

NORTHUMBERLAND COUNTY COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

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1. Introduction

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Powers and Duties

Northumberland County Council (the Council) is responsible for exercising the licensing and associated functions relating to Hackney Carriage and Private Hire activities, the primary provisions of which are contained within the following Acts of parliament:

- **Town and Police Clauses Act 1847 (TPCA 1847)**
- **Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976)**
- **Transport Act 1985 (TA 1985)**
- **Deregulation Act 2015**

The power to control all private hire activities follows the adoption in July in 2009, by the Council of Part II of The Local Government (Miscellaneous Provisions) Act 1976, (as amended).

This document sets out the approach that the Council will take when exercising its discretion when making decisions about hackney and private hire licensing and associated matters.

The application of the Policy on a day to day basis will be the responsibility of the Public Protection Service who will be responsible for developing, implementing and keeping under review arrangements, including application and vehicle testing procedures, necessary to support the principles of the policy.

Where appropriate, reference may be made for the purposes of advice and guidance to the relevant legal provisions but the policy does not seek to set out the law relating to the licensing of hackney and private hire drivers, vehicles and operators.

Hackney Carriage and Private Hire Licensing

A hackney carriage is a public transport vehicle with no more than 8 passenger seats, which is licensed to 'ply for hire'. This means that it may stand at ranks or be hailed in the street by members of the public.

As a result of local government reorganisation in Northumberland, there are currently six
December 2015

hackney carriage zones that replicate the areas of the six former district councils (Alnwick, Berwick-upon-Tweed, Blyth Valley, Castle Morpeth, Tynedale and Wansbeck). A hackney carriage licensed to ply for hire in one zone may not ply for hire in another zone in Northumberland or elsewhere in the country.

Private hire vehicles must have no more than 8 passenger seats, must be booked in advance through a private hire operator and may not stand at ranks or ply for hire in the street.

Local authorities are responsible for the licensing of hackney carriage and private hire vehicles, drivers and private hire operators.

Hackney carriage and private hire vehicles play an important part in local public transport, providing a highly-flexible form of transport that can play an important role in improving accessibility. Hackney carriage and private hire vehicles are used by all social groups.

The primary purpose of local authority licensing of the hackney carriage and private hire trade is to protect the public.

The Council currently licenses approximately 1,300 vehicles.

Objectives

The objectives of this Policy are as follows:

- a) To protect the public and to safeguard children and vulnerable persons by:
 1. ensuring that hackney carriage and private hire vehicles are mechanically safe, clean and reliable.
 2. ensuring that drivers, proprietors and private hire operators are fit and proper persons.
 3. ensuring a system of local control.
- b) To encourage a “mixed” fleet of vehicles to meet the varying needs of those who use hackney carriage and private hire vehicles.
- c) To provide clarity to all relevant parties with respect to the Council’s expectations of license holders and applicants and the decision making process.
- d) To encourage environmental sustainability.
- e) To encourage high standards of service and competence in the hackney carriage and private hire trades.

This Policy shall apply to all applications and other areas connected to the following licenses:

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

This Policy shall also apply in respect of disciplinary and enforcement measures.

Methods

The methods to promote the objectives of the policy will include:

- Setting the standards for the licensing of drivers, vehicles and operators.
- The licensing and routine inspection of vehicles, with appropriate follow up action

- Routine inspection of insurance certificates, with appropriate follow-up action.
- The assessment of applicants for driver licences to ensure they are a “fit and proper” person and thereby entitled to hold a licence. This will include consideration of the person’s medical fitness, criminal and driving records (if any) and knowledge of the relevant law and the locality in which they wish to work.
- The assessment of applicants for private hire operator licences to ensure that they are “fit and proper” persons and thereby entitled to hold such a licence.
- Investigation of complaints with appropriate follow up action.
- Liaison with the Police and other agencies regarding issues of mutual concern in relation to offences or the conduct of licensees.
- Taking enforcement and/or disciplinary action which may include the pursuit of criminal prosecution; the giving of informal advice; the giving of verbal and written warnings, the administration of simple cautions; the issue of formal notices, suspensions or revocations of licences for breaches of legislation or conditions of licence.
- By imposing and monitoring conditions of licences.
- By monitoring compliance with Byelaws

When considering taking enforcement action the Council as Licensing Authority will have regard to the Regulators’ Compliance Code, Northumberland County Council’s Enforcement Policy and the Code for Crown Prosecutors.

Best practice Guidance

In formulating this Policy the Council has had regard to the best practice guidance issued by the Department for Transport and the Competition & Markets Authority.

Status

In carrying out its regulatory functions, the Council will have regard to legislation, case law, national guidance, this Policy and the objectives set out above.

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

In the event that any provision of this policy is, or becomes incompatible with any statutory provision, such provision of the policy shall be disregarded when determining any matter to which it relates.

Implementation and Review

This Policy will take effect from the 16 December 2016 for all applications. Where a person’s continued entitlement to hold a licence is affected by this policy this will be considered on an individual basis.

The Council will keep this Policy under review and will consult where appropriate on proposed revisions. A full review of the Policy will be conducted every three years from the date of effect above.

Upon implementation of this Policy, the Council requires licence holders to comply with its terms immediately unless specific provision as set out within the policy is made for transitional arrangements in respect of existing licenses.

From the date of adoption, unless a different effective date has been specifically stated, this Policy overrides and supersedes all existing and previous policies of similar effect in relation to private hire and hackney carriage licensing in Northumberland.

The Council may, in addition to undertaking a full review of the policy, undertake an earlier review of the full policy or areas of the policy as necessary to reflect any legislative or other changes relating to hackney carriage and private hire licensing prior to the three year review period.

Changes to the policy may have immediate effect or be expressed as coming into effect on a specified date. The Policy document will be regularly updated to reflect these changes and amended copies will be available on the Council's website at www.northumberland.gov.uk or from the Council's Licensing Team.

Area and Impact

The Council covers an area of 501,307 hectares and has a population of around 316,000 (Census info 2011). The area is made up of a mixture of urban areas, mainly situated in the South East of the County and rural areas, located, mainly, to the north and west. The towns and villages are spread around all areas of the County.

The late night economy of Northumberland is mainly centered around the major towns of Morpeth, Blyth, Ashington, Cramlington, Hexham, Berwick-upon-Tweed and Alnwick where a higher concentration of entertainment premises are to be found. Activity is also centered on smaller locations such as Rothbury, Wooler, Seahouses, Ponteland, Haydon Bridge and Bellingham.

The recognised and established reputation of Northumberland as a tourist destination also creates additional seasonal demand which is mainly focused on the Berwick and Alnwick area to the North and Hexham to the West.

The Council recognises and welcomes the contribution that the Hackney Carriage and Private Hire trade makes to the transport and tourism industry.

Partnership Working

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

- Local Hackney Carriage and Private Hire Trade
- Northumbria Police
- Local Multi-Agency Partnerships
- Planning authorities
- Local Transport authorities and committees
- Local residents
- Local businesses
- Disability Groups
- Service users and their representatives

Where appropriate, the Council will also seek to encourage the development of existing or formation of new local or countywide groups or agencies which it believes can similarly contribute to the promotion of the policy objectives.

Equality and Diversity

As an employer and service provider the Council is committed to ensuring equality in employment and service delivery. To achieve the above standard the Council will endeavor to comply with the duties and obligations under the following legislation:

- Sex Discrimination Act 1975
- Race Relations Act 1976/2000
- Disability Discrimination Act 1995/2005
- Human Rights Act 1998
- Equality Act 2010

Duties and obligations under Disability Discrimination Act 1995 (DDA)

Those who provide transport services with Hackney Carriages and Private Hire Vehicles are deemed to be providers of services to the public for the purposes of Part 3 DDA 1995.

A statutory Code of Practice: Provision and Use of Transport Vehicles - Supplement to Part 3 Code of Practice has been issued which provides guidance on specific issues (but should be read in conjunction with the Code of Practice for Part 3 of the Act: Rights of Access to Goods, Facilities, Services and Premises). Licensees should have regard to the code and ensure they operate in accordance with it.

Statutory codes are approved by Parliament and are admissible in proceedings under the Act and Courts must take them into account where relevant.

Following the guidance in the Code may help transport providers avoid adverse court judgments – it includes examples of good practice – but it is not a complete or authoritative statement of the law and is not a substitute for taking appropriate advice. Ultimately the Courts will provide authoritative interpretation of the Code.

The Equality and Human Rights Commission website also has a document available entitled "Avoiding Disability Discrimination in Transport: A Practical Guide for Taxi and Private Hire Services". Licensees are advised to read this guidance.

Where a disabled person believes they have been discriminated against contrary to Part 3 they can bring a claim against the transport provider in the County Court. The claimant may seek a declaration that they have been discriminated against, damages for injury to feelings, damages for financial loss, interest on damages, and/or an order that the service provider stops discriminating against them.

It is to be a condition of a vehicle licence that wheelchair accessible vehicles have the appropriate equipment so as to transport passengers in wheelchairs at all times. The licence for the vehicle may be suspended until such time as the council considers the vehicle is fit for purpose.

Licensed drivers are under a duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply for an exemption from the duty on medical grounds. A medical certificate must be provided at the driver's expense, from the driver's own GP stating the details of their medical condition. A register will be kept of those drivers who are exempted.

Persons who breach Disability Discrimination duties may be guilty of a criminal offence or commit a civil breach. Further information is available from the Equality and Human Rights Commission at www.equalityhumanrights.com.

Complaints Procedure

The Council recognises the high standards of the private hire and hackney carriage trade and expects all licence holders to uphold these standards at all times. However it is recognised that there may be occasions when transport users, members of the public, other members of the trade or others who may wish to make a complaint. In order to ensure that all complaints are dealt with in an honest, open and transparent manner all complaints will be managed and investigated in accordance with the Council's Complaints Procedure.

Should it be necessary to do so, those wishing to make a complaint who require assistance may be assisted by an appropriate officer.

The Council recognises that some complaints can be frivolous or vexatious and complaints of this nature will not be taken further.

Licensees are expected to assist Officer investigations and make themselves available for interview at a mutually convenient time and place.

2. Vehicles – Hackney Carriage and Private Hire

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Specifications for Hackney Carriage and Private Hire Vehicles

The Department for Transport Best Practice Guidance recommends that local licensing authorities should adopt the principle of specifying as many different types of vehicle as possible and further encourage the use of the “type approval” rules within any specifications they determine.

- European Whole Vehicle Type approval;
- British National Type approval; or
- Individual Vehicle Approval (IVA). (formerly a Single Vehicle Approval/ SVA)

As a guide, most large volume production vehicles produced in the UK and EU states after 1987 will satisfy British and/or European Whole Type Approval. Specialist vehicles or any vehicle that has been structurally modified, converted or imported from a non-EU State since its original manufacture will require separate IVA and/or Department for Transport approval and such documentation must be submitted in support of an application for hackney carriage or private hire vehicle licence.

Private Hire Vehicles

A private hire vehicle is a motor vehicle constructed or adapted to seat no more than 8 passengers which is provided for hire with the services of a driver for the purpose of carrying passengers. All hirings for a private hire vehicle must be pre-booked through a licensed private hire operator.

Any vehicle used as a private hire vehicle must be licensed under section 48(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 which requires the Council to be satisfied that any vehicle is:

- suitable in type, size and design for use as a private hire vehicle;

- not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- in a suitable mechanical condition;
- safe; and
- comfortable.

