidates to be able to demonstrate that they can read a map and have a reasonable knowledge of key items such as main roads and shopping areas.

5.4.3 In order to maintain the high standards that the Authority expects of its drivers, it is proposed that a licence to drive a hackney carriage or private hire vehicle will not be granted unless the authority is satisfied that the applicant is a fit and proper person. In this context a driver's ability to find destinations is seen as a fundamental skill in providing a quality service for passengers.

5.4.4 In order to determine such fitness, it is proposed that applicants be required to undertake written tests as to their knowledge of:

- Local geography;
- The Highway Code;
- Numeracy

The procedures in relation to the above are set out in Appendix E.

5.4.5 The cost of setting up and operating the above mentioned test would be funded by a fee of £10.50 per test undertaken or re-taken and will be reviewed annually by the Council.

5.5 Temporary Licences

5.5.1 The Council currently issue a temporary driver's licence to an applicant who is renewing a licence and has left their renewal too late for all of the background checks to be completed prior to the Council being satisfied that they are a 'Fit and Proper person.'

5.5.2 Drivers who leave their third year renewal applications late for whatever reason therefore making the Council issue a temporary licence will be charged the normal fee for a replacement licence.

5.6 Driving Proficiency and Qualifications

5.6.1 The Driving Standards Agency provides a driving assessment specifically designed for taxi and private hire drivers. Whilst some licensing authorities rely on the standard car driving licence as evidence of driving proficiency, others require the above mentioned DSA or some further driving test to be taken to enter the taxi and Private hire licensing profession.

5.6.2 It is the current policy of the Council to use DSA assessment for drivers who have driving offences totalling six points or more on their licence, each case is looked at on its own merits.

5.6.3 From the implementation of this policy all new hackney carriage and private hire drivers will undertake and pass the DSA assessment and will provide proof as part of the application process. This to ensure a high standard of safe professional driving on entry to the profession.

5.7 Medical Examination

Insulin Treated Diabetes:

5.7.1 A review of the policy relating to insulin treated diabetes and the grant of private hire and taxi driver licences has been undertaken. This review included a re-assessment of regulatory medical requirements and took account of new advice issued by the Secretary of State for Transport's Honorary Medical Advisory Panel on Driving and Diabetes Mellitus. In the light of the outcome of this review the Licensing Authority has determined that, with effect from the 1 May 2009, the following criteria will now have to be met by all private hire and taxi driver licensees and applicants with insulin treated diabetes.

A medical examination by the applicant's GP, to assess the applicant's fitness to drive a licensed vehicle, is required before a licence may be granted.

Applicants

Applicants for a private hire or taxi driver licence will be required to:

- a) Hold a DVLA C1 category Group 2 licence (i.e. one issued after 1 January 1998);
- OR**
- b) Satisfy the Licensing Authority that he/she meets the medical requirements which would allow a C1 Group 2 licence to be issued.

In regard to option b), the applicant will need to provide a medical report from a hospital consultant specialising in diabetes.

Licenses

Licenses annually the licensee will be required to:

a) submit to the Licensing Authority, for examination, their valid DVLA C1 category Group 2 licence;
OR

b) provide a medical report from a hospital consultant specialising in diabetes confirming:

- that during the preceding 12 months the licensee has not suffered a hypoglycaemic episode requiring the assistance of another whilst driving; and,

- the licensee has a history of responsible diabetic control and is at minimal risk of a hypoglycaemic attack resulting in incapacity.

Licenses are reminded that the requirements of the declaration signed on the issue of licence remain an obligation.

All current applications involving individuals with insulin treated diabetes will be dealt with under these new requirements.

5.7.3 A request for a medical examination, which may be presented to the applicant's GP, is included in the application pack. The applicant will be responsible for paying the fee for the examination to the relevant surgery. On completion of the examination, the report will be submitted to the Licensing Office by the applicant as part of the application process.

5.7.4 Holders of current PSV and/or HGV Licences, where the holder is able to produce proof of current medical examination, will not be required to undergo a further medical examination.

5.7.5 Licence holders must advise the DVLA and the Council of any deterioration in their health that may affect their driving capabilities.

5.7.6 Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a Doctor appointed by the Council.

5.7.7 Where there remains any doubt about the fitness of any applicant, the Licensing Regulatory Committee will review the medical evidence and make any final decision in light of the medical evidence available.

5.7.8 The period for group 2 testing is once up to the age of 45, then once every 5 years thereafter until 65 and then each year thereafter.

5.8 Criminal Record Bureau (CRB) Disclosures

5.8.1 A criminal record check on a driver is seen as an important public safety measure. The Enhanced Disclosure is seen as appropriate for taxi and PH licensing as these disclosures also include details of spent convictions and police cautions.

5.8.2 The Rehabilitation of Offenders Act 1974 no longer applies to Taxi and PHV drivers as the statutory instrument from 2002 amended the ROA 1974 so as to exclude hackney carriage drivers and private hire drivers from the effects of the 1974 Act. Applicants for such licences are, therefore, now required to disclose all convictions.

5.8.3 As part of the application for a driver's licence, the applicant must provide a current (less than 3 months old) Enhanced CRB Disclosure of criminal convictions or a certificate of good conduct from the relevant embassy in the case of an overseas applicant.

5.8.4 Currently an Enhanced CRB Disclosure of criminal convictions in respect of each licensed driver of a hackney carriage or private hire vehicle is required on initial licensing and then every 3rd year bearing in mind that the Council can request another disclosure at any time if a further check is considered necessary. Drivers are obliged to report all new convictions to the Authority.

5.8.5 Licensed drivers are obliged to notify the council without delay of any criminal convictions. Where criminal records are not being checked every 12 months, it is clearly more important that this requirement is strictly adhered to and accordingly any breaches of this requirement will immediately become the subject of a disciplinary hearing where a firm line will be taken with the licence holder.

5.8.6 The Council is bound by rules of confidentiality, and will not normally divulge information obtained to any third parties unless a request is made under section 29 (3) of the Data Protection Act 1998 by a responsible authority which will be judged on its own merits. The Applicant for a CRB disclosure will be sent a separate disclosure report to their home address, while the Council will also receive a copy of the report.

5.9 **Relevance of Convictions and Cautions**

5.9.1 The Council will, in considering an individual's criminal record, consider each case on its merits, but take a particularly cautious view of any offences involving violence, and especially sexual attack. This Council has a clear policy for the consideration of criminal records. For example, the number of years they will require to have elapsed since the commission of particular kinds of offences before it will grant a licence. Applicants from outside the UK are required to produce a certificate of good conduct authenticated by the relevant embassy.

5.9.2 In relation to the consideration of convictions and cautions recorded against person's the Council is proposing to adopt the policy set out in Appendix D under Relevance of Convictions.

5.9.3 In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. It will take account of cautions and convictions, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the Criminal Records Bureau, the Licensing Officer will assess whether any or all of the convictions are capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.

5.9.4 In relation to cautions, the Council will have regard to the class and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application. Cautions given more than one year before the date of application will generally be treated as irrelevant.

5.9.5 In relation to previous convictions, the Authority will have regard to the following:

- The class of the offences;
- The age of the offences;
- The apparent seriousness, as gauged by the penalty.

5.9.6 Guidance in relation to specific offences, along with a summary of the principles is given in Appendix D. In general terms, the more recent, serious and relevant to public safety the offence is, the less likely that an application shall be granted. (It must be remembered that these guidelines preceded the ROA exemption)

5.9.7 In particular, applications will be referred to the Licensing Committee where the applicant's record includes one or more of the following:

- Any term of imprisonment or custody;
- Any conviction for a violent or sexual offence, or dishonesty which is of a serious nature;
- Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving;
- More than six points have been acquired on their DVLA Driving Licence.

5.10 The Consideration of Applications

5.10.1 With regard to the relevance of criminal convictions in relation to applications for hackney carriage and private hire driver's licences, the Council has generally worked to the guidelines set out in the DFT Circular 2/92 and HO Circular 13/92 in assessing the relevance of specific criminal convictions to a particular application.

5.10.2 The Council will consider each application on its own merits once the appropriate tests have been undertaken, and the application form and supporting documents are complete.

5.11 Grant and Renewal of Licences

5.11.1 The licensing of hackney carriage and private hire drivers is governed by Section 53 of the Local Government (Miscellaneous Provisions) Act 1976. This provides that these licences shall remain in force for three years from the date of such licence or for such lesser period as may be determined. Currently licenses are granted for one year.

5.11.2 If licences were issued on a 3 yearly basis with the fee adjusted to suit, there could be no overall change to income received. Furthermore, it could be argued that such a change would benefit the Council by enabling licensing administration procedures to be streamlined. It is, therefore, proposed that hackney carriage and private hire driver licences are issued for a period of three years rather than annually, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances. However for applicants over 65 or holders of a yearly C1 licence where medicals have to be obtained will have to apply for a yearly licence. In addition applicants who would prefer an annual licence due to cost issues will be able to apply for such a licence at the appropriate fee.

5.11.3 Holders of existing hackney carriage or private hire driver's licence will be reminded, at least one month preceding their expiry, when their licences are due to be renewed. Application forms, appropriate fees, and supporting documentation, must be submitted at least 14 working days prior to the expiry of the previous licence.

5.11.4 Applicants for renewal of a hackney carriage or private hire driver's licence are required to provide a current (less than 3 months old) enhanced disclosure from the Criminal Records Bureau every third year.

5.12 Conditions of Licence

5.12.1 The Authority 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 as are considered necessary.

5.12.2 Many of the requirements prescribed within the Hackney Bye-laws are effectively hackney carriage driver's licence conditions.

5.12.3 It is considered that the conditions set out in Appendix F are reasonably necessary and appropriate for all licensed drivers but accepted that they may only be legally imposed in respect of private hire drivers.

5.13 Convictions etc

5.13.1 Where offences, leading to conviction, are committed by licensed drivers, it is important, in the interests of consistency and transparency, that a procedure should be in place to consider what effect this should have on their hackney or private hire driver's licence.

5.13.2 Drivers, who are convicted of any criminal or motoring offence during the currency of their hackney or private hire driver's licence, must disclose the conviction and the penalty involved to the Authority within seven days. For these purposes, a fixed penalty motoring offence amounts to a conviction. Also if a driver is arrested, charged or bailed etc the Council should be informed if there is a connection to public safety.

5.13.3 It is proposed that breaches of the relevant legislation or conditions attached to driver, operator and vehicle licences which may come to light following complaints, enforcement action or investigations should be dealt with following the general principles set out in Appendix G which is supplementary to any penalty point's scheme which may be in operation.

5.14 Code of Good Conduct

5.14.1 Adopting a Code of Good Conduct for hackney carriage and private hire drivers serves to promote the Council's licensing objectives in respect of the hackney carriage and private hire trades.

5.14.2 The Council considers that a professional driver should not charge above the maximum fare, should adopt safe and passive driving techniques and set a good example to other road users. The standards expected of licensed drivers are set out in the Code of Good conduct, included in this policy document at Appendix F, which it is proposed be adopted and should be read in conjunction with the other statutory and policy requirements set out in this document.

6 DISCIPLINARY AND ENFORCEMENT MEASURES

6.1 Enforcement

6.1.2 It is recognised that well-directed enforcement activity by the Authority, benefits not only the public but also the responsible members of the taxi and PHV trades.

6.1.3 In pursuance of its objective to encourage responsible hackney carriage/private hire businesses, the Council will operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section 2.2.1 of this document.

6.1.4 The Council proposes to adopt the Taxi Licensing and Enforcement Policy & Practice set out at Appendix G to ensure that its enforcement effort is reasonable, transparent and well-directed.

6.2 Disciplinary Hearings

6.2.1 Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred to the Authority's Licensing Committee. One of the functions of this Committee is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage or private hire licence, and to take the action appropriate to the circumstances.

6.2.2 The procedures, which it is proposed should be adopted in respect of Disciplinary Hearings, are set out in Appendix I.

6.3 Penalty Points Scheme

6.3.1 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.

6.3.2 The Council clearly has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards and to do this in a consistent and transparent manner. These standards are defined by legislation, licence conditions, codes or adopted by the Council. Together they identify what is required of the trade and help to ensure that a consistent approach is taken, by Council Officers, in their application.

6.3.3 A number of licensing authorities have found that an effective means of applying the conditions at a local level is through the adoption of a penalty point's scheme. This acts as a first step in ensuring compliance with the conditions, and serves as an "early warning" system to drivers and owners or operators who see fit to ignore their responsibilities or fail to meet the requirements of the conditions. Points are accumulated on a sliding scale dependent upon the type of offence or breach of licence conditions. These penalty points then remain "live" for a period of two years from the date they are imposed so that only points accumulated in, a rolling 24 months period are taken into account. If a driver, proprietor or operator accumulates, twelve or more points within a period of two years from the date they are imposed, he/she would then be brought before the Council's Licensing Committee or a panel of the committee who would have a range of punishment options open to them, depending on circumstances.

6.3.4 It is believed that the introduction of a penalty point's scheme will assist the trade in maintaining its high standards. It is, therefore, proposed that such a system be introduced and an example of the scheme suggested is set out more fully in Appendix H. Adoption of the Penalty Points System will not however compromise the Council's ability to enforce breaches of statute or local conditions in the Courts should an offence warrant such action.

6.4 Range of Powers

6.4.1 The Council may take any of the steps below, upon receipt of evidence that an offence has been committed in relation to a hackney carriage licence or private hire driver's licence. A breach of a condition or of the Hackney Carriage and Private Hire Licensing Policy amounts to an offence in this context.

- Suspension or Revocation of the Licence;
- Refusal to Renew;
- Issuing of Warnings or Cautions;
- Prosecution

6.4.2 Suspension

(i) Vehicles

Hackney carriage vehicles and PHVs must be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and conditions is essential and will be enforced by periodic, random vehicle inspections by the Authority. Where it is found that any vehicle is not being properly maintained, a defect(s) notice will be served on the proprietor setting out the defect(s) and where public safety is likely to be imperilled, the further use of the vehicle will be suspended (stop notice) until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test, at the proprietor's expense and been passed as fit for use as a hackney carriage/PHV.

(ii) Drivers

The Authority may exercise its discretion to suspend the operation of a driver's taxi or Private Hire licence under section 61 (Local Government Miscellaneous Provisions Act 1976), the reason for the suspension which will be given in writing to the driver.

6.4.3 Revocation

Where a licence holder has been referred to the Licensing Committee because he/she has been convicted of a serious criminal offence, or has accumulated 12 penalty points or more under the Authority's penalty points system, the Committee may order the revocation or suspension of the licence.

6.4.4 Refusal to Renew

As an alternative to revocation, the Committee may decide that the appropriate action, in a situation where the licence is shortly to expire (less than 2 months), is to order that the licence shall not be renewed.

6.4.5. Issuing of Warnings and Cautions

As a method of dealing with less serious matters, the Authority will issue warnings and cautions as are appropriate to the circumstances. Minor or first-time transgressions are likely to attract either an oral or written warning. Repeated or more serious conduct is likely to lead to the issuing of a formal caution, provided:

- there is sufficient evidence to justify a prosecution;
- the licence holder admits his/her guilt;
- the licence holder agrees to be cautioned.

6.4.6 Prosecution

The Authority will usually prosecute licence holders for relevant offences in the following circumstances:

- where the allegation is of a serious or repeated offence;
- where the Authority proposes to caution the licence holder, but the offence is not admitted, or the caution is not accepted.

7 OFFENCES

7.1 Offences in relation to hackney carriages and private hire are derived from the following:

- Town Police Clauses Act 1847 (Hackney only);
- Local Government (Miscellaneous Provisions) 1976 (Hackney and Private Hire);
- Transport Act 1980 (Hackney and Private Hire);
- The Hackney Carriage and Private Hire Licensing Policy (Hackney and Private Hire).
- Road Safety Act 2006
- Disability Discrimination Act
- Health Act 2006
- Private Hire Vehicles (Carriage of Guide Dogs) 2002

The above list is not exhaustive, relevant offences are set out in Appendix L.

8 DELEGATED POWERS

8.1 Licensing Regulatory Committee

8.1.1 The Licensing Committee of the Hinckley & Bosworth Borough Council is responsible for the management of the hackney carriage licensing regime in the borough, along with the formulation and review of its policy in this regard.

