

Hackney Carriage & Private Hire Licensing Policy



April 2013

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1 Introduction

1.1 Powers and Duties

The licensing of hackney carriages dates back to 1847 and for private hire vehicles (outside London) to 1976.

1.1.2 The Local Government (Miscellaneous Provisions) Act 1976, as amended, ("the 1976 Act") places on Preston City Council as the Licensing Authority (the "Authority") the duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles.

1.1.3 This document sets out the policy that the Authority will apply when making decisions about new applications and licences currently in force.

1.1.4 Regulation makes our society more secure. It protects consumers and employees, it protects businesses and it protects the environment.

1.1.5 Better regulation means maintaining and improving consumer protection and at the same time providing the right environment for business to thrive. It shall be undertaken in a way that is effective, does not create unnecessary burdens, and is consistent, transparent, proportionate, accountable and targeted.

1.2 Objectives

1.2.1 Hackney carriage and private hire vehicles play a vital and integral part of the transport network. They are commonly used by younger people, those on low incomes without access to motor vehicles and women between the ages of 16 and 20. They also provide services in situations where other forms of transport are either not available (rural areas and late evenings) or for persons with mobility difficulties.

The Authority shall seek to promote the following objectives that impact on these trades:-

- (i) the protection of the public;
- (ii) consideration of accessibility issues across all equality groups in support of the Authority's commitment to the Public Equality Duty and the Equality Act 2010;
- (iii) the establishment of professional and respected hackney carriage and private hire trades;
- (iv) access to an efficient and effective public transport service; and
- (v) the protection of the environment.

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- (iv) access to an efficient and effective public transport service; and
- (v) the protection of the environment.

1.2.2 The Authority aims to regulate the trades in such a way to promote its objectives. It is the Authority's wish to facilitate well-run and responsible businesses, which display sensitivity to the expectations and needs of the general public.

1.2.3 When considering each of the policies detailed in this document regard has been given to the statutory Code of Practice for Regulators and Preston City Council's Corporate Enforcement Policy in order to ensure that each requirement is properly justified by the risk it seeks to address, balancing the cost of the requirement against the benefit to the public.

1.3 Best Practice Guidance

1.3.1 In formulating this policy, advice contained in the *Taxi and Private Hire Vehicle Licensing: Best Practice Guidance* issued by the Department for Transport in February 2010 has assisted the Authority.

1.3.2 However, local circumstances and requirements have been taken into account in this policy.

1.4 Status

1.4.1 In exercising its discretion in carrying out its regulatory functions, the Authority shall have regard to this policy document and the objectives set out above.

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



1.5 Implementation

1.5.1 This policy shall take effect from April 2013 for a period of approximately three years and the Authority expects licence-holders to comply with its terms immediately.

1.5.2 The Authority will keep this policy under review and will consult where appropriate on proposed revisions.

1.5.3 From the effective date this policy will override and supersede all existing policies in relation to hackney carriage and private hire licensing.

1.6 Licensing Profile

- 1.6.1 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. Private hire vehicles too must have no more than 8 passenger seats but they must be booked in advance by customers through an operator and may not ply for hire in the street.
- 1.6.2 The Authority currently licences 187 hackney carriages and approximately 430 private hire vehicles as well as 23 private hire operators.
- 1.6.3 It has approximately 275 persons licensed to drive hackney carriages and 500 persons licensed to drive private hire vehicles.



1.7 Consultation

- 1.7.1 In preparing this policy the Authority has consulted with the following:-
- Licence holders
 - Local trade organisations
 - Local transport providers
 - Inclusion Reference Group (Disability groups)
 - Lancashire Constabulary
 - Lancashire County Council
 - General public
 - South Ribble and Chorley Borough Councils
 - Parish Councils
 - Central Lancashire Primary Care Trust
 - University of Central Lancashire
 - Other Authority departments

1.8 Partnership Working

1.8.1 The Authority will work in partnership with the following agencies to promote the policy objectives:-

- Local hackney carriage and private hire trades
- Lancashire Constabulary
- Local residents
- Disability groups
- Service users
- Vehicle and Operator Services Agency (VOSA)
- Lancashire County Council
- HM Revenue and Customs
- Department of Works and Pensions
- Other Authority departments

1.8.2 The Authority shall meet regularly with representatives of the hackney carriage and private hire trades to consider regulatory issues.

2 Vehicles

2.1 Limitation of Numbers

2.1.1 No powers exist for licensing authorities to limit the number of private hire vehicles that they licence. The current legal provision on quantity restrictions for hackney carriages is set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages "if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet."

2.1.2 The Authority is satisfied that there is no significant unmet demand for the services of hackney carriages. An independent survey was last undertaken in 2008 and the policy reviewed in 2012/13.

2.1.3 The Authority shall limit the number of hackney carriages it licences to 187 and it shall determine whether there is any significant unmet demand at regular intervals.

2.2 Specifications and Conditions

2.2.1 Local licensing authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriage or private hire vehicles.

2.2.2 Government guidance suggests that they should adopt the principle of specifying as many different types of vehicle as possible and are encouraged to make use of the “type approval” rules within any vehicle specifications they adopt.

2.2.3 The Authority generally licences the purpose built “London type cab” as a hackney carriage but also allows alternative vehicles to be licensed as hackney carriages subject to the vehicle specifications.



2.2.4 The Authority shall impose such conditions as it considers reasonably necessary on hackney carriage and private hire vehicle licences. These vehicles provide a service to the public, so it is appropriate to set criteria for the standard of the external and internal conditions of the vehicle, provided that these are not unreasonable.

2.2.5 **Appendix A** to this policy sets out the specification and minimum standards in respect of hackney carriages and **Appendix B** to this policy sets out the specification and minimum standards for private hire vehicles.

2.2.6 Vehicles shall be licensed for the carriage of between four and eight passengers. Applications in relation to vehicles that wish to accommodate less than four passengers shall be referred to the Taxi and Miscellaneous Sub-Committee.

2.3 Accessibility

2.3.1 Hackney carriages and private hire vehicles are an essential mode of transport for disabled and older people. The combination of the personal service they offer, their wide availability and door to door operations enable them to respond particularly well to the travel needs of people with disabilities.

2.3.2 All licensed hackney carriages shall be wheelchair accessible.

2.3.3 The Authority is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that:-

“Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible.”

For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation.



2.3.4 Disabled persons are reported to travel approximately a third less than those who are not disabled, but use hackney carriages and private hire vehicles approximately 67% more. The Disabled Persons Transport Advisory Committee report that:-

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

2.3.5 Since 4 December 2006 licensed drivers have a duty to ensure disabled people are not discriminated against or treated less favourably. A Code of Practice produced by the Equality and Human Rights Commission explains these duties and is available from the Authority's website.

2.3.6 Another good practice guide, "Making private hire services more accessible to disabled people" has been produced by the Disabled Persons Transport Advisory Committee and can be obtained from www.gov.uk/government/organisations/disabled-persons-transport-advisory-committee

2.3.7 Since 2007 applicants for hackney carriage and private hire driver licences in Preston have received disability awareness training as part of the requirement to attain a BTEC Level 2 qualification "Introduction to the Role of the Professional Taxi and Private Hire Driver". Since May 2011 the course was amended to include a practical session and assessment in loading, securing and unloading wheelchair passengers. It is the Authority's desire that all licensed drivers should receive such practical training.



2.4 Maximum Age of Vehicles

2.4.1 The Authority shall support any local environmental initiatives such as setting vehicle emissions standards or promoting cleaner fuels.

2.4.2 The Authority has considered a proposal to introduce an age limit for licensed vehicles. However, it considers the cost of such a proposal to the trades is not justified by the risk it seeks to address because the introduction of more stringent monitoring and enforcement measures for vehicle proprietors and vehicle testing stations will raise the standard of licensed vehicles.

2.5 Vehicle Testing

2.5.1 The Authority needs to be satisfied that licensed vehicles operating within its area are safe to do so.

2.5.2 Hackney carriage and private hire vehicles are granted licences for a maximum period of 6 months. Prior to being granted a licence each vehicle shall be examined and tested at a vehicle testing station approved by the Authority.

2.5.3 The Authority shall introduce an "Approved List" of vehicle testing stations to include no more than three vehicle testing stations and that this list be reviewed every three years.

2.5.4 Licensed vehicles that fail an authorised examination and test, and, is deemed unsafe as a passenger vehicle by the vehicle examiner, may result in the vehicle proprietor or driver being issued with a stop notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied.



2.6 Taximeters

2.6.1 Hackney carriage vehicles shall be fitted with calendar controlled taximeters, approved and sealed by a recognised agent.

2.6.2 The Authority wishes to introduce a requirement that if a private hire vehicle is fitted with a taximeter, that taximeter shall be calendar controlled, approved and sealed by a recognised agent. The Authority shall consult with the trade and other stakeholders and make a decision during the life of this policy.



2.7 Signage and Advertising

- 2.7.1 It is important that the public should be able to identify and understand the difference between a hackney carriage and a private hire vehicle.
- 2.7.2 Private hire vehicles shall not be permitted to display roof-mounted signs and any signs that include the words "Taxi" or "Cab" or "For Hire" or any words or words of similar meaning, whether alone or part of another word.
- 2.7.3 Roof signs fitted to hackney carriage vehicles shall be illuminated at all times when the vehicle is available for hire.
- 2.7.4 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed.

- 2.7.5 All licensed vehicles, except those private hire vehicles deemed Prestige Vehicles by the Authority, shall display plates on both the front and rear of the vehicle.
- 2.7.6 Private hire vehicles shall display door signs indicating that they must be booked in advance and separate signs indicating details of the operator (Company).
- 2.7.7 Magnetic door signage shall not be permitted.
- 2.7.8 Vehicles shall not be allowed to display written or other material on any window with the exception of those permitted by the conditions of licence.
- 2.7.9 Licensed vehicle proprietors shall not display or allow to be displayed in or on their vehicles any signs, notices, advertisements, video or audio display etc either for the purpose of advertising or by way of identifying or personalising marks. However, the Authority will consider waiving this prohibition on application from hackney carriage vehicle proprietor licence holders in accordance with the terms of these conditions outlined in section 24 of Appendix A.

2.8 Driver Safety

- 2.8.1 The trades provide a valuable service, particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. Licensed drivers deal with strangers, often in isolated places and carry cash and may be at risk of violence and other offences such as non-payment of fares, verbal and racist abuse.
- 2.8.2 There are a number of ways to reduce the risks such as pre-payment of fares, driver screens, CCTV surveillance systems and radio link schemes.
- 2.8.3 It is not proposed that measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. The hackney carriage and private hire trades are, however, encouraged to consider the installation of CCTV systems in their vehicles on a voluntary basis.
- 2.8.4 CCTV security systems for the purpose of assisting driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored / recorded. Any such equipment shall be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver / proprietors' responsibility to comply with all aspects of the law regarding such surveillance equipment.
- 2.8.5 In any licensed vehicle where a CCTV security system is fitted, the proprietor shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. It is recommended that a minimum of two warning signs should be displayed prominently inside vehicles so as to be easily seen by passengers.
- 2.8.6 The Government has produced two short guidance documents entitled "Staying Safe" which describe measures that drivers can take to prevent violence as well as offering practical advice on what can be done in the event of a threat or violent incident.



2.9 Application Procedures

2.9.1 Application procedures are not prescribed but shall be made on the specified application form in accordance with the application procedure set out in **Appendix D** to this policy.

2.10 Consideration of Applications

2.10.1 The Authority shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete. The Authority shall seek to issue licences no later than 5 working days after the receipt of valid applications.



2.11 Renewal of Licences

2.11.1 Existing licence holders shall be given prior notice of licence expiry dates together with application forms to renew licences. However, it is the licence holder's responsibility to ensure that licences are renewed prior to their expiry. Application procedures are outlined in **Appendix D** to this policy.

2.12 Intended Use Policy for the Licensing of Hackney Carriages

2.12.1 Applicants for the grant, renewal and transfer of hackney carriage vehicle proprietor licences will be expected to demonstrate a bona fide intention that the vehicle will be used to ply for hire within the administrative area of Preston City Council. There will be a presumption that applicants who do not intend that the vehicle will be used to a material extent to ply for hire within the administrative area of Preston City Council will not be granted a hackney carriage vehicle proprietor licence authorising them to do so. However, each application will be determined on its merits.