In addition to the statutory requirements as set out above, the Council has exercised its discretion and private hire vehicles must:

- Not be fitted with a roof sign of any description.
- The Council wishes to provide a means by which in accordance with the law private hire vehicles are not of an appearance to lead any person to believe that the vehicle is a hackney carriage, the Council has required all hackney carriages to have a roof sign of a particular size and design and prohibits private hire vehicles from having a roof sign of any description.
- Clearly display licence plates provided by the Council on the exterior of the rear of the vehicle, which must be securely attached to the vehicle by rivets, bolts or screws. Display a door decal supplied by the Council centrally on each of the front doors of the vehicle. The decals are to be securely fixed to the vehicle doors at all times.
- Display the vehicle licensing details internally within the vehicle in a form provided by the Council.
- If the vehicle is fitted with a meter, it must be properly tested and sealed and be of a type approved by the Council. Where the vehicle is fitted with an alternative device to calculate the fare, the applicant must satisfy the Council that the device meets the legal requirements in relation to taxi meters. A copy of the tariff must be provided to the Council.
- Permit any passenger to communicate with the driver either directly or by means of an approved communication system.
- Have a boot or load carrying area with adequate space for the safe and secure storage of luggage. In the case of a saloon or estate vehicle this shall not be within the passenger compartment and in all other cases shall not interfere with the safe access and egress of passengers. The minimum space required will be such as to allow a folded wheelchair to be carried.
- The seating capacity of the vehicle will be determined by the Council. Each individual seat must be a minimum of 400mm (16”) in width. Where the seating in the vehicle does not conform or for other reasons associated with comfort and safety of the passengers, the Council may reduce the permitted number of passengers which may be carried in the vehicle from that specified by the vehicle manufacturer.

The Council has also agreed additional vehicle conditions dealing with other matters which are attached at **Appendix A**.

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

Hackney Carriage Vehicles

A hackney carriage is a wheeled vehicle which may stand or ply for hire within the specific hackney carriage licensing zone for which it has been licensed to operate and has fixed upon it a “numbered plate” displaying the number of the vehicle licence. In addition a hackney

carriage may also undertake work on a pre-booked basis. The legal definition of a hackney carriage is contained in Section 37 of the Town Police Causes Act 1847. That definition was extended by section 4 of the Town Police Clauses Act 1889 to include “omnibuses”, as defined by section 3 of the 1889 Act.

There are currently six hackney carriage licensing zones in Northumberland and relevant byelaws, to control the conduct of both proprietors and drivers, apply to each one.

Whilst the law makes specific provision to allow a council to require that a hackney carriage be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage, no other requirements are specified.

The Council believes it is desirable to apply similar standards to those that are expected before granting a private hire vehicle licence and, to that end, all hackney carriages shall be:

- suitable in type, size and design for use as a hackney carriage
- in a suitable mechanical condition
- safe; and
- comfortable

In addition to the general requirements set out above, the Council has exercised its discretion and all hackney carriages must:

- Be fitted with a roof sign which complies with an approved specification in respect of size, colour, wording content and design. Details attached in Appendix B.
- Clearly display a licence plate provided by the Council on the exterior of the vehicle, which must be securely attached to the rear of the vehicle by rivets, bolts or screws.
- External licence plates will not be allowed to be fixed in any alternative location unless specific provision is made as part of the vehicle design.
- Fitted with a taxi meter of an approved type sealed to the satisfaction of the Council. Where the vehicle is fitted with an alternative device to calculate the fare, the applicant must satisfy the Council that the device meets the legal requirements in relation to taxi meters.
- Display a door decal supplied by the Council centrally on each of the front doors of the vehicle. The decals are to be securely fixed to the vehicle doors at all times
- Display the vehicle licensing details internally within the vehicle in a form provided by the Council.
- Permit any passenger to communicate with the driver either directly or by means of an approved communication system.
- Have adequate space for luggage/ folded wheelchair.
- The seating capacity of the vehicle will be determined by the Licensing Officer. Each individual seat must be a minimum of 400mm (16”) in width. Where the seating in the vehicle does not conform or for other reasons associated with comfort and safety of passengers the Council may reduce the permitted number of passengers which may be carried in the vehicle from that specified by the vehicle manufacturer.

Accessible Vehicles

Where an application is made for a new hackney carriage vehicle licence, the vehicle shall be suitable in type, size and construction to carry persons in wheelchairs.

Where a licence is in force for a wheelchair accessible vehicle, proprietors shall only be

permitted to replace the vehicle, with a vehicle that is suitable in type, size and construction to carry persons in wheelchairs.

The Council has also agreed additional vehicle conditions dealing with other matters which are attached at Appendix A.

Additional conditions may be attached to the grant of a licence as are considered reasonably necessary on an individual basis.

The Council is committed to meeting the needs of disabled people and will continue to consult and work with hackney carriage vehicle proprietors, disability organisations and appropriate stakeholders with the aim of producing an accessibility policy and suitable disability awareness training.

Insurance

There must be in force at all times in relation to the use of a hackney carriage or private hire vehicle an appropriate policy of insurance. This policy must be in place before a licence can be granted.

It is an offence to drive a vehicle without the appropriate insurance in place.

At any time during the term the vehicle is licensed an authorised officer of the Council may require the proprietor of the vehicle to produce evidence that the appropriate insurance remains in force. A failure by the proprietor to produce the certificate of insurance, within such timescale as may be specified by an authorised officer, is a criminal offence and could also result in the Council suspending or revoking the hackney carriage proprietor's licence or private hire vehicle licence, as may be the case.

Vehicle Livery and Advertisements

No advertisements including livery of a hackney carriage firm or private hire operator (shall be displayed on, in or from the vehicle without the prior approval of the Council.

1. No adverts shall be placed on, or sited so as to obscure any window, door decals or the rear licence plate.
2. No advert shall be of such an appearance so as to detract from, or be of a similar appearance to the door decals, the rear licence plate or emergency vehicle markings.
3. No advertisements of any type shall be placed on the roof or any other part of the vehicle unless specifically permitted by the main vehicle licence conditions.
4. Adverts shall not be of such an appearance to cause distraction to other road users by incorporating such things as fluorescent colours or 3D imagery or to be of a raised design.
5. No products or services, including internet services, that may be considered contrary to Council or national government policy for the preservation or improvement of health or well-being of the community, disreputable or offensive (i.e. tobacco products, alcoholic drinks, pornography, payday loans companies and telephone chat lines) shall be advertised on any licensed vehicles.
6. Applications shall be made to the Licensing Section and shall include the following information:
 - a) Name of applicant

- b) Home or business address of the applicant
 - c) Details of all vehicles (Plate No., Reg. No.), that are to display any adverts and in what position/s on each vehicle.
 - d) A full colour copy of the advert/s and a graphical representation of the advert/s on the vehicle.
7. Adverts that are not considered appropriate shall be referred to the Councils Licensing and Regulatory Committee for determination.

Details of Unsuitable Products and Services

Tobacco Products, Alcoholic Drinks, Pornography, Chat Lines, Payday Loans, Raised adverts of any nature.

Accident notification

In the event of an accident involving a licensed vehicle which causes damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of potential passengers, the proprietor shall notify the Council as soon as reasonably practicable. Under normal circumstances, the council would regard a notification made by no later than 5:00 pm the next working day to have been made as soon as reasonably practicable. In all cases, the proprietor is required by section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 to report details of the accident to the Council within 72 hours of the accident.

The proprietor must comply with any reasonable request to produce the vehicle for inspection at a specified location within the area of the Council so that its roadworthiness can be assessed.

Vehicle testing

All vehicles prior to being licensed must undergo and pass a mechanical inspection.

In order to ensure impartially, consistency, greater communication and to ensure public safety the Council has determined that all mechanical inspections shall be conducted at a Northumberland County Council Depot.

The Council shall be put in place alternative testing arrangements to address any unforeseen circumstances which make its facilities unavailable.

Berwick and Alnwick zone Hackney Carriages and Private Hire Vehicles, whose operators are based within those zones, may continue to use the existing approved testing stations until 1st April 2016.

The vehicle inspection will consist of a two part inspection which will comprise a mechanical examination and an inspection of the condition and fittings of the vehicle, to ensure that the vehicle conforms with the standard conditions attached to hackney carriage and private hire vehicle licences, as set out in the specifications for Hackney Carriage and Private Hire Vehicles set out at the beginning of this chapter and to the additional vehicle specifications set out in Appendix A. The purpose of the mechanical examination is to ensure that the vehicle is in a roadworthy condition and this will take the form of an MOT conducted in accordance with the requirements of VOSA for which an MOT certificate will be issued. The remainder of the inspection will be to ensure that the vehicle is both safe and comfortable and

suitable for transporting members of the public.

It is the proprietor's responsibility to ensure that a licensed vehicle is roadworthy and fit for hire and reward purposes at all times. This includes being in a clean and tidy condition.

All vehicles that are five years old and over or have a recorded mileage in excess of 200,000 miles will be subject to an annual interim mechanical examination. Those vehicles that are eight years old or older will be subject to two interim mechanical inspections each year.

Vehicle proprietors will be required to produce their vehicle for testing when requested. Any interim mechanical examination will be carried out at the proprietor's expense.

The Council believes that in order to ensure that vehicles which are used to transport the public are in a satisfactory mechanical condition that it is appropriate to require additional inspections in view of the high annual and combined mileage and use of private hire and hackney carriage vehicles.

Where a vehicle has been converted or modified so as to be capable of propulsion otherwise than with petrol or diesel fuel, evidence must be produced to satisfy the Council that the conversion has been carried out, and subsequently tested at the recommended frequency, by a converter of vehicles who is listed as an approved supplier in relation to vehicles of the type in question in the PowerShift Register or the CleanUp Register maintained by the Energy Saving Trust; or in a register maintained in an EEA State by a body equivalent to the Energy Saving Trust for the purposes similar to those for which the PowerShift and CleanUp Registers are maintained.

Application Requirements

The following original documents are required when applying for a vehicle licence:

- Application form
- Vehicle test certificates (MOT and certificate confirming that the vehicle conforms with the standard conditions attached to hackney carriage and private hire vehicle licences, as set out in the specifications for Hackney Carriage and Private Hire Vehicles set out at the beginning of this chapter and to the additional vehicle specifications set out in Appendix A)
- Vehicle registration document in applicant's name (or proof of purchase identifying applicant as purchaser if newly purchased vehicle).
- Appropriate valid certificate of motor insurance for date of intended business use
- Intended Use Form (Applications for Hackney Carriage Proprietors licence only)
- Meter calibration certificate (All hackney carriages and private hire vehicles with meters fitted)

The applicant must also ensure payment of the relevant fee.

All applications for the renewal of licences must be made in advance of expiry of the current licence expiry date to allow for the application to be processed. Failure to do so may result in the vehicle not being licensed.

Applications will not be considered valid unless they contain all the relevant documentation as stated above. Where valid applications are not received for the renewal of a licence before the expiry date of the licence, the licence will not be renewed. The applicant will be required

to apply for a new licence.

NOTE – The Council will not be responsible for any documents which may be lost in the post.

Change of address

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

Transfer of interest

The proprietor shall notify the Council in writing, giving the name and address of the new proprietor, within 14 days if the interest in the vehicle is transferred to another person not currently named on the licence.

If the interest is transferred to a person currently named on the licence the Council should be advised to remove the outgoing proprietor.

Stretched Limousines

A stretched limousine is a luxury saloon car with a lengthened wheelbase and an extended chassis.