8.2 Delegated Functions

8.2.1 The Licensing Committee has delegated responsibility for exercising the council's functions in respect of the following legislation:

- Town Police Clauses Act 1847 as extended by Section 171 of Public Health Act 1875,
- Section 15 of Transport Act 1985
- Local Government (Miscellaneous Provisions) Act 1976.
- Road Safety Act 2006
- Transport Act 2000, 2006, 2008

8.2.2 The Council's Principal Licensing Officer has delegated responsibility, in so far as it relates to hackney carriage or private hire, in respect of the licensing and registration functions of the Council which is listed in full in the Councils Constitution:-

8.2.3 Deciding applications for authorisations, registration, consents, licences or certificates of approval; serving notices and taking consequential action. Through this delegation, Licensing Officers, on behalf of the Council, have power to grant, suspend, or revoke licenses. Officers also have power to issue oral and written warnings, and cautions, and may instigate prosecutions wherever appropriate.

8.2.4 The power to determine where there is legal/default action is delegated to Licensing Committee. Accordingly it will deal with applications and disciplinary matters referred to it by Licensing Officers.

9 PRIVATE HIRE OPERATORS

9.1 Requirements & Obligations

9.1.1 Any person who operates a private hire service must apply to the Authority for a Private Hire Operator's Licence. The objective in licensing PH Operators is the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

9.1.2 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. A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

9.1.3 Applications for operator's licences must be made on the prescribed form, together with the appropriate fee. The Authority will then decide whether the applicant is a fit and proper person to hold an operator's licence.

9.2 Criminal Record Checks

9.2.1 Private hire operators (as opposed to PHV drivers) will be required to undergo an basic CRB disclosure therefore, and this will be attached as a condition of grant of an operator's licence.

A Basic Disclosure from the Criminal Records Bureau or a certificate of good conduct from the relevant embassy for overseas applicants is, nevertheless, seen as appropriate. A reference, covering for example the applicant's financial record, is also seen as useful.

9.2.2 Before an application for a PHV operators licence will be considered, the applicant must provide a current (less than 3 months old) Basic CRB Disclosure of criminal convictions or a certificate of good conduct from the relevant embassy in the case of an overseas applicant.

9.3 Conditions

9.3.1 The Authority has power to impose such conditions on a Private Hire Operator's licence, as it considers reasonably necessary.

9.3.2 The conditions set out in Appendix J will be adopted as conditions considered to be reasonably necessary.

9.4 Record Keeping

9.4.1 Operators are required to keep records of each booking, including the name of the passenger, the destination, the name of the driver and the number of the vehicle. This would, for example, enable police checks to be made if any mishap should befall a passenger.

9.4.2 The conditions referred to at 9.3 above include a requirement that comprehensive records are kept in respect of all bookings, vehicles and drivers.

9.5 Insurance

9.5.1 It is considered appropriate for an Authority to check that the relevant public liability insurance has been taken out for premises that are open to the public.

9.5.2 Before an application for a Private Hire Operators Licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance if premises are to be used to allow the public to wait for a vehicle.

9.5.3 The conditions for Private Hire Operator's Licences, (Appendix J) require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate as well as appropriate public liability insurance for their premises if they have one.

9.6 Licence Duration

9.6.1 It is, proposed that a successful applicant will be granted a PH operators licence, for a three-year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.

9.6.3 Applicants for renewal of a PHV operators licences are required to provide a current (less than 3 months old) basic criminal record check from the Criminal Records Bureau every third year.

9.6.4 Holders of existing PH operator's licences will be reminded, in the month preceding their expiry, when their licences are due to be renewed.

9.7 Address from which an Operator may operate

9.7.1 Upon grant of an operator's licence, the Authority will specify the address from which the operator may operate in their licence. The operator must notify the Authority in writing of any change of their address, (whether this is a home address or the address from he/she operates) during the period of the licence, within 7 days of such change taking place.

9.8 Bases outside the Hinckley & Bosworth Borough Council Area

9.8.1 The Authority will not grant an operator's licence for an operator with an operating base that is outside the Hinckley & Bosworth Borough Council area (Dittah and Chowdhry V Birmingham City Council). This is to ensure that proper regulation and enforcement measures may be taken by the Authority and is in no way intended to be a restraint of trade. However all three licenses for the operator, vehicle(s) and driver(s) must be issued by this Council.

10 FARES

10.1.1 Licensing authorities have the power to set taxi fares for journeys within their area (there is no power to set PHV fares). The DFT sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week.

10.1.2 Taxi fares are set at a maximum, and in principle are open to downward negotiation between passenger and driver. The Council's fare card makes it clear that published fares are a maximum.

10.2 Hackney Carriage Fare Review

10.2.1 Fares rates are, normally reviewed by the Council following representations from the trade or from a particular sector of the trade. However, guidance recommends that authorities should regularly review the scale of fares that operate in their area.

10.2.2 If a suitable fare formula could be arrived at, it would necessitate review of the prescribed fares each year based on that agreed formula. In the absence of such an arrangement, it is proposed that, unless there are exceptional circumstances which would justify a further increase (for example, where there has been a particularly sharp rise in petrol/diesel prices), fare scales would be reviewed no more than once per calendar year, any change being implemented as soon as is reasonably practicable.

10.3 Receipts

10.3.1 A hackney carriage driver must, if requested by the passenger, provide him/her with a written receipt for the fare paid.

11 FEES

11.1 The guidance does not deal with the issue of licensing fees at all. It is, however, generally recognised that the fees set for all hackney carriage and private hire licences should be such as to ensure that the costs of the service, including the cost of issue and administration will, so far as possible be met from fee income. It is, on the other hand, not lawful for the Council to seek to make a profit from licence fees that are within its discretion. In particular, with regard to the fees charged for hackney carriage and private hire vehicle and operator licences, the legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands, and administering the control and supervision of hackney carriages and private hire vehicles.

Payment Refunds and Transfers

11.1.2 The relevant fee will be paid when the application is submitted. The Council does not make any refunds in respect of the unexpired portions of the licence once a licence is issued.

A partial refund will be made to unsuccessful applicants minus the Council's administration fee.

11.1.3 Incomplete applications by virtue of unpaid fees will automatically result in the respective licence being suspended until the licence is paid for.

11.1.4 It is proposed that the fee structure is reviewed annually as part of the budgetary process and that licence holders are notified of any changes. Notice of the current scale of fees will be supplied to applicants at the time of application.

12 EQUALITY & DIVERSITY

In developing this policy, the Council has recognised its responsibility under the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, to consider the need to eliminate unlawful discrimination and to promote equal opportunity and good race relations between persons of different racial groups. This Licensing Policy therefore supports, and is supported by, the Council's Race Equality Scheme.

The Council also recognises that this policy should promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general, as well as from a race equality perspective. It has considered and consulted with this in mind.

The Council will implement the following actions, which have been identified as being necessary to promote equality:

The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.

Multi-language sections may be included in all leaflets upon request.

Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.

Action will be taken to endeavour to ensure the safety of vulnerable people in licensed vehicles.

Action will be taken to ensure that all applications, particularly those from disadvantaged groups, are dealt with fairly.

APPENDIX A

VEHICLES - SPECIFICATIONS AND CONDITIONS OF LICENCE

Definitions

In these conditions:

"The Council" shall mean Hinckley & Bosworth Borough Council.

"Driver's Licence" means a licence granted by the Council to drive a Taxi or a Private Hire Vehicle under Section 46, Town Police Clauses Act 1847 or Section 51, Local Government (Miscellaneous Provisions) Act 1976 (as amended) respectively.

"Licence" means a vehicle licence granted by the Council under Section 37, Town Police Clauses Act 1847 or Section 48, Local Government (Miscellaneous Provisions) Act 1976 (as amended).

"Licensee" shall mean the holder of a licence.

"Licensing Officer" and "Authorised Officer" are the officers appointed from time to time by the Council to administer the statutory provisions relating to the licensing of Taxis and Private Hire Vehicles within the Council's administrative area.

"Operator" is the holder of an Operator's Licence granted by the Council under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).

"Private Hire Vehicle" is as defined in Section 80(1) of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).

"Taxi" shall mean a hackney carriage as defined in the Town Police Clauses Act 1847.

"Taxi Proprietor" means the holder of a vehicle licence granted by the Council under Section 37, Town Police Clauses Act 1847.

"Vehicle" means either a Taxi or Private Hire Vehicle the subject of the licence to which these conditions are attached.

"Internal Plate" is a laminated replica of the licence plate issued by the Council on the grant and renewal of the licence giving details of the vehicle and licence for display within the vehicle.

"Licence Plate" is the plate issued by the Council in respect of a Taxi under Section 51 Town Police Clauses Act 1847 and in respect of a Private Hire Vehicle under Section 48(5) Local Government (Miscellaneous Provisions) Act 1976 (as amended).

1 GENERAL

1.1 All licensed vehicles shall comply in all respects with the requirements set out below as appropriate for the type of vehicle (Hackney or private hire including stretched limousines). This is in addition to all requirements of the Road Traffic legislation, which relates to all motor vehicles.

1.2 All vehicles shall have an appropriate "type approval" which is either a:-

- **European Whole Vehicle Type approval;**
- **British National Type approval; or**
- **British Single Vehicle Approval.**

It is a recommendation that vehicles with Euro NCAP star ratings of 4 or more should be considered when purchasing a new vehicle this is not mandatory.

1.3 All vehicles shall be capable of carrying not less than 4 passengers.

1.4 All vehicles shall comply with all construction and use/ type approval requirements applicable to it.

1.5 All vehicles shall be either a purpose built taxi, or a 4-door saloon or 5-door estate/ multi-passenger vehicle. Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors. A London style taxi will not be licensed for Private Hire.

1.6 All vehicles shall be less than five years old from the date of manufacture when first licensed.

1.7 Vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time. For example vehicles which are known in the trade as 'cut & shut' will not be licensed.

1.8 Sufficient means shall be provided by which any person in the vehicle may communicate with the driver.

1.9 All vehicles shall at all times be maintained in sound and roadworthy condition and serviced according to the manufacturer's recommendations.

1.10 No vehicle may be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users.

2 DOORS

2.1 All saloons, estates or purpose-built taxi vehicles shall have at least 4 side opening doors, which may be opened from the inside and the outside. Minibuses, transits and people carrier type vehicles shall have at least 3 doors not including any tailgate or rear doors.

2.2 All vehicles shall be constructed so that the doors open sufficiently wide as to allow easy access into and egress from the vehicle.

2.3 All vehicles, including larger passenger vehicles (multi-purpose vehicles), must have sufficient safe and suitable access and egress from the vehicle for the driver and all passengers, excluding the rear exit and the driver's front door.

3 INTERIOR DIMENSIONS

3.1 Height Inside: there must be sufficient space between the seat cushions and the lowest part of the roof to safely accommodate the driver and passengers in reasonable comfort.

3.2 Knee space: there must be sufficient space between the front and back seats to safely accommodate the driver and passengers in reasonable comfort.

4 SEATS

4.1 Passengers need to be able to enter and exit in safety. So as not to impede access, every seat must be unobstructed and be easily accessible to passengers without the need for seats to be moved or tilted and without the need for more than one passenger to move.

4.2 Passenger seats must be at least 16" (40.64 cm) wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 34" (86.36 cm) headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 7 ¼" (18.42 cm) legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.

4.3 In relation to the carriage of Child Passengers under 3 years of age in the front seat, there must be an appropriate child seat and child restraint **MUST** be worn. Where a child passenger is between 3-11 years old an adult seat belt must be worn if an appropriate child restraint is not available.

5 SEAT BELTS

5.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption. It is the driver's responsibility to ensure that all passengers under 14 years of age use an appropriate child restraint or wear a seat belt.

6 PASSENGER CAPACITY

6.1 The carrying capacity of all vehicles shall be at the discretion of the Authority having regard to manufacturer's specifications and compliance with dimensions referred to previously.

7 FIRE EXTINGUISHERS

7.1 An appliance for extinguishing fires must be carried in such a position as to be readily available for use. Such an appliance must be a minimum of either a 1kg ABC General Purpose Powder or 1 litre AFFF Foam and conform to BSEN 3:1996, showing the appropriate kite-mark and must be securely fixed.

7.2 All extinguishers must be checked every 12 months, prior to vehicle testing or prior to change of vehicle test. The extinguisher must be marked with the vehicle registration number.

8 FIRST AID KIT

8.1 There shall be provided in such a position as to be readily available at all times when the vehicle is used for hire, a suitable First Aid Kit containing appropriate dressings and appliances for immediate use in an emergency for the drivers use only. A first aid kit is mandatory for self employed drivers for their personal use.

9 VENTILATION

9.1 Windows must be provided at the rear and sides along with means of opening and closing not less than one window on either side.

9.2 Rear passenger windows must be capable of being opened by passengers when seated, unless air conditioning is available for the comfort of the passenger.

10 LUGGAGE

10.1 Adequate storage for passenger luggage separated from the passenger compartment without obstructing any emergency exits must be available. Luggage carried must be suitably secured in place.

11 MAINTENANCE AND CONDITION OF THE VEHICLE

11.1 The interior and exterior of the vehicle shall be maintained in a clean, safe and proper manner to the reasonable satisfaction of the Council and without prejudice to the foregoing in particular the exterior of the vehicle shall be free of large dents, rust or unrepaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of all stains, splits, tears to the same and the seats shall be required to function in accordance with the original manufacturer's specification.

11.2 A vehicle can only be tested up to 3 times in any 12 month period as per (section 50 LGMPA). The vehicle may also be examined at any time by an officer of the council (section 68 LGMPA). If upon inspection it is discovered that a vehicle is not being properly maintained, or kept in good order, a notice may be served on the owner to this effect, setting out the defects to be remedied. If public safety is compromised by the defects, the further use of the vehicle may be prohibited until the defects have been addressed and the vehicle has successfully undergone a further inspection.

12 MODIFICATIONS

12.1 No material alteration or change in the specification, design, condition or appearance of the vehicle may be made without first complying with road traffic and insurance legislation and secondly the approval of the Licensing Office, at any time while the licence is in force.

13 LICENCE PLATES AND STICKERS

13.1 At all times while the vehicle is being used as a hackney or private hire vehicle there shall be securely fixed to the rear of the vehicle the appropriate vehicle licence plate supplied by the Council.

13.2 The number of persons licensed to be carried in the vehicle shall be exhibited outside the vehicle on the Vehicle Licence Plate referred to above. (For these purposes children (of any age) are counted as one person).

13.3 At all times while the vehicle is being used as either a hackney carriage or private hire vehicle there shall be displayed on the windscreen of such vehicle (top left-hand corner of the windscreen) the internal licence plate, which identifies the vehicle as either a private hire or hackney carriage vehicle. On this will be displayed the registration number of the vehicle and the number of passengers permitted to be carried.

14 SIGNAGE

14.1 Hackney Vehicle Markings

14.1.1 Hackney carriage vehicles, other than minibuses, transits, people carrier type vehicles and those with built-in roof signs, must be fitted with an illuminated external sign on and above the roof of the vehicle showing the word "TAXI" on the side facing the front and the number of passengers allowed to be carried shown at the side, with the words CAB and the licence number of the vehicle facing towards the rear of the vehicle. The roof sign and lettering shall be of an appropriate size to enable it to be read clearly from a distance of 12 metres.

14.1.2 The roof sign must be centrally mounted on the vehicle roof and be adequately secured either directly to the roof or mounted on a single roof bar and secured by bolts, straps, or clamps. Magnetic or suction fittings alone may not be suitable without additional means of fixing.

14.1.3 On purpose built vehicles, with built-in roof signs, the roof light must be extinguished when the fare meter is in use.

14.1.4 No smoking signs must be displayed in each compartment of the vehicle capable of carrying passengers.

14.2 Private Hire Vehicle markings

14.2.1 Self adhesive identification signs as approved by the Council, indicating that the vehicle is pre-booked only by private hire, may be affixed to the drivers' door and front passenger door panels of the vehicle. These signs should not be tampered with in any way and must be displayed at all times whilst the vehicle has current private hire plates affixed.

14.2.2 A Private Hire Vehicle must not carry any roof sign or any markings that might give the impression that it is a Hackney Carriage.

14.2.3 Any advertising or signage on the vehicle must specifically not include the words "taxi", "cab", "hackney carriage" or "hire" the use of which is not permitted.

14.2.4 No alternative words or spellings, such as "Kab", which would have the effect of leading the public to believe that a vehicle is a hackney carriage available for hire, may be used on the vehicle.

15 ADVERTISING ETC

15.1 Any advertising on the vehicle must be restricted to the name, logo or insignia, telephone number, free-phone number, fax number, E-mail address or Web site of the owner or operator of the vehicle. Advertising of other businesses or products or services will be permitted upon authorization of the Council as long as the advertising conforms to the British Code of Advertising Practice.