2.12.2 The Authority has a duty to ensure that it licences vehicles in line with High Court guidance, which includes the requirement that hackney carriages mostly operate in the Authority area, in the interests of public safety. If vehicle proprietors are not operating as agreed this undermines these safeguards and means they cannot be effectively monitored to ensure the vehicles are safe. Further details are attached at **Appendix O**.

2.13 Environmental Considerations

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

2.13.2 It is therefore paramount that efforts should be made to improve, as far as possible, the efficiency of licensed vehicles by, in particular, reducing the levels of CO₂ emitted.

2.13.3 Emissions from licensed vehicles can be reduced by regular maintenance of vehicles and by switching off engines when stationary or idling, particularly at ranks.

2.13.4 The Authority would support initiatives which would be beneficial to the environment such as taxi sharing schemes and taxi and private hire vehicle buses.

2.14 Stretched Limousines

2.14.1 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States of America, has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag and hen parties and children's birthday parties.

2.14.2 Licensing authorities have generally considered there to be some problems preventing stretched limousines from being licensed including:

- some of the vehicles are capable of carrying more than eight passengers;
- many of them are left hand drive;
- many are fitted with all round darkened glass;
- many have been converted or modified after manufacture;
- seating space per passenger is 460mm and could give a greater capacity than eight persons; and
- due to their origin many parts may not be available making adequate maintenance difficult.



2.14.3 Most limousines are imported for commercial purposes and are therefore required to take a Single Vehicle Type Approval (SVA) test. The SVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads. When presented for SVA the vehicle is produced with a declaration that it will never carry more than eight passengers. The importer must inform any person who may use it of this restriction. Any subsequent purchasers must also be informed of the restriction.

2.14.4 Any stretched limousines, which are offered for private hire, do of course require a licence. Some operators of these vehicles have a wedding car licence insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week. Before licensing for private hire a full policy for private hire purposes will, therefore, be required.

2.14.5 Applications to licence stretched limousines as private hire vehicles will be treated on their merits. It is, however, proposed that imported stretched limousine type vehicles:

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

2.15 Contract Vehicles

2.15.1 The Road Safety Act 2006 requires vehicles used for a contract with an organisation or company, for carrying passengers for hire or reward under a contract, to be licensed as private hire vehicles. As a general guide this shall include executive hire, chauffeur services, park and ride for private car parks, airport travel, stretch limousines and novelty vehicles.

2.16 Prestige Type Vehicles

2.16.1 Proprietors of prestige type vehicles licensed as private hire vehicles or private hire vehicles used in special circumstances may seek the permission of the Authority to waive conditions of their licence relating to the display of licence plates, door stickers and driver badges.



3 Drivers

3.1 Parallel Procedures

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

3.2 Licences

- 3.2.1 This Authority requires that separate driver's licences be held in respect of driving hackney carriage and private hire vehicles. Licences shall be issued for a maximum period of 12 months but the Authority shall grant licences for a lesser period if deemed appropriate.
- 3.2.2 Applicants shall be over 18 years of age and shall have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months. In addition to the above, licensed drivers who hold a EC/EEA driving licence shall obtain a GB counterpart document. If this document cannot be produced with the next renewal application then it shall be produced within 3 months of the licence being issued.
- 3.2.3 The Authority shall also use the services of an appropriate third party to access DVLA records of applicants.
- 3.2.4 Applicants shall make a declaration that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

3.3 Topographical Knowledge (Driver Knowledge Tests)

- 3.3.1 Hackney carriage drivers need a good working knowledge of the area for which they are licensed, because they can be hired directly, at ranks or on the street. The Authority also considers it necessary for private hire drivers to know the area.
- 3.3.2 In order to assist the Authority in determining the fitness of an applicant to hold a hackney carriage or private hire driver's licence, applicants are required to undertake a communications test to challenge their understanding of the English language and a local knowledge test to challenge their knowledge of the highway system in Preston.
- 3.3.3 If applicants fail four successive local knowledge tests then they shall be required to wait at least four weeks before being permitted to take a fifth test.
- 3.3.4 Applicants that fail a test must pay a resit fee prior to the test date and any applicant cancelling the test with less than 24 hours notice will not be refunded the fee.

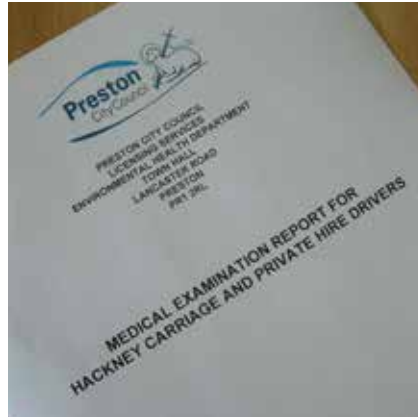


3.4 Driving Proficiency

- 3.4.1 The Driving Standards Agency (DSA) provides a driving assessment specifically designed for hackney carriage and private hire drivers.
- 3.4.2 This Authority believes that the standard DVLA driving test provides sufficient evidence of driving competency for drivers of hackney carriage and private hire vehicles in Preston. It is considered that introducing a requirement that drivers pass the specific DSA test would not produce benefits which are commensurate with the costs involved.

3.5 Driver Qualification

- 3.5.1 The Authority believes all passenger transport drivers whose role demands high standards in driving and customer service would benefit from a nationally recognised qualification that includes customer care, including how best to meet the needs of people with disabilities and other sections of the community and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies and how to defuse difficult situations and manage conflict.
- 3.5.2 As such, applicants shall be required to attain the BTEC Level 2 Certificate Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF). However, a National Vocational Qualification (NVQ) in Road Passenger Vehicle Driving will also be acceptable.
- 3.5.3 This vocational qualification has been developed to enhance customer service and driving standards for the passenger transport industry.
- 3.5.4 Drivers licensed prior to the introduction of the application requirement referred to in paragraph 3.5.2 above shall be encouraged to attain an NVQ in Road Passenger Vehicle Driving Level 2.



3.6 Medical Examination

- 3.6.1 The Authority recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage and therefore requires Group 2 Standards of Medical Fitness as applied by the DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed hackney carriage and private hire drivers.

- 3.6.2 Applicants shall provide a completed medical examination form supplied by the Authority and completed by a general practitioner on first application and every 3 years thereafter until aged 70 years when annual examinations are required. Licence holders with medical conditions may also be required to submit annual forms and adhere to additional requirements in order for them to retain their driver's licence.
- 3.6.3 Holders of Public Service Vehicle (PSV) and/or Heavy Goods Vehicle (HGV) Licences, where the holder is able to produce proof of current medical examination less than 3 months old, shall not be required to undergo a medical examination on first application.
- 3.6.4 Licence holders shall advise the Authority of any deterioration in their health that may affect their driving capabilities.

- 3.6.5 Where there is any doubt as to the medical fitness of the applicant, the Authority may require the applicant to undergo and pay for a further medical examination by a Medical Doctor appointed by the Authority.
- 3.6.6 Where there remains any doubt about the fitness of any applicant, the Taxi and Miscellaneous Sub-Committee will review the medical evidence and make any final decision in light of the medical evidence available.
- 3.6.7 No licence shall be issued until medical clearance (if required) has been established.

3.7 Disclosure and Barring Service (DBS) Disclosures

- 3.7.1 A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the Disclosure and Barring Service is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety.
- 3.7.2 The Rehabilitation of Offenders Act 1974 does not apply to applicants for both hackney and private hire drivers licences. They are required to disclose all convictions, including those that would normally be regarded as spent.
- 3.7.3 Before an application for a driver's licence will be considered, the applicant must provide details or provide access to criminal record details held by the DBS. Application procedures are detailed in **Appendix D** of this policy.

3.8 Relevance of Convictions and Cautions

- 3.8.1 In relation to the consideration of convictions and police cautions recorded against persons, the Authority has adopted the policy set out in **Appendix E**.
- 3.8.2 In assessing whether the applicant is a fit and proper person to hold a licence, the Authority shall consider each case on its merit. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence. When considering information provided by the DBS, a senior licensing officer will assess whether any or all of the convictions, cautions and any additional information received, is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence in line with the policy at **Appendix E**.



3.9 Conditions of Licence

- 3.9.1 The Authority is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire driver's licence as are considered necessary.
- 3.9.2 It could be argued that many of the requirements prescribed within the Hackney Carriage byelaws are effectively hackney carriage driver licence conditions. These are included at **Appendix G**.
- 3.9.3 The Authority considers that the conditions of licence as set out in **Appendix F** are reasonable, necessary and appropriate for all licensed private hire drivers.

3.10 Code of Good Conduct

- 3.10.1 The standards expected of licensed drivers are set out in a Code of Good Conduct attached to this policy at **Appendix H**.

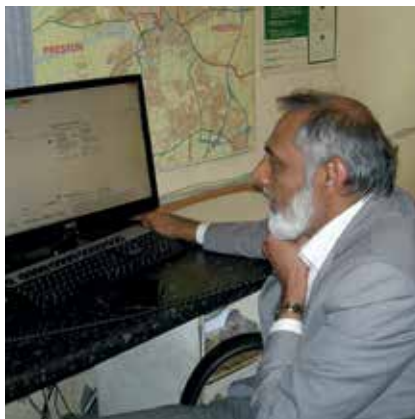
3.11 Dress Code

- 3.11.1 Anything that serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed.
- 3.11.2 This Authority has adopted a Dress Code for licensed drivers as set out in **Appendix I** attached to this policy.

4 Private Hire Operators

4.1 Requirements and Obligations

- 4.1.1 Any person who operates a private hire service must apply to the Authority for a Private Hire Operator's Licence. The objective in licensing private hire operators is the safety of the public, who will be using operators' premises, and vehicles and drivers, arranged through them.
- 4.1.2 A licensed hire vehicle shall only be despatched to a customer by a private hire operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle. A private hire operator shall ensure that every licensed hire vehicle is driven by a person who holds a licence issued by the same Authority that issued the vehicle licence.
- 4.1.3 Applications for Operator licences shall 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 licence.



4.2 Criminal Record Checks

- 4.2.1 Private hire operators are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. However, a Basic Disclosure certificate from the Disclosure & Barring Service nevertheless is seen as appropriate.

4.3 Conditions

- 4.3.1 The Authority has power to impose such conditions on an operator's licence, as it considers reasonably necessary and these are set out at **Appendix J**.

4.4 Insurance

- 4.4.1 Before an application for a private hire operator's licence is granted, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed. In certain circumstances it is a legal requirement to hold employers liability insurance.

4.5 Licence Duration

- 4.5.1 This Authority shall grant private hire operator licences for a period of three years from 2014/15, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.

5 Disciplinary and Enforcement Measures

5.1 Enforcement

- 5.1.1 The Government believes that regulators should have access to effective sanctions that are flexible and proportionate and that ensure the protection of workers, consumers, and the environment when tackling non-compliance by businesses when their licences are due to be renewed.
- 5.1.2 It is recognised that a risk-based approach to enforcement by the Authority benefits not only the public but also the responsible members of the hackney carriage and private hire trades.

5.1.3 In pursuance of its objective to encourage responsible hackney carriage/private hire businesses, the Authority shall operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference, the Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section 1.2.1 of this document. Where defects are such that vehicles need to be immediately prohibited, livelihood interference is inevitable.

5.1.4 The Enforcement Policy as set out at **Appendix K** will ensure that the Authority's enforcement effort is reasonable, transparent and well directed.

5.2 Disciplinary Hearings

5.2.1 Disciplinary matters that are considered by the Authority's Taxi and Miscellaneous Sub-Committee shall follow procedures as set out at **Appendix M**.

5.3 Penalty Points Scheme

5.3.1 The Authority operates a penalty points scheme whereby points may be issued by authorised officers to licence holders who are found to be in breach of legislation, byelaws, this policy or conditions of licence as an alternative to legal proceedings. The scheme is attached to this policy at **Appendix L**.

5.4 Suspension of Vehicle Licences

5.4.1 Licensed vehicles shall be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and conditions of licence is essential and will be enforced by periodic, random vehicle inspections by the Authority. Where it is found that any vehicle is not being properly maintained a Vehicle Defect Notice will be served on the vehicle proprietor setting out the defect(s) that need to be rectified and arrangements for the vehicle to be further inspected to check compliance. This notice will be used by authorised officers where the defects are not deemed serious. Failure to comply with the requirements of the notice may result in the vehicle licence being suspended automatically.