The Council recognises the role stretched limousines have to play in the private hire trade to meet a public demand and as such they come under the licensing system and the controls that this will allow. The Council, however, has not developed a separate licensing regime for such vehicles but has adopted a broad vehicle specification that permits the licensing of such vehicles. Please see the specification set out above for all vehicles set out at the beginning of this chapter and to the additional vehicle specifications set out in Appendix A.

As most stretched limousines are imported from the United States of America, they do not have EU type approval and shall not be licensed unless they have passed an Individual Vehicle Approval (IVA), formerly a Single Vehicle Approval (SVA) test. An IVA test ensures that an individual vehicle meets modern safety and environmental standards before it is allowed to be used on public roads in the United Kingdom.

The Council has no objection to licensing stretched limousines that are safe and fit for the road. Whilst the Council will licence left hand drive stretched limousines, it will only permit such a vehicle to be driven by a licensed private hire driver who proves to the satisfaction of the Council that they are capable of safely driving and maneuvering such a vehicle. By way of examples, the following are likely to be regarded as competent to drive such a vehicle: (i) a driver who has previously driven heavy goods vehicles (HGVs) on the continent and can prove that; and (ii) a driver who can prove they passed the DSA Taxi and Private Hire Vehicle driving test when driving a left hand drive, stretched limousine.

Executive Hire Private Hire Vehicles

Private hire vehicles used solely for executive hire can be exempted under Section 75 (3) Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate and the driver from wearing a driver's badge.

Any proprietor of a licensed private hire vehicle wishing to apply for this exemption should be engaged solely in the provision of an executive hire service. The applicant must satisfy the

Council that the specification of the vehicle and the overall level of service provision constitutes an executive hire service. This is initially done by way of submission of a business plan and interview with the Licensing Officer.

Please see **Appendix G** for standard conditions attached to any exemption granted to the holder of a private hire vehicle licence from displaying the exterior licence plate on a licensed vehicle.

Applications for an exemption from the requirement to display a licence plate must be made in writing.

If granted, an Exemption Notice will be issued to the proprietor. The Exemption Notice shall not be granted for a period of more than one year and shall expire upon the expiry of the private hire vehicle licence.

The Exemption Notice is granted subject to the licensed private hire vehicle being operated in accordance with standard conditions attached at **Appendix G** and any additional conditions. Failure to comply with these conditions may result in the withdrawal of the Exemption Notice. The private hire operator, proprietor and driver operating under the provisions of an executive Exemption Notice, remain subject to the statutory requirements of the Local Government (Miscellaneous Provisions) Act 1976 and to their respective licences.

CCTV in Vehicles

The Department for Transport (DfT) Draft Best Practice Guidance recommends licensing authorities look sympathetically on or even actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for drivers and passengers.

All vehicles that are to be licensed for the first time as a private hire vehicle or a hackney carriage after 1st April 2018 shall be fitted with a CCTV system.

Any vehicle fitted with CCTV must display a sign approved by the Licensing Service advising passengers that a CCTV system is in operation in the vehicle. Recordings and images from the CCTV system shall be made available within a reasonable time of a request from an Officer of Northumberland County Council or a Police Constable.

Where CCTV is in place it shall be in working order when passengers are being carried. The CCTV system shall be maintained to the manufacturer's standards.

Where CCTV devices are installed, the proprietor must register their use of a CCTV system with the Office of the Information Commissioner in accordance with the requirements of the Data Protection Act 1998. Further information, including that relating to the relevant Codes of Practice, guidance and the requirements for a written policy relating to the use and operation of the equipment and the management and retention of all recordings is available on the Home Office website at <http://scienceandresearch.homeoffice.gov.uk/hosfdb/cctv-imaging-technology/CCTV-and-imaging-publications> and on the Information Commissioner's Office website at www.ico.gov.uk. Proprietors are reminded that their policy should make provision for the viewing of images by a police constable and/or an authorised officer of the council on request, as well as providing for the proprietor to voluntarily disclose images to the police or the council as evidence of the commission of a criminal offence by another and/or in

respect of any complaint that may be made against the driver. Any failure to comply with a request by a police officer may be reported to the Council and will be subject to investigation as a complaint in accordance with the procedure set out above.

Environmental Considerations

The DfT guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

Hackney carriages and private hire vehicles are an essential form of transport in the Council area. Many people depend on such vehicles for trips that buses or cars are incapable of making. They are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the County. It is, however, clearly important that emissions from hackney carriage and private hire vehicles are reduced as far as possible.

It is therefore considered that efforts should be made to improve, as far as possible, the efficiency of vehicles licensed in Northumberland, in particular by reducing the levels of CO₂ emitted. The Council will license vehicles manufactured or converted to Liquid Petroleum Gas (LPG) propulsion, subject to them meeting the Council's standard vehicle specification and the LPG system being inspected and passed by an approved converter. For full details of the requirements for conversion and inspection, please see the 'Dual Fuel Conversions' section below and the 'Vehicle Testing' section above. Vehicles must, however, still have adequate luggage capacity 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. The Council will monitor environmental issues relating to emissions from vehicles and give consideration to whether, in the interests of the environment, higher emissions standards should be introduced for all licensed vehicles and, in particular, whether it would be appropriate to shorten the period of time from when new standards are introduced to when full fleet compliance with those standards is achieved. Any introduction of emissions standards will be phased, to safeguard the livelihood of businesses.

This would mean, not only following the adoption dates for Euro standards, but also introducing strict retirement dates for vehicles that fail to meet the latest standards.

All vehicles licensed by the Council shall meet the following requirements:

- a) **The Euro IV Technology standard in respect of passenger cars.**
- b) **The Euro III Technology standard in respect of light commercial vehicles.**

These standards, subject to the exemption set out below, will be applied to all applications including renewal applications.

From 1st April 2017 all new vehicles licensed by the Council shall meet the following requirements:

- a) **The Euro V Technology standard in respect of passenger cars.**
- b) **The Euro IV Technology standard in respect of light commercial vehicles.**

Existing licensed vehicles will be allowed to remain licensed until such time as the existing

vehicle is no longer licensed or the ownership is transferred to another proprietor.

Exemption – The Council may exercise its discretion and waive the requirement for Euro standard compliance in those circumstances where the vehicle may be deemed “prestigious” and it is not intended to be used for everyday routine private hire and reward. It is not intended to produce or specifically define what may be regarded as a “prestigious” vehicle but in all cases the Council will have regard to the manufacturer, age, specification, historical value, uniqueness and any other factors as deemed appropriate.

Alternative Fuel Vehicles

Vehicles using alternative fuel will be considered for licensing on an individual basis.

3. Drivers

Contents

- Licences
- Experience
- Driver Knowledge
- Criminal Records Check
- Applicants who have spent time abroad
 - Right to work in the UK
- Relevance of Convictions and Cautions
- Medical Assessment
- Application Requirements
 - New Applications
 - Renewals
 - Applications – General Requirements
- Term of Licence

Licences

The Council administers the following driver licences:

- Private hire vehicle driver
- Hackney carriage driver

Licences are issued subject to the Council being satisfied the applicant is a “fit and proper” person to hold a driver’s licence and that an applicant has been entitled to drive a motor car for at least 12 months. It is for the applicant to demonstrate this to the satisfaction of the Council as the Council is under a duty to establish that each applicant is “fit and proper”. The Council, in addition to the statutory requirements set out above has exercised its discretion and all applicants are subject to additional requirements which are set out below.

As the statutory requirements, practical criteria and qualifications for each type of licence are broadly similar this chapter applies to all driver licences unless the contrary is expressly stated in this policy.

Experience

A licence will not be granted to anyone who has not held a full UK, EU or equivalent licence entitling them to drive a motor car for at least 12 months immediately preceding the date of their application for a hackney carriage or private hire vehicle driver’s licence.

Those drivers who have held such a licence for four years or less will be required to provide additional evidence to the Council to satisfy it that they are experienced, safe and competent drivers. This may be done by providing evidence to show that they have passed the DSA hackney carriage and private hire assessment test, an advanced driving test with the institute of Advanced Motorists (IAM) or the Royal Society for the Prevention of Accidents Advanced Drivers Association (RoADA), or such other equivalent assessment of their drivers.

Anyone wishing to drive a left hand drive, stretched limousine will have to satisfy the Council that they are experienced and competent to safely drive such a vehicle.

Driver Knowledge

In order to determine the fitness of a person to hold a licence, all new applicants are required to pass a test demonstrating their knowledge of licensing legislation and the Highway Code.

The Council believes that where an individual wishes to act as a private hire or hackney carriage driver they should be able to demonstrate knowledge of the relevant laws and requirements relating to their intended occupation.

Applicants for hackney carriage drivers will also be required to undertake and pass a locality knowledge test relevant to the zone where they intend to operate. In addition, where concern has been expressed regarding an existing driver's local knowledge they may be required to carry out the test on renewal of their licence.

No driver's licence will be issued without the applicant first gaining a knowledge, and as appropriate, locality test pass certificate. This certificate will stand for future renewals. If a driver does not renew their licence and 6 months lapses before re-applying a new test certificate will be required.

No driver's licence will be issued unless the applicant has completed training prescribed by the Council in awareness of child and adult sexual exploitation.

All existing holders, including those that may be subject to renewal, of hackney carriage and private hire vehicle driver's licences **shall**, on or before the **1st March 2016**, undertake and complete awareness training in child and adult sexual exploitation as prescribed or recognised by the Council in consultation with the Northumberland Safeguarding Children Board.

In those circumstances where a licensed driver fails to undertake awareness training in accordance with this policy and provide appropriate proof of completion, consideration will be given to suspending the licence under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Section 61

All new applicants for hackney carriage and private hire vehicle drivers licenses, **shall**, have undertaken and completed awareness training in child and adult sexual exploitation as prescribed or recognised by the Council in consultation with the Northumberland Safeguarding Children Board, on or before the **1st March 2016** or, for applications received on or after the **1st January 2016** prior to the licence being granted.

Until such time as the awareness training has been undertaken in accordance with this policy

and appropriate proof of evidence has been provided to the council, the application will not be considered to have been duly made and will not be processed.

The Council believes that all existing licensed drivers and those seeking hackney carriage and private hire driver's licences can play a vital role in the protection and safeguarding of vulnerable children and adults. To that end, all licensed drivers should be able to demonstrate an awareness and understanding of the issues associated with child and adult sexual exploitation. To assist the council in its aim of protecting and safeguarding vulnerable children and adults, it will work with the Northumberland Safeguarding Adult Board and Adult Safeguarding Board to develop and deliver appropriate awareness training. It shall be a condition of a hackney carriage proprietors licence for a wheelchair accessible vehicle, that the proprietor shall ensure at all times that the vehicle is driven by a "competent person" who has received "suitable and sufficient" training in the correct operation and use of any ramps, lifting equipment, fixings or other equipment designed to assist with the access and egress of passengers using wheelchairs or their comfort and safety when being transported in the vehicle.

Criminal Records Check

A criminal record check on a driver is an important safety measure for all drivers. An Enhanced Disclosure through the Disclosure & Barring Service (DBS) provides details of live and spent convictions, police cautions and intelligence and other information.

Applicants should be aware that The Rehabilitation of Offenders Act 1974 as amended identifies the occupations of hackney carriage driver and private hire drivers as "exempt" occupations. The effect of which is that convictions are never "spent", irrespective of the date of the conviction/caution or the nature of the offence, and therefore they will always be disclosed as part of the application process.

The Council is a Registered Body entitled to request, receive and process information disclosed by the DBS in respect of an applicant for a hackney carriage or private hire vehicle driver's licence. Applicants for driver's licences should note that requests for a Disclosure can take 6-9 weeks, but may take longer. The Council has no control over the time taken by the DBS and the police to provide an Enhanced DBS Disclosure and is unable to influence the DBS or the police in such matters.