15.2 No sign or advertisement shall obliterate or be confused with the vehicle's licence plate or the number plates of the vehicle.

15.3 A sign shall be affixed to the outside or inside of the vehicle indicating that smoking is prohibited in the vehicle or requesting passengers to refrain from smoking inside the vehicle.

16 COMMUNICATIONS DEVICES

16.1 All two-way radio equipment must be of a type currently approved by the Radio Communications Agency.

16.2 Hands free mobile phones and intelligent Sat Nav equipment is permitted.

16.3 The use of a Citizen Band (CB) transmitter or receiver is prohibited.

17 METERS

17.1 Hackney carriages

17.1.1 A taximeter must be fitted and must be correctly calibrated, sealed and fully functional in accordance showing the current hackney tariff and be easily visible to passengers.

17.1.2 The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances, so as not to be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

17.1.3 The taximeter shall be positioned so that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the vehicle. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Transport Act 1988 and also at any time at the request of the hirer.

17.1.4 When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.

17.1.5 If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith report the alteration to the licensing department so that arrangements for resetting and resealing may be made.

17.1.6 An official copy of the Council's fare chart must be clearly displayed in the vehicle so as to be plainly visible to passengers carried therein.

17.1.7 The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the hire of hackney carriages. In the event of such a journey commencing in but ending outside the Hinckley & Bosworth district there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected, if no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the hire of hackney carriages.

17.2 Private Hire

17.2.1 Private Hire Vehicles may be fitted with a taximeter, but are not required to be fitted with meters. Any taximeter fitted to a private hire vehicle must be tested and approved by the Council.

18 TRAILERS

18.1 Trailers may only be used with the prior approval of the Council and subject to the following requirements:

Trailers can only be used in connection with private hire bookings and cannot be used for plying for hire on a rank.

The trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;

- The vehicle insurance must include cover for towing a trailer;
- Trailers must not be left unattended anywhere on the highway;
- The speed restrictions applicable to trailers must be observed at all times;
- A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.
- An additional vehicle licence Plate is to be displayed at the rear of the trailer.

19 DISABILITY ACCESS

19.1 In the case of all hackney vehicles which are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side rather than the rear of the vehicle.

19.2 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus;
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit;
- A suitable restraint must be available for the occupant of a wheelchair and the wheelchair;

- Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper;
- Ramps and lifts must be securely stored in the vehicle before it may move off.
- The passenger must never travel in a sideways position.

19.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.

19.4 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

19.5 Subject to the provisions of section 15 above, a sign may be affixed to the outside of the vehicle indicating that it is able to convey passengers in wheelchairs provided that the vehicle has been manufactured or properly adapted for that purpose.

20 VEHICLES POWERED BY LIQUID PROPANE GAS (LPG)

20.1 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice; and that the vehicle is therefore considered Safe.

20.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

21 TINTED WINDOWS

21.1 The windows or windscreen of any vehicle shall not have been treated so that less than 75% of light is transmitted through it, unless the following criteria can be met:

- The vehicle is licensed only for Private Hire purposes; and
- The vehicle is a stretched limousine or prestige type i.e. (Mercedes E Class) vehicle (see separate additional conditions for limousines at Appendix B); and
- The vehicle will not be engaged at all in any contract for the carriage of school children or based around the carriage of children;
- The Operator must, unless such a vehicle has been specifically requested, inform a hirer that such a vehicle will be supplied.

22 INSURANCE

22.1 There shall be a policy of insurance covering public hire and reward or such security as complies with the requirements of Part VI Road Traffic Act 1988 during the lifetime of the vehicle licence.

23 CHANGES / TRANSFER

23.1 Notice in writing of any transfer of licence must be given notified within 14 days the Licensing Authority as per section 49 LGMPA 1976.

23.2 When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the new proprietor that it is their responsibility to notify the Council, in writing, as failure to do so is an offence.

24 INSPECTION

24.1 The vehicle licence must be available for inspection at all times on request by any authorised officer of the Council or any Police Officer.

25 UNAUTHORISED USE

25.1 The licensee shall be satisfied that every driver engaged/allowed by him/her to drive the licensed vehicle is the holder of an appropriate and current European Driver's Licence and a Hackney Carriage/Private Hire Drivers Licence issued by the Council. The licensee shall also ensure that the Driver's Badge is worn in accordance with the conditions/byelaws attached to the Hackney Carriage/Private Hire Driver's Licence.

26 ACCIDENT REPORTING

26.1 If a licensed hackney carriage or private hire vehicle is involved in an accident, this must be reported to the Council within 72 hours of the occurrence.

26.2 Where, following an accident or damage to a licensed vehicle, it is the intention of the owner or operator to continue licensed use, the vehicle must be inspected (at the owner's or operator's expense) to determine its fitness for continued use. A Licensing Officer may use delegated powers to suspend the use of a licensed vehicle until it is suitably repaired.

26.3 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be replaced by a hire vehicle, provided:

- the damage to, or defect in, the vehicle has been reported;
- application is made in the usual way for a change of vehicle (albeit temporarily);
- the replacement vehicle meets the licensing criteria and is suitable to be used for hire purposes;
- the hiring of the hire vehicle is organised and paid for by the affected licensed owner or operator.

27 MISCELLANEOUS

27.1 The proprietor shall not knowingly cause or permit the vehicle to be used for any illegal purpose whatsoever.

28 DISPENSATION/ VARIATION OF CONDITIONS

28.1 The Council may in exceptional circumstances by way of special condition dispense with or vary any of the conditions set out herein.

29 NOTICES OF EXEMPTION

29.1 Previously the Council at its discretion could issue a Notice of Exemption under section 75 (3) of the Local Government (Miscellaneous Provisions) Act 1976. This basically means that where the Council has issued a private hire vehicle licence to a private hire operator under section 48 LGMPA 1976, that the Council at its discretion could grant a Notice in writing exempting them from displaying a plate under s 48, 6 (a) and also the driver from displaying a badge under s 54 (a) LGMPA 1976.

From the implementation of this policy all previously issued Notices of Exemption for executive vehicles will be to run the course of the current licence. However once the licence is renewed PH operators will be required to display the Executive Private Hire plate on each vehicle.

NOTES OF GUIDANCE CERTIFICATE OF COMPLIANCE

All items contained within the Certificate of Compliance schedule, issued by Hinckley & Bosworth Borough Council (HBBC) shall be tested in accordance with the current MOT Testing Guide & Inspection Manual issued by the Vehicle & Operator Services Agency (VOSA) save as the items outlined below. These items shall have the additional checks completed.

Vehicles to be licensed by the Council shall be of the following design.

- (a) A wheeled vehicle constructed or adapted to carry not more than eight passengers exclusive of the driver.
- (b) Fitted with at least four doors.
- (c) Most of the following list of general items are not normally covered in the M.O.T. test but must be tested as part of the Certificate of Compliance test. The normal standard of pass or fail discretion must be used by the examiner using the following notes.

3,4,5,6 & 7	Lighting and Signalling Equipment	No Cracks, Splits, Stone Chips or Bulls Eyes shall be permitted in any lens. Tape used for the repair of such shall not be permitted.
8	Dash Panel Lights	The dash panel lights shall be capable of illuminating all instruments satisfactorily. All warning lights (Including ABS and Management if fitted) must extinguish when engine is running.
10 to 15	Steering and Suspension	Slight deterioration shall not be permitted in any Bonded Joint. Splits, Cracks or deterioration of inner CV boots shall not be permitted. No fluid leaks from shock absorbers shall be permitted.
16* to 20*	Brakes:	Any vehicle fitted with ABS shall be deemed to fail if presented with any component obviously missing.
28 to 31	Tyres and Road Wheels including Spare	Tyres not marked with a speed rating shall be deemed to fail. Tyres showing uneven wear within the breadth of tread shall be deemed to fail. Tyres designed with a wear indicator of 1.6mm level with the tread Patten at the time of the test shall be deemed to fail. The spare wheel carrier shall be in such a condition as to allow the easy removal; IE the winding mechanism shall be free of excessive corrosion and or damage when sited under the vehicle. Wheels including the spare shall be free from defects on rims and hubs.
35	Exhaust	The exhaust system shall be deemed to fail if any repair has been attempted. No leaks shall be permitted from the exhaust system including connection joints.
39	Windscreen	No splits, cracks, chips or Bulls eyes shall be permitted anywhere in the swept vision.

40*	Fuel Tank and Pipes	The fuel system shall be free from any leaks and excessive corrosion.
41	Battery	Shall be securely fitted and be of a type suitable to the vehicle.
42	Wiring	All wiring including that fitted for any ancillary items such as roof signs, radios and meters shall be fitted securely and in such a manner as to be free from accidental interference.
43*	Oil Leaks	Oil leaks other than an occasional drip shall not be permitted.
44	Water and / or coolant leaks	As for Oil leaks.
45	Clutch and Throttle	Free from any excessive play and in good smooth working order.
46*	Interior Condition	No defects in any seats or seat covers, carpet or other upholstery that have not been rectified suitably. Covers that have not been tailored to fit front or rear seats shall not be permitted. The use of car blankets as covers shall not be permitted. The entire interior shall be clean, tidy and free of unpleasant odours.
47	Window & Winding Operations	All winding mechanisms shall allow all windows to be opened and closed normally.
48	Mirrors	All vehicles shall have three mirrors fitted in the following manner; A, One fitted internally (rear view) B, One fitted to the offside drivers (externally) door C, One fitted to the nearside passenger (externally) door All shall be fitted so as to give the driver a good visibility to the rear and free from cracks, blemishes or other defects, The housing holding the mirrors must also be free from damage and any mechanisms fitted to enable the positioning of the mirrors shall be in working order.
49*	Seat Security:	All seats must be securely fixed to the vehicle and be properly upholstered.
50	Internal Vehicle Plate	Must be displayed (In a prominent position and clearly visible to passengers) at all times [and correspond with the rear plate].
51	Fare Card HC Only	Must be displayed in a prominent position and clearly visible to passengers at all times.
52*	Doors	All doors including sliding doors shall open and close from inside and out without the need of excessive force.

- 53 Fire extinguisher A 1kg hand held fire extinguisher, containing no CFC gases and complying with British Standard (BS) EN3, must be kept in good working order either mounted in the driver's compartment or mounted in the boot in such a position as to be readily available for use. The fire extinguisher must display a valid upcoming expiry date or must be fitted with a pressure gauge indicating that the pressure is still within working parameters. The extinguisher must be indelibly marked with the plate number of the vehicle prefixed by either HC/PH (Hackney Carriage/Private Hire) corresponding to the type of hire vehicle and the registration No of the vehicle.
- 54* Exterior Condition: **There must be no accident damage, including dents and scratches. Paint and bodywork must be clean and free from rust. All trim must be secularly fastened to the body.**
- 55 Advertising & Displays:
- (a) No internal or external advertisement or display shall obscure the driver's vision through any window or mirror of the vehicle.
 - (b) Any proprietor's/operator's own business cards shall be stored in a single storage area not above window level.

Hackney Carriages

- (c) May display any advertising that does not obscure the fact that it is a Hackney Carriage (e.g. words stating "Private Hire" or similar) and that does not infringe on driving safety or the driver's vision.

Private Hire Vehicles

- (d) Magnetic or permanent signs may be affixed to the doors on each side of the car. The information contained on the front doors must be confined to the name, address, telephone number and logo of the business operator. Phrases such as 'Pre-booked' or 'Private Hire only' will be acceptable.
 - (e) Door signs shall be of a uniform size and design not exceeding 800mm wide and 500mm high.
 - (f) No advertisement on any Private Hire Vehicle must display any of the following words 'TAXI', 'CAB', 'HACKNEY CARRIAGE' or 'FOR HIRE'. No other similar word, (e.g. 'kab') is to be used.
- 56 Roof Signs:
(See Appendix 1)
- (a) Hackney Carriages must be fitted with an illuminated roof sign as described in Appendix 1. It must only carry the word "TAXI" in black on the front of the sign and the words "Cab No. ###" showing to the rear. At each end of the sign it must only display the number of seats licensed to carry passengers. The base of the roof sign must be white and it must measure not less than 40cm long x 15cm wide x 11 cm high. (Purpose built taxis may be excluded from this specification if a sign is part of the taxi's structure.)

- 57 Private Hire Identification: (optional) (a) A transparent green visor along the top of the window screen and/or rear window, displaying only the words 'PRIVATE HIRE' and a telephone number in white letters, may be used. Neither of these should be an obstruction to the drivers view.
- 58 Vehicle Licence Plate: (a) Hackney Carriage Vehicles shall be fitted with a unique (corporate coloured) plate to the vehicle bearing the number allocated by Hinckley & Bosworth Borough Council and information identifying the colour, make and registration mark of the vehicle along with the expiry date.
(b) Private Hire Vehicles shall be fitted with a unique (yellow coloured) plate to the vehicle bearing the number allocated by Hinckley & Bosworth Borough Council and information identifying the colour, make and registration mark of the vehicle along with the expiry date.
(c) In both cases the plate shall be fitted externally at the rear of the vehicle on the driver's side or in vertical alignment with the vehicles registration plate. The plate may be fixed on the bodywork/bumper of the car or on a bracket which is securely fixed to the car. (Magnetic or similar removable methods of fitting plates are NOT acceptable).
(d) The plate shall be in a clean and easily readable condition.
- 59 Registration Number Plates: Both back and front plates shall be clean and free from any defects including splits or cracks and delaminating.
- 61 Meter and radio (if fitted) (a) *Hackney Carriage:* Must be fitted and must be sealed unless it is a new vehicle, in which case the seals will need to be fitted accordingly.
(b) *Private Hire:* Need not be fitted but if it is then the same procedure applies.
(c) The meter, if fitted, shall be securely fastened in a position where the face can easily be seen by passengers and in a position where it will not be dangerous or obscure the driver's vision.
- 62* **Items which do not comply with Licensing Authority Requirements:** **Example:**
(i) **Bonnet insulation hanging down onto engine.**
(ii) **Fan belt frayed or torn.**
(iii) **Fittings and fixtures not maintained in full working order as at the date of manufacture. (e.g. interior heater/air conditioning inoperative, windows not winding etc.)**
(iv) **Where the vehicle is able to carry six or more passengers there should not be more seats than the number of passengers the vehicle is licensed to carry. Excess seats should have**

been removed and the bolt holes must have been permanently covered over. Where the seats were fitted by another method any such bracket or device should have been permanently removed. There should never be more than 8 passenger seats as more than 8 cannot be licensed.

- (v) Where a reversing horn/alert is fitted to the vehicle there must be an isolation switch in order to turn it off at night.

63* Road Test

To allow the examiner the opportunity to check all mechanical and electrical operations, including speedometer, dashboard indication lights, fuel gauge, clutch, throttle and the general running condition of the engine.

Roof Signs

Roof signs – Hackney Carriages (Taxis)

All taxis must be fitted with an illuminated roof sign as approved by Hinckley & Bosworth Borough Council. It must only carry the word “Taxi” in black letters on the front of the sign and the words “Cab No. (Please insert plate number here)” showing to the rear. At each end of the sign it must display the following: - No. of seats licensed to carry (e.g. 4 seats). The base colour of the roof sign must be white, illuminated with white light towards the front and red light towards the rear. The base colour of the rear of the sign may be red to assist with the required illumination. The roof sign must measure not less than 40cm long x 15cm wide x 11cm high, except for purpose built taxis.

Front View

TAXI

Rear View

CAB No. X

Side View

**X
SEATS**

The roof sign must be connected to the taximeter so that it works in conjunction with it, i.e. when the meter is not in use the sign is illuminated and when the meter is in use the sign is NOT illuminated.

Roof Signs – Purpose Built Taxis

Purpose built taxis may be excluded from carrying a separate roof sign if the taxi has a sign built in that works in conjunction with the taximeter i.e. when the meter is not in use the sign is illuminated and when the meter is in use the sign is NOT illuminated. Where the vehicle is a hackney carriage the sign must have the word “Taxi” displayed clearly on the front. If it isn’t a Hackney Carriage, it cannot have a sign.

APPENDIX B

ADDITIONAL CONDITIONS FOR PRIVATE HIRE LIMOUSINES

1 TYPES OF VEHICLES

1.1 The vehicle must have one of the following:

- A UK Single Vehicle Approval Certificate;
- A European Whole Vehicle Approval Certificate;
- UK Low Volume Type Approval Certificate;
- Limousine Declaration of Condition of Use.