5.4.2 Where public safety and comfort standards are likely to be imperilled by the defect(s) a Stop Notice shall be served on the vehicle proprietor who must take appropriate action to meet those standards. Further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and / or been passed as fit for use by the Authority.

5.5 Revocation and Suspension of Licences

5.5.1 Where a licence holder has been referred to the Taxi and Miscellaneous Sub-Committee, the Sub-Committee may order the revocation or suspension of the licence.



5.6 Refusal to Renew

5.6.1 As an alternative to revocation, the Sub-Committee may decide that the appropriate action, in a situation where the licence is shortly to expire, is to order that the licence shall not be renewed.

5.7 Prosecution

5.7.1 The Authority shall prosecute licence holders for relevant offences in accordance with the statutory Regulators Compliance Code and its own enforcement policy.

5.8 Complaints

5.8.1 The Authority has a complaints procedure whereby the general public can submit complaints about licensed drivers and operators and details are included in **Appendix K**.



6 Offences

- 6.1 The relevance of offences and convictions for prospective applicants is outlined in **Appendix E** and for existing licence holders in **Appendix K**.

7 Delegated Powers

7.1 Taxi and Miscellaneous Sub-Committee

- 7.1.1 The Taxi and Miscellaneous Sub-Committee of the Authority is responsible for the management of the Hackney Carriage and Private Hire licensing regime in the city. Policy matters are determined by the Cabinet Member for Planning and Regulation.

8 Fares

8.1 General

- 8.1.1 The Hackney Carriage Table of Fares ("the tariff") is set by the Authority and are a maximum fare that can be charged by hackney carriage drivers which can be negotiated downwards by the hirer for journeys.
- 8.1.2 The Authority shall review the tariff every 1 April. A notice of any variation to the maximum fare shall be advertised by the Authority.
- 8.1.3 The Authority is not able to set fares for private hire vehicles.

8.2 Table of Fares

- 8.2.1 A table of authorised maximum fares shall be provided to each hackney carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.
- 8.2.2 Private Hire Operators that use licensed vehicles fitted with a fare meter shall provide the Authority with a current table of fares. This table must also be displayed in each private hire vehicle so that it is easily visible to all hirers.

8.3 Receipts

- 8.3.1 Drivers shall, if requested by the passenger, provide written receipts for fares paid.



9 Fees

9.1 Fee Structure

- 9.1.1 The legislation provides that fees charged to applicants should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands (taxi ranks) and administering the regulation of the hackney carriages and private hire trades.

9.2 Payments, Refunds and Transfers

- 9.2.1 The appropriate fee must be paid when the application is submitted and that a charge will be levied to cover the administrative costs associated with the transfer of ownership of a vehicle.
- 9.2.2 Licences surrendered prior to their expiry shall not be eligible for a refund of the unexpired portion of the licence.



10 Hackney Carriage Stands

- 10.1 The purpose of hackney carriage stands (also known as taxi ranks) is to provide the public with a set location where they can hire a licensed hackney carriage. The stand is the only situation where a hackney carriage may ply for hire in a stationary position and shall be situated in locations where the public most need hackney carriages, for example adjacent to transport facilities, retail areas and places of employment, entertainment and leisure facilities. Stands can be continual or part time use. the consent of the Highway Authority is required for the location of ranks.
- 10.2 The Authority shall work with the hackney carriage trade and other Stakeholders to keep stands under constant review. Details of all public taxi ranks in the city are attached at **Appendix N**.

11 Hackney Carriage Hailing Points

- 11.1 Hackney Carriage hailing points have been introduced in other parts of the country and are an alternative to a stand where there is insufficient space for a stand or the location does not justify the creation of a stand. It is a specific location where the public know they will be able to hail a hackney carriage and the theory is that licensed drivers know where they are and will ensure they pass them on a regular basis. There is no provision for hackney carriages to wait at these locations.
- 11.2 Whilst there has been no request for the provision of hailing points in Preston the Authority will consider such requests on their individual merits as they arise.





Appendix A

Vehicle Specifications and Conditions of Licence for Hackney Carriage Vehicles

The Specification

1 General

- 1.1 All vehicles shall have an appropriate “type approval” which is either a European Community Whole Vehicle Type Approval (ECWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted.
- 1.2 All vehicles shall have separate driver and passenger compartments.
- 1.3 All vehicles shall be so constructed as to facilitate the carriage of disabled persons and be capable of accommodating a disabled person in a wheelchair in the passenger compartment, provided that the wheelchair fits within the dimensions specified in the relevant paragraphs below. Rear loading type disabled access vehicles are not permitted unless fitted with a hydraulic lifting platform.
- 1.4 Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.
- 1.5 No fittings, other than those approved, shall be attached to, or carried on, the inside or outside of the vehicle.



- 1.6 Vehicles other than Fairways, London International TX range and Metrocabs shall be coloured black.
- 1.7 To aid identification of hackney carriage vehicles by the public, licensed vehicles, which are not those listed in paragraph 1.6 shall display, on both sides of the vehicle the word “taxi”. The word “taxi” shall be permanently marked; in a colour contrasting with the colour scheme of the vehicle in letters not less than 100 mm high. The wording shall be located in such a position that it is easily seen and may be repeated along the side of the vehicle.

2 Dimensions

Maximum dimensions:

Width:	2 metres
Height:	2 metres
Length:	5 metres
Weight:	3000 kgs

3 Body

- 3.1 The vehicle shall have no signs of previous significant accident damage.
- 3.2 The paint work shall be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.
- 3.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.
- 3.4 Running boards shall only be permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.
- 3.5 Where the top tread of the entrance to the vehicle exceeds 460 mm and the vehicle is not fitted with approved running boards as described in paragraph 3.4, a moveable intermediate step shall be provided at the left hand side entrance into the passenger compartment. The intermediate step shall be encased beneath the vehicle and be electrically or manually operated to extend outwards. When not in use and whenever the vehicle is in motion, the step shall not extend outwards beyond the vertical line of the bodywork.



- 3.6 Electrically operated steps, if fitted, shall be operated from within the driver's compartment and shall have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.
- 3.7 The step shall be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.

4 Steering

- 4.1 All vehicles shall be right-hand drive and shall have been so since date of first registration



5 Driver's compartment

- 5.1 The driver's compartment shall be separated from the passenger compartment by a partition and screen, capable of having fixed to it approved notices for the benefit of passengers.
- 5.2 The driver's compartment shall be so designed that the driver has adequate room, can easily reach, and quickly operate, the controls and give hand signals on the offside of the vehicle.
- 5.3 Controls shall be so placed as to allow reasonable access to the driver's seat and, when centrally placed, shall be properly protected from contact with luggage.
- 5.4 A serviceable device for demisting the windscreen shall be fitted.
- 5.5 A fixed partition with an opening to allow for payments shall be provided.

6 Passenger compartment

- 6.1 The vertical distance between the highest part of the floor and the roof shall not be less than 1300 mm.
- 6.2 Suitable provision shall be made for the seating of not less than 4 and not more than 8 passengers. The carrying capacity of all vehicles shall be at the discretion of the Authority having regard to manufacturer's specifications and compliance with dimensions referred to in this document.
- 6.3 There shall be no steps within the passenger compartment.
- 6.4 The clear height of the doorway shall not be less than 1200 mm.
- 6.5 The nearside door and doorway shall be constructed so as to permit an unrestricted opening across the centre of the doorway of at least 740 mm.
- 6.6 Grab handles shall be placed at door entrances, to aid passenger ingress to and egress from the vehicle. These should be of a high visibility colour different from the interior colour scheme of the vehicle.
- 6.7 The outer edge of the floor at each entrance shall be fitted with non-slip treads.
- 6.8 The top tread for any entrance shall be at floor level of the passenger compartment and (except as detailed in 3.5 above) shall not exceed 460 mm above ground level when the vehicle is un-laden.
- 6.9 The minimum angle of the door when opened shall be 90 degrees.
- 6.10 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in the fully open position.
- 6.11 There shall be approved reflective strips on both the front and rear edges of the door.
- 6.12 The floor of the passenger compartment shall be covered with non-slip material, which can easily be cleaned.
- 6.13 Where a vehicle has sliding doors, a sign shall be positioned at the rear of the vehicle which can be visible by following traffic. This sign shall bear the words "Doors Open" which shall be automatically illuminated when a sliding door is opening.
- 6.14 All parts of the passenger compartment shall be clean and free of any damage, which may affect its suitability for the carriage of passengers.



7 Seats

- 7.1 Occasional seats shall be at least 400 mm. in width and the minimum distance from the back of the upholstery to the front edge of the seat shall be 355 mm.
- 7.2 Occasional seats shall be so arranged as to rise automatically when not in use.
- 7.3 Occasional and fixed seats when not in use shall not obstruct doorways.
- 7.4 Where the rear seat is of the bench type the overall width of the seat shall not be less than 1190 mm.
- 7.5 Suitable means shall be provided to assist persons to rise from the rear seat with particular attention to the needs of elderly and disabled passengers.
- 7.6 Where seat covers are used they shall be properly affixed to the seat so as not to become loose during use. They shall be clean and devoid of damage of any kind.
- 7.7 All seats shall be fitted with fully operational seat belts, compliant with British Standards except where the law specifically provides an exemption.

8 Wheelchair Carrying Facilities

- 8.1 Approved anchorages shall be provided for the wheelchair and wheelchair disabled passengers. These anchorages shall be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passenger shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair without a passenger, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers.
- 8.2 A ramp, or ramps, for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.
- 8.3 The vehicle shall be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair and disabled passengers.



- 8.4 Any lifting equipment which lifts persons must be thoroughly examined every 6 months after its initial installation or refit following a road traffic accident or incident and as directed by the competent person. The thorough examination is not maintenance covered by the MoT or compliance certificate but a separate inspection of the working parts of the lifting equipment and includes attachments which lift or support weight including chains or slings.
- 8.5 Examiners of lifting equipment will provide a report to the licence holder who must act on the reports' findings. Any potentially serious faults must be rectified immediately.

9. Heating and ventilation

- 9.1 An adequate heating and ventilation system shall be provided for the driver and the passengers, and means provided for independent control by the driver and the passengers.

10 Windows

- 10.1 A window on either side of the passenger compartment shall be capable of being opened easily by passengers when seated. The control for opening a window shall be clearly marked.
- 10.2 The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver.
- 10.3 No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.



11 Interior lighting

- 11.1 Adequate illumination shall be provided for the driver and passengers. Separate lighting controls for both passenger and driver shall be provided. In the case of the passenger compartment, an illuminated control switch shall be fitted, marked and in such a position that it is clearly visible to the passengers and is not easily confused with any other control.

12 Door Fittings

- 12.1 An approved type of automatic door locking device shall be fitted to passenger doors. When the vehicle is stationary the passenger doors shall be capable of being readily opened from the inside and from the outside of the vehicle by one operation of the latch mechanism. The interior door handle shall be clearly identified, to prevent it being mistaken for any other control.

13 Fuel systems

- 13.1 A device shall be provided whereby the supply of fuel to the engine may be immediately cut off. A manually operated device shall have its location together with the means of operation and "off" position, clearly marked on the outside of the vehicle. In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no external switch or markings are required.
- 13.2 All vehicles which are powered by Liquid Petroleum Gas (LPG) or Compressed Natural Gas (CNG) shall comply with all the relevant legislation set out in the Road Vehicles (Construction and Use) Regulations 1986' (as amended).
- 13.3 LPG conversions shall also comply with LP Gas Associations, Autogas Installations Code of Practice 11 and any later version of the COP. (Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986.
- 13.4 Compressed Natural Gas (CNG) vehicles shall comply with the Natural Gas Vehicle Design and Installation of Vehicle Fuel System Component Guidelines. (Conversion shall still comply with Road Vehicle (Construction and Use Regulations 1986) and certain additional safety features as required by the Council.
- 13.5 The Authority can consider allowing LPG / CNG vehicles to not carry a spare wheel. This would be subject to individual application and the provision that the driver of such a vehicle subscribes to a tyre repair /replacement or vehicle breakdown organisation.