Whilst part of the application procedure is not a matter for this policy it is proposed that all applicants for new licences will be required to attend an interview as part of the initial application process and for completion of the application for a DBS Disclosure. This requirement may be waived when seeking to renew a licence.

Applicants who have spent time abroad

All applicants, even those who have only recently become a resident in the UK must apply for an Enhanced DBS Disclosure.

Where an applicant has been continuously absent from the United Kingdom and Channel Islands for 3 months or more, an enhanced DBS disclosure in itself will usually be insufficient to satisfy the Council that the applicant is a fit and proper person, as the DBS does not routinely provide criminal record information from non-UK countries. In such circumstances an applicant will be required to provide a Certificate of Good Conduct or equivalent document from each country where they have been resident/domiciled for a continuous period of 3 months or more. If such certificate(s) are not written in English, the applicant will have to provide the original document, together with a certified English translation of that document.

Where such documents are not readily available it will be the responsibility of the applicant to demonstrate to the satisfaction of the Council that they are of good character and a “fit and proper person”.

A Certificate of Good Conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to the good conduct and/or to any criminal convictions recorded against the named individual.

The applicant may submit additional information with the application e.g. verifiable references from former employers and/or persons in positions of trust, which may demonstrate that they are a fit and proper person.

The Council may exercise its powers under section 57 of the Local Government (Miscellaneous Provisions) Act 1976 to make such requests of the applicant for such further additional information as it may reasonably consider necessary to enable it to make a proper determination of the application.

The Council’s Business Compliance & Public Safety Manager or the Licensing Manager or another nominated officer may determine such applications or refer them to the Licensing and Regulatory Committee for determination.

Right to work in the UK

The Council notes that the Department for Transport considers it best practice for councils to check on an applicant’s right to work, before granting a hackney carriage or private hire vehicle driver’s licence. Therefore, all currently licensed drivers will be required to produce documentary proof of their right to work in the UK when they next apply to renew their current driver’s licence. Anyone applying for a new licence will be required to produce documentary proof of their right to work in the UK.

If the Council is in any doubt as to a person’s right to work (or to be) in the UK, the Council will notify the Border and Immigration Agency of its concerns; and can obtain case specific immigration status information from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY (telephone: 020 8196 3011).

Relevance of Convictions, Cautions and Conduct

In assessing whether an applicant is a fit and proper person to hold a licence, the Council will

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consider each case on its own merits. Guidance has been produced concerning the relevance of convictions and cautions which is attached at **Appendix E**.

Medical Assessment

Upon an initial application for a driver's licence the Council shall require an applicant to provide a Medical Certificate. This must be completed by the applicant's own GP (or a GP within the same medical practice) or a registered medical practitioner with access to the applicant's full medical history. The applicant is responsible for paying all fees associated with and completion of the Medical Certificate. If the GP considers it necessary or desirable they may return the completed Medical Certificate direct to the Council's Licensing Section.

The Council will not normally require an additional full medical assessment for applicants that hold a valid entitlement to hold a PCV (Passenger Carrying Vehicle) or HGV (Heavy Goods Vehicle) recorded on their DVLA or EU driving licence. The applicant should provide a copy of their last DVLA medical. Where the assessment was not carried out by their own GP (or a GP within the same medical practice) or a registered medical practitioner with access to the applicant's full medical history they should provide additional evidence confirming that the information contained in the report is correct.

The medical fitness of drivers will be assessed against the DVLA Group 2 Medical Standard of Fitness. The Council are aware that Group 2 standards do not specifically apply to hackney and private hire drivers but believe it is appropriate for them to be applied in view of the length of time drivers may work and the enhanced mileage covered and the need to protect the safety of the public who use hackney carriage and private hire vehicles. This is also reflected in the current best practice advice contained in the booklet "Fitness to Drive: A Guide for Health Professionals" published on behalf of the Department by The Royal Society of Medicine Press Limited (RSM) in 2006. This recommended that the group 2 medical standards applied by DVLA in relation to bus and lorry drivers should also be applied by local authorities to taxi drivers. If an applicant is insulin dependent, the exceptional circumstances under which DVLA will consider granting licenses for vehicles over 3.5 tonnes or with more than 8 passenger seats as set out in Annex C of the Taxi and Private Hire Vehicle Licensing Best Practice Guidance issued by the Department of Transport in February 2010 will be considered.

At 45 years of age, applicants wishing to renew a hackney carriage and/or private hire vehicle drivers licence, further Medical Certificates (completed on the same terms as those for new licences) will be required every five years, e.g. at the age of 45, 50, 55, 60 and 65 years. From 65 years of age a medical is required at every annual renewal thereafter.

If the renewal date falls no more than 3 months before the relevant birthday, the medical certificate must be presented at the time of renewal. If the birthday falls 4-11 months after renewal, it should be presented at the following renewal date.

Where a medical certificate is not required for the renewal the applicant must submit a medical declaration form.

Application Requirements

New Applications

The application is a two part process.

Part 1 – Knowledge Test

- Knowledge test application form
- Child and adult sexual exploitation awareness training application form unless applicant has previously undertaken and completed training as prescribed or recognised by the council

The application must also be accompanied by the relevant knowledge test fees relating to:

- licensing legislation and the highway code
- locality
- child and adult sexual exploitation

Part 2 – Application for licence

The following documents are required as part of an application for a **new** licence:

- Application form signed by the applicant;
- Medical Certificate(see above section regarding medical certificates);
- Disclosure & Barring Service application form together with original documentation to prove the applicant's identity in accordance with the requirements of the DBS;
- Certificate of Good Conduct or other similar document and, if necessary, a certified English translation of it, from every country outside of the UK and Channel Islands in which the applicant has been for a continuous period of 3 months or more;
- Knowledge Test pass certificate;
- Driving Licence;
- Mandate, signed by the applicant, allowing the Council to verify their driving records with the DVLA on application and at any time within the following 3 years, so long as their application has not been refused or, if they are granted a licence, until they cease to be licensed by the Council; and
- Payment of the relevant fee for the grant of the licence, together with payment for any other costs, such as the DBS Disclosure.
- *Proof of completion of awareness training in child and adult sexual exploitation as prescribed or recognised by the council.*

Please note that all documents should be dated within a three month period of the application date, with the exception of driving licence, passport and similar ID documentation.

The application must be accompanied by the relevant fee for the licence and any other costs including the DBS Disclosure, DVLA mandate or equivalent.

NOTE – The Council will not be responsible for any documents which may be lost in the post.

An application will not be accepted until the knowledge test has been taken and passed and a Medical Certificate and a DBS check have been received. Any applications which appear to be incomplete shall be returned to the applicant.

If an application is withdrawn or refused, the Council will refund the fee associated with the issue and administration of the licence and any sums paid to it for costs, if those costs have not already been incurred by it. For example, the DBS fee is payable as soon as the disclosure request is received by the DBS.

Renewals

Applications to renew a licence must be received by the Council prior to the expiry date of the current licence.

The following documents are required as part of an application for the **renewal** of a licence:

- Application form signed by the applicant;
- Medical Certificate Form/ Medical self declaration (see above section regarding medical certificates);
- Disclosure & Barring Service application form, together with original documentation to prove the applicant's identity in accordance with the requirements of the DBS;
- Certificate of Good Conduct or other similar document and, if necessary, a certified English translation of it, from every country outside of the UK and Channel Islands in which the applicant has been for a continuous period of 3 months since the date of the applicant's last application for a driver's licence;
- Driving licence Mandate, signed by the applicant, allowing the Council to verify their driving records with the DVLA, if the third anniversary of their last mandate shall occur before the expiry of the licence that the applicant is applying to be granted on renewal; and
- Payment of the relevant fee for the grant of the licence, together with payment for any other costs.
- Proof of completion of awareness training in child and adult sexual exploitation as prescribed or recognised by the council.

NOTE – The Council will not be responsible for any documents which may be lost in the post.

If an application is withdrawn or refused, the Council will refund the fee associated with the issue and administration of the licence and any sums paid to it for costs, if those costs have not already been incurred by it. For example, the DBS fee is payable as soon as the disclosure request is received by the DBS.

The Council will not accept an application for the renewal of a driver's licence more than two calendar months before the date on which the current licence is to expire, because a premature application increase the likelihood of the Council determining whether a person remains a "fit and proper" person on information that is not up-to-date at the time of the renewal of their licence. The Council does, however, encourage anyone wishing to apply to renew their licence to do so at least 28 days before the expiry of their existing licence. Whilst the Council may choose to send drivers a 'reminder' that their licence is shortly to expire, it is the driver upon whom the legal responsibility rests to ensure their licence is current. Any person who drives a hackney carriage or private hire vehicle without a valid and appropriate licence commits a criminal offence.

If a complete application for renewal is not received by the Council, together with the relevant fee(s) and accompanying documentation before the expiry of an existing licence, the driver **MUST NOT** continue to drive after the expiry of their licence; and will commit a criminal

offence if they do so.

The Council needs to be satisfied that the applicant continues to be a “fit and proper” person and would wish to have access to the DBS Disclosure before granting the licence.

Renewal applications will be processed and a driver’s licence issued pending any required enhanced DBS check unless the Council has reasonable grounds for concern. In this situation the renewal will not be granted until or unless these concerns have been resolved.

If details of new convictions or pending charges are received during the renewal process the application to renew will be determined according to this Policy.

Applications – General Requirements

All applicants are required to complete the Council’s application form and declaration. The declaration requests details of any time spent abroad and any convictions or cautions imposed in the UK or abroad. As the occupations of hackney carriage driver and private hire vehicle driver are “exempt” occupations under the terms of The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended), an applicant for a driver’s licence must disclose all criminal convictions, including those that would otherwise be regarded as being “spent” convictions; and must also provide details of any cautions they have received. Applicants are reminded that it is an offence to knowingly or recklessly make a false statement or to omit information required by the Council (section 57 of the Local Government (Miscellaneous Provisions) Act 1976).

If details of any convictions or cautions is disclosed by the DBS that were not disclosed by the applicant in their signed declaration form the Council will take any action it considers appropriate which may result in the application being refused or if licensed the licence being suspended or revoked; and they may be prosecuted under the provisions of section 57 of the 1976 Act, as stated above.

Applicants are required to have an enhanced level disclosure criminal record check from the Disclosure & Barring Service on an annual basis.

If convictions, cautions or other information is disclosed, the Council or nominated officer will make a decision as to their relevance. The Council may require further information from the Police, Crown Prosecution Service or other agencies prior to making a decision. If the information received is deemed relevant according to this Policy an application may be refused or a licence suspended or revoked.

The Business Compliance & Public Safety Manager or another nominated officer may at any time refer a decision to renew a drivers’ licence to the Licensing and Regulatory Committee.

If a licence is refused, suspended or revoked, the decision and the reasons for the decision will be notified in writing to the applicant/licence holder within fourteen days of the decision and the applicant/licence holder will be given notice of their right to appeal.

All drivers will be issued with two badges which shall include their name, licence number, the expiry date and a photograph of the licence holder. One badge must be worn at all times when the driver is working and drivers should display the other badge in the vehicle where it is clearly visible to passengers.

Lost or damaged badges must be notified to the licensing Section by the end of the next working day. A fee will be charged for each replacement badge.

Term of Licence

Driver licences may be granted for a period of up to three years but may where the Council considers it appropriate may grant for shorter periods.