2 VEHICLE AND SAFETY EQUIPMENT

2.1 Stretched limousines and similar vehicles shall comply with the existing conditions of licence applicable to all licensed private hire vehicles in so far as they are not superseded by these additional conditions. The local private hire licence fee shall be the same.

2.2 The Proprietor of a vehicle shall: -

Provide one efficient fire extinguisher in addition to the extinguisher required to comply with the standard Vehicle Conditions of Licence applicable to all licensed private hire vehicles.

Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction & Use) Regulations) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance is rectified;

Ensure that loose luggage is not carried within the passenger compartment of the vehicle;

Ensure that any CCTV cameras installed in the vehicle have received prior written approval of the Council; and can only be accessed by the Police and the Council.

Display a Council approved sign, in a position clearly visible to passengers, advising customers that camera surveillance equipment may be in operation.

2.3 Vehicles may be left or right hand drive providing that they have proof of full DETR vehicle type approval.

2.4 The side and rear view windows of any vehicle shall not have been treated so that less than 50% of light is transmitted through it,

2.5 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.

3 USE OF VEHICLE

- ensure that the vehicle is at all times only driven by a person who holds a current Private Hire Vehicle Driver's Licence issued by the Council.
- not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers;
- not convey any passengers in the front compartment of the vehicle;
- not supply any intoxicating liquor as part of the vehicle hiring unless there is in force an appropriate premises licence permitting the sale or supply of alcohol.

4 VEHICLE IDENTIFICATION

4.1 The vehicle will be required to display the rear, external executive private hire vehicle licence plate. The proprietor of the vehicle will be issued, by the Council, with two licence plates which identify the vehicle as a private hire vehicle on which will be displayed the registration number that vehicle and the number of passengers permitted to be carried. The proprietor shall ensure that: -

One vehicle identification disc to be displayed in a corner of the front windscreen (not in the swept vision) in a conspicuous position where it can be clearly seen from the outside of the vehicle and all wording and lettering contained thereon read.

The other will be affixed to the rear of the vehicle.

No Private Hire Limousine Vehicle Disc shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle discs shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle discs and licence to the Council within seven days.

5 SIGNS, NOTICES, ETC

5.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council.

6 INSURANCE/ C.O.C. TEST CERTIFICATE

6.1 The vehicle must not be used to carry passengers for private hire special events unless there is in force for the vehicle:

- a current Certificate of Compliance test certificate;
- a policy of insurance covering the use of the vehicle for private hire special events and the proprietor of the vehicle is shown as the policyholder and any other licensed Private Hire Limousine Vehicle Drivers who drive the vehicle are covered.
- These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

6.2 The proprietor shall deposit a valid and current copy of the Certificate of Compliance Test Certificate and Certificate of Insurance or cover note with the Operator before the vehicle is used to accept bookings provided by the Operator.

6.3 If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being put, the Licensing Officer shall be informed immediately and the vehicle shall not be used until appropriate cover is obtained.

7 DEPOSIT OF LICENCES

7.1 If the proprietor permits or employs any other person to drive his Private Hire Limousine Vehicle, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his Private Hire Vehicle Driver's licence for retention until such time as the driver ceases to be permitted or employed to drive that vehicle.

7.2 The proprietor of the vehicle will deposit within five working days, a copy of the Private Hire Limousine Vehicle licence with the Operator before any bookings are accepted.

7.3 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

8 VEHICLE TESTING

8.1 A Private Hire Limousine Vehicle will be subject to a twice-yearly mechanical examination at intervals to be specified by the Council, at an authorised testing station.

9 GENERAL CONDITIONS

9.1 All Operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.

APPENDIX C

Byelaws for Hackney Carriage

Vehicles & Drivers

Made Under S.68 Town Police Clauses Act 1847

And S.171 Public Health Act 1875

BYELAWS

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by Hinckley & Bosworth Borough Council with respect to hackney carriages in the Hinckley & Bosworth Borough.

Interpretation

1. Throughout these byelaws "the Council" means Hinckley & Bosworth Borough Council and "the district" means the Hinckley & Bosworth Borough.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a hackney carriage shall: -
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

3. The proprietor of a hackney carriage shall: -
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept 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 a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
 - (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.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say:-

- (a) the taximeter shall be fitted with a key, flag 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, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

- 5. The driver of a hackney carriage provided with a taximeter shall:-
 - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
- 6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:-
 - (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and

- (d) from time to time, when any other carriage immediately in front is driven off or moved forward, cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
 9. 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.
 10. 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.
 11. The driver of a hackney carriage when carrying a wheelchair bound passenger, shall use the ramps provided and must secure the wheelchair with the relevant straps or fixtures.
 12. 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.
 13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
 14. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading; and
 - (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 rates or fares to be paid for hackney
carriages within the district and securing the due publication
of such fares**

15. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time 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 and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
16. (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

- (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof

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

Penalties

19. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

SEALED with the Common Seal of the
BOROUGH COUNCIL OF HINCKLEY AND
BOSWORTH this 15th day of July 2004
In the presence of:-

Principal Solicitor

J Kelly

APPENDIX D

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

The following guidelines will be used to determine the relevance of criminal convictions in relation to applications for hackney carriage and private hire driver's licences. In so stating, this Authority has adopted the guidelines set out in the DOT Circular 2/92 and HO Circular 13/92, subject to certain limited modifications.

1. Each case will be decided on its own merits. Although an applicant may have convictions, which would fall under the guidelines in the policy, the Council will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but is expected to remain free of conviction for 3 to 5 years, according to the circumstances. However, the overriding consideration will be the protection of the public.
3. In the case of more serious offences which have led to a term of imprisonment, the time periods given will run from the date that the applicant was released from prison and not from the date of conviction.
4. The following examples afford a general guide on what action will be taken where convictions or police cautions are revealed.

a) Traffic Offences

Convictions for minor traffic offences, e.g. obstruction, contravention of waiting Regulations etc. should not prevent a person from being granted a licence. If an applicant has previously accrued sufficient penalty points to require a period of disqualification, and has not been required to undergo a further driving test, then a Hackney Carriage/Private Hire Vehicle Drivers Licence may be granted after its restoration, but a warning should be given as to the high standards that are required of the holders of such type of licence.

b) Traffic offences involving disqualification

A conviction for [driving without due care and attention] should not prevent a person from being granted a licence, however, if an applicant has been convicted of an offence of dangerous driving, or other offence involving an obligatory period of disqualification and ordered to take an extended driving test at the end of that period, then after passing the DVLA driving test, will be able to apply for a hackney carriage/private hire drivers licence.

c) Driving without Insurance or Driving whilst Disqualified

A serious view will always be taken of a conviction for driving without Insurance or driving whilst disqualified. Drivers are responsible for the safety of members of the public who are travelling in their vehicles.

(i) An applicant will have to show a period of at least 6 months free of convictions before a licence will be granted. If an applicant has been disqualified from driving as a result of convictions of this type, then the 6 months period shall run from the date of restoration of the licence.

(ii) If an applicant has had more than 1 conviction for this type of offence within the last 3 years, then a period of 12 months, from date of restoration of driving licence, will have elapsed before a licence is granted.

d) Plying for Hire

This is regarded as a serious offence as the driver's insurance policy will be invalidated if he was plying for hire in a vehicle, which was licensed and insured for private hire use. A period of 6 months free of convictions will be shown before an application is considered, and if a licence is granted, then a warning should be given as to the conduct of the applicant whilst the holder of the appropriate licence.

e) Failing to wear Identification Badge whilst acting as the driver of a Licensed Vehicle.

A serious view will be taken of a person who is convicted of failing to wear his driver's badge whilst acting as the driver of a licensed Hackney carriage/private hire vehicle. A conviction of this type will not preclude an application for a Hackney carriage/private hire driver's licence. If an applicant has been convicted on more than one occasion for this type of offence, then a period of 3 months free of conviction shall have elapsed before an application for the renewal of the licence is granted.

f) Drunkenness and related Offences.

(i) With a motor vehicle

A serious view should be taken of convictions of driving or being in charge of a vehicle whilst under the influence of drink or failing to provide a specimen for analysis. This is particularly the case where the applicant has previously held a licence, and the offence was committed whilst he was driving a licensed hackney carriage or private hire vehicle.

If an applicant has been disqualified and ordered to take either an extended driving test or a driving test, then 12 months free of conviction, after passing the necessary driving test, will have elapsed before an application is considered. If no driving test has been required, then 6 months free of conviction, after the restoration of the driving licence, will have elapsed before an application is considered.

If the applicant has previously held a licence to Hackney carriage/private hire vehicles or and the disqualification arose as a result of acting as the driver of that type of vehicle, and the applicant was ordered to take either an extended driving test or a driving test, then 2 years free of conviction, after passing the necessary driving test, will have elapsed before an application is considered. If no driving test was required, then 12 months free of conviction, after the restoration of the driving licence, will have elapsed before an application is considered.

If an applicant has more than one conviction of this type of offences then grave doubts will arise as to the applicant's suitability to hold a licence.

If there is any suggestion that the applicant is alcohol dependent, a special medical examination (at the applicant's own expense) will be required before an application will be considered. If it is ascertained that the applicant is alcohol dependent, then no further application will be considered until 5 years has elapsed after any treatment has been completed.

(ii) Not in a motor vehicle

A conviction for a drink related offence would not necessarily debar an applicant from obtaining a licence. However, a number of convictions for offences of this type may indicate a medical problem necessitating further examination as in (i) above.

g) Drugs

An applicant with a conviction for a drug-related offence will be required to show a period of at least 3 years free of convictions before an application is considered or 5 years after detoxification treatment if he/she was an addict. A certified medical certificate confirming such will be required before an application will be considered.

h) Indecency Offences

As drivers of licensed hackney carriage and private hire vehicles often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or of any offence of a sexual nature will be refused until a period of 5 years free from conviction has elapsed. Where an applicant was required to sign register on the National Sex Offenders Register as a result of an offence of a sexual nature, then no application will be considered whilst the applicant is still on the register. An applicant with more than one conviction for this type of offence will not have an application considered for a period of 10 years after the most recent conviction. If the applicant has previously held a licence, and the conviction was as a result of acting as the driver of a licensed hackney carriage/private hire vehicle, then no application will be considered for 10 years after the conviction.

i) Violence

Drivers of licensed hackney carriage/private hire vehicles maintain a close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature. An applicant shall be free of convictions of this type for at least 3 years before an application is considered.

j) Dishonesty

The driver of licensed hackney carriages/private hire vehicles is expected to be a person of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people put in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare or knowing that a property is empty, whilst the occupants are away on holiday for a set period of time, after taking them to the railway station or airport etc. For these reasons a serious view will be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction will be required before considering an application.

k) Police Cautions

A Police Caution is considered and administered, where a person comes to the notice of the Police for the first time and the person admits the offence. It is considered to be similar to a conviction, as, if the person is convicted at court of a similar offence within 5 years of the caution having been administered, then the caution can be brought to the attention of the court and any sentence passed would be regarded as being a second conviction at court, and therefore a higher sentence may be imposed. An application may be considered and granted, however, the overriding consideration should be the protection of the public.

l) Other Offences

Where a restraining order has been imposed by the Court, then no application will be considered whilst that order is still current, and a period free of convictions for a period of at least six months has elapsed, after the expiry of the order, before entertaining an application, and then the overall consideration should be the protection of the Public.

APPENDIX E

THE TESTING OF NEW APPLICANTS & DRIVER TRAINING

1. Introduction

1.1 In order to maintain the high standards that the Authority expects of its drivers operating within the Borough a review has taken place of how the suitability of new drivers' knowledge of locations and conditions is assessed.

1.2 Complaints are received from time to time by the Authority, from members of the public and the Hackney Carriage and Private Hire trade regarding the driver's ability to find destinations, read road signs and A to Z maps.

1.3 Applicants for a hackney carriage or private hire driver's licence are required to undergo a written test as part of the process of satisfying the Council that they are suitable persons to hold such a licence. The written test taken before a Drivers Licence is issued will consist of:

Local Geography

1.4 Applicants will be tested on their knowledge of Hinckley & Bosworth Borough Council area's geography, by recording the shortest routes between locations in the area. (Ten questions on how to get from one destination to another, naming all the roads travelled along and finding ten locations.)

Highway Code

1.5 Applicants will be asked a number of questions as to driving skills, road information and etiquette as set out in the Highway Code. (20 Highway Code questions.)

The Hackney Carriage and Private Hire licensing law and Council Rules and Policy

1.6 Applicants will be tested on their knowledge and understanding of the law in respect of Hackney Carriage and Private Hire Licensing. (Ten questions relating to legislation, byelaws, conditions etc.)

1.7 Applicants must also demonstrate basic standards of spoken English and numeracy. This will be confirmed through a simple assessment by staff of Licensing who will satisfy themselves that the applicant appears to have fully understood them and any explanations they have given.

2 Driver Test Failures

2.1 Applicants who fail to achieve a 70% pass rate in any of the written tests shall be invited to take a different test on another occasion. They shall not be considered for a hackney carriage driver's licence until they have achieved the requisite pass rate in all of the tests.

3. DSA Driving Assessment

3.0 Introducing test for new drivers

The benefits of the Driving Standards assessment are: -

- Qualified personnel carry out a properly constructed assessment to a national Standard.
- A recognised pass certificate issued to the successful applicant.
- The standard of driving will improve for both applicants and existing drivers.
- If driving standards improve then there will be fewer driving convictions, leading to fewer Committee hearings.
- Courses are easily booked by phone, on line or by post. The DSA currently state that all tests are carried out within 6 weeks maximum, but in practice are usually quicker and they are trying to improve that target time in an effort to offer a more efficient service
- Assessments can be for new applicants or for existing Hackney or Private Hire drivers who are referred for assessment for any reason in order to improve or check their driving skills – for example after a serious motoring conviction.

- Hackney carriage / private hire drivers are likely to benefit from increased credibility with customers due to the official certification of the DSA.
- The Council could demonstrate its commitment to ensure the safety and welfare of passengers and to provide a quality, audited service to the community.

4.0 The Legal Position

4.1 The Council is only empowered to grant a driver's licence (hackney carriage or private hire) if the Council is satisfied that the applicant is a fit and proper person to hold such a licence. The legislation allows the Council to seek information from the applicant to enable the Council to determine whether the licence should be granted or whether conditions should be attached to any licence granted. In common with most licensing authorities, Hinckley & Bosworth Borough Council requires an applicant for a driver's licence to submit information as to the applicant's medical fitness and to sit a local 'knowledge' test. An applicant might argue that the legislation does not permit the Council to require the applicant to successfully complete the DSA 'taxi' test, since this would amount to an additional qualification, not required by the legislation.

The Council's argument for the introduction of the test is that the successful completion of the DSA test would provide the Council with information as to the applicant's ability (and, therefore, fitness) to drive private hire or hackney carriage vehicles safely. In this sense, the DSA test for new drivers, if adopted, would assume a similar status to the medical examination and local knowledge test, both of which are used to provide the Council with the fullest information possible as to the applicant's fitness.

4.2 Currently the Council insist on the DSA assessment test for those drivers whose driving competency has been brought into question in circumstances such as: -

- (i) where the Courts had ordered that a driver should re-take the standard driving test following a driving ban,
- (ii) where the Courts had imposed a driving ban, for example following a serious driving offence or due to the totting up procedure,
- (iii) where sufficient penalty points had been accrued to warrant a ban, whether or not the Courts had imposed a ban,
- (iv) where none of the above necessarily applied, but where there was sufficient evidence of a lack of driving competency.
- (v) where a driver has six or more demerit points on their DVLA licence.
- (vi) The test is also used in such circumstances, where the suspension or revocation of the hackney carriage / private hire driver's licences may be required.

4. DRIVER TRAINING - NVQ LEVEL 2

The structure of the Edexcel Level 2 NVQ in Road Passenger Vehicle Driving

This course is aimed at drivers who are licensed to drive hackney carriages or private hire vehicles. The NVQ combines assessment of driver's skills whilst they carry out normal fares plus training which compliments the job they do. Everyone who successfully completes the course will be awarded an NVQ, which is a formally recognised qualification.

To achieve the whole qualification at Level 2, a candidate must prove competence in seven **mandatory units** and two **option units**.

Please Note that there are three pathways for this NVQ:

- Hackney Carriage/Private Hire Vehicles (PHV)

The structures for each pathway are given below. Candidates should choose the most applicable pathway to their job role.