14 Tyres

- 14.1 The licensed vehicle must be fitted with either all radial or all cross-ply tyres, including the spare wheel. All tyres must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.
- 14.2 Many new vehicles are now being manufactured without spare wheels, instead being supplied with a space-saver tyre or puncture repair kit or vehicles are being manufactured with run flat tyres. Vehicles fitted with run flat tyres have a specially tuned suspension to compensate for the increased tyre rigidity that is a feature of run flat tyres.
- 14.3 Alternative types of tyres and repair kits that comply with British Standards are permitted for emergencies only and must be used only in order to complete a journey and get the vehicle to the nearest repair site. The licence holder must comply precisely with the manufacturers' recommendations.
- 14.5 All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel.

15 Electrical equipment

- 15.1 Any additional electrical installation to the original equipment shall be adequately insulated and be protected by suitable fuses.

Hackney Carriage Conditions of Licence

16 Examination and Test

16.1 Before a licence is granted for the use of a vehicle as a hackney carriage, the vehicle shall be examined and tested by an Authority approved vehicle testing station to ensure that it is mechanically sound, safe and comfortable.

17 Licence Identification Plates

17.1 The proprietor shall ensure that the licence identification plate is fixed to the front and rear exterior of the hackney carriage vehicle either immediately above or immediately below the bumper in such a position as the vehicle registration plate is not obscured, with the particulars thereon facing outwards so that the licence is clearly visible by daylight from the highway at the rear of the vehicle. It shall be fixed on a platform kit supplied by the Authority in such a manner as to be easily removed by an authorised officer or a police constable. The platform kit shall be fixed by bolts or screws or other similar means.

17.2 The proprietor shall ensure that an approved holder displaying the hackney carriage driver badge of the driver in charge of the vehicle and a vehicle licence identification card for that vehicle as supplied by the Authority is displayed on the passenger compartment internal screen, in a position for passengers to clearly see.

17.3 The proprietor shall ensure that no licence identification plate be displayed other than the plates issued by the Authority, and the said plates shall be displayed only on the vehicle to which it relates.

18 Taximeters

18.1 The taximeter shall be calendar controlled and its fittings shall be fixed to the vehicle with seals or other appliances, so as not to be practicable for any person to tamper with them by breaking, damaging or permanently displacing the seals or other appliances.

18.2 The taximeter shall be positioned so that all letters and figures on its face shall be at all times illuminated and plainly visible to any passenger.

18.3 The taximeter when standing at a rank or plying for hire shall be kept locked in a position in which no fare is recorded on its face.

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

18.5 If the taximeter has been altered for whatever reason, the proprietor of the vehicle shall forthwith make arrangements for resetting and resealing with the approved meter agent.



18.6 The vehicle taximeter shall be brought into operation at the commencement of **all** hires and the fare demanded by the driver shall not be greater than that shown on the meter and fixed by this Authority. In the event of a hire ending outside the city boundary there may be charged for the journey such fare or rate of fare, if any, as was agreed before the hiring was effected. If no such agreement was made at the start of the journey then the fare to be charged should be no greater than that that would have been shown on the taximeter.

19 Table of fares

19.1 The proprietor shall ensure that the current table of fares fixed by the Authority is on display inside the vehicle at all times and is not concealed from view or rendered illegible.

20 Receipt book

20.1 The proprietor shall ensure that a carbonated receipt book is available in the vehicle at all times. A receipt shall be given on request and each receipt shall show as a minimum the following particulars:-

- Date of journey
- Badge number of driver
- Amount paid

21 Luggage

21.1 The proprietor shall at all times, provide facilities for the conveyance of luggage safely and protected from inclement weather.

22 Taxi signs

22.1 The proprietor shall ensure that a roof sign of the approved type shall be illuminated at all times when (and only when) the vehicle is available for hire.

23 Furnishing and maintenance of vehicle

23.1 The proprietor shall ensure that the vehicle and all its fittings and equipment at all times when the vehicle is in use or available for hire shall be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements including in particular those contained in the Motor Vehicles (Construction and Use) Regulations shall be fully complied with.

23.2 The proprietor shall ensure that:-

- (i) the vehicle is inspected every week for such matters as prescribed by the Council;
- (ii) a written record of such weekly inspections and any additional inspections or service on the vehicle is made at the time on the form prescribed by the Council; and
- (iii) such written records are retained for three months and kept in the vehicle at all times and made available for immediate production to an authorised officer of the Council or Police Officer on request.

24 Signs, notices and advertisements

24.1 Vehicles shall not be allowed to display any printed, written or other material on the windows of the vehicle except in respect of the following:-

- No eating or drinking;
- Public health and safety campaigns;
- Permits for private ranks;
- Trade organisation membership;
- No smoking; and
- Vehicle Excise Licence

24.2 Vehicle proprietors shall not display or allow to be displayed in or on their vehicle any signs, notices, advertisements, video or audio display etc either for the purpose of advertising or by way of identifying or personalising marks. However, the Authority will consider waiving this prohibition on application from vehicle licence holders in accordance with the following terms and conditions.

24.3 Applications for approval of advertisements must be made in writing on the approved form to the Authority. The form must be accompanied by a copy of the proposed advertisement in full colour.

24.4 All advertisements must comply with the British Code of Advertising Practice issued by the Advertising Standards Authority and must be legal, decent, honest and truthful. Each application will be considered on its own merits but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi nude figures; are likely to offend public taste; depict men or women as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities.

24.5 If the Authority is not satisfied as to the non-contentious nature or placement of an advertisement then any such application may be submitted to the Taxi and Miscellaneous Sub-Committee.

24.6 Permitted advertisements may be displayed in the interior of vehicles on the underside of tip-up seats and these must be encapsulated in clear non-flammable plastic or be manufactured of rigid plastic.

25 Communication Devices

- 25.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus shall be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use. It shall be of a type currently approved by the Radio Communications Agency.
- 25.2 Any radio apparatus shall be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.
- 25.3 No other radio equipment, either in the driver or the passenger compartment, is permitted without the prior approval of the Authority.

26 Auxiliary equipment

- 26.1 Any auxiliary equipment that is fitted to a vehicle shall not impede the driver in any way, or hinder his/her view, or impede, or cause hazard to passengers or other road users.

27 Convictions

- 27.1 Proprietors shall within 14 days disclose to the Authority, in writing, details of any convictions, police cautions or motoring offences received during the period of licence.

28 Change of Address

- 28.1 The proprietor shall notify the Authority, in writing, of any change in name and address within 14 days of such a change taking place.



Appendix B

Vehicle Specifications and Conditions of Licence for Private Hire Vehicles

The Specification

1 General

1.1 The Authority has a responsibility to ensure all vehicles operating as licensed private hire vehicles or those vehicles seeking permission for a licence meet all relevant legislation and regulations, in particular the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof and are safe and fit for purpose. All vehicles shall have an appropriate Type Approval Certificate which is either:-

- European Whole Vehicle Type Approval;
- Vehicle Certification Agency; or
- Low Volume National type Approval.

The type of vehicles adapted or modified for use as a private hire vehicle are generally small vans and larger vehicles such as minibuses but standard vehicles can also be converted or modified from the original manufacturer's specification. Any conversions or adaptations must also have an appropriate Type approval certificate which is either:-

- Voluntary Single Vehicle Approval (until 29/10/14 & for vehicle less than 10 years old);
- Certificate of Initial Fitness (reduction in seats would require this approval);
- Minister's Approval certificate; or
- Cases where established vehicle converters have had independent testing by an authorised authority on specific areas of adaptation such as seats, floor tracking, seatbelts and floor anchorages in order to comply with M1 standards then evidence of such certification may be acceptable.

1.2 No fittings, other than those approved, may be attached to, or carried on the inside or outside of the vehicle.

1.4 A private hire vehicle shall not be coloured black or any dark colour which could be confused with black unless it is a standard saloon, hatchback or estate motor vehicle and capable of carrying no more than 4 passengers when manufactured.

1.5 Vehicles which could lead the public to believe that such a vehicle is a hackney carriage, shall not be licensed as a private hire vehicle.

2.5 Where the top tread of the entrance to the vehicle exceeds 460 mm and the vehicle is not fitted with approved running boards as described in paragraph 3.4, a moveable intermediate step shall be provided at each entrance into the passenger compartment. The intermediate step shall be encased beneath the vehicle and be electrically or manually operated to extend outwards. When not in use and whenever the vehicle is in motion, the step shall not extend outwards beyond the vertical line of the bodywork.

2.6 The step shall be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.

2.7 Electrically operated steps if fitted shall be operated from within the driver's compartment and shall have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.

2 Body

2.1 The vehicle shall have no signs of previous significant accident damage.

2.2 The paint work shall be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.

2.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.

2.4 Running boards shall only be permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.

3 Steering

- 3.1 All vehicles shall be right-hand drive and shall have been so since the date of first registration.

4 Interior

- 4.1 The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the rear of the seat in front when the front seat is at its full, rearwards extension. If this measurement cannot be achieved, then 1500mm shall be allowed from the base of the rear seat to the front well. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
- 4.2 The internal headroom from the seat cushion to the lowest part of the roof in a vertical line shall be a minimum of 920mm.

5 Doors

- 5.1 The vehicle shall have a minimum of 4 opening doors which are easily accessible to passengers without the need to move or adjust any seats etc, to gain access to them.
- 5.2 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.
- 5.3 All doors shall be fitted with reflectors/ reflective strips or lights, which are clearly visible from the rear of the vehicle when the door is open.
- 5.4 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- 5.5 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position.

6 Seats

- 6.1 Vehicles shall have a passenger seating capacity of not less than 4 persons and not more than 8 persons.
- 6.2 Each seat shall be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.
- 6.3 Each seat shall not be less than 406mm in width.
- 6.4 Where bench seats are provided, then the seat shall provide a minimum of 406mm seating space for each passenger i.e. a rear bench seat shall not be less than 1218 mm in order to accommodate 3 passengers.
- 6.5 Each row of seats made available shall have door access immediately adjacent to it unless access to rows of seats is by way of permanent passageway from such a door.
- 6.6 Any suitable seat situated behind the front passenger seats can be removed to comply with this requirement.

7 Windows

- 7.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers.
- 7.2 The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles.
- 7.3 No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

8 Heating and ventilation

- 8.1 Vehicles shall have an efficient heating and ventilation system.

9 Wheelchair carrying facilities.

9.1 Any vehicle that has the facility for the carriage of wheelchair and wheelchair passengers shall be fitted with:-

- Approved anchorages that shall be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers.
- A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.

- 9.2 The vehicle shall be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.
- 9.3 Any lifting equipment used to lift persons or loads fitted to a vehicle must have received a thorough examination by a competent person.
- 9.4 Any lifting equipment which lifts persons must be thoroughly examined every 6 months after its initial installation or refit following a road traffic accident or incident and as directed by the competent person. The thorough examination is not maintenance covered by the MoT or compliance certificate but a separate inspection of the working parts of the lifting equipment and includes attachments which lift or support weight including chains or slings.
- 9.5 Examiners of lifting equipment will provide a report to the licence holder who must act on the reports' findings. Any potentially serious faults must be rectified immediately.

10 Fuel systems

- 10.1 A device shall be provided whereby the supply of fuel to the engine may be immediately cut off. A manually operated device shall have its location together with the means of operation and "off" position, clearly marked on the outside of the vehicle. In the case of a vehicle fitted with an automatic inertia fuel cut off switch, no external switch or markings are required.
- 10.2 All vehicles which are powered by Liquid Petroleum Gas (LPG) or Compressed Natural Gas (CNG) shall comply with all the relevant legislation set out in the Road Vehicles (Construction and Use) Regulations 1986 (as amended).
- 10.3 LPG conversions shall also comply with LP Gas Associations, Autogas Installations Code of Practice 11 and any later version of the COP. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986.



- 10.4 Compressed Natural Gas (CNG) - Vehicles shall comply with the Natural Gas Vehicle Design and Installation of Vehicle Fuel System Component Guidelines. Conversion shall still comply with Road Vehicles (Construction and Use) Regulations 1986 and certain additional safety features as required by the Authority.
- 10.5 The Authority can consider allowing LPG / CNG vehicles to not carry a spare wheel. This would be subject to individual application and the provision that the driver of such a vehicle subscribes to a tyre repair /replacement or vehicle breakdown organisation.