A list of the circumstances where it may not be considered appropriate to licence drivers for the full 3 year period is as follows:

- a. Drivers newly licensed by NCC;
- b. A renewal applicant who has accumulated 9 penalty points on their DVLA licence;
- c. A renewal applicant who does not sign up for and continue to subscribe to the Disclosure & Barring update service;
- d. A renewal applicant who has been to committee before their licence was renewed;
- e. A renewal applicant where there are medical reasons to grant a shorter duration licence; and
- f. Any other reasonable cause.

Where it is not considered appropriate to licence an applicant or driver for three years they may be licenced for one year initially, for two years on renewal and for three years on second renewal providing that they are no longer caught by one of the circumstances outlined in a-f above.

Drivers eligible to apply for a three year licence may apply for a licence of shorter duration.

Licences issued by other licensing authorities

Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

Licensees who are licensed by multiple authorities are expected to inform all such authorities of the authorities that they are licensed by and to advise each authority of any changes in this respect; and should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

Once a licence has been granted.

In order to promote the objectives as regards hackney carriage and private hire licensing, a Code of Good Conduct for licence holders has been produced and is attached as Appendix I.

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

A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have

immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

Where a drivers licence has been revoked on information that later proves to be inaccurate and there are no longer concerns relating to the fitness and propriety of the person, consideration shall be given to relicensing the person following a fast tracked application process. The applicant will be required to complete the standard application procedure but may be licensed pending the receipt of the DBS certificate.

Conditions of Licence for Private Hire Vehicle Drivers

The conditions are set out at **Appendix C**.

4. Private Hire Operators

Contents

- Requirements and obligations
- Criminal Record Checks
- Conditions
- Insurance
- Planning Consent
- Application Procedure
- Term of Licences
- Address from which an operator may operate
- Record Keeping
- Change of Address
- Convictions/Cautions
- Complaints

Requirements and obligations

Any person who wishes to operate one or more private hire vehicles must not do so unless the Council grants to them a private hire operator's licence.

The objective in licensing private hire operators is to ensure the protection of the public who may be using the operator's premises and will be using vehicles and drivers arranged through them.

A private hire vehicle may only be dispatched to a customer by a person or company that 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 dispatched by him/her is licensed and driven by a person who holds a private hire vehicle driver's licence. All three licences (operator, vehicle and driver) must be issued by the same licensing authority. It is a criminal offence to operate a private hire vehicle without an operator's licence.

Operators need to familiarise themselves with the law and ensure they employ suitable work methods in order to comply with the law and avoid committing licensing offences.

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.

Criminal Record Checks

Private hire operator's licences will only be granted to persons that the Council are satisfied are fit and proper people. Before an application for a private hire operator's licence will be considered the applicant must provide a current Basic Disclosure of criminal convictions. If the applicant is currently licensed as a driver with this Council they will be exempt from this requirement. Applicants can obtain a basic disclosure of conviction from disclosure Scotland. www.disclosureScotland.co.uk/

Any concerns highlighted during this process will be carefully considered and may be referred to a Sub-committee of the Licensing and Regulatory Committee for determination of the

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application.

Conditions

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

Appendix F sets out the standard conditions to be attached to an operator's licence which cover the standards of service expected.

Insurance

Applicants are advised to ensure that the appropriate public liability insurance has been taken out for any premises the operator has open to the public.

Planning Consent

It is the applicants responsibility to establish the need or otherwise for planning consent. If required it is their responsibility to seek the appropriate consent with the relevant planning authority.

If the planning consent is time restricted it is the operators responsibility to ensure that a new permission is applied for prior to the current planning permission expiring.

Application Procedure

The following documents are required when applying for a licence:

- Application form
- Basic disclosure of criminal convictions certificate (if not currently licensed as a driver)

The application must be accompanied by the relevant fee for the licence and any costs associated with the application.

Term of Licence

Every licence granted under this section shall remain in force for five years unless one of the circumstances listed below applies.

A list of the circumstances where it may not be considered appropriate to licence operators of private hire vehicles for the full 5 year period is as follows:

- a. Operators newly licensed by the Council;
- b. A renewal applicant who does not sign up for and continue to subscribe to the Disclosure & Barring update service;
- c. A renewal applicant who has been to committee before their licence was renewed;
- d. Any other reasonable cause.

Where it is not considered appropriate to licence an applicant or operator for five years they may be licenced for one year initially, for two years on renewal and for five years on second renewal providing that they none of the circumstances outlined in a-d above still applies.

Operators who are eligible to apply for a five year licence may apply for a licence of shorter duration.

Address from which an Operator may operate

Upon grant of an operator's licence the Operators Licence will specify the address from which the operator may operate. The premises should under normal circumstances be located in Northumberland.

If an operator wishes to change the premises from which they operate they must apply to the Council for a new licence for the new premises, before they commence trading from those new premises.

Record Keeping

Operators are required to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare agreed at the time of booking. Full details of those records to be kept and the periods for which they must be kept are attached at **Appendix F**.

Records should be preserved for a period of not less than 2 years and be available for inspection at the request of an Officer of the Council or a Police Constable.

Change of Home Address

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

Convictions/Cautions

The operator shall notify to the Council within 7 days in writing of any conviction/caution he/she receives during the term of the licence.

Complaints

Operators must advise the Council within 7 days of any complaints received concerning a contract for hire or purported contract for hire relating to or arising from his/her business and the action if any that the operator has taken or proposes to take. These details may be kept on file.

5. Non-Motorised Hackney Carriages

Drivers

Those persons wishing to apply for a licence to solely drive a non-motorised hackney carriage will on successful application be issued a joint hackney carriage and private hire driver's licence, a specific condition of which is that the driver may only drive a non motorised vehicle (i.e. a horse drawn carriage or rickshaw) and no other type of licensed vehicle.

Applicants will be required to prove they are fit and proper persons and the application procedure will be the same as for drivers of motorised hackney carriages. A licence to drive a non-motorised hackney carriage will not be granted to a person who is under 18 years of age.

The driver of a rickshaw will not be required to provide specific evidence of his/her competence to drive a rickshaw, the fact that the driver holds a DVLA driving licence shall be deemed to be sufficient.

Where the application relates to a horse-drawn vehicle, drivers must produce evidence to the authority that they are competent to drive horses in harness. Certification to British Driving Society (BDS) Code of Practice for Drivers of Horse Drawn Vehicles Working on the Public Highway is required for new drivers. The Council may consider alternative qualifications that are the equivalent standard. Any expense involved in producing such certification shall be met by the applicant or licence holder.

The following conditions shall be attached to driver licences:

1. Those persons granted a licence to solely drive a non-motorised hackney carriage are issued a joint hackney carriage and private hire driver's licence, a specific condition of which is that the driver may only drive a non-motorised vehicle (i.e. a horse drawn carriage, rickshaw or trishaw) and no other type of licensed vehicle.
2. The Licence holder shall be responsible for the safe handling and proper care of the horses employed in the operation of the licensed vehicle.
3. The Licence holder shall be responsible, when in charge of the vehicle, for the collection and satisfactory hygienic disposal of horse droppings, as soon as reasonably practicable after the droppings have been deposited.
4. Any change in the physical condition of the horse must be notified in writing to the Licensing Team.
5. The licence holder shall not while standing, plying or driving for hire, drive or allow to be driven, or harness or allow to be harnessed to the carriage any animal in such condition so as to expose any person conveyed or being in such carriage, or any person traversing any street, to risk or injury.
6. The licence holder shall ensure that every part of the harness of the horse or horses is kept in order, so that the horse or horses are properly and securely attached to the carriage and under due control at all times when the horse(s) and carriage are in any public place.
7. Licence holders shall examine the horse/s, harness and carriage carefully at the start of each day's work and assure themselves that everything is in good condition and in proper order.
8. Licence holders shall not, in any street, feed or allow to be fed any horse harnessed or otherwise attached to such carriage, except with food contained in a proper bag or

- other receptacle suspended from the head of such horse, or from the centre pole of the carriage, or with food from the hand of the person feeding such horse.
9. Where the application relates to a horse-drawn vehicle, drivers must produce evidence to the authority that they are competent to drive horses in harness. Certification to British Driving Society (BDS) level 3 Road Driving Safety Qualification for Pairs and Singles is required. For grooms the standard is BDS level 2 Unit Certificates for the Harness Horse Groom. The Council will consider alternative qualifications that are to the equivalent standard. Any expense involved in producing such certification shall be met by the applicant or licence holder. Conditions relevant to Licensed Non-Motorised Vehicles.
 10. The proprietor shall, report to the Licensing Team as soon as possible, or in any event within 72 hours, any accident involving a non-motorised hackney carriage in their control.
 11. The proprietor shall keep in force a policy of insurance appropriate to a carriage used for public hire and covering third party liability both in respect of physical injury or death AND in respect of damage to personal belongings. A minimum sum of £2million is required. A valid copy of the insurance certificate or cover note shall be produced on application and shall be carried in the carriage at all times and shall be produced to an authorised Officer of the Council or a Police Constable for inspection whenever required.
 12. The proprietor shall notify the Licensing Team in writing of any alteration that is proposed to be made to any part of the vehicle, before such alteration is carried out.
 13. The vehicle shall be kept in good order, the inside and outside clean and braking machinery efficient.
 14. The seats of the vehicle shall be properly cushioned or covered; fittings and furniture shall be kept clean and adequate for the convenience of persons travelling in the vehicle.
 15. The official licence plate, issued by the Licensing Authority, must be affixed to the rear of the vehicle. Such licence plate shall be returned to the Licensing Authority if the vehicle licence is surrendered, revoked or suspended.
 16. The official fare card must be displayed inside the vehicle so as to be clearly visible to passengers in the vehicle at all times subject to any specific exemption granted by the Licensing Authority.
 17. When the vehicle is being used for hire, no person shall be authorised to drive the vehicle other than a person currently licensed to drive that type of vehicle and wearing the official badge.
 18. The vehicle (carriage, harness etc.) may be inspected and tested by an Authorised Officer of the Council or by a Police Officer at all reasonable times.
 19. If the Authorised Officer or Police Constable inspecting the vehicle is not satisfied as to its fitness he may give written notice to the Proprietor to make the vehicle (carriage, harness etc.) available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the Authorised Officer or Police Constable is satisfied as to the fitness of the vehicle.

Vehicles

Non motorised vehicles can only be issued with hackney carriage licences, and cannot be

licensed for private hire due to the fact that a private hire vehicle is defined as a 'motor vehicle'. Before a non-motorised hackney carriage licence is granted, the authority must be satisfied that the vehicle is fit for purpose. In order to be satisfied that the vehicle is fit, the proprietor will need to produce evidence of the following:

- a) The roadworthiness of the carriage (via a certificate issued by an inspector approved by the Council);
- b) The serviceability of the ancillary equipment (via a certificate issued by an inspector approved by the Council);
- c) The fitness and appropriateness of the horses to be used (via a certificate issued by a Veterinary Surgeon approved by the Council);
- d) Horse passports for those horses to be used;
- e) An insurance policy appropriate for public hire and covering third party liability both in respect of physical injury or death and in respect of damage to personal belongings.

Tariffs for non-motorised hackney carriages shall be the subject of written agreement between the licence holders and the Council.