1 Ensure the health and safety in your work environment in the road passenger transport industry

- 1.1 Identify hazards and assess risks to health and safety*
- 1.2 Limit risk of injury or harm to people and property*

2 Drive community transport, chauffeured, taxi or private hire vehicles safely and efficiently

- 2.1 Prepare to drive the vehicle*
- 2.2 Drive the vehicle*
- 2.3 Pick up and set down passengers*
- 2.4 Complete your driving duty*

3 Provide professional customer service in the community transport, chauffeur, taxi and private hire vehicle industries

- 3.1 Follow dress and behaviour codes*
- 3.2 Develop professional relationships with customers*
- 3.3 Communicate effectively with customers*

4 Deal effectively with difficult passengers (GoSkills PCV Driving Unit 7)

- 4.1 Assess situations and decide on action needed*
- 4.2 Take action to deal with difficult passengers*

5 Deal with emergencies and incidents during a journey transporting passengers in the community transport, chauffeur and taxi and private hire vehicle industries

- 5.1 Assess situations and decide on what action is needed*
- 5.2 Take action to deal with roadside checks by the police or other roadside authorities*
- 5.3 Take action to deal with emergencies and incidents*

6 Provide a transport service in the community transport, chauffeur, taxi and private hire vehicle industries for passengers who require assistance

- 6.1 Recognise when passengers need assistance and provide appropriate assistance*
- 6.2 Prepare for journeys with passengers who require assistance*
- 6.3 Provide the service for passengers who require assistance*

7 Achieve effective working relationships with colleagues in the road passenger transport industry

- 7.1 Achieve effective working relationships with your colleagues*
- 7.2 Achieve effective communications with your colleagues*
- 7.3 Promote equality and diversity in the workplace*

8 Transport children and young persons by taxi, private hire or chauffeuring

- 8.1 Recognise your duty and obligations when transporting children and young persons*
- 8.2 Handle incidents and emergencies during the journey*

9 Operate a community transport service for children and young persons

- 9.1 Recognise your duty and obligations when transporting children and young persons*
- 9.2 Confirm schedules*
- 9.3 Pick up and set down children and young persons*
- 9.4 Deal with Incidents during a journey*

10 Operate a community transport service

10.1 Prepare to operate the service

10.2 Manage the passenger comfort systems on the vehicle

10.3 Operate the service

11 Transport passengers in the community transport industry who have special requirements

11.1 Prepare for the movement of passengers

11.2 Move and transport passengers

12 Implement defensive driving in the road passenger transport industry

12.1 Recognise the benefits of defensive driving and the factors that effect driving

12.2 Drive defensively

13 Support learners by mentoring and coaching in the workplace (GoSkills Transport Engineering and Maintenance Unit 36)

13.1 Plan and maintain the mentoring and coaching process

13.2 Provide mentoring and coaching support

14 Develop and maintain your work skills and knowledge in the community transport, chauffeur and taxi and private hire vehicle industries

14.1 Develop and maintain your work skills and knowledge

15 Routine cleaning of passenger transport vehicles

15.1 Clean the vehicle effectively

15.2 Maintain good health and safety practices when cleaning the vehicle

16 Transport parcels, luggage and other items in the community transport, chauffeur, taxi and private hire vehicle industries

16.1 Accept and load parcels, luggage and other items for transporting

16.2 Unload and hand over parcels, luggage and other items

17 Plan routes in the road passenger transport industry

17.1 Prepare for a journey

17.2 Communicate with passengers about routes

18 Process fares in the community transport, chauffeur, taxi and private hire vehicle industries

18.1 Receive fares and issue receipts

18.2 Account for fares and payments

19 Manage and administer small businesses in the community transport, taxi or private hire vehicle industries

19.1 Plan and operate a small business

19.2 Manage accounting and administration functions

20 Process telephone bookings in the road passenger transport industry

20.1 Identify the prospective passenger's transport requirements

20.2 Communicate changes to transport arrangements

APPENDIX F

CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

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

Responsibility of the Trade

Licence holders shall endeavour to promote the image of the Hackney Carriage and Private hire trade by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the Conditions of their Licence and the Council's Hackney Carriage and Private Hire Licensing Policy;
- (c) behaving in a civil, orderly and responsible manner at all times.

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 a pre-booked hiring;
- (d) assist, where necessary, passengers into and out of vehicles;
- (e) offer passengers reasonable assistance with luggage.

Responsibility to Local Residents

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

- (a) not sound the vehicle's horn;
- (b) keep the volume of any amplified music to a minimum;
- (c) switch off the engine if required to wait;
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

At taxi ranks and other places (airports, train stations) where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- (a) rank in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in the vehicle.

At private hire offices a licence holder shall:

- (a) not undertake servicing or repairs of vehicles;
- (b) not allow their radio/cassette/cd players/digital radios to cause disturbance to residents of the neighbourhood;
- (c) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business.

General Information

Drivers shall:

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public;
- (b) be polite, helpful and fair to passengers;
- (c) drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving as required by law;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) not smoke in the vehicle as required by law;
- (f) not consume alcohol (1) immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (g) not drive while having misused legal or illegal drugs;
- (h) fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.

Disciplinary Hearings

Drivers should be aware of the powers the Council has to take action, by way of suspension, revocation or refusal to renew a driver's licences where

- (a) the driver has been convicted, since the grant of the licence, of an offence involving dishonesty, indecency or violence
- (b) the driver has been convicted of an offence under the legislation or Hackney Carriage and Private Hire Licensing Policy relating to taxi regulation
- (c) there is a breach of condition or this code

Details of the workings of the disciplinary hearings are set out in Appendix H.

(1) PLEASE NOTE:

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

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 G

TAXI LICENSING AND ENFORCEMENT POLICY & PRACTICE

1 Enforcement Policy Statement

1.1 It is the policy of Hinckley & Bosworth Borough Council to ensure that taxi drivers and operators are licensed correctly and carry out their trade in accordance with both the relevant Law and the conditions attached to the licences.

1.2 All enforcement action, be it the issue of verbal warnings, written warnings, statutory notices, appearance before the sub-committee or prosecution, will primarily be based upon the seriousness of the breach and the possible consequences arising out of it. Enforcement action will not, therefore, constitute a punitive response to minor technical contraventions of legislation.

1.3 Specific advice on the issue of licences and enforcement action is contained elsewhere in the Council's Hackney Carriage & Private Hire Licensing Policy which sets out the general principles to be followed in taking enforcement decisions.

1.4 Authorised officers, when making enforcement decisions, will abide by this policy. Any departure from the policy must be exceptional, capable of justification, fully considered and endorsed by the Licensing Manager or above before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).

1.5 Authorised officers must be fully acquainted with the requirements of the policy and appropriate training will be provided where required.

1.6 Officers will be authorised by the Director of Community & Planning Services to take enforcement actions relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.

2 Enforcement Options

2.1 Achieving and maintaining a consistency of approach to making all decisions that concern Taxi Licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, it is vital that the policy guidelines are always considered and followed where appropriate.

2.2 Licence application and enforcement decisions must always be consistent, balanced, fair and relate to common standards, which ensure that the public is adequately protected. In reaching any decision many criteria must be considered including the: -

- seriousness of any offences;
- driver or operator's past history;
- consequence of non-compliance;
- likely effectiveness of the various enforcement options;
- danger to the public.

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

2.3.1 Taxi Licence Applications

- grant licences subject to the Council's Standard Conditions
- refuse to grant a licence.

2.3.2 Enforcement Action

- take no action;
- take informal action;
- use statutory notices, (stop notices etc.);
- suspend a licence;
- revoke a licence;
- prosecute.
- Penalty points system

2.4 This policy document provides detailed guidance applicable to the various options for enforcement action.

3 Informal Action

3.1 Informal action to secure compliance with legislation includes offering advice, verbal and written warnings and requests for action and the use of letters.

3.2 Such informal enforcement action may be appropriate in any of the following circumstances:-

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

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

4. Appearance before the Licensing Regulatory Committee

4.1 An offending individual or company may be summoned before the Licensing Regulatory Committee to answer allegations of breaches of relevant legislation, Bye-laws or conditions attached to licences.

4.2 Current licence holders who report convictions or breach relevant legislation during the period of their licence may be brought before the Licensing Regulatory Committee.

4.3 The Committee may decide to take one or more of the following actions:-

- take no action;
- take informal action;
- require the production of driving licences or other specified documentation at the Taxi Licensing Office;
- suspend a licence;
- revoke a licence;

- recommend prosecution action
- penalty points

5 Section '68' Notices

An authorised officer may serve notice in writing for a Hackney Carriage or Private Hire Vehicle or the Taximeter affixed to such vehicle to be examined at the council's appointed garage where a fault or defect is found on the vehicle. This notice must only be served having had due regard to the condition of the vehicle or with reasonable grounds to suspect the accuracy of the taximeter.

An authorised officer may, in addition to requiring the vehicle to be tested, suspend the vehicle licence until such time as he is satisfied with the condition of the Hackney Carriage or Private Hire Vehicle. This action will only be taken when he has reasonable grounds to suspect that the condition of the vehicle is an immediate danger to passengers and/or other road users.

6 Appeals

6.1 Appeals by drivers against decisions of the Licensing Regulatory Committee may be made to the Magistrates' Court, however new hackney carriage vehicle licence appeals are to the Crown Court.

6.2 Any notifications of enforcement actions will include written information on how to appeal. This will explain how, where and within what period an appeal may be brought and on what grounds and will confirm that the enforcement action is suspended pending the outcome of the appeal.

7 Prosecution

7.1 The decision to prosecute is a very significant one. It will, in general, be restricted to those circumstances where the law is blatantly disregarded, legitimate instructions of the Council are not followed and / or the public is put at serious risk. Such circumstances are, however, in a minority. It is important that the criteria on which a decision to prosecute is made, provide common standards, which ensure a consistent approach.

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

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

7.3 When circumstances have been identified which may warrant a prosecution, all relevant evidence and information must be considered, to enable a consistent, fair and objective decision to be made.

7.4 Before referring a matter to the Head of Service for possible prosecution, the Licensing Manager as well as the Council's Legal Services Manager must be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable person or company. There must be a realistic prospect of conviction; a bare prima facie case is not enough. With insufficient evidence to prosecute, the issue of a formal caution is not an alternative.

7.5 In addition to being satisfied that there is sufficient evidence to provide a realistic prospect of conviction, there must be a positive decision, based on the relevant criteria that it is in the public's interest to prosecute. The Code for Crown Prosecutors, (January 1992) issued by the Crown Prosecution Service, provides guidance which will be considered, including relevant public interest criteria.

7.6 When a decision is being taken on whether to prosecute, the factors to be considered may include:-

- the seriousness of the alleged offence;
- the risk or harm to the public;
- identifiable victims;
- failure to comply with a statutory notice served for a significant breach of legislation;
- disregard of safety for financial reward;
- the previous history of the party concerned;
- offences following a history of similar offences;
- failure to respond positively to past warnings;
- the ability of any important witnesses and their willingness to cooperate;
- the willingness of the party to prevent a recurrence of the problem;
- the probable public benefit of a prosecution and the importance of the case e.g. whether it might establish a legal precedent. (As indicated above, advice on the public interest is contained in the Code for Crown Prosecutors. The general thrust of the advice contained therein is that, the graver the offence, the less likelihood there will be that, the public interest will allow anything other than a prosecution);
- whether other action, such as issuing a formal caution in accordance with the Home Office Circular 18/1994 would be more appropriate or effective.

7.7 Once a decision that prosecution is the most appropriate course of action has been taken, the matter will be referred, without undue delay, to the Council's Senior Solicitor. The Senior Solicitor will make a recommendation and providing the Head of Corporate & Scrutiny Services agrees with the decision, a prosecution will be instigated.

8 Transparency

9.1 Following an Inspection, the licence holder will be informed any action intended to be taken as soon as possible.

9.2 Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.

9.3 Any written documentation issued or sent will:-

- contain all the information necessary to understand the offence and what needs to be done to rectify it. Where works are required, the period allowed for them to be completed will be indicated;
- indicate the legislation or conditions contravened and measures which will enable compliance with the legal requirements and point out, where appropriate, that other means of achieving the same effect may be chosen; and
- clearly indicate any recommendations of good practice under an appropriate heading, to show that they are not a legal requirement.

9.4 The clear distinction between legal requirements and matters which are recommended as good practice in all enforcement action, even if only giving verbal advice, is vitally important.

POLICY GUIDELINES FOR DEALING WITH OFFENCES COMMITTED DURING THE TERM OF A LICENCE

1 General Policy

Each case will be determined on its own merits, however, listed below are some general principles relating to the determination of applications for drivers and operators of hackney carriages and private hire vehicles which are generally to be followed.

The holders of both Hackney Carriage and Private Hire Vehicle driver's licences must immediately report all criminal convictions and driving offences, which occur during the currency of their licence to the licensing officer. In addition, breaches of the relevant legislation or conditions attached to driver, operator and vehicle licences may come to light following complaints, enforcement action or investigations. The action to be followed in response to such matters will be determined on its own merits, however, set out below are some general principles which may be followed. These actions will be taken irrespective of any penalty points which may be assigned to a driver's record in accordance with the policy detailed at Appendix K.

2 Matters Normally To Be Dealt With By the Licensing Officer under Delegated Powers

The Principal licensing officer may deal directly with less-serious first offences without referring the matter to the Licensing Regulatory Committee (the Committee). They may choose to take no action or may issue warnings as to future conduct.

2.1 Convictions for minor traffic offences

In the case of a single conviction no action will normally be warranted.

However, if more than one offence is committed, then a warning as to future driving standards will normally be issued.

2.2 Disqualification from driving following the 'Totting Up' procedure or for drink driving. As the driver ceases to have a valid DVLA driving licence, his taxi driver's licence must be revoked. An application for a new licence may be made once the DVLA licence is restored and this will be treated in accordance with the appropriate guidelines for new applications.

2.3 Failure to report a conviction

The failure to report a conviction within a reasonable time will normally be dealt with by issuing a written warning in addition to any further actions that may be warranted by the nature of the offence.

2.4 Failure to report an accident

The failure to report an accident to the licensing officer will normally be dealt with, in the first instance, by issuing a written warning.

2.5 Defective Vehicles

If during routine enforcement work or following the investigation of a complaint, a defect is identified on a licensed vehicle that could affect safety such as a worn tyre; the licensing officer will issue a stop notice with immediate effect. This will stop the vehicle being used as a taxi or private hire vehicle, as appropriate, until the defect is remedied.

2.6 Refusal to carry a passenger in a hackney carriage

In these circumstances the driver will be invited to state the reasons for his actions and if the licensing officer is satisfied that the driver had a justifiable reason, then no action will be taken. If, however, there appears to be no acceptable justification for the refusal, the matter will normally be dealt with by the issue of a written warning. Subsequent offences would, however, result in referral to the Committee.

2.7 Unauthorised ranking

This will, dependent on circumstances, normally result in the issue of a verbal or written warning. Subsequent contraventions will result in referral to the Committee.

2.8 Private hire vehicle plying for hire

This will result in the issue of a written warning. Subsequent contraventions will result in referral to the Committee with a view to prosecution.

2.9 Exceeding the allowed number of passengers

This will normally result in, at least, the issue of a written warning. Subsequent contraventions will result in referral to the Committee.

2.10 Touting for business

This will normally result in at least the issue of a written warning. Subsequent contraventions will result in referral to the Committee and Magistrates Court.

2.11 Illegal advertising on vehicle

This will normally result in the issue of a written warning. Subsequent contraventions will result in referral to the Committee. The offending advertisement must be immediately removed.

2.12 Failure to display plates or badges

This would normally result in at least a written warning. Subsequent contraventions will result in referral to the Committee.

2.13 Confirmed complaints of rude or aggressive behaviour

In less serious cases, a warning as to future conduct will be given. However, if the nature or level of aggression leads the licensing officer to be concerned about public safety the matter will be brought before the Committee.

2.14 Presence in the vehicle of unauthorised telecommunication apparatus

This will normally result in the issue of a written warning. Subsequent contraventions will result in referral to the Committee.

2.15 Failure to comply with a lawful requirement or instruction from an authorised officer of the council or a police constable.

The holders of licences are legally obliged, under the relevant legislation, to comply with a number of requirements or instructions given to them by an authorised officer of the council or a police constable. These would include, for example, the production of licences, vehicle inspection reports and insurance certificates or the surrender of licences or plates following suspensions or revocations. Where the licensee has failed to produce a document on time but subsequently does so, the licensing officer will normally issue a written warning. Where, however, they do not produce the documents, despite reasonable attempts to make them do so, the matter will be referred to the Committee. Where a driver or proprietor has failed to return a licence or plates following a revocation of a licence, the only sanction open to the licensing officer is to institute a prosecution.