11 Trailers and Roof carriers

- 11.1 The vehicle may tow a trailer but shall;
- comply with the towing weights specified by the vehicles' manufacturer
 - provide secure and weather proof storage for luggage
 - display the licence plate on to a platform kit at the rear
- 11.2 If a roof carrier is to be used for luggage or goods, in addition to normal luggage, it shall be of a type fitted to the guttering or to the roof rails provided by the manufacturer.

12 Tyres

- 12.1 The licensed vehicle must be fitted with either all radial or all cross-ply tyres, including the spare wheel. All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.
- 12.2 Many new vehicles are now being manufactured without spare wheels, instead being supplied with a space-saver tyre or puncture repair kit or vehicles are being manufactured with run flat tyres. Vehicles fitted with run flat tyres have a specially tuned suspension to compensate for the increased tyre rigidity that is a feature of run flat tyres.
- 12.3 Alternative types of tyres and repair kits that comply with British Standards are permitted for emergencies only and must be used only in order to complete a journey and get the vehicle to the nearest repair site. The licence holder must comply precisely with the manufacturers' recommendations.
- 12.4 All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel.



13 Electrical equipment

- 13.1 Any additional electrical installation to the original equipment shall be adequately insulated and be protected by suitable fuses.

Private Hire Vehicle Conditions of Licence

14 Examination and Test

14.1 Before a licence is granted for the use of a vehicle as a private hire vehicle, the vehicle shall be examined and tested by an Authority approved testing station.

15 Licence Identification Plates

15.1 The proprietor shall ensure that the licence identification plate is fixed to the front and rear exterior of the private hire vehicle in the vicinity of the bumper in such a position as the vehicle registration plate is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence is clearly visible by daylight from the highway. It shall be fixed on a platform kit as supplied by the Authority in such a manner as to be easily removed by an authorised officer or a police constable. The platform kit shall be fixed by bolts or screws or other similar means.

15.2 The proprietor shall ensure that an approved holder displaying a private hire driver badge of the driver in charge of the vehicle and a vehicle licence identification card for that vehicle as supplied by the Authority is displayed, in a position for all passengers to clearly see.

15.3 The proprietor shall ensure that no licence identification plate be displayed other than the plates issued by the Authority, and the said plate shall be displayed only on the vehicle to which it relates.

15.4 The licence plates are the property of the Authority and must be returned to the Authority within seven days after the service on the vehicle proprietor of an appropriate notice.



16 Meters

16.1 If the vehicle is fitted with a meter for recording the fare it shall display and maintain the statement of fares inside the vehicle in such a position as to be clearly visible at all times to the hirer. The statement of fares shall include the following information:

- The minimum hire charge
- The rate charged per mile
- Any additional charges

16.2 The meter shall :-

- Be fitted in a position where it is not easily visible from outside the vehicle;
- Be checked and sealed by an authorized meter agent before it is used;
- Not display a "For Hire" sign at any time;
- Be fitted in such a position that its figures are clearly visible to passengers and that it is sufficiently illuminated; and
- Be fitted to the vehicle with seals or other appliances, so as not to be practicable for any person to tamper with them by breaking, damaging or permanently displacing the seals or other appliances.

16.3 If no meter is fitted, the fare charged shall not exceed that stated in the statement of fares as displayed in the vehicle unless a rate has been separately agreed between the hirer and the Licensed Private Hire Operator at the time of booking and prior to the journey.

17 Signs and Notices

- 17.1 The proprietor of a private hire vehicle shall not display or suffer or permit to be displayed on a private hire vehicle any sign or notice which consists of or includes the word TAXI or CAB whether in the singular or plural or FOR HIRE or any word or words of similar meaning or appearances to any one of those words, whether alone or as part of another word.
- 17.2 Vehicles shall have directly fixed on the upper half panel of the rear side passenger doors, permanent self adhesive vinyl notices as provided by the Authority. In respect of multi passenger vehicles (MPV's), the same signs shall be fixed directly on the rear near side passenger door and on the opposite panel on the offside of the vehicle.
- 17.3 Vehicles shall not display roof signs or allow any other signs on its bodywork without the approval of the Authority.
- 17.4 On the dashboard of the vehicle in a position for passengers to clearly see, there shall be displayed in an approved display holder, cards identifying the driver and the vehicle as provided by the Authority.

- 17.5 Vehicles shall not display any printed, written or other material on windows except the vehicle excise licence and no smoking signs. The following may be permitted by the Authority:

- No eating or drinking
- Public health and safety campaigns
- Trade organisation membership
- No smoking
- Vehicle Excise Licence

18 Receipt book

- 18.1 The proprietor of a private hire vehicle shall ensure that a carbonated receipt book is available in the vehicle at all times. A receipt will be given on request and each receipt shall show as a minimum the following particulars:-
- Date of journey
 - Badge number of driver
 - Amount paid

19 Luggage

- 19.1 The proprietor shall at all times, provide facilities for the conveyance of luggage safely and protected from inclement weather.
- 19.2 Where luggage is stored other than in a boot (e.g. in an MPV), it shall be properly secured.

20 Furnishing and maintenance of vehicle

- 20.1 The proprietor shall ensure that the vehicle and all its fittings and equipment at all times when the vehicle is in use or available for private hire shall be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use Regulations 1986) shall be fully complied with.
- 20.2 Where a separate compartment is provided for passengers, the proprietor shall provide sufficient means by which any person in the compartment may communicate with the driver.



- 20.3 The proprietor shall at all times, provide adequate lighting and heating for the interior of the vehicle.
- 20.4 The proprietor shall ensure that:-
- (i) the vehicle is inspected every week for such matters as prescribed by the Council;
 - (ii) a written record of such weekly inspections and any additional inspections or service on the vehicle is made at the time on the form prescribed by the Council; and
 - (iii) such written records are retained for three months and kept in the vehicle at all times and made available for immediate production to an authorised officer of the Council or Police Officer on request.

21 Company signs

21.1 Cars

Company (Operator) signs (not magnetised) shall be displayed on the two front doors (upper half panel in line with Authority signs). The maximum size shall be 770mm x 260mm. A sign may be displayed on the rear of the vehicle advertising the company but it shall not exceed 100mm in height and the telephone number should not exceed 75mm in height. A copy of any proposed company sign shall be forwarded to the Licensing Section for approval.

21.2 MPV's

Company (Operator) signs (not magnetised) shall be displayed on the two front doors (upper half panel in line with Authority signs) of private hire vehicles. Signs may be displayed on the rear of the vehicle advertising the company (but not the window). A copy of any proposed company signage shall be forwarded to the Licensing Section who shall approve by vehicle make and model, signage parameters in proportion to the design of each vehicle.

21.3 Other (Large) Vehicles

The Authority shall approve, by vehicle make and model, signage parameters in proportion to the design of each vehicle. Company (Operator) signs (not magnetised) shall be displayed on the two front doors (upper half panel in line with Council signs).

21.4 All company signs shall be the same for each vehicle.

22 Communication Devices

22.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus shall be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use. It shall be currently approved by the Radio Communications Agency.

22.2 Any radio apparatus shall be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

22.3 No other radio equipment, either in the driver or the passenger compartment, is permitted without the prior approval of the Authority.



23 Auxiliary equipment

23.1 Any auxiliary equipment that is fitted to a vehicle shall not impede the driver in any way, or hinder his/her view, or impede, or cause hazard to passengers or other road users.

24 Convictions

24.1 Proprietors shall within 14 days of disclose to the Authority, in writing, details of any convictions, police cautions or Motoring offences received during the period of licence.

25 Change of Address

25.1 The proprietor shall notify the Authority in writing of any change in his/her name or address within 14 days of such a change taking place.

26 Production of Private Hire Vehicle Licence and Insurance Certificates

26.1 The proprietor of a private hire vehicle shall provide a copy of the current private hire vehicle licence issued by the Authority and current insurance certificate to the operator for which the vehicle is being used during the time it is so used for that operation.



Appendix C

Limousines

1 Introduction

- 1.1 This Appendix sets out the Authority's framework and requirements for the licensing of limousines.
- 1.2 It has become clear that many Authority private hire licence conditions effectively prevent the licensing of limousines as issues such as tinted windows, seating capacity and side facing seats has resulted in limousines unable to comply with traditional licensing conditions. The Authority recognises that in recent years there has been a rapid growth in demand for the hire of limousine vehicles and prior to this policy the industry had been largely unlicensed and unregulated in terms of drivers or vehicles being used.



- 1.3 For the purposes of this policy and licence conditions a stretched limousine is defined as follows: -
A stretch limousine is a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that is :-
 - capable of carrying up to but not exceeding 8 passengers;
 - not a decommissioned military or emergency service vehicle; and
 - prior to the adoption of this policy could not be licensed as a private hire vehicle by this Authority.

2 Pre-licensing Requirements and Licensing Conditions

Issue	Licence Condition	Justification
1 Left Hand Drive Vehicles	Permit Left Hand Drive limousines to be licensed.	The majority of stretched limousines are imported from the United States of America and are left hand drive. The Department for Transport has recommended that Authorities should not refuse to licence limousines simply because they have characteristics which contravene their existing policy, i.e. left hand drive.
2 Sideways Seating	Permit limousines with sideways facing seating to be considered for private hire vehicle licensing. But no seat must be positioned so that it permanently obstructs any door.	A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport guidance the Authority will consider the suitability of limousines with sideways seating for licensing.
3 Signage	Provided that they have received written consent from the Authority, limousines may, in certain circumstances, not be required to display identification signs required by other private hire vehicles.	Signage serves to distinguish private hire vehicles from ordinary saloon cars and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they are very unlikely to be confused with a private road user's vehicle or a hackney carriage vehicle.

Issue	Licence Condition	Justification
4 Tinted Glass	No restriction to the level of tint for the glass windows in the passenger compartment. However, tinted glass in the windscreen and front doors shall be restricted to the requirements of the SVA Standards.	It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine.
5 Fare Table/ Taximeter	Limousines are not required to display a fare table or contain a taximeter. Any taximeter fitted must be a calendar controlled taximeter and any fare table in operation be forwarded to the Authority.	Stretched limousines often do not operate under a fare system as journeys are generally pre-paid in advance based on the length of time they are hired for.
6 Roadworthiness	They shall hold a valid Single Vehicle Approval (SVA) Certificate or equivalent.	SVA test comprises of a visual examination of a vehicle and certifies its safety and roadworthiness.
7 Vehicle Age	Stretched limousines to be licensed in accordance with the Authority's current vehicle age policy.	To ensure that the limousines licensed by the Authority are in a good and safe condition.
8 Insurance	An appropriate insurance policy must be in place, which covers use of the vehicle for hire and reward.	The Authority has concerns that some limousines may be operating under insurance policies which do not cover use for hire and reward and take into account that the vehicle has been stretched.

Issue	Licence Condition	Justification	
9	Tyres	The limousine must be fitted with tyres that meet both the size and weight specification.	Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times.
10	Vehicle Testing	The limousine shall be examined twice a year to the appropriate Class MOT standard.	To ensure that limousines licensed by the Authority are maintained to high standards and remain safe.
11	Maximum Passengers	The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.	Authorities can only licence vehicles with a maximum seating capacity of up to 8 passengers.
		Any seats in the driver's compartment other than the driver's seat shall not be used to carry passengers.	This is to ensure that passengers are not carried in the front of the vehicle to improve driver and passenger safety.
		The vehicle must not carry more than 8 passengers at any time. age).	This condition shall be enforced by Authority officers performing random inspections of licensed vehicles.
		In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.	To inform customers of the maximum carrying capacity of the vehicle.

Issue	Licence Condition	Justification	
12	Seat Belts	Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion. There is no legal requirement for seatbelts on sideways facing seats.	In accordance with Road Vehicle (Construction and Use) Regulations.
13	Alcohol	Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the retail sale and supply of alcohol.	To comply with alcohol licensing requirements and safeguard public safety.
		Alcohol shall only be served while the vehicle is stationary and afterwards, the bottle(s) shall be placed in a secure receptacle.	
		If the occupants are below the age of 18 years, then no alcohol shall be permitted in the vehicle for consumption in the vehicle.	
		Any glassware in the vehicle must be made of strengthened glass. Polycarbonate vessels should be considered.	