The following conditions will be attached to licences for horse drawn vehicles:

- 1. The Licence holder shall at all times when a vehicle is hired take all reasonable steps to ensure the safety of passengers conveyed therein and persons entering and alighting from the carriage.
- 2. The Licence holder shall, at all times when acting in accordance with the driver's licence, wear the official badge issued by the Licensing Authority in such a position as to be plainly and distinctly visible.
- 3. The Licence holder shall notify the Licensing Team in writing, within 7 days of any change of address and, if not self-employed any change of employer.
- 4. The Licence holder shall, at the request of any authorised Officer of the Licensing Authority or of any Police Officer, produce his licence for inspection.
- 5. On the surrender, revocation or suspension of the licence the official driver's badge MUST be returned to the Licensing Office.
- 6. Any change in the medical condition of the Licence holder, which could impair his driving ability, shall be notified immediately to the Licensing Team.
- 7. Details of any offence of which the Licence holder has been convicted shall be notified within 7 days in writing to the Licensing Team.
- 8. The licence holder shall not, when standing or plying for hire, wash such carriage in any street or public place.
- 9. The licence holder shall take all reasonable steps not to hold up traffic and to allow other vehicles to pass.
- 10. The licence holder shall not permit more passengers than the carriage is licensed to carry into the carriage.

6. Fares

Contents

- General
- Table of Fares
- Overcharging

General

Licensing authorities have the power to set hackney carriage fares for journeys within the prescribed area. In Northumberland, there are six prescribed areas, being the six hackney carriage zones that replicate the areas of the six former district councils. There is a table of fares for each hackney carriage zone.

Hackney carriage fares, set by the Council, are a maximum and as such the driver or their agent may choose to charge an amount less than that payable under the table of fares set by the Council.

The Council is not able to set fares for private hire vehicles. It is a matter for negotiation between the hirer and operator. When a hackney carriage vehicle is used for private hire services the fare charged cannot exceed that which would be charged under the table of fares applicable to hackney carriages unless the journey is not entirely within the hackney carriage zone in which that Vehicle licence is licensed to ply for hire.

When a journey starts, ends or passes outside of the hackney carriage zone in which that vehicle is licensed to ply for hire a fare greater than that shown on the meter may be charged but only if an agreement was made with the hirer before the journey commenced. In the absence of such an agreement, the driver may not charge more than the metered fare. It is an offence to charge more than the metered fare in any other circumstances.

The Council prescribes the maximum fares that can be charged by hackney carriages in each of the six hackney carriage zones. The tables of fares will be reviewed annually or more frequently depending on emerging circumstances e.g. the economic climate. The current tables of fares are available from the Licensing Section.

Table of Fares

A table of fares will be provided to each hackney carriage proprietor, which they must display in the vehicle so that it is easily visible to all hirers.

Overcharging

All meters must be calibrated to the correct fare scale. It is an offence for the driver to demand more than the fare shown on the meter.

7. Fees

Contents

- Fee Structure
- Variations to fee structure
- Payments
- Payment Refunds

Fee Structure

The legislation provides that the fees charged should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles.

The current scale of fees and charges are available from the Licensing Office and online at www.northumberland.gov.uk

Variations to fee structure

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

Payments

Payments can be made in the form of cash in person, cheques or postal orders made payable to Northumberland County Council or by debit card. Under no circumstances must cash accompany postal applications. The Council cannot accept any responsibility for cash lost in the post or in its internal postal systems.

Payment Refunds

Fees paid in relation to hackney carriage and private hire vehicle licences may be subject to a partial refund on the unexpired portion of the licence should the proprietor choose to surrender their licence during the period of the licence.

Standard Conditions attached to Hackney Carriage and Private Hire Vehicle Licences

Note:

It is appreciated that some of the following conditions of licence may duplicate matters required in relation to hackney carriages by the byelaws that apply to a particular hackney carriage zone. It is also appreciated that there may be differences between these conditions and the provisions of the relevant hackney carriage byelaws. Where there is a difference and a higher standard is set by these conditions, the requirements of these conditions shall prevail. Where a higher standard is provided for by the byelaws, the provisions of the relevant byelaws shall prevail. In any event, a failure to comply with the requirements of the byelaws, whether they set the higher or lower standard, will expose the hackney carriage proprietor (and possibly a hackney carriage driver) to the risk of a criminal prosecution for a failure to comply with the byelaws.

Additional Vehicle specification

1. Internal condition and fitments

- a) The vehicle shall be kept weatherproof in all respects.
- b) All seats and coverings shall be kept in good condition free from holes that can expose the inner padding and shall be maintained in good condition in all other respects.
- c) The floor shall be carpeted or otherwise suitably covered. All such flooring shall be kept in good condition and securely fitted to the floor.
- d) The luggage compartment shall be kept weatherproof, clear and clean at all times for the stowage of customer's luggage.
- e) The whole of the interior of the vehicle shall be kept clean and free from litter and any article or substance which could affect the health and safety of any passenger or cause damage or soiling to his/her clothing or luggage.
- f) Interior lighting must be maintained in good working order.
- g) A suitable and appropriate fully charged fire extinguisher shall be kept in all licensed vehicles in a secure position all times. All fire extinguishers must be checked every 12 months, prior to vehicle testing. Such a check shall be carried out in accordance with the requirements of BS5306 Part 3 and Part 8 by a registered competent company. The date of the test and signatures must be clearly visible on a sticker attached to the extinguisher, along with the vehicle registration number.
- h) Where a ramp or ramps are used, they must be fitted correctly and carried safely in the vehicle at all times. The ramps must be identified with the vehicle registration number.
- i) Suitable and sufficient first-aid facilities must be carried at all times in the vehicle having regard to the maximum number of passengers that the vehicle has been licensed to carry.
- j) None of the seats shall be side facing. The Council has given consideration to vehicles with side facing seats, and deemed that they are not suitable due to the safety issues that exist with such vehicles and as such will not licence them.

2. External and mechanical condition/identification

- a) The Vehicles shall be maintained in a clean condition.
- b) The bodywork and paintwork (and any livery) of the vehicle shall be maintained to a good standard of repair and appearance. Corroded or otherwise damaged bodywork will not be accepted nor will substandard paint and body repair work.
- c) The Motor Vehicle (Construction and Use) Regulations 1986 shall be complied with at all times.
- d) No material alteration or change to the vehicle, its fittings or any attached equipment shall be made without the prior approval of the Council.
- e) All vehicles shall have some means by which a punctured tyre may be temporarily replaced. This may be a spare wheel (full size or space saver) with appropriate tools to enable the vehicle to be safely driven.
- f) A private hire vehicle shall not be of similar appearance, resemble a hackney carriage licensed by the Council or give the impression that it is available for immediate hire and to that end shall not display the words 'Taxi', 'Taxis', 'Hackney Carriage', 'Cab', 'For Hire', 'Hire' or similar words anywhere on or in the vehicle.

3. General administrative and enforcement conditions

- a) The Proprietor of a Licensed Vehicle shall notify the Licensing Authority in writing of any change of his name and/or address during the period of the licence within seven days of such change taking place.
- b) The proprietor shall within seven days disclose to the Licensing Authority in writing details of any conviction under any legislation imposed on him or her (or, if the proprietor is a company or partnership, on the company or on any of the directors or partners) during the period of the licence.
- c) If the proprietor permits or employs any other persons to drive the vehicle, he/she shall, before that person commences to drive the vehicle, cause the driver to produce their hackney carriage/private hire driver's licence for inspection by the proprietor: and the proprietor shall retain details of the driver's licence, including the driver's name, licence number and licence expiry date until 12 months after the driver ceases to be permitted or employed to drive the licensed vehicle or any other private vehicle belonging to the same proprietor.

4. Additional Conditions Specific to Hackney Carriages

- a) The proprietor of a licenced vehicle in which a fare meter is installed shall not cause or permit the vehicle to be used unless:
 - (1) The table of fares and a Meter Calibration Certificate has been deposited with the Licensing Authority; and
 - (2) The table of fares is conspicuously exhibited in the vehicle.
- b) The proprietor shall not tamper with or permit anyone to tamper with any fare meter with which the vehicle is provided, with the fittings thereof or with the seals affixed thereto.
- c) Where a fare meter or other device to calculate fare is used the proprietor shall ensure that:
 - (1) For the duration of any hiring the dial of the fare meter is not concealed in

- any manor or by any means and that the display is distinctly and plainly visible to any person hiring or being conveyed in the vehicle; and
- (2) The display of the fare meter or fare calculating device is properly illuminated throughout the hiring; and
 - (3) Any failure of the fare meter is reported to the Council within 2 working days of the occurrence.
- d) The proprietor shall ensure that the fare meter and Table of fares specified in paragraph 2 (h) are not used on any hiring if the fare meter has failed or does not comply with paragraphs 2(i) and 2 (j).

5. Additional Conditions Specific to Stretched Limousines

A licenced left hand drive stretched limousines, must be driven by a licensed private hire driver who has proven to the satisfaction of the Council that they are capable of safely driving and maneuvering such a vehicle.

By way of examples, the following are likely to be regarded as competent to drive such a vehicle: (i) a driver who has previously driven heavy goods vehicles (HGVs) on the continent and can prove that; and (ii) a driver who can prove they passed the DSA Taxi and Private Hire Vehicle driving test when driving a left hand drive, stretched limousine

Hackney Carriage Vehicle Roof Sign Specification

Requirement

Any vehicle that is licensed is required to have fitted to it a roof sign of an approved design.

Overall size

Width - minimum of 600mm and maximum of 770mm wide.

Height - minimum vertical height of 115mm

Size of front face when measured from base of roof sign to top of roof sign to be a minimum of 160mm and maximum of 185mm.

Colour –front

The front of the roof sign shall be yellow in colour/appearance.

Where the main body of the roof sign is not yellow in colour, the front face shall have a yellow coloured section/background which shall be no more than 20mm shorter at either end of the total length of the roof sign and shall extend from the base to the top.

Colour – rear

The rear of the roof sign, if illuminated, shall be red in colour/appearance.

If the roof sign is not to be illuminated it may be yellow or red in colour/appearance.

If not illuminated and not of the required colour, the rear face shall be such that the coloured section shall be no more than 20mm shorter at either end of the total length and shall extend from the base to the top.

Text, colour and style

The following words in black bold text shall be displayed on the front, the size of which shall not be less than or exceed those lengths as specified when measured from the outer edge of the first letter to the outer edge of the last letter. All letters shall be in proportion with one another and no changes shall be made to the standard typeface/font size.

- TAXI (minimum length 185mm - maximum length 195mm)

The word “TAXI” shall be in upper case font Swiss 721 or alternatively in Helvetica/Arial bold, positioned centrally at least 15mm from the top of the yellow section.

- Northumberland County Council (minimum length 485mm - maximum length 495mm)

The words “Northumberland County Council” shall be in title case font Rotis Semi Serif bold positioned centrally a minimum of 15mm below the word “TAXI” and at least 15mm above the bottom edge of the yellow section.

The following word “TAXI” in Swiss 721 or alternatively in Helvetica/Arial black text shall be displayed centrally on the rear:

- TAXI (minimum length 185mm - maximum length 195mm)

Additional information

If desired, a black strip may be applied/incorporated into the background of the front of the roof sign. The strip should be the length of the coloured section and a maximum of 40mm in height, onto which the following information may be displayed in title case:

- The name and/or telephone number of the taxi company operating the vehicle which should be positioned centrally and at least 8mm below the top edge and 8mm above the bottom edge of the black section

or

- The words "For hire" at either end of the strip at least 8mm below the top edge and 8mm above the bottom edge of the black section.

All text shall be yellow and in font Swiss 721 or alternatively in Helvetica/Arial bold and shall not exceed the individual font size used for the words "Northumberland County Council".

Position

The roof sign shall be fixed across the width of the roof, in a position towards the front of the vehicle.