2.16 Obstructing an authorised officer of the Council or a Police Constable in the execution of his duty. If the holder of a licence has, in the officer's opinion, obstructed an authorised officer of the Council or a Police Constable in carrying out their duties under the statutes, it will be considered a very serious matter and there is no good reason not to, it will result in a prosecution, if the evidence supports it.

2.17 Prosecutions

In circumstances where justified within this enforcement policy, the Principal Licensing Officer (on behalf of the Director of Service) may institute proceedings to prosecute offenders without first referring the matter to the Committee. If the evidence supports it, and there is no good reason not to; it will result in a prosecution.

3 MATTERS TO BE DEALT WITH BY THE LICENSING COMMITTEE

The Licensing Regulatory Committee will be asked to deal with the more serious offences and/or to determine the most appropriate action where further offences occur within 2 years of the issue of a warning or other informal action. The committee may choose to take any actions open to the licensing officer. Whilst it is not possible to cover every conceivable offence, listed below are those specific matters, which will always be referred to the Committee. The Licensing Regulatory Committee may decide to take any of the actions open to them dependent on the facts of each particular case.

1. Traffic offence
2. Insurance
3. Medical Fitness
4. Sexual Offences
5. Drunkenness
6. Drug Offences
7. Violence
8. Dishonesty
9. Overcharging a passenger
10. Complaints against Drivers

APPENDIX H

DISCIPLINARY HEARINGS

Introduction

Meetings of the Licensing Committee will be convened, as and when necessary, to consider appropriate disciplinary measures involving proprietors, operators and drivers, whenever they have been convicted of offences before the courts, or where action has been taken as a result of breaches of the law or conditions imposed under the relevant licence. The purpose of such meetings is for the Committee to consider which, if any, of the options available should be implemented.

The Options Available

The Licensing Committee, after the details of the referral have been outlined, and the licence holder has been given the opportunity to address the hearing, as well as ordering penalty points (see below) may do one of the following:

- Suspend the licence;
- Revoke the licence;
- Refuse to renew a licence;
- Impose further conditions;
- Take no further action.

The Committee may also recommend the cautioning or prosecution of licence holders, in circumstances where there are persistent or serious breaches of conditions, which have not been dealt with otherwise.

Penalty Points System

Subject to the general discretion of the Committee to take whatever action it deems appropriate, the 'penalty points system' detailed at Appendix H shall be operated and used as a framework for the Committee's decision-making. The fundamental principle of the system is that, if a licence holder accumulates 12 or more penalty points in any two-year period, his or her licence shall be reviewed on the basis that he or she has ceased to be a fit and proper person to hold such a licence.

Penalty Points Applicable

The offences that will ordinarily give rise to the Committee attaching penalty points to a licence holder's record are listed at Appendix H. Where a range of points is indicated, the Committee shall decide on the number merited by the offence, taking account of the circumstances of the offence and the sentence imposed by the Court.

PENALTY POINTS SYSTEM

1. The Council's Enforcement Policy will be fully considered by the reporting Officer when determining the manner in which any offence or breach of licence conditions is dealt with. Where it is decided that the use of the penalty points system is appropriate, the points will be recommended as per the scale dependent upon the type of offence or breach of licence conditions. Prior to the issue of penalty points to a licensee, the contravention(s) will be reviewed by the Principal Licensing Officer so as to ensure that the appropriate action is being taken and then, if approved, the points will be issued.
2. Before penalty points are issued, there must be sufficient evidence to support a prosecution or breach of licence conditions. The licence holder must admit the offence or breach of conditions and also agree to the imposition of the points before penalty points can be issued. If he/she refuses to do so, or disputes the offence or breach of conditions, the matter will be resolved by reverting to normal practice and procedures.
3. A maximum of twelve penalty points will be issued on any one occasion. This means that if on any occasion when it is proposed to impose penalty points, a licence holder has committed more than one offence or breach of licence conditions, no more than 12 points will be imposed.
4. Points issued to either a proprietor or driver will be confirmed in writing within 10 working days from the discovery of the contravention.
5. When issued, the penalty points will remain "live" for a period of two years from the date they are imposed so that only points accumulated in a rolling 24 months period will be taken into account. If a driver, proprietor or operator accumulates twelve or more points within a period of two years from the date they are imposed, he/she will be brought before the Council's Licensing Committee or a Panel of that Committee for the appropriate sanction to be taken.
6. Where a driver is brought before the Committee, the options available to the Committee will be to suspend or revoke the driver's licence, where Members are satisfied that the driver had failed to comply with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847 or have a reasonable cause for believing so. The admission by the driver of the offences or breaches of licence conditions supports this course of action. If the members of the Committee do not feel that the matter warrants revocation or suspension of the licence, they may extend the period for which the points are to remain "live" or to issue a warning to the driver.
7. Periods of Suspension of a Licence will be dependant on the nature of the breaches of the legislation and the compliance history of the individual. Suspension periods will normally vary between 7 to 90 days. More than one accumulation of penalty points in excess of a personal threshold in any three-year period will result in the Committee or Panel reviewing whether the individual is suitable to continue holding licences with the Authority.
8. Once the matter has been dealt with, the points will be removed if a suspension or revocation is imposed. However, if the period is extended or a warning given, the points will remain "live" for the normal two-year period.
9. A driver will retain the right to be represented at any meeting of the Council's Licensing Committee either legally or otherwise and to put forward such evidence, as he/she deems necessary.
10. Even though penalty points have been issued, if it is found that the driver has been issued with penalty points or has been formally cautioned for similar offences the Council retains the right to cancel the penalty points and deal with the matter in accordance with the Enforcement Policy.
11. Any person aggrieved by the issue of Penalty Points may appeal, within 14 days of the issue of the Penalty Points Notice, to the Council's Licensing Regulatory Committee.

LIST OF OFFENCES / BREACH OF LICENCE CONDITIONS ETC.

<i>HACKNEY CARRIAGES</i>		
<i>Town Police Clauses Act 1847</i>		
Section	Offence	Points
40	Giving false information on application for HC proprietor's licence.	5-10
44	Failure to notify change of address of HC proprietor.	2
45	Plying for hire without HC proprietor's licence.	8-12
47	Driving a HC without HC driver's licence.	8-12
47	Lending or parting with HC driver's licence.	4
47	HC proprietor employing unlicensed driver.	8
48	Failure by HC proprietor to hold HC driver's licence.	6
48	Failure by HC proprietor to produce HC driver's licence.	3
52	Failure to display HC plate.	4
53	Refusal to take a fare without reasonable excuse	4
54	Charging more than the agreed fare.	6
55	Obtaining more than the legal fare. (Failure to refund)	6
56	Travelling less than the lawful distance for an agreed fare.	6
57	Failure to wait after a deposit to wait has been paid.	6
58	Charging more than the legal fare.	6
59	Carrying other person than the hirer without consent of hirer	4
60	Driving HC without proprietor's consent.	4
60	Allowing another to drive HC without proprietor's consent.	4
62	Driver leaving HC unattended.	2
64	HC driver obstructing other HC's.	3
<i>Local Government (Miscellaneous Provision) Act 1976</i>		
Section	Offence	Points
49	Failure to notify the transfer of a HC proprietor's licence.	3
50 (1)	Failure to present a HC for inspection, as required.	3
50 (2)	Failure to inform the Authority where the HC is stored.	3
50 (3)	Failure to report an accident to the Authority within 72hours.	3
50 (4)	Failure to produce the HC proprietor's licence and insurance cert	3
53 (3)	Failure to produce HC driver's licence.	2
57	Making a false statement or withholding information to obtain a HC driver's licence.	10
58 (2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	6
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting any vehicle other than a HC to wait on a HC stand.	6
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	6
67	Charging more than the meter fare when HC used as PH vehicle.	6
69	Unnecessarily prolonging a journey.	6
71	Interfering with a taximeter with intent to mislead.	12
73(1)(a)	Obstruction of an authorised Officer or Constable.	12
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	8
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	6
<i>Disability Discrimination Act 1995</i>		
Section	Offence	Points
37	Refusal to carry a guide, hearing or other assistance dog in a taxi.	4

PRIVATE HIRE

Local Government (Miscellaneous Provision) Act 1976

Section	Offence	Points
46(1)(a)	Using an unlicensed PH vehicle.	12
46(1)(b)	Driving a PH vehicle without a PH driver's licence.	12
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver.	8
46(1)(d)	Operating a PH vehicle without a PH operator's licence.	8
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	12
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver.	8
48 (6)	Failure to display a PH vehicle plate.	4
49	Failure to notify transfer of a PH vehicle licence.	3
50 (1)	Failure to present PH vehicle for an inspection, as required.	3
50 (2)	Failure to inform the Authority where the PH vehicle is stored, if requested.	3
50 (3)	Failure to report an accident to the Authority.	3
50 (4)	Failure to produce a PH vehicle licence and an insurance certificate.	6
53 (3)	Failure to produce a PH driver's licence.	3
54 (2)	Failure to wear a PH driver's badge.	3
57	Making false statement or withholding information to obtain a PH driver or operator's licence.	10
58 (2)	Failure to return plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	6
61 (2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting vehicle to wait on a Hackney stand	3
67	Charging more than the meter fare	6
69	Unnecessarily prolonging a journey.	6
71	Interfering with a taximeter.	10
73(1)(a)	Obstruction of an authorised Officer or Constable.	12
73(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	8
73(1)(c)	Failure to give information or assistance to an authorised Officer or Constable.	6

Private Hire Vehicles (Carriage of Guide Dogs etc) Act 2002

Section	Offence	Points
37A	Refusal to accept a booking to carry a guide, hearing or other assistance dog in a private hire vehicle.	4

Private Hire Driver's Licence Conditions – Appendix K

Section	Offence	Points
2	Not being respectably dressed and clean & tidy in appearance	2
3	Failure to wear a badge.	3
4	Failure to behave in a civil, polite and orderly manner.	3
4	Failure to ensure the safety of passengers.	4
5	Concealing or defacing a licence plate.	4
6	Failure to attend on time for pre-arranged booking without sufficient cause.	2
7	Failure to proceed to destination by the shortest available route.	4
8	Conveying a greater number of passengers than permitted.	6
9	Failure to give assistance with passenger's luggage.	3
10	Soliciting to hire or accepting hire not pre-booked.	4
11	Operating a vehicle that is not clean and tidy	2
12	Driving without the consent of the proprietor.	5
13	Drinking or eating in the vehicle without permission of passenger.	2
14	Causing excessive noise from any radio or sound-reproducing instrument, which	2

	annoys anyone in or outside the vehicle.	
15	Operating the horn as a means of signalling that the vehicle has arrived.	3
16	Allowing the vehicle to stand in such a position as to suggest that it is plying for hire, or using a hackney carriage stand.	2
17	Using a non-hands free mobile phone whilst driving	3
18 - 20	Failure to provide medical certificate or not notifying a medical condition	3
22	Failure to provide a receipt when requested.	2
23	Failure to operate the meter from commencement of the journey and charging more than the fixed charge for hire of Hackney Carriages.	5
25	Failing to notify changes within 14 days.	3
26	Failure to produce a copy of the licence.	2
27	Failure to notify within 7 days of starting or terminating employment, the name and address of the proprietor and the date when the employment either started or ended.	2
28	Failure to show the private hire driver's licence to the proprietor at the beginning of an employment.	2
29	Failure to surrender a driver's licence, badge or plate on cessation of employment.	3
30	Failing to notify of change of address within 7 days.	3
31	Failing to disclose convictions within 7 days.	12
32	Failure to search vehicle after journey or failure to take found property to the Council Offices within 48 hours of finding.	2
33	Failure to report an accident within 72 hours	3
34	Carrying an animal other than one with passenger.	2
35	Carrying an animal not safely restrained.	3
36	Failure to carry assistance dog without an exemption certificate.	5
37	Failure to comply with wheelchair carriage requirements.	5

<i>Vehicle Specifications & Conditions of Licence – Appendix A</i>		
Section	Offence	Points
	Operating a vehicle which does not comply with the Councils Vehicle Specification where such offence is not otherwise specified below	2 - 6
1.9	Operating a vehicle, which is not maintained in a sound and roadworthy condition.	5
7	Failure to carry an appropriate fire extinguisher	3
8	Failure to carry an appropriate first aid kit	3
11	Operating a vehicle, which is not maintained in a clean and safe condition inside and out.	3
12	Modifying a vehicle without the consent of the Council	2
13	Failure to display or maintain external licence plates which indicate the maximum number of passengers who may be conveyed.	5
13	Failure to display inside the vehicle the windscreen licence disc in the correct position	3
14	Hackney vehicle signage not in accordance with council requirements.	4
14.2	Fail to display PH Signs on the 2 front doors of a PH vehicle	4
14.2	Affixing or displaying on a private hire vehicle any roof sign.	4
14.2	Displaying on a private hire vehicle any sign or notice which consists of or includes the word TAXI or CAB or FOR HIRE	4
15	Displaying a sign or advertisement that does not comply with Council requirements or is not authorised by the Council.	3
16	Radio equipment not in accordance with council requirements	2
17	Taximeter which does not comply with the Council's Vehicle Specification.	5
18	Trailer which does not comply the Council's Vehicle Specification	3
19	Operating a vehicle which does not comply with the Council's requirements in respect of disability provision	4
20	Operating a vehicle which does not comply the Council's Vehicle Specification in respect of LPG	3
21	Operating a vehicle, which does not comply the Council's Vehicle Specification in respect of window tint.	2
22	No insurance or inappropriate insurance for the vehicle.	12

23	Failing to notify change or transfer within 14 days.	3
24	Failing to make the vehicle licence available for inspection.	3
25	Allowing a vehicle to be used for hire by a person who does not hold a current private hire or hackney driver's licence	8
26	Failure to properly report an accident to the Authority.	3
27	Permitting the vehicle to be used for any illegal or immoral purposes.	6

PRIVATE HIRE OPERATORS

Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Points
56 (2)	Failing to keep proper records of all bookings or failing to produce them. (also breach of conditions see below)	6
56 (3)	Failure to keep records of PH vehicles or failing to produce them. (also breach of conditions see below)	6
56 (4)	Failing to produce PH Operator' licence on request. (also breach of conditions see below)	4
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver.	12
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	12
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	5

Breach of Conditions attached to Operator's Licence – Appendix J

1	Failure to provide a prompt, efficient and reliable service at all reasonable times.	3
1	Failure to ensure that office staff employed by operator act in a civil and orderly manner at all times.	3
1	Failure to ensure that a vehicle attends punctually at the appointed time and place unless prevented by some sufficient cause.	4
1	Failure to keep the premises clean, adequately heated, ventilated, lit, and in accordance with the requirements of licence conditions.	3
2	Failure to properly keep or produce records of private hire bookings, vehicles, drivers or other documents required to be kept or produced. (see LGMP s56(2) & (3) above)	6
3	Failure to act properly upon the receipt of a complaint or to notify immediately the Licensing Officer.	4
4	Failure to notify the Council of any changes, including change of address from where the business operates within 14 days.	3
5	Failure to disclose in writing within 7 days details of any conviction or police caution imposed on him to the licensing section.	12
6	Failure to ensure that an appropriate certificate of motor insurance covers every vehicle operated by him under the licence.	6
6	Failure to obtain appropriate public liability insurance for the premises or to produce the same.	4
7	Failure to ensure that every driver has a private hire licence and badge.	4
8	Failure to keep a copy of the conditions at the premises or to make the same available for inspection by passengers.	4
9	Failure to make the Operator's licence available for inspection. (see LGMP s56 (4) above)	4

APPENDIX I

Licensing Committee

Guidance Relating to the Relevance of Convictions, Cautions and Charges, etc.

Consideration of the Grant, Suspension or Revocation of Hackney Carriage and Private Hire Driver's Licences, Vehicle Operators and Vehicle Proprietors

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Introduction to the Guidelines Relating to the Relevance of Convictions

The purpose of this document is to formulate guidelines which detail the Council's current stance on the relevance of convictions, cautions and charges in respect of applications for the grant of new licences, and the renewal of existing hackney carriage and private hire vehicle driver's operators and proprietor's licences.

These guidelines have been produced to assist the regulatory committee in their decision-making and to maintain the consistency of the decisions made. They have also been formulated to provide clearer information to current and potential applicants, with a view to minimising cost and time spent by both Council and the applicant.