Issue	Licence Condition	Justification	
14	Entertainment	The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.	To safeguard children and vulnerable adult passengers from viewing unsuitable material.
		The limousine operator shall ensure that a performing right licence is held (if appropriate).	Many limousines have the capability of playing recorded media for the entertainment of customers and so the operator must ensure the appropriate royalties are paid.
		If the limousine parks to provide some form of entertainment to its passengers then a Premises licence must be in place in accordance with the Licensing Act 2003.	Entertainment regulated under the Act includes recorded TV, video, video games, loudspeakers, or any other activity provided for the passenger's enjoyment.
15	Authority Notices	The proprietor shall when directed by the Authority, display and maintain any notices in a conspicuous position.	To convey information to passengers where appropriate.
16	Advertisements	No other signs, notices or any other marking will be displayed on or in the vehicle without the written consent of the Authority	To ensure that any materials displayed in the limousine is suitable for public viewing

Issue	Licence Condition	Justification	
17	Luggage	Ensure that loose luggage is not carried within the passenger compartment of the vehicle.	Passenger safety.
18	Safety Hammer	Vehicles must be supplied with a safety hammer, capable of being used to break the glass windows of the vehicle and shall be securely located in the driver's compartment but in view and accessible to passengers in an emergency.	Passenger safety.
20	Identification Badges	The proprietor of the vehicle will be issued, by the Authority, with two display holders containing cards identifying the driver, vehicle and expiry dates and other details of respective licences. The proprietor will ensure that one display holder is positioned where it can be seen by passengers and that the other is displayed on the top left-hand corner of the front windscreen where it can be clearly seen from the outside of the vehicle.	To ensure that driver and vehicle is licensed
		No identification badge shall be parted with, lent or used on any other vehicle and the loss or damage of the badge shall be reported to the Authority as soon as the proprietor is aware of the loss.	
		In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle badge and licence to the Authority within seven days.	

Issue	Licence Condition	Justification	
21	CCTV	It is not proposed that such measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves. The trades are, however, encouraged to consider the installation of CCTV in their vehicles on a voluntary basis. The Authority will explore funding streams to assist the trade in offsetting the cost of CCTV.	Driver safety.
22	Sun roof/Ceiling	If fitted, any sun roof switch to be isolated so it cannot be operated by passengers. Any mirrored or glass ceiling or fixtures shall be made of strengthened glass.	Passenger safety.
23	Interior	Adequate illumination shall be provided in the passenger compartment. The roof and side panels shall be adequately trimmed.	Passenger safety.
24	Doors	All doors shall be capable of being opened from inside as well as from outside the vehicle.	To enable safe access/egress.
25	Communication	A means of two way communication between the driver and passengers shall be installed to the satisfaction of the Authority.	Passenger and driver safety.



3 Driver and Operator Licensing Requirements

- 3.1 In addition to the limousine being licensed as a private hire vehicle with the Authority, the limousine operator is required to hold a private hire operators' licence with the Authority.
- 3.2 All bookings for a limousine licensed as a private hire vehicle must be booked through the licensed private hire operator.
- 3.3 Once licensed as a private hire vehicle the limousine can only be driven by a licensed private hire driver (this licence must also be issued by the Authority).



Appendix D

Application Procedures

1 Application Procedures -Vehicles

- 1.1 Vehicle proprietors shall deal directly with Authority approved vehicle testing stations to make arrangements to have vehicles examined and tested. The vehicle testing stations shall submit compliance certificates to the Authority electronically.
- 1.2 Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle is in good condition, i.e. mechanically sound, bodywork satisfactory and the engine and full chassis steam cleaned.
- 1.3 In respect of renewal applications vehicles should not be examined more than one month before its licence is due to expire. However, it is advised to arrange the examination and test at least 14 days prior to the licence expiry date in case the vehicle examination identifies the need for repair work and re-testing which can then undertaken prior to the expiry of the licence.
- 1.4 Vehicle proprietors shall be subject to a re-charge fee by the vehicle testing station in respect of vehicles that fail more than five items on the vehicle test and require a second examination and test. The full examination and test fee shall be charged to proprietors who fail to attend appointments for vehicle examination and tests without notifying the vehicle testing station.
- 1.5 Vehicle licence application forms can be obtained from the Authority's website. Vehicle proprietors will receive an application form to renew current vehicle licences one month prior to their expiry date.
- 1.6 Completed application forms shall be sent to the Authority together with a copy of the relevant vehicle insurance certificate. The application fee must be paid using the Authority Payment Line or the Internet.
- 1.7 Applications will be deemed invalid if all the supporting documents and payments are not received within fourteen days of the application being received.





2 Application Procedures -Drivers

- 2.1 Applications for hackney carriage or private hire drivers' licences may be made at any time of the year by appointment. Applicants shall have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA) for at least 12 months. In addition any applicants who hold a EC/EEA driving licence shall also have a GB counterpart document.
- 2.2 An EC or EEA driver's licence will only be acceptable for a period of 3 years since the date of the applicant obtaining residency in the UK. Where a licence is over 2 years old applicants will need to apply for a full driving licence issued in the UK.
- 2.3 Appointments are held at the Town Hall, Lancaster Road, Preston with a Customer Service Advisor who will assist with the completion of the application form and the form the form which allows the Authority or its agent to access DVLA records. Your criminal record check will either be accessed online if you have subscribed to this service or on application completed for submission for the DBS. A fee will be required and payment can only be made with a debit/credit card or postal order.
- 2.4 Applicants must pass a Communications Test which aims to identify understanding of the English language and basic mathematics, and a Local Knowledge Test which aims to identify knowledge of locations of places of interest and routes.
- 2.5 Applicants will be required to complete an application form for an Enhanced Disclosure Certificate from the Disclosure & Barring Service on first application and every 3 years thereafter. Two forms of personal identification are required (passport, driving licence, birth certificate or marriage certificate) as well as a utility bill showing the applicants current address. Applicants will also need to provide their national insurance number.
- 2.6 If new applicants are confident that their criminal record check will be satisfactory then they can proceed to arrange appointments to obtain a completed medical certificate from a General Practitioner; to undertake the Authority communications and local knowledge test; and to undertake a course to obtain the BTEC Level 2 Certificate Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF) from a training provider. Otherwise, as the above actions will incur costs, applicants may prefer to wait for clearance from the Authority before proceeding with the application.
- 2.7 Applicants shall provide a completed medical examination form supplied by the Authority and completed by a general practitioner on first application and every 3 years thereafter until aged 70 years when annual examinations are required. The medical practice is likely to make a charge for this service.
- 2.8 Applications for the grant of driver licences will remain valid for 6 months from the date they were signed by the applicant.
- 2.9 If satisfied, from the information provided, that the applicant is a fit and proper person to hold a licence, the applicant will be granted a 12 month licence. If the Authority is not satisfied, on the information before it, that the applicant should be granted a licence, the matter may be referred to the Taxi and Miscellaneous Sub-Committee for a hearing. Procedures for such an occurrence are outlined in **Appendix O**.
- 2.10 Following the grant of a licence two driver badges will also be issued which shall remain the property of the Authority and must be surrendered if the licence is suspended or revoked by the Authority. One badge shall be displayed on the driver's person at all times they are acting as a licensed driver and the other shall be displayed in the vehicle.



Appendix E

Relevance of Convictions to Applications



1 Introduction

- 1.1 The following guidelines shall be used to determine the relevance of criminal and other convictions in relation to applications for hackney carriage and private hire driver's licences and private hire operator's licences.
- 1.2 It should be noted that since 2002 hackney carriage and private hire vehicle drivers are excepted from the protection of the Rehabilitation of Offenders Act 1974, so that all convictions can be considered as to whether they are relevant in respect of any proceedings held in respect of an application for the grant or renewal of a licence to be a hackney carriage or private hire vehicle driver.

2 General Policy

- 2.1 Each application will be determined on its own merits.
- 2.2 However the overriding consideration will be the protection of the public, particularly children and vulnerable adults.
- 2.3 A police caution for violence, dishonesty and drug related offences shall generally be taken into account for a period of 2 years. In all other cases a police caution shall generally be taken into account for a period of 12 months.
- 2.4 Listed below are some general principles relating to the determination of applications for drivers and operators which shall generally be followed where convictions are disclosed.

3 Minor Traffic Offences

- 3.1 Convictions for minor traffic offences such as obstruction, waiting in a restricted street, speeding etc shall not prevent a person from proceeding with an application.
- 3.2 If sufficient DVLA penalty points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire vehicle driver's licence may be granted after the restoration of the DVLA driving licence. A warning letter shall, however, be issued to such licence holders about future driving standards.

4 Major Motoring Offences

- 4.1 Convictions for motoring offences such as:-
- reckless driving;
 - driving without due care and attention;
 - driving without reasonable consideration for other road users.
 - driving with no valid insurance;
 - using a motor vehicle in an unfit condition;
 - driving whilst disqualified; and
 - causing serious injury by dangerous driving
- will raise concern as to the applicant's fitness to hold a licence. A minimum of 3 years shall have elapsed since the incident before such an application will be granted by the Authority. An applicant can, however, request that the application be referred to the Taxi and Miscellaneous Sub-Committee for determination.
- 4.2 A conviction for causing death by careless driving or by dangerous driving or manslaughter or culpable homicide while driving a vehicle shall result in the application being referred to the Taxi and Miscellaneous Sub-Committee for determination.

5 Drunkenness

5.1 With a motor vehicle

- 5.1.1 A serious view shall be taken of convictions for driving or being in charge of a vehicle whilst under the influence of alcohol or other substances. A single conviction for these offences will raise serious concerns as to the applicant's fitness to hold a licence. At least 3 years should have elapsed since the restoration of the DVLA driving licence before such an applicant is granted for a licence.
- 5.1.2 More than one conviction shall result in the application being referred to the Taxi and Miscellaneous Sub-Committee.
- 5.1.3 If there is any suggestion that the applicant is an alcoholic, a medical examination shall be arranged by the Authority before the application is considered. If the applicant is found to be an alcoholic, a period of 3 years must elapse after treatment is complete before an application can be granted. An applicant can, however, request the application be referred to the Taxi and Miscellaneous Sub-Committee.



5.2 Not in a motor vehicle

- 5.2.1 An isolated conviction for drunkenness shall not debar an applicant from obtaining a licence. However, a number of convictions for drunkenness could indicate a problem necessitating a medical examination to be arranged by the Authority. If the applicant is found to be an alcoholic, a period of 3 years must elapse after treatment is complete before an application can be granted. An applicant can, however, request the application be referred to the Taxi and Miscellaneous Sub-Committee.

6 Drugs

- 6.1 An applicant with a conviction for a drug use offence shall be required to show a period of at least 3 years free of convictions before an application is granted or 5 years after the completion of detoxification treatment if an addict. An applicant can, however, request the application be referred to the Taxi and Miscellaneous Sub-Committee.
- 6.2 An applicant with a conviction for a drug supply offence shall be required to show a period of at least 5 years free of convictions before an application is granted or 5 years after the completion of detoxification treatment if an addict. An applicant can, however, request the application be referred to the Taxi and Miscellaneous Sub-Committee.

7 Sexual or Indecency Offences

- 7.1 Hackney carriage and private hire drivers often carry unaccompanied passengers, including children and vulnerable adults. Applications from applicants with a conviction for a serious sexual offence will be minded not to be approved. They shall be referred to the Taxi and Miscellaneous Sub-Committee for determination in accordance with its usual procedure. A serious sexual offence includes:-

- rape;
- assault by penetration; and
- offences involving children and vulnerable adults.

- 7.2 Applicants with a conviction for other sexual offences such as:-

- sexual assault;
- indecent assault;
- possession of indecent photographs;
- exploitation of prostitution;
- trafficking for sexual exploitation
- indecent exposure; and
- soliciting

should be conviction free for at least 5 years before an application will be considered by the Sub-Committee. Applicants with more than one conviction should be conviction free for a period of at least ten years.

8 Violence

- 8.1 As hackney carriage and private hire drivers have close contact with the general public, a serious view shall be taken with applicants who have a conviction for grievous bodily harm, wounding or assault. A period of at least 5 years free of conviction is expected from applicants with convictions for the following offences:-

- arson;
- malicious wounding;
- grievous bodily harm;
- actual bodily harm;
- robbery;
- possession of firearm;
- riot;
- assault police;
- common assault with racial aggravation;
- violent disorder; and
- resisting arrest.

- 8.2 A period of at least 3 years free of conviction is expected from applicants with convictions for the following offences:-

- common assault;
- affray;
- obstruction; criminal damage; and
- other public order offences.