Condition and maintenance

The roof sign including all wording and any transfers applied to it shall be maintained in a good condition and in working order; all wording shall be clearly legible and securely fixed to the vehicle at all times when in motion.

Exemption

The specification shall not apply in circumstances when the vehicle is fitted with an integral "roof sign".

Standard Conditions Private Hire Vehicle Driver's Licence

The licensed driver shall:

- (a) Notify the Licensing Authority as soon as possible, and also confirm in writing within seven days, (of the occurrence of the matter being notified to the Licensing Authority), of any alteration to their circumstances, material particulars or any matter that may call into question the drivers fitness and propriety, including but not limited to:
 - A change of home address;
 - A change of name;
 - A change of contact telephone number;
 - Being charged with/convicted of arrested or investigated in connection with any criminal or motoring offence;
 - Accepting a fixed penalty notice or caution, or receiving an Anti-Social Behaviour Order (ASBO) or a Criminal Behaviour Order;
 - Any injury or illness that may affect their ability to drive and/or to fulfill the responsibilities of a private hire vehicle driver;
 - Any road traffic accident or incident in which they are involved as a driver, including any matter dealt with by means of driving endorsement or fixed penalty notice (whether in their capacity as a private hire driver or otherwise).
- b) Behave in a professional and courteous manner at all times.
- c) Ensure that any private hire vehicle they drive is in a safe and satisfactory condition for use on the public highway and for the purpose of carrying fare paying passengers for hire or reward.
- d) Keep their vehicle clean and suitable for hire to the public at all times.
- e) Assist, where necessary, passengers into and out of the vehicle.
- f) Offer passengers reasonable assistance with luggage.
- g) Switch off the engine if required to wait.
- h) Take whatever action is necessary to avoid creating a disturbance.
- i) Pay attention to personal hygiene and dress appropriately.
- j) Behave in a civil and orderly manner and be polite, helpful and respectful to passengers at all times.
- k) Not tamper with, or permit any person to tamper with, any fare meter or its fittings.
- l) Wear the driver's badge supplied to him/her in a manner that is plainly visible at all times.
- m) Upon termination or immediate suspension of the driver's licence, return all badges to the Licensing Authority immediately as badges remain the property of the Licensing Authority.
- n) Report the loss or theft of their licensed badge to the Police immediately and to the Licensing Section of the Council by no later than the next working day.
- o) Report to the operator any occasion in which they fail to complete a booking.
- p) Not, while driving or in charge of a licensed private hire vehicle,:
 - (i) tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or
 - (ii) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or
 - (iii) offer that vehicle for immediate hire provided that merely parking that vehicle

on a road or other public shall not of itself be deemed to be a breach of this condition, or

- (iv) accept an offer for the immediate hire of that vehicle while the vehicle is on a road or other public place except where such a request is first communicated to and recorded by the Private Hire Operator under whose authority the driver is carrying out his duties and the Operator has passed to the vehicle by telephone, radio or other electronic communications systems details of the booking.

- (v) not fit or use in the licensed vehicle any electronic or radio scanning device.

- q) All drivers must report to the operator any occasion in which they fail to complete a booking.

Convictions, Cautions & Conduct

Section A: Northumberland County Council Guidelines Relating to the Relevance of Convictions

In considering each application, the Council will apply the rules of natural justice and each case will be determined on its own merits.

This policy relates to any application for:

- I. a hackney carriage driver's licence;
- II. a private hire vehicle driver's licence

Applicants for licences are required to disclose all convictions, fixed penalty notices, simple cautions (previously "formal cautions"), conditional cautions, motoring offences and endorsements including those that would in other circumstances be regarded as spent under the Rehabilitation of Offenders Act 1974 (see attached notes).

The disclosure of a criminal record or other information will not automatically prevent an applicant from obtaining a licence, unless the Council considers the conviction renders the applicant unsuitable.

For the purposes of this Policy "conviction" means any finding (except one of insanity) either in criminal proceedings or in care proceedings that a person has committed an offence or carried out an act for which he or she has been charged. This would include, but is not limited to, a finding in a Magistrates' Court, a simple caution or a conditional caution given by a police officer or an officer of any other prosecuting body.

All information used to assess the suitability or otherwise of an applicant will be treated in confidence and will only be taken into account in relation to an application listed in paragraph (1) above. The use of the information will comply in every regard with the requirements of the Data Protection Act 1998 and the Disclosure & Barring Service.

In making a decision this authority will consider how relevant the offence is to the licence applied for, the nature of the offence, the sentence imposed by the court, how long ago and what age the applicant was when it was committed, and any other factors which may be relevant including any pattern of offending behaviour.

In making any decision the Committee or a relevant officer may take advice from the Council's Solicitor.

Any applicant refused a driver's licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates' Court.

The applicant/licensee may attend any hearing in relation to their application/licence and may be assisted or represented by any person, whether or not that person is legally qualified. When notifying the applicant/licensee in writing of the date, time and venue for the hearing, the Council will provide the applicant/licensee with a copy of the procedure to be followed at any such hearing. The Council will give at least five clear working days' notice of the date of the hearing, excluding the day of the hearing and the day on which the applicant/licensee

receives written notification of the hearing.

A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for a period of at least 3 years depending on the individual circumstances before an application is entertained. However, the Licensing Authority's overriding consideration will be the protection of the public. The Authority will not retry a conviction or reconsider the facts of a case and will accept evidence of a conviction or of an acceptance of a formal or simple caution as evidence of the fact that the relevant offence has been proven against the applicant, driver or operator.

The Council considers all offences to be relevant offences when considering the suitability of a person to hold or retain a licence, but the following will be viewed most seriously (in no particular order):

- Dishonesty
- Violence (including Criminal Damage & Sexual Offences)
- Alcohol Related Offences
- Public Order Offences
- Motoring Offences
- Substance Abuse (which includes the possession or distribution of unlawful substances)
- Obscene Materials (which includes the retention or distribution of unlawful obscene images / materials on computer or the internet)
- Discrimination
- Offences involving Indecency or other offences of a Sexual Nature
- Offences relating to an abuse of trust or of a position of responsibility
- Contravention of Licensing Laws or Conditions
- Driving convictions that result in disqualification from driving a motor vehicle at any time in the five years prior to applying for a licence (the time to run from the expiry of the disqualification)

Determination of Applications for Driver Licences

Applicants are reminded that it is for the Council to determine if they are a fit and proper person on the balance of probability. The Council may take into account any matter that may affect whether an applicant is a fit and proper person, including but not limited to:

- Mental Health Act Order
- Inclusion on any register maintained for the purposes of safeguarding the public
- Known association
- Detoxification

Without prejudice to any action the Council may take, the following examples provide a general guide on the action likely to be taken where convictions are recorded against the applicant/licence holder.

If an applicant has been convicted of a criminal offence within the time period specified below the Council would not normally grant a licence.

The Council will actively seek intelligence on applicants and holders of licences from partner organisations and from members of the public. This information may not be in the form of

convictions or the result of formal action or a formal sanctioning scheme. Any intelligence from these sources that suggests that a driver, operator or applicant is not a fit and proper person to hold a licence will be considered and may lead to the refusal of an application or revocation or suspension of a licence. This action may be taken irrespective of whether a conviction or caution follows the incident.

Violence

Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

In other cases anyone of a violent disposition will normally be refused until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration will be given to the nature of the conviction.

Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

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

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and 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
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault of a Police or Council Officer
- Racially aggravated common assault or hate crime against any person or group
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:

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

- Hate crime against any person or group

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application:

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

A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

Possession of a weapon

If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

Sex and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will be refused. For other offences, applicants will be expected to show a substantial period (at least 5 years) free of conviction or following completion of sentence for such offences before a licence will be granted.

(a) Unless there are exceptional circumstances, an application will be refused where the applicant has a conviction for an offence such as:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Possession of indecent photographs, child pornography etc.
- Or **any** sex or indecency offence that was committed in the course of employment as a taxi or PHV driver

- Or any similar offences (including attempts to, or conspiracy to, commit) offences which replace the above.
- (b) Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:
- Indecent exposure
 - Soliciting (kerb crawling)
 - Or any similar offences (including attempted or conspiracy to commit).

In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

Driving offences involving the loss of life

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Any similar offences

Drink driving/driving under the influence of drugs/using a mobile phone whilst driving

As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. At least 3 years, after the restoration of the driving licence following a drink/drug drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance <http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf>) which shows that drivers who use a mobile phone suffer physical and cognitive distraction. An investigation/arrest/conviction for driving whilst using a mobile phone will be treated as seriously as driving under the influence of drink or drugs.

A licence will not be granted if an applicant has more than one conviction for an offence of driving under the influence of drink or drugs or whilst using a mobile phone.

Dishonesty

A licensed PHV or taxi driver is expected to be a trustworthy person.

- Taxi drivers are required to deposit any valuable property left in their vehicles with the police within 24 hours of its discovery.
- PHV drivers must pass lost property to the operator.

- Drivers must not demand more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver.

For all these reasons, a serious view is taken of any conviction involving dishonesty.

In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- and any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not be granted if an applicant has more than one conviction for a dishonesty offence. A licence will not be granted if the offence was committed during the course of the individual's work as a taxi driver or if the use of a licence vehicle played a part in any offence.

Drugs

A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

A licence will not be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.

A licence will not be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

A licence will not be granted if an applicant has more than one conviction for a drugs related offence. A licence will not be granted if the offence was committed during the course of the individual's work as a taxi driver or if the use of a licence vehicle played a part in any offence.

Licensing offences

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Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since .

A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

Insurance offences

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however a strict warning will be given as to future behaviour.

A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will normally have his operators' licence revoked immediately and be prevented from holding a licence for at least three years.

Minor Traffic Offences

Convictions for minor traffic offences, e.g. Obstruction, waiting in a restricted street, speeding, etc. should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the person's driving licence then a Hackney Carriage or Private Hire Licence may be granted after the restoration of the driving licence with a warning as to that person's future conduct.

Outstanding charges or summonses

If an individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will be reviewed at the conclusion of proceedings.

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

Non-conviction information

If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration will be given to refusing the application.

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

Cautions

Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

The Council will actively seek intelligence on applicants and holders of licences from partner organisations and from members of the public. This information may not be in the form of convictions or the result of formal action or a formal sanctioning scheme. Any intelligence from these sources that suggests that a driver, operator or applicant is not a fit and proper person to hold a licence will be considered and may lead to the refusal of an application or revocation or suspension of a licence. This action may be taken irrespective of whether a conviction or caution follows the incident.

The Council believes that drivers take a valuable safeguarding position when transporting passengers who are vulnerable because of their age or condition and will seek to take the strongest action against any drivers who abuse that position.

Miscellaneous

The Council may take into account alleged offences that have not resulted in prosecution or conviction. It is recognised that the standard of proof in determining licensing matters is the balance of probabilities and not the criminal standard of 'beyond reasonable doubt.' The Council will however, only do so where in all the circumstances it is reasonable to do so and there is sufficient evidence to demonstrate that the person is not a fit and proper person to hold a licence. The Council will in addition, have regard to its responsibilities under the Human Rights Act 1998 in particular Article 8 and Article 1 of the first Protocol. The Council on exercising the above shall not decide the guilt of the applicant but purely whether they are fit and proper to hold a licence.

Notes on the Rehabilitation of Offenders Act 1974

This Act provides that after a certain lapse of time, convictions for criminal offences are to be regarded as "spent" for certain purposes. However, all criminal convictions are relevant for hackney carriage driver and private hire vehicle driver licensing purposes and must be declared as they are exempted from the Act by regulation. The Council will consider the offence committed and the time elapsed since conviction from that offence.