The aim is not to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised.

The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive taxis are suitable persons to do so, namely that they are 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 customers.

These guidelines will be taken into account when dealing with new applications as well as renewal applications for an existing private hire/hackney carriage driver's licence, private hire/hackney carriage vehicle licence, and a private hire operators licence, and also, when considering whether to suspend or revoke an existing licence.

EACH CASE IS TO BE DECIDED ON ITS OWN MERITS.

A person is not permitted to apply for a hackney carriage or private hire licence until they have held a full driving licence for a minimum of 12 months.

Legislation

The Local Government (Miscellaneous Provisions) Act 1976 section 51 deals with the issue of driver suitability:

"Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a **fit and proper person** to hold a driver's licence."

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states:

The district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds.

- 1) That he has since the grant of the licence.
 - i) Been convicted of an offence involving dishonesty Indecency or violence. or
 - ii) Been convicted of an offence under, or has failed to comply with the provisions of, the Act of 1847 or of Part of this Act. or
- 2) Any other reasonable cause.

Therefore the wording of the legislation makes it clear that the Council may grant a licence ONLY if it is satisfied that the person is fit and proper - the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.

Convictions

The committee is required to look at any past indicators (convictions, speeding offences etc.) that may affect a person's suitability to hold a hackney carriage/private hire driver's licence and consider the possible implications of granting such a licence.

As part of the licence conditions, the applicant is required to disclose **all** convictions and cautions. Including spent convictions; the Rehabilitation of Offenders Act 1974 s 4, and Rehabilitation of Offenders Act (Exceptions) Order 2002.

Applicants must disclose any recent formal cautions they have received or any pending matters.

If a licence has been granted to a person on the basis of false or incomplete information supplied by them the Committee may revoke the Licence and require the applicant to submit a further application which will be considered in the light of the full information now available to the Committee.

The disclosure of any conviction will not necessarily debar an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

All hackney carriage and private hire operators, proprietors and drivers must disclose in writing to the Council within 7 days of conviction or caution imposed on him/her during the period of licence.

Cautions are included under the definition of convictions and they will also be taken into consideration when reviewing an application. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted such a licence.

Patterns

A series of offences over a period of time is more likely to give cause for concern than an isolated conviction. A serious view will be taken when applicants show a pattern of offences. If a pattern is found for any offences, for example, the applicant has received four convictions for a violent action, then serious consideration should be made as to the suitability of that person holding a licence.

The timescale within which any cautions have been issued could increase the severity of the offence, for example, for violent convictions within the space of a few years could portray the applicant as someone prone to violence.

Rehabilitation Periods

These guidelines have separated the various offences affecting such an application into 9 categories, each detailing the period of rehabilitation that must elapse for a particular offence within that category, before an applicant can be considered a fit and proper person to hold a licence. After consideration from the committee, if a person does not satisfy these guidelines, then the application should be refused or the licence revoked or suspended until the applicant is able to satisfy them.

The Committee cannot hear evidence, or decide, that an applicant did not, in actual fact, commit an offence of which a Court has convicted them. The applicant can, however, explain any mitigating factors, which led to them committing the offence and the Committee, can take these into account in deciding whether the applicant is a fit and proper person to hold a licence.

If the applicant or holder of a licence has notified the Council of a conviction but is appealing against it to a higher court the matter may be referred to the Committee for a decision as to whether the licence / application should be suspended until such appeal is heard.

A “Fit and Proper Person”

There is no absolute definition as to what constitutes a “fit and proper person”, however, considering the range of passengers that a driver may carry (for example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women and foreign visitors), the Council relies on a common sense approach. Some areas give rise to particular concern, including:

- **Honesty and trustworthiness** - taxi drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. Any passenger would expect to be charged the correct fare for a journey and then given the correct change; they would also expect a driver to hand in any article left by a passenger in a vehicle, and also to maintain confidentiality between driver and fare.
- **Not abusive** - taxi drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. A driver will not be expected to have any convictions or cautions for offences of a violent or threatening nature.
- **A good and safe driver** - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence.
- They should be expected to have a good knowledge of the area that they are working in.
- Good physical and mental health.
- An ability to read, speak and understand English.

“Protecting the Public” Question

The over-riding consideration is to protect the travelling public; having considered and applied the appropriate guidelines, the following question should be asked:

‘Would you (as a member of the licensing committee) allow your son or daughter, spouse or partner, mother or father, granddaughter or grandson, or any other for whom you care, get into a vehicle with this person alone?’

If answer is **Yes**, then a licence should normally be granted. If the Committee have any doubts, then an application must be refused until those doubts can be satisfied through further evidence being supplied. **It is the applicant’s responsibility to provide sufficient evidence to this effect.**

Criminal Records Bureau Disclosure of Information

- The Registered Body's copy of the Disclosures can be released to the Licensing Committee for the consideration of granting/refusing the licence.
- The Registered Body's copy or Applicant's copy of the Disclosures can be released to the Appeals Committee for the consideration of upholding, or not, the decision of the original Licensing Committee. This is because both copies are the same and it is the Applicant who may appeal the decision.
- In both cases, if there was "Additional Information" issued separate to the Disclosure, the Registered Body should contact the CRB Policy team in each case for permission to provide this to either Committee or advice on handling such information - as this information cannot be shared with the applicant.
- If the case goes before a Court, the court must apply to the CRB for release of the information contained on the face of the Disclosure and, was also released by a Police Force, to them for the additional information. "

Compliance with Conditions and requirements of Licensing Authority

The Committee may take into account an applicant's history while holding a licence, from this or any other authority. The Committee may take into account, in deciding whether a person is a fit and proper person to hold a licence such matters as their record of complaints, or positive comments from members of the public; their compliance with Licence conditions and their willingness to co-operate with Licensing Officers.

The Guidelines

To ensure the effective application of these guidelines, a glossary has been incorporated, which attempts to define the various phrases, offences and other terminology used here.

Traffic Offences – New Applicants

This section refers to New Applicants only

Convictions for traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, refusal of an application may result.

All the possible traffic offences have been separated into two categories, minor and major offences, depending on the seriousness of the offence. Below are the guidelines as to the rehabilitation period for a specific number of penalty points awarded for offences within that specific category.

Driving Offences

Any new applicant who has 6 penalty points or more on his driving licence should expect their application to be heard at a hearing of the Council's Licensing Committee. The Regulatory Committee then have the option of deciding the application on its own merits, and may:

- A) Issue the licence with or without a written warning
- B) Issue the licence conditionally upon the applicant completing a Driver Correction Training Course at the driver's expense, within 2 months of their decision (if applicable).
- C) Refuse the application.

A Licence may only be granted on the condition that the Committee are satisfied that the applicant is a fit and proper person.

For any minor offences totalling 6 or fewer points on an applicants licence, a licence may be granted by the Principal Licensing Officer with a formal warning with regards to future conduct.

A licence may be granted on the condition that the committee are satisfied that the applicant is a fit and proper person.

If the applicant has been convicted of a major traffic offence within 2 years of the receipt of his application, then a licence should not be granted until the applicant has completed a period of 2 years free from conviction.

Medical Issues

If the applicant's driving licence has been revoked or refused on medical grounds by the DVLA within the last 5 years or the applicant has received a conviction for driving a vehicle after failing to notify a disability or made a false declaration about fitness and medical health, the application for a hackney carriage or private hire licence should be refused until medical proof of current fitness can be provided.

The onus is on the applicant to provide appropriate medical proof from their GP/consultant or authorised practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows a clean bill of health, and that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.

If the committee have any doubts over the applicant's fitness, then the application should be adjourned or refused until further evidence can be produced by the applicant to contest this.

Cautions

If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to their future conduct.

Traffic Offences – Existing Licence Holders

This section applies to Existing Licence Holders only.

Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at **all** times. Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving.

Convictions for traffic offences should not prevent a person from proceeding with a renewal of their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements.

For guidance information on death by careless or dangerous driving, please refer to the **Violence** section.

For the information on Insurance guidelines, see **Insurance Offences**.

For guidance information on drinking and taking drugs whilst driving, see the relevant **Drunkness** and **Drugs** sections

Traffic Offences

Any existing licence holder who has 6 penalty points or more on his driving licence will be expected to go before the Committee to explain their convictions. The Licensing Regulatory Committee then has the option of deciding the application on its own merits, and may

- a) Take no further action
- b) Informal action
- c) Require the driver to attend a Driver Correction Training Course at the driver's expense, within 2 months of their decision (if applicable).
- d) Suspend the Licence upon conditions or for a period of time
- e) Revoke the licence.

Medical Issues

If the applicant's driving licence has been revoked or refused on medical grounds by the DVLA or the applicant has received an offence of driving a vehicle after failing to notify a disability or a false declaration about fitness and medical health, the application for renewal hackney carriage or private hire licence should be refused until medical proof of current fitness has been provided.

The onus is on the applicant to provide appropriate medical evidence from their GP / consultant or authorised medical practitioner at their own expense, which is to be brought to the committee hearing. The committee should consider issuing a licence if they are satisfied that the report shows that the applicant is a fit person to recommence driving and is deemed to be of no threat to the public.

If the committee have any doubts over the applicant's fitness, then the application should be refused until further evidence can be produced by the applicant to contest this.

Cautions

If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to future conduct.

Insurance Offences

The Council takes a serious view of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past should not necessarily debar an applicant from being issued a licence.

More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a hackney carriage or private hire licence. In this instance, at least 3 years should elapse (after restoration of the DVLA driving licence) before an applicant, who has been disqualified from driving for insurance offences, is considered for a hackney carriage or private hire licence.

Sexual Offences

As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions, or cautions, for soliciting, importuning, indecent exposure, or any sexual offence, should expect their application to be heard at a hearing of the Regulatory Committee. New applicants will normally be refused a licence until they can show a substantial period (usually between 7 and 12 years) free from any conviction.

Any current licence holder, declaring a charge, conviction or caution for any sexual offence, will be expected to attend a hearing of the Regulatory Committee. Depending on the nature of the conviction, the Committee may:-

- A) Take no further action
- B) Issue a written warning
- C) Suspend the Licence
- D) Revoke the licence

The following guidelines illustrate the council's stance on rehabilitation periods after an applicant has been convicted of a sexual/indecency offence.

A strict warning as to future conduct should be issued to any applicant who is granted a licence. **Any existing licence holder charged with or convicted of a sexual offence or issued with a formal caution whilst licensed with the authority, will be required to attend a hearing of the Regulatory Committee.**

The following offences are listed under this section together with their rehabilitation periods: (This list is not exhaustive)

- **Rape** - Licence should be revoked / refused until a minimum period of 12 years after conviction has elapsed.
- **Indecent Assault** - Licence should be revoked / refused until a period of 10 years after conviction has elapsed.
- **Gross Indecency with a Female** - Licence should be revoked / refused until a period 8 years after conviction has elapsed.
- **Gross Indecency with a Male** - Licence should be revoked / refuse until a period of 8 years after conviction has elapsed.
- **Indecent Assault on a Child** - Licence should be revoked / refused until a period of 12 years after conviction has elapsed.

Drunkness

This section has been divided into two separate sections; drink driving with a motor vehicle and drunkness without a motor vehicle. Both sections apply to new applicants as well as existing licence holders.

(a) With a Motor Vehicle

The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence.

The offences that apply to this section include:

- Driving or attempting to drive with alcohol above the limit
- In charge of a vehicle, driving or attempting to drive when unfit through drink
- Refusal to provide a specimen of breath or blood for analysis

New Applicants

Although an isolated incident will not necessarily debar an applicant, a single conviction for any drink driving offence will require a period of 1 year to elapse after the restoration of their DVLA licence, before being considered for a licence.

More than one incident should raise grave doubts as to future behaviour and the applicant's fitness to hold a licence. At least 2 years should elapse (after restoration of the DVLA licence) before an application is considered.

Existing Drivers

- A driver found guilty of driving passengers for hire and reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis.

Should expect to have his hackney carriage or private hire drivers licence revoked **IMMEDIATELY and a further application should not normally be considered until a period of 5 years has elapsed after restoration of the DVLA licence.**

If a driver's licence has been revoked by the DVLA for offences relating to drink-driving, but not when driving for hire or reward then any application to renew a hackney carriage or private hire vehicle licence should not be considered until a period of 2 years has elapsed, (after restoration of their DVLA licence).

(b) Without a Motor Vehicle

An isolated conviction for drunkness not associated with a motor vehicle will not necessarily result in an application being refused, however any new application or current licensee should expect to attend a hearing of the Committee.

- One or 2 convictions for drunkness not confined to a year should result in a warning as to future conduct.
- 2 convictions within a year, a current licence should be suspended for a period of no more than 2 weeks, and a new application may be refused, or granted with a written warning.
- 3 or more convictions, any current licence should be suspended for a period of no more than a month. Any new application should be refused until a period of 12 months free from convictions.

In both cases

More than one conviction of drunkenness or refusal to provide a specimen may indicate a medical problem and the applicant may be asked to submit to a medical examination by a medical practitioner nominated by the Council, before the application is entertained. If the results of the examination show the applicant to be an alcoholic, a period of 5 years should elapse after treatment is complete and the committee must agree that, that they are a fit and proper person to hold such a licence before a further application is considered.

Drug Offences

A serious view is taken of any drug-related offence. An applicant with a conviction for a drug-related offence (including the supply or trafficking of drugs) should be required to show a period of at least 3 years free of convictions before an application is entertained.

If the applicant was required to undergo detoxification treatment, a period of 5 years free from conviction after the end of treatment is required. More than one conviction for a drugs related offence should debar an applicant for 7 years at least. In both instances, before a further application is entertained, a specialist medical examination will be required with negative urine screen for drugs or drug abuse.

Any new applicant that has served a custodial sentence for a period of 5 years or more for supplying controlled drugs, and has submitted their application within a period of 5 years from the date of release, should not be considered for a licence.

A hackney carriage or private hire driver found guilty of driving whilst under the influence of drugs, or convicted of any other drug-related offence should expect to have their licence revoked immediately. At least five years should elapse from conviction before a new application by that person will be considered.

Violence

As hackney carriage and private hire drivers maintain close contact with the public, any previous convictions for violence will be taken seriously.

(a) An application/licence will normally be refused for the following offences, regardless of the period of time elapsed after the date of conviction:

- Murder
- Manslaughter
- Causing death by reckless driving, including:
 - Causing death by reckless driving when unfit through drugs:
 - Causing death by careless driving when unfit through drink
 - Causing death by careless driving with alcohol level above the limit
 - Causing death by careless driving then failing to supply a specimen for analysis
 - Manslaughter or culpable homicide while driving a vehicle
 - Causing death by dangerous driving

(b) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences and where the conviction is **less than 10 years** prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated

(c) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences **and** where the conviction is **less than 8 years** prior to the date of application:

- Grievous bodily harm with intent
- Grievous bodily harm
- Robbery
- Racially-aggravated criminal damage
- Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Racially-aggravated harassment
- Racially-aggravated fear of violence

(d) An application/licence should be revoked or suspended where the applicant has a conviction for one of the following offences **and** where a conviction is **less than 5 years** prior to the date of application:

- Common assault
- Common assault which is racially-aggravated
- Assault occasioning actual bodily harm
- Assault on the police
- Affray
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Violent disorder
- Resisting arrest

More than one offence

The above guidelines are applicable to applicants who have been convicted of one offence.

If an applicant has been convicted of two or three violent offences, the licence should normally be revoked.

If an applicant has a history of violence (four or more convictions of any type of violence) their licence should normally be revoked. If it is a new application, the guidance is to refuse.

Possession of a Weapon

If an applicant has been convicted for possession of a weapon or any other weapon-related offence, then serious consideration must be made as to whether this person is fit and proper to hold such a licence.

If the applicant has been convicted of wielding or using a weapon at someone, then an application should normally be refused or a licence revoked.

Dishonesty

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare or giving incorrect change. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken of any convictions involving dishonesty.

An application will normally be refused where an applicant has a conviction for an offence of:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

Complaints Against Drivers

Complaints are frequently made against hackney carriage and private hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be considered first by the Licensing Officer for consideration as to the nature of the complaint being serious enough to be forwarded to the committee.

The committee should consider the history of all complaints made against the driver to assess any patterns. If a problem is inherent, then the Committee should consider whether the driver is a fit and proper person to hold such a licence.

Conclusion

Any applicant having a previous or current conviction should not debar them from obtaining a hackney carriage or private hire licence. However, it is this Council's policy to consider the protection of the public by ensuring all licensed drivers are in good health, are safe and competent drivers and are able to maintain their vehicles to an acceptable standard.