- 8.3 An applicant can, however, request the application be referred to the Taxi and Miscellaneous Sub-Committee.

9 Dishonesty

- 9.1 Hackney carriage and private hire drivers are expected to be trustworthy. The delivery of unaccompanied property is indicative of the trust that businesses place in licensed drivers. Moreover, it is comparatively easy for dishonest drivers to defraud the public, by demanding more than the normal fare. Overseas visitors, in particular can be confused due to the change in currency. For these reasons a serious view will be taken of any convictions involving dishonesty. At least 3 years should have elapsed since the incident before an application is granted. An applicant can, however, request the application be referred to the Taxi and Miscellaneous Sub-Committee.

10 Other Offences and special circumstances

- 10.1 If an applicant has declared or committed any other offence not listed above or the circumstances of the case justify it, the Customer Services Officer shall refer the application to a Senior Licensing Officer who may consider it appropriate to refer it to the Taxi and Miscellaneous Sub-Committee for determination.



Appendix F

Private Hire Driver's Licence Conditions

1 Conduct of Driver

- 1.1 The holder of a private hire driver's licence ("the driver") shall comply with the following conditions, which should be read in conjunction with the Code of Good Conduct set out in **Appendix H**.
- 1.2 The driver shall be respectably dressed and clean and tidy in appearance.
- 1.3 The driver shall not allow the badge granted to him to be used by any other person or cause or permit any other person to wear it and on termination or surrender of the driver's licence, shall return the badge to the Authority immediately.
- 1.4 The driver shall behave in a civil, polite and orderly manner at all times in the course of carrying out business and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 1.5 The driver shall not wilfully or negligently cause or permit the vehicle licence plates to be concealed from public view.
- 1.6 The driver who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- 1.7 The driver when hired to drive to a particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest route.
- 1.8 The driver shall not convey or permit to be conveyed in such vehicle any number of persons greater than the number of persons specified in the licence and also referred to on the vehicle licence plate.
- 1.9 The driver shall convey a reasonable amount of luggage and provide reasonable assistance in loading and unloading luggage.
- 1.10 The driver shall not solicit, by calling out or otherwise importune, any person to hire or be carried for hire, and shall not accept an offer for the hire of the vehicle except where that is first communicated to the driver by the operator.
- 1.11 The vehicle shall be presented in a clean and tidy condition for each journey.
- 1.12 The private hire vehicle shall only be driven by licensed private hire drivers who have the consent of the proprietor of the vehicle.
- 1.13 The driver shall comply with any hirer's request not to drink or eat in the vehicle, or play any radio or sound equipment, which is not connected with the operation of the business.
- 1.14 The driver shall not operate the horn as a means of signalling that the vehicle has arrived for a hire.



2 Fares and journeys

2.1 The driver shall, if requested by the hirer, provide a written receipt for the fare paid. Each receipt should show the date of journey, driver badge number and amount paid.

- 2.2 If the private hire vehicle is fitted with a taximeter, then the driver of the vehicle shall unless the hirer expresses at the commencement of the journey his desire to engage by time, bring the meter into operation at the commencement of the journey;
- (i) bring the machinery of the taxi meter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter before beginning a journey for which a fare is charged for distance and time, and keep the machinery of the taximeter in action until the termination of the hiring;
 - (ii) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer; and
 - (iii) not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the meter.

3 Duties of Licence Holder

- 3.1 The driver's licence must be made available for inspection, on request, by any authorised officer of the Authority or any Police Officer.
- 3.2 The driver must notify the Authority, within 14 days of starting or terminating employment, as to the name and address of the operator and/or proprietor concerned, and the date when the employment either started or ended.
- 3.3 The private hire driver's licence or copy thereof must be presented to the proprietor/operator at the beginning of an employment.
- 3.4 All licences and badges issued remain the property of the Authority at all times. They must be returned forthwith when employment as a licensed driver ceases or if the licence expires and is not renewed or where the licence is suspended or revoked.
- 3.5 The driver must notify the Authority in writing, within fourteen days, of any change of name or address.
- 3.6 The driver must notify the Authority, within a period of fourteen days of any conviction for a criminal offence, police caution and motoring offence.



- 3.7 The driver shall keep a copy of these driver conditions in the licensed vehicle being used by that driver.
- 3.8 The driver shall inform the Authority, in writing, immediately, of any deterioration in health or injury that would affect the ability to drive a private hire vehicle.

4 Lost Property

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



5 The Carriage of Animals

- 5.1 A driver shall not carry in a private hire vehicle any animal, which belongs to, or is being looked after by, themselves, the proprietor or operator of the vehicle.
- 5.2 Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner.
- 5.3 A driver shall, however, carry assistance dogs. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs, which assist disabled people with a physical impairment.
- 5.4 Any driver with a medical condition, which may be exacerbated by such dogs, may apply for exemption from the condition in paragraph 5.3 to the Authority. A certificate of exemption will be supplied on production of suitable medical evidence.

6 Wheelchair Accessible Vehicles

- 6.1 All drivers of wheelchair accessible vehicles must:-
- be fully conversant with the correct method to operate ramps, lifts and wheelchair restraints that can be fitted to the vehicle;
 - ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and that the brakes of the wheelchair have been applied prior to the vehicle setting off; and
 - ensure that any wheelchairs, equipment and passengers are carried in such a way that no danger is likely to be caused to any passenger in accordance with the Road Vehicles (Construction & Use) Regulations 1986.

Appendix G

Hackney Carriage Byelaws

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by Preston City Council with respect to Hackney Carriages in the area of the Borough of Preston.



1 Throughout these Byelaws:-

“the Council” means Preston City Council and
“the District” means the Borough of Preston aforesaid.

Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence, shall be displayed.

- 2**
- (a) The proprietor of a hackney carriage shall cause to be prominently affixed to the back thereof a metal plate of a size, colour, design and type prescribed by the Council to indicate the licence number of the carriage and the number of persons that may be carried and shall also cause to be legibly painted or marked in the interior of the carriage, clearly visible to passengers, the aforesaid details.
 - (b) A proprietor or driver of a hackney carriage shall;
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from the public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how Hackney Carriages are to be furnished or provided.



- 3** The proprietor of a hackney carriage shall
- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing baggage if the carriage is so constructed as to carry baggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

- 4 The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached, and maintained as to comply with the following requirements, that is to say
- (a) the taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

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



- 5 The driver of a hackney carriage provided with a taximeter shall-
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.

- 6** A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
- 7** The driver of a hackney carriage shall, when plying for hire in a street and not actually hired
- proceed with reasonable speed to one of the stands fixed by the byelaws in that behalf;
 - if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward to as to fill the place previously occupied by the carriage driven off or moved forward.
- 8** A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
- 9** The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle and shall comply with every reasonable requirement of any person hiring or being conveyed in such carriage.

- 10** The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.



- 11** The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
- 12** A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage. "Person" shall be deemed not to include children under the age of 3 years and a child over the age of 3 years and under the age of 12 years shall be deemed a half a person.
- 13** If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
- 14** The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage,
- convey a reasonable quantity of luggage,
 - afford reasonable assistance in loading and unloading;
 - afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

- 15 The driver of a hackney carriage shall not, in such carriage when driving for hire, except with the permission of the person hiring or being conveyed in such carriage, smoke tobacco or any other substance.
- 16 The proprietor or driver of a hackney carriage shall not, when standing or plying for hire, wash such carriage in any street or public place.
- 17 The proprietor of a hackney carriage shall not cause, allow or permit any printed, written or other matter other than the current Vehicle Excise Licence of the carriage, other than such as shall have received the prior approval of the Council, to appear upon any window of such carriage.
- 18 The driver of a hackney carriage shall at all times while standing, driving or plying for hire, keep a complete copy of these Byelaws with such carriage, and shall on request produce the same for perusal and inspection by any person hiring such carriage.

19 Provisions fixing the stands of Hackney Carriages.

Each of the several places specified in the list at **Appendix N** shall be a stand for such number of hackney carriages and during such hours as are specified in the list.

- 20 Every proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person, shall immediately thereafter, notify the fact to the Chief Environmental Health Officer of the Council.

21 Table of Fares.

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



Provisions for securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages and fixing the charges to be made in respect thereof.

- 23 The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.



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

Penalties

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

Appendix H Code of Good Conduct

This Code should be read in conjunction with the other statutory and policy requirements set out in this document.

1 Responsibility to the Trade

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

- (a) complying with this Code of Good Conduct;
- (b) complying with all the conditions of their licence, byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy;
- (c) behaving in a civil, orderly and responsible manner at all times; and
- (d) sign to acknowledge the Code of Conduct.



2 Responsibility to Clients

Licence holders shall:

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

3 Responsibility to Residents

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

- (a) not sound the vehicle's horn as a means of signalling that the vehicle has arrived for a hire.
- (b) keep the volume of music media player and VHF radios to a minimum;
- (c) switch off the engine if required to wait; and
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

4 Responsibilities at Ranks and Offices

Licence holders shall:-

- (a) rank in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in attendance of the vehicle;
- (c) not allow their music media players or VHF radios to cause disturbance to residents of the neighbourhood; and
- (d) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.



5 General

Drivers shall-

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public;
- (b) be polite, helpful and fair to passengers;
- (c) drive with care and due consideration for other road users and pedestrians;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (f) not drive while having misused legal or taken illegal drugs;
- (g) fulfil their responsibility to ensure compliance with legislation regarding the length of working hours;
- (h) not eat in the vehicle in the presence of customers; and
- (i) respect authorised officers at Authority offices and elsewhere during their normal course of their duties.

6 Disciplinary Hearings

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

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

Guidelines for dealing with offences committed by licence holders are detailed in **Appendices K and L**.

Appendix I Dress Code



The Authority is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress, as set out below, in order to raise and maintain the profile of the licensed trade. Whilst the Authority does not wish to impose such standards by way of conditions to any licence it expects, however, that such standards will be maintained at all times.

Acceptable Standards of Dress within this code

(1) Tops

- Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses can be worn with a tie or open-necked.

(2) Trousers/Shorts/Skirts

- Trousers may be either full length or shorts if tailored.
- Female drivers should not wear short skirts.
- Smart jeans type trousers permitted.

(3) Footwear

- Footwear should fit around the heel of feet.

Examples of Unacceptable Standards of Dress within this Code

- Bare chests
- Unclean or damaged clothing or footwear
- Clothing with offensive words, logos or graphics
- Sportswear promoting sports teams
- Clothing with studs or sharp edges
- Beach type footwear (e.g. Flip flops and mules)
- Baseball caps or 'hoodies'
- Tracksuits or Shellsuits

Appendix J

Private Hire Operator's Licence Conditions



1 Standards of Service

The operator shall:

- 1.1 Provide a prompt, efficient and reliable service to members of the public at all reasonable times;
- 1.2 Ensure that office staff behave in a civil and orderly manner at all times;
- 1.3 Ensure that when a vehicle has been hired, it arrives punctually at the appointed place, unless delayed by unforeseen circumstances;
- 1.4 Ensure that premises provided for the purpose of hiring or waiting are kept clean, adequately lit, heated and ventilated; and
- 1.5 Ensure that any waiting area provided has adequate seating facilities and if provided any telephone facilities are in good working order.

- 1.6 Ensure that any sanitary conveniences and washing facilities provided for customers and/or licensed drivers and vehicle proprietors should do so at readily accessible places in the building. They and the rooms containing them should be kept clean and be adequately ventilated and lit. Washing facilities should have running hot and cold or warm water, soap and clean towels or other means of cleaning or drying. Men and women should have separate facilities unless each facility is in a separate room with a lockable door and is for use by only one person at a time.

2 Records

- 2.1 Records shall be kept by operators in a suitable form that does not permit back dating and in a form easily able to be inspected by authorised officers and the Police.
- 2.2 Extracts of the records shall be available to be taken away by authorised officers or the police.
- 2.3 All records maintained by the operator shall be kept for at least 6 months after entry and shall be produced for inspection, on request, by any authorised officer or Police officer.

3 Bookings

- 3.1 Prior to each journey, the operator shall enter the following particulars of every booking in the above records:
 - the date of the booking;
 - the name of the hirer;
 - the time and date of pick-up;
 - the address of the point of pick-up;
 - the destination;
 - any fare quoted at the time of booking;
 - the plate number of the vehicle allocated;
 - the badge number (or other identification) of the driver allocated; and
 - the details of any booking sub contracted to another Preston licensed operator or hackney carriage in the district.
- 3.2 Only licensed private hire vehicles and licensed private hire drivers be used for bookings involving less than nine persons unless expressly requested by the hirer.