Section B – Conduct

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

The Council may require an applicant to submit information it reasonably considers necessary

to enable it to determine whether a licence should be granted or whether conditions should be attached (s.57 LG(MP) Act 1976).

The Courts have found that one purpose of licensing powers is to prevent licences being given to or used by those who are not suitable, taking into account their driving record, driving experience, sobriety, mental and physical fitness, honesty and ensuring that they would not take advantage of their employment to abuse or assault passengers (see Leeds City Council v Hussain [2002] EWHC 1145 (Admin)).

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

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

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

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

Summary of Hackney Carriage and Private Hire Licensing and Related Offences

Town Police Clauses Act 1847

The offences under the TPCA 1847 relate to hackney carriages.

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

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

Offences under LG(MP)A 1976 relate to hackney carriages and private hire vehicles, proprietors, drivers and operators.

LG(MP)A 1976 - Hackney Carriage Provisions

Section	Offence
49	Failure of proprietor to notify Council of transfer of HC proprietor's licence
50(1)	Failure of proprietor to present HC for inspection as

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

LG(MP) A 1976 - Private Hire Provisions

Section	Offence
46(1)(a)	Proprietor using or permitting use of an unlicensed PH vehicle
46(1)(b)	Driving a PH vehicle without a PH driver's licence
46(1)(c)	Proprietor of PH vehicle using an unlicensed driver
46(1)(d)	Operating a PH vehicle without a PH operator's Licence
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle
46(1)(e)	Operating a vehicle as a PH vehicle when the driver is not licensed as a PH driver
48(6)	Failure to display PH vehicle plate when using or permitting use of PH vehicle
49	Failure to notify the Council of transfer of PH vehicle licence
50(1)	Failure of proprietor to present PH vehicle for inspection and testing as required

50(2)	Failure of proprietor to inform Council where PH vehicle is stored if requested
50(3)	Failure of proprietor to report an accident to the Council
50(4)	Failure of proprietor to produce PH vehicle licence and insurance certificate
53(3)	Failure of driver to produce PH driver's licence
54(2)	Failure to wear PH driver's badge
56(2)	Failure of PH operator to keep records of bookings
56(3)	Failure by PH operator to keep records of PH vehicles operated by him
56(4)	Failure to produce PH operator's licence on request
57	Making false statement or omitting information to obtain PH driver's or operator's licence
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of PH vehicle licence
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew
67	Charging more than the metered fare when HC used as PH vehicle
69	Unnecessarily prolonging a journey
71	Interfering with a taximeter
73(1)(a)	Obstruction of authorised officer or constable
73(1)(b)	Failure to comply with requirement of authorized officer or constable
73(1)(c)	Failure to give information or assistance to authorised officer or constable

Transport Act 1980 – Private Hire Provisions

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

Road Traffic Act 1988 s.143 – Using a vehicle without insurance

Drivers may be prosecuted by the police or the Council in relation to driving without insurance. The driver's licence must be endorsed with penalty points and the Court has a discretion to disqualify the driver from driving. The Court may impose a curfew or community rehabilitation order.

The Court will consider aggravating and mitigating factors when sentencing. If the vehicle concerned is a hackney carriage or private hire vehicle this is likely to be regarded as being an aggravating factor.

Criminal Justice and Public Order Act 1994 s.167 – Touting for hire

It is an offence in a public place, to solicit persons to hire vehicles to carry them as

passengers. The penalty is a level 4 fine.

Health Act 2006, s.7 – Smoking in vehicle & s.8 – Failing to prevent smoking in vehicle

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

Hackney Carriage Byelaws

Prosecutions may be brought against hackney carriage proprietors and drivers for breach of the byelaws relating to the individual hackney carriage licensing zone.

Disability Discrimination Act 1995

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

Standard Conditions Attached to a Private Hire Operator's Licence

In these conditions 'Operator' means the holder of an Operator's Licence granted by the Council, 'the Council' means Northumberland County Council, 'the Proprietor' means the holder of a Private Hire Vehicle Licence, 'the Act' means the Local Government (Miscellaneous Provisions) Act, 1976.

Licensing

1. The Operator shall ensure that for each vehicle operated by him/her within the area of the Council, there is in force a Private Hire Vehicle Licence granted by the Council and that every driver of such a vehicle has a Private Hire Driver's Licence granted by the Council.
2. The Operator shall return his licence to the Council for endorsement when changing his/her home and/or operating premises address within 7 days of such change.

Bookings

3. The Operator shall not carry or permit to be conveyed in such vehicle any greater number of persons than that which the vehicle is licensed to carry.
4. When the Operator accepts a booking for a vehicle to be in attendance at an appointed time and place, he/she shall take all reasonable steps to ensure that a suitable vehicle punctually attends.

Records

5. The Operator shall at the time of booking of a vehicle, cause to be recorded in a form approved by the Council, the following details:
 - The time and date the booking is made.
 - The name and address of the person in which the booking is made.
 - The date, time and place at which the booking is to commence.
 - The destination.
 - The licence number or registration number of the vehicle sent to fulfil the booking.
 - Details of any sub-contracting arrangements.

The Operator shall keep as part of this record or as a separate record, such information as will enable any Authorised Officer inspecting the records to identify the driver of each vehicle on each hiring.

Time and date booking is made	Name and address of Client	Date and time car is required	Pick up point	Destination	Car No.	Driver No. (if not kept as separate record)	Agreed Contract

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6. The Operator shall also keep records in the form agreed under this condition of the particulars of all Private Hire Vehicles operated by him/her, including in each case the name and address of the Proprietor(s), the registration number, vehicle licence number, the name and Driver's Licence Number of the driver of the vehicle and the dates the Operator commenced and ceased to operate the vehicle.

Name and Address of vehicle owner(s)	Reg. No.	Private Hire Vehicle Licence No.	Date of commencement of employment	Date of termination of employment	Name and No. of Private Hire Driver(s)

7. All records kept under Conditions 5 and 6 must be retained by the Operator for two years from the date of the booking, and shall be available at the operating premises for examination by any Authorised Officer of the Council at any reasonable time.

For the avoidance of doubt, where the record is held in a computer or other electronic format the Operator shall be required to demonstrate that all records kept in accordance with the conditions of licence shall be appropriately "backed up" and made available to an officer of the Licensing Authority or to a Police Constable in accordance with the general licence conditions and in hard copy, if requested.

Conduct

8. The Operator shall at all times conduct him/herself in an orderly manner and with civility to every person seeking to hire or hiring, or otherwise concerned with any contract or enquiry in respect thereof and shall take all reasonable steps to ensure that this condition is complied with by any servant or agent involved in carrying out the Operator's business.
9. The Operator shall not importune any person to hire a vehicle and shall not make use of the services of any person for the purpose of such importuning.

Premises

10. The Operator shall keep clean, adequately heated, ventilated and lit any premises which he/she provides and to which the public have access, whether for the purpose of booking or waiting and shall ensure that the waiting area has adequate seating facilities.
11. Unless accompanied by an adult, children under 13 years of age shall not be admitted to private hire waiting rooms.

Complaints and a Failure to Fulfil Bookings

12. The operator shall immediately upon receipt, notify the Council in writing of any complaints concerning a contract for hire or purported contract for him/her arising from his/her business and of the action (if any) which the operator has taken or proposes to take.
- 13 The operator must report to the Licensing Authority no later than by the end of the next working day any occasion on which a driver failed to complete a booking. The report shall include the following details:
 - i. Date of intended journey
 - ii. Time of intended journey
 - iii. Name of Driver
 - iv. Badge Number
 - v. Vehicle plate number
 - vi. Vehicle type and registration
 - vii Name of Company
 - viii. Name and address of hirer
 - ix. Reason for refusal/failure

Standard Conditions of an 'Exemption Notice' issued in respect of an Executive Private Hire Vehicle

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
SECTION 75 (3) EXEMPTION NOTICE**

**PRIVATE HIRE VEHICLE
EXECUTIVE / CHAUFFEUR / LIMOUSINE EXEMPTION**

STANDARD 'EXEMPTION NOTICE' CONDITIONS

An 'Exemption Notice', exempting a private hire vehicle proprietor from the requirement to display the exterior licence plate and door decals upon the vehicle, and the driver of that vehicle from the requirement to wear/display a private hire driver's identification badge, is granted subject to the licensed private hire vehicle being operated in accordance with the conditions set out below.

The vehicle must be an "executive" style car. The service offered must be contract or account type work with private companies who require a chauffeur type executive level of service. Such determination to be made by the Business Compliance & Public Safety Manager whose decision is final.

Failure to comply with these conditions may result in the withdrawal of the exemption notice at the discretion of the Business Compliance & Public Safety Manager

Should it be the case that the Councils standard private hire operator, proprietor or drivers conditions conflict with the Councils standard 'Exemption Notice' conditions, then for the period that the said notice remains in force, the standard 'Exemption Notice' conditions shall be deemed to apply.

1. The Proprietor shall notify the Council immediately in writing if there is any material change in the nature of the use of the vehicle.
2. The 'Exemption Notice' shall be carried within the vehicle at all times, and presented for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
3. The Proprietor shall not display in, on or from the vehicle any advertisement, sign, logo or insignia advertising the operating company or promoting the vehicle's status as a licensed private hire vehicle, without the prior written approval of the Council.
4. The Private Hire Vehicle proprietors licence identification plate issued by the Council shall be carried in the luggage compartment of the vehicle at all times and produced for inspection at the request of an Authorised Officer of the Council, a Police Constable or the hirer.
5. A disc, which may be issued by the Council, shall be displayed on the inside of the front windscreen.
6. No taximeter shall be displayed within the vehicle at any time.
7. No table of fares/tariff card shall be displayed in the vehicle at any time.
8. The Proprietor shall ensure that the private hire vehicle driver carries his/her

identification badge issued by the Council within the vehicle at all times and produced for inspection at the request of an Authorised Office of the Council, a Police Constable or the hirer.

9. The proprietor shall ensure that the driver of the vehicle shall be appropriately dressed in a chauffeur's uniform or business suit when the vehicle is hired.
- 10.1The proprietor shall ensure that the hirer shall be afforded the facility to settle accounts and/or tender direct payment by credit card, debit card, cheque or cash.

Appendix H

Driver Code of Conduct

In order to promote good practice within the trade and to ensure drivers are aware of the expectations, the following good conduct rules have been produced.

Drivers should:

- Pay attention to personal hygiene.
- Wear clean and appropriate clothes.
- Be polite, helpful and respectful to passengers.
- Behave in a professional and courteous manner at all times.
- Not engage in any activities of a sexual nature whilst acting as a driver of any vehicle licensed by the Council.
- Drive with care and due consideration for other road users and pedestrians.
- Obey all Traffic Regulation Orders and directions at all time.
- Maintain their vehicles in a safe and satisfactory condition at all times.
- Keep their vehicles clean and suitable for hire to the public at all times.
- Attend punctually when undertaking pre-booked hiring.
- Assist, where necessary, passengers into and out of vehicles.
- Offer passengers reasonable assistance with luggage.
- Not sound the vehicle's horn.
- Keep the volume of radio/cassette/CD player and VHF/digital radios to a minimum.
- Switch off the engine if required to wait.
- Take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.
- Not deposit any litter.
- Not urinate in the street.
- At hackney carriage ranks and other places where hackney carriages ply for hire by forming queues, drivers should rank in an orderly manner and proceed along the rank in order and promptly.