A man or woman who has committed an offence and who is made to wait for a rehabilitation period to elapse prior to their application being accepted, is more like to value their licence and act accordingly.

Any applicant refused a driver's licence on the grounds that the committee is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or had a condition attached with which they disagree has a right of appeal by way of written complaint, to the Magistrates' Court within 21 days of the notice of decision

Glossary

<u>Appeal</u>	A means by which a Committee hearing decision can be reviewed by the Magistrates Court or the Crown Court. the decision of the Committee may be upheld or overturned.
<u>Committee</u>	Local Councillors gathered together to discuss the suitability of a person to hold a taxi related licence. Any reference to "Committee" will be classed as the Regulatory Committee for the purposes of Licensing.
<u>Conviction</u>	Judicially determining that someone is guilty of a crime.
<u>Fit and Proper Person</u>	A person who is of no threat to the general public, has a good character and is therefore deemed fit and able to hold a licence.
<u>Hackney Carriages</u>	A vehicle that can carry passengers for hire or reward, can be hailed a prospective passenger and can park on a rank to await the approach of passengers; a car available for public hire.
<u>Mitigating Circumstances</u>	The conditions surrounding a conviction. These conditions may alter the seriousness of a crime.
<u>Plying for Hire</u>	To actively invite (touting) or respond to a hail for a taxi with the intent to charge a specific fare for the service.
<u>Private Hire Vehicles</u>	A car which must be pre-booked with a private hire operator. This type of vehicle cannot stand in a rank or ply for hire.
<u>Proprietor</u>	The person in possession of a vehicle which is the subject of a hiring agreement or hire purchase agreement.
<u>Operator</u>	This is the business section, which in this country can cover anything from sole proprietor (not being just a driver or proprietor) up to the largest firm in the country, which runs 2,500 vehicles.
<u>Rehabilitation</u>	The period to which the standing authority feels a person has repented their crimes.
<u>Revoke</u>	To take back something for an indefinite period of time.
<u>Suspend</u>	To hold something away from its owner for a period of time.
<u>Written Warning</u>	A letter advising that although a conviction was not serious enough to have warranted the suspension or revocation of the licence, the offence committed was unacceptable and has caused concern among the the committee as to the suitability to hold such a licence.

APPENDIX J

PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

1 STANDARDS OF SERVICE

The operator shall:

1.1 Provide a prompt, efficient and reliable service to members of the public at all reasonable times.

1.2 Ensure that office staff, employed by operator, act in a civil and orderly manner at all times.

1.3 Ensure, when a vehicle has been hired, that it arrives punctually at the appointed place, unless delayed by unforeseen circumstances.

1.4 Ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated.

1.5 Ensure that any waiting area provided has adequate seating facilities and telephone facilities are in good working order.

1.6 Fulfil his responsibilities to ensure compliance with legislation regarding the length of working hours.

2 RECORDS

The records which must be kept by operators under the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a non-erasable form in a suitable log or book, or in computerised form.

2.1 Bookings

2.2.1 Prior to each journey, the operator shall enter the following particulars of every booking of a private hire vehicle accepted, pursuant to section 56 (2) of the Local Government (Miscellaneous Provisions) Act 1976, containing the following particulars, namely: -

- the date of the pick-up and contact
- the name of the hirer
- the time of pick-up
- the address of the point of pick-up
- the destination
- the time at which a driver was allocated to the booking
- the plate number (or other identification) of the vehicle allocated

2.2 Vehicles

2.2.2 The operator shall keep records of the particulars of all private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include the following particulars, namely:-

- Type, Make, Model, Colour and Engine Size of Vehicles
- The year when the vehicle was first licensed for private hire
- Vehicle Registration Numbers
- The number of seats for passengers
- Owners
- Insurance details of vehicles
- Whether a meter is fitted
- Private Hire Vehicle Plate Numbers

2.3 Drivers

2.3.1 The operator shall keep records of the particulars of all drivers of private hire vehicles operated by him/her, pursuant to section 56 (3) of the Act such details to include the following particulars, namely: -

- Details as to the drivers of the vehicles, and their call signs
- Details of when any new driver begins service
- Details of when any driver's service ceases
- Details of any change of address of any driver in service
- If he/she becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to safely carry out his/her duties (inform the Council)
- Expiry dates of driver's badges and vehicle licences

All records maintained by the operator shall be kept for at least 12 months after entry and shall be produced for inspection, on request, by any authorized officer.

3 COMPLAINTS

The operator shall, upon receipt, notify the Licensing Office in writing of any complaints concerning a contract for hire arising from his/her business, such notification to include the action taken or proposed as a result of the complaint.

4 CHANGE OF ADDRESS ETC

The operator shall notify the Council in writing of any change affecting this licence including change of address (including any address from which he operates or otherwise conducts his business) which takes place during the currency of the licence.

Such notice shall be given within 14 days of the change to the Licensing Officer.

5 DISCLOSURE OF CONVICTIONS

The operator shall, within 7 days of conviction, notify the Licensing Officer in writing of any conviction or fixed penalty imposed on him during the currency of his/her operator's licence. If the operator is a company or partnership, this requirement shall apply if any of the directors or partners receive a conviction or fixed penalty.

6 INSURANCE

The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated by him under the licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

If the Operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public and employers liability insurance in force which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.

7 PRIVATE HIRE DRIVER'S LICENCES

The operator shall satisfy himself that every driver engaged by him has acquired a private hire driver's licence and has a badge issued by the Licensing Office.

8 DISPLAY OF TERMS AND CONDITIONS

The operator shall, at all times, keep a copy of these conditions at any premises used by him/her for a private hire business and shall make the same available for inspection by fare-paying passengers.

9 INSPECTION OF LICENCE

The Operators Licence shall be made available for inspection on request by any authorised officer of the Council or any Police Officer.

NOTE: PLANNING CONSENT

To operate a private hire business from home, planning permission, for such business use, will normally be required. A Private Hire Operator's Licence may not be granted without evidence that either planning permission has been issued for the premises concerned or planning permission is not required for the limited use proposed.

10 FIRE RISK ASSESSMENTS

The operator will ensure a Fire risk assessment is carried out where members of the public are allowed on the premises.

APPENDIX K

PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

Conduct of Drivers

1 The holder of a private hire driver's licence (driver) shall comply with the following conditions, which should be read in conjunction with the Code of Good Conduct set out in Appendix F:

2 The driver shall be respectably dressed and clean and tidy in appearance.

3 The driver shall at all times, when acting in accordance with the drivers licence granted to him, wear such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times. He shall not lend the badge to any other person or cause or permit any other person to wear it and on termination or surrender of a driver's licence, he shall return the badge to the Council immediately.

4 The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

5 The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view or allow the licence plate to be so defaced as to make any figure or information illegible.

6 The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

7 The driver when hired to drive to a particular destination shall proceed to that destination by the shortest route.

8 The driver shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the Vehicle Licence.

9 The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.

10 The driver must not solicit, by calling out or otherwise importune, any person to hire or be carried for hire, and must not accept an offer for the hire of the vehicle except where that is first communicated to the driver by a licensed private hire operator.

11 The vehicle shall be presented in a clean and tidy condition for each journey.

12 The Private Hire Vehicle must only be driven with the consent of the proprietor of the vehicle.

13 The driver must comply with any hirer's request not to drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the business. Smoking in the vehicle is illegal.

14 The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any persons, whether inside or outside the vehicle.

15 The driver shall not operate the horn as a means of signalling that the vehicle has arrived.

16 The driver must not cause or permit the vehicle to stand on a road or in a public place so as to suggest that it is plying for hire, or use any hackney carriage stand within the Hinckley & Bosworth Borough area.

17 Drivers must not use a mobile phone unless used with the provision of hands free equipment.

FITNESS OF DRIVER

18 The driver of a Private Hire Vehicle must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council by a Registered Medical Practitioner to the effect that he/she is, or continues to be, physically fit to be a driver of a Private Hire vehicle.

19 Whether or not such a Certificate is produced, the driver must, if required by the Council at any time, undergo a medical examination by a Registered Medical Practitioner selected by the Council.

20 The driver must cease driving any Private Hire vehicle and contact the Council immediately if they know of any medical condition, which may affect their driving ability and the health and safety of themselves and any passengers.

FARES AND JOURNEYS

21 The operator of a Private Hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.

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

23 If the Private Hire Vehicle is fitted with a taximeter, then the driver of a Private Hire vehicle shall

(i) If the driver is assigned a job by the Operator for which no fare has been agreed with the passenger then the meter must be engaged.

(ii) when standing and not hired ensure that no fare is recorded on the face of the meter.

(iii) cause the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1988, and also at any other time at the request of the hirer.

(iv) not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator.

24 In the event of a journey commencing in but ending outside the Hinckley & Bosworth Borough area there may be charged, for the journey, such fare or rate if any as was agreed before the hiring was affected.

DUTIES OF LICENCE HOLDER

25 Any change affecting this licence must be notified within 14 days of such to the Licensing Officer.

26 The Private Hire Driver's licence must be made available for inspection, on request, by any authorised officer of the Council or any Police Officer.

27 The driver must notify the Council, within seven days of starting or terminating employment, as to the name and address of the proprietor concerned, and the date when the employment either started or ended.

28 The private hire driver's licence must be presented to the proprietor concerned, at the beginning of an employment.

29 All licences, badges and plates issued remain the property of the Council at all times. They must be returned forthwith when employment as a licensed driver ceases, the Licence expires and is not renewed, or where the Licence is suspended or revoked.

30 The driver must notify the Council, within 7 days, of any change of address.

31 The driver must notify the Council, within a period of 7 days, of any conviction for an offence, or of any receipt of a fixed penalty, imposed on him/her whilst the licence is in force.

LOST PROPERTY

32 A driver of a Private Hire Vehicle shall immediately, after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein, carry it as soon as possible and in any event within 48 hours to the Council Offices, or the nearest Police Station and leave it in the custody of an authorised officer on his giving a receipt for it.

ACCIDENT REPORTING

33 A Proprietor or Driver of a Private Hire vehicle shall report to the Council as soon as is reasonably practicable and in any case within 72 hours of the occurrence, any accident to a Private Hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle.

THE CARRIAGE OF ANIMALS

34 A driver must not carry in a Private Hire vehicle any animal, which belongs to, or is being looked after by, themselves, the owner or operator of the vehicle while it is being used as a Private Hire vehicle. Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.

35 A driver must, however carry assistance dogs when necessary. These include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs, which assist disabled people with a physical impairment.

36 Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. A certificate of exemption is supplied on production of suitable medical evidence

WHEELCHAIR ACCESSIBLE VEHICLES

37 All drivers of wheelchair accessible vehicles must:

(i) Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.

(ii) Before any movement of the vehicle takes place. Ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied.

(iii) Ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with regulations, S.100 of the Road Vehicles Construction and Use Regulations 1986.

APPENDIX L

Town Police Clauses Act 1847**Local Government (Miscellaneous Provisions) Act 1976**

In relation to the maximum penalties specified, the levels of fine are currently as follows:

Level 1 - £200

Level 2 - £500

Level 3 - £1,000

Level 4 - £2,500

A) Town Police Clauses Act 1847

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

(b) Local Government (Miscellaneous Provisions) Act 1976

HACKNEYS		
Section	Offence	Maximum Penalty
49	Failure to notify the transfer of a HC proprietor's licence	Level 3 (by virtue of s76)
50(1)	Failure to present a HC for inspection, as required	Level 3 (by virtue of s76)
50(2)	Failure to inform the Authority where the HC is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Authority	Level 3 (by virtue of s76)
50(4)	Failure to produce the HC Proprietor's licence and insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce the HC driver's licence	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a HC driver's licence	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a HC proprietor's licence.	Level 3 + fine of £10/day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
64	Permitting any vehicle other than a HC to wait on a HC stand.	Level 3 (by virtue of s76)
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an Officer or Constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised officer or constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	Level 3 (by virtue of s76)
46(1)(a)	Using an unlicensed PH Vehicle	Level 3 (by virtue of s76)
46(1)(b)	Driving a PH vehicle without a PH driver's licence	Level 3 (by virtue of s76)
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver.	Level 3 (by virtue of s76)
46(1)(d)	Operating a PH vehicle without a PH operator's licence.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	Level 3 (by virtue of s76)
46(1)(e)	Operating a vehicle as a PH vehicle when the driver is not licensed as a PH driver.	Level 3 (by virtue of s76)
48(6)	Failure to display a PH vehicle plate.	Level 3 (by virtue of s76)
49	Failure to notify transfer of a PH vehicle licence.	Level 3

PRIVATE HIRE		
Section	Offence	Maximum Penalty
50(1)	Failure to present a PH vehicle for inspection, as required	Level 3 (by virtue of s76)
50(2)	Failure to inform the Authority where the PH vehicle is stored, if requested.	Level 3 (by virtue of s76)
50(3)	Failure to report an accident to the Authority	Level 3 (by virtue of s76)
50(4)	Failure to produce the PH vehicle licence and an insurance certificate	Level 3 (by virtue of s76)
53(3)	Failure to produce a PH driver's licence	Level 3 (by virtue of s76)
54(2)	Failure to wear a PH driver's badge.	Level 3 (by virtue of s76)
56(2)	Failure by a PH operator to keep records of bookings.	Level 3 (by virtue of s76)
56(3)	Failure by a PH operator to keep records of PH vehicles operated by him.	Level 3 (by virtue of s76)
56(4)	Failure to produce a PH operator's licence on request.	Level 3 (by virtue of s76)
57	Making a false statement or withholding information to obtain a PH driver or operator licence.	Level 3 (by virtue of s76)
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	Level 3 + fine of £10/day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3 (by virtue of s76)
67	Charging more than the meter fare when HC used as private hire vehicle	Level 3 (by virtue of s76)
69	Unnecessarily prolonging a journey.	Level 3 (by virtue of s76)
71	Interfering with a taximeter.	Level 3 (by virtue of s76)
73(1)(a)	Obstruction of an Officer or Constable	Level 3 (by virtue of s76)
73(1)(b)	Failure to comply with a requirement of an authorised officer or constable.	Level 3 (by virtue of s76)
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	Level 3 (by virtue of s76)

c) Transport Act 1980

Section	Offence	Maximum Penalty
64(2)(a)	Driving a PH vehicle with a roof sign, which contravenes s64 (1).	Level 3
64(2)(a)	Causing or permitting a PH vehicle to be driven with a roof sign which contravenes s64 (1).	Level 3

Appendix M

Hackney Carriage Fare Card

Tariff 1

For the first 880 Yards / 804.67 Metres (or uncompleted part thereof) £2.40

For each subsequent 220 Yards / 201.168 Metres (or uncompleted part thereof) 20p

Waiting Time

For each 1 minute of waiting time or uncompleted part thereof: 20p

Provided that where a hiring by distance terminates at the place at which it commenced, that rate of fare which the proprietor or driver shall be entitled to demand or take for the hiring shall be two-thirds of the rate of fare prescribed by the foregoing tables: 20p

Extra Charges

For each person in excess of one. (Only for the purposes of working out the fare shall two children between 3 and 10 years to count as one person and younger children are not to be reckoned). 20p

For each suitcase or pushchair over one. 20p

Where a hirer arranged by letter, telephone or otherwise with the proprietor or driver prior to the commencement of the hiring for the hire of the carriage to commence from a stated place other than a hackney carriage stand. £1

Tariff 2

For all journeys commencing between 22:30 and 06:00, Christmas and New Years Eve between the hours of 18:00 and midnight, and on bank and public holidays except Christmas Day and New Years Day.

For the first 880 Yards / 804.67 Metres (or uncompleted part thereof) £3.50

For each subsequent 220 Yards / 201.168 Metres (or uncompleted part thereof) 30p

Waiting Time: (Full details as above) 30p

Extra Charges: (Full details as above) 30p

Tariff 3

For all journeys commencing on Christmas Day, Boxing Day and New Years Day.

For the first 880 Yards / 804.67 Metres (or uncompleted part thereof) £4.80

For each subsequent 220 Yards / 201.168 Metres (or uncompleted part thereof) 40p

Waiting Time: (Full details as above) 40p

Extra Charges: (Full details as above)

40p

A charge may be made in respect of a passenger soiling a vehicle that results in that vehicle being withdrawn from service for any period of time – Such charge not to exceed

£50.00

These Fares are the Maximum charge and can be discounted at the Drivers discretion