4 Vehicles

- 4.1 The operator shall keep a copy of licences issued by the Authority, for private hire vehicles it operates.

5 Drivers

- 5.1 The operator shall keep a copy of licences issued by the Authority, for drivers it operates.
- 5.2 The operator shall keep records of the following:-
 - driver call signs;
 - date of when a new driver begins service; and
 - date when a driver ceases service;
- 5.3 If the operator becomes aware that any driver is suffering from any illness, disability or condition which may affect the driver's ability to drive then they shall inform the Authority.

6 Change of Address

- 6.1 The operator shall notify the Authority in writing of any change affecting this licence, including change of address (including any address from which he operates or otherwise conducts his business), which takes place during the currency of the licence. Such notice shall be given within 14 days of the change to the Licensing Section.

7 Disclosure of Convictions

- 7.1 The operator shall, within 14 days of conviction, notify the Authority in writing of any conviction or fixed penalty notice imposed on him during the currency of his/her operator's licence. If the operator is a company or partnership, this requirement shall apply if any of the directors or partners receives a conviction or fixed penalty notice.



8 Insurance

- 8.1 The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operated under the licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.
- 8.2 If the Operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force, which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.

9 Display of Terms and Conditions

- 9.1 The operator shall keep a copy of these conditions at all premises used for a private hire business and shall make the same available for inspection by customers and on request by authorised officers and the Police.

Note: Planning Consent

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



Appendix K

Enforcement Policy & Practice



1 Enforcement Policy Statement

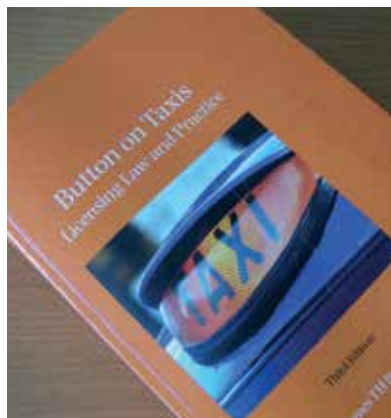
1.1 It is the statutory duty of the Authority to ensure that vehicle proprietors, drivers and operators are authorised to carry out their trade in accordance with the law, byelaws, statutory notices, this policy and conditions attached to licences. Enforcement activity is carried out in accordance with the Government's Regulators' Compliance Code and Preston City Council's Corporate Enforcement Policy. The Authority will endeavour to embed a risk-based, proportionate, targeted and flexible approach to regulatory inspection and enforcement. This approach should ensure that the Authority is efficient and effective in carrying out its duties, without imposing unnecessary burdens on those it regulates.

- 1.2 All enforcement action, be it advice, oral warnings, written warnings, the imposition of penalty points, licence reviews, simple cautions or prosecutions, will primarily be based upon the seriousness of the breach or offence and the possible consequences arising out of it. Enforcement action will not, therefore, constitute a punitive response to minor technical contraventions of legislation.
- 1.3 Authorised officers making enforcement decisions will abide by this policy. Any departure from the policy must be exceptional, capable of justification, be fully considered and be endorsed by the Licensing Manager or above before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).
- 1.4 Officers shall be authorised by the Corporate Director Environment to take enforcement action relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.



2 General Policy

- 1.5 Authorised officers shall exercise the principles of openness, helpfulness, proportionality, consistency and targeting in deciding on the correct enforcement approach to all circumstances. They shall be fair, independent and objective and shall not let any personal views about ethnic or national origin, sex, religious beliefs, political views or sexual orientation influence their judgement or approach.
- 1.6 Where appropriate the Authority will work with external regulators and partners to ensure it achieves its aims and objectives through joint working.
- 2.1 Licence holders must immediately report, in writing, all criminal convictions, police cautions and motoring offences, which occur during the currency of their licence to the Authority. In addition, breaches of the relevant legislation or conditions attached to driver, operator and vehicle licences may come to light following complaints and enforcement action or investigations. The action to be followed in response to such matters will be determined on its own merits.
- 2.2 Achieving and maintaining a consistency of approach to making all decisions that concern hackney carriage and private hire licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, it is vital that the policy guidelines are always considered and followed where appropriate. In reaching any decision the following criteria must be considered :-
- seriousness of offences;
 - history of the licence holder;
 - consequence of non-compliance;
 - effectiveness of options; and
 - danger to the public.



3 Enforcement Options

3.1 Having considered all relevant information and evidence, the options for action are :-

3.2 Licence Applications

- Grant licences;
- Refer to Taxi and Miscellaneous Sub-Committee; and
- Refuse to grant a licence

3.3 Enforcement Action

- Take no action;
- Take informal action;
- Issue statutory notices;
- Issue penalty points;
- Review a licence;
- Suspend a licence;
- Revoke a licence;
- Simple caution; and
- Prosecution

4 Informal Action

4.1 Informal action to secure compliance with legislation and licence conditions such as offering advice (which can be written) or issuing verbal and written warnings is generally used by authorised officers to secure good conduct by licence holders following:-

- complaints made by the general public;
- convictions for traffic offences; and
- contraventions of the code of conduct and dress code.

4.2 Such informal enforcement action taken by authorised officers shall be appropriate in any of the following circumstances:-

- If the behaviour or offence is not serious enough to warrant more formal action;
- From historical information or a risk assessment it can be reasonably be assumed that informal action will achieve compliance;
- Confidence in the licensed Operator is high; and
- Consequences of non-compliance will not pose a significant risk to public safety.



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

5 Statutory Notices

5.1 Serious offences in respect of the condition and safety of licensed vehicles shall be dealt with by the issue of statutory notices by authorised officers and include:-

- Vehicle defect notices; and
- Stop notices.

6 Penalty Points

6.1 The Authority has a Penalty Points Scheme, which is detailed in **Appendix L**. Licence holders that have been found to be in breach of licence conditions, this policy or legislation are likely to be issued with penalty points for individual transgressions. If a licence holder accumulates a total of 20 points during a rolling 12 month period then they will have their licence reviewed by the Taxi and Miscellaneous Sub-Committee.

6.2 Licence holders that have had penalty points imposed on their licence can appeal to the Taxi and Miscellaneous Sub-Committee.



7 Licence Review

7.1 Licence holders can also be required to appear before the Taxi and Miscellaneous Sub-Committee in order that it can consider appropriate disciplinary measures on a case by case basis. This may arise in several ways:-

- The receipt of a criminal conviction, police caution or major motoring conviction;
- The history;
- Complaints;
- Penalty points;
- Transgression during "probationary" licence; and
- A driver who has accumulated nine or more DVLA penalty points for motoring convictions during the previous licence period.

7.2 The Sub Committee can decide to take one or more of the following actions:-

- no action;
- issue an oral or written warning;
- undertake the communications and local knowledge tests;
- undertake a driver assessment and/or improvement course;
- require the attainment of the NVQ Level 2 qualification;
- suspend a licence;
- revoke a licence; or
- recommend the cautioning or prosecution of licence holders.

7.3 Licence holders subject of a review shall be permitted to renew their driver licence pending the outcome of the licence review.

8 Prosecution

8.1 In circumstances where justified within this policy, the Assistant Director (Chief Environmental Officer) may recommend legal proceedings to prosecute offenders. Licence holders may be prosecuted for serious breaches of legislation including:-

- illegally plying for hire;
- driving a motor vehicle without valid insurance;
- refusing to carry a guide, hearing or other assistance dog (if not exempted);
- unauthorised alteration of a taximeter;
- exceeding the number of passengers permitted; and
- refusal to carry a passenger without reasonable cause.

8.2 Any person or vehicle proprietor or operator found to be driving or operating an unlicensed vehicle shall be prosecuted as shall any unlicensed drivers or operators found using licensed vehicles. (Section 46 of the 1976 Act).

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

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

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



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

8.6 In addition to being satisfied that there is sufficient evidence to provide a realistic prospect of conviction, there must be a positive decision, based on the relevant criteria that it is in the public's interest to prosecute.

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

- the seriousness of the alleged offence;
- the risk or harm to the public;
- identifiable victims;
- failure to comply with a statutory notice served for a significant breach of legislation;
- disregard of safety for financial reward;
- the previous history of the party concerned;
- offences following a history of similar offences;
- failure to respond positively to past warnings;
- the ability of any important witnesses and their willingness to cooperate;
- the willingness of the party to prevent a recurrence of the problem;
- the probable public benefit of a prosecution and the importance of the case e.g. whether it might establish a legal precedent.
- whether other action, such as issuing a simple caution would be more appropriate or effective.

9 Simple Cautions

9.1 A simple caution may be used as an alternative to a prosecution in order to:-

- deal quickly and simply with less serious offences;
- divert less serious offenders away from the Courts; and
- reduce the likelihood of re-offending.

9.2 To safeguard the suspected offender's interests, the following conditions should be fulfilled before a simple caution is administered:-

- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction;
- the suspected offender must admit the offence; and
- the suspected offender must understand the significance of a simple caution and give informed consent to being cautioned.

9.3 If there is insufficient evidence to consider taking a prosecution, then by implication, the criteria is not satisfied for the use of a simple caution. A simple caution should also not be used where the suspected offender does not make a clear and reliable admission of the offence. (It should be noted that there is no legal obligation for any person to accept the offer of a simple caution and no pressure should be applied to the person to accept a simple caution).

9.4 Where a person declines the offer of a simple caution, it shall be necessary to consider taking alternative enforcement action.

10 Appeals

10.1 Appeals against decisions of the Taxi and Miscellaneous Sub-Committee may be made to the Magistrates' Court.

10.2 Any notifications of enforcement actions will include written information on how to appeal. This will explain how, where and within what period an appeal may be brought and on what grounds and will confirm that the enforcement action is suspended pending the outcome of the appeal. In cases of danger to the travelling public, suspension can be immediate whether or not an Appeal is either lodged or contemplated.

11 Complaints

11.1 The general public are able to make complaints to the Authority about the conduct and/or service received from licensed drivers and operators and the Authority shall adhere to the following procedure:-

- ascertain facts regarding complaint and decide if actionable;
- register the complaint and refer to investigating officer;
- complainant contacted within 5 working days;
- complaint investigated;
- decision made; and
- all parties informed of that decision

11.2 Licensed drivers and operators subject of a written complaint shall be informed of the nature of the complaint, including date, time and location of the incident and if necessary given sufficient notice to attend an interview.

11.3 Interviews with licence holders shall not be carried out under the Police and Criminal Evidence Act 1984 (P.A.C.E) code of practice, unless the licence holder is suspected of a criminal offence.

11.4 Licence holders can attend a non P.A.C.E. interview with a support person who shall not be permitted to speak at the interview but merely to support by physical presence.

11.5 In respect of P.A.C.E. interviews under caution, licence holders shall be permitted to have in attendance independent legal advice from either a certified solicitor or an accredited or probationary representative. Licence holders may also have a support person at such interviews.

11.6 After consideration of the case file the investigating officer shall make one of the following recommendations to the Licensing Manager:-

- no action to be taken;
- issue written advice;
- issue a written warning;
- issue penalty points;
- refer to Taxi and Miscellaneous Sub-Committee (licence review)
- refer for prosecution

11.7 If the complaint is unsubstantiated then it is likely that no further action will be taken against the licence holder. It may be necessary to issue written advice to a licence holder but this does not infer that the licence holder was found to have acted wrongly.

11.8 Substantiated complaints that breach byelaws or conditions of licence shall result in the offender being issued with penalty points.

11.9 Substantiated complaints of a serious nature relating to public safety, dishonesty or violence shall result in the matter being referred to the Taxi and Miscellaneous Sub-Committee for a licence review.

11.10 Complaints received containing allegations of serious criminal offences shall be referred directly to Lancashire Constabulary.

11.11 Disputes between licensed drivers should be resolved between themselves and not through this complaints procedure. If there is evidence relating to an alleged serious criminal offence, such as threats of violence, assault etc, then this should be submitted to Lancashire Constabulary. Alleged breaches of bye laws and licence conditions should be submitted to the Authority.

11.12 If an investigation into a complaint provides evidence of conduct such as those outlined in paragraph 9.1 above then the matter shall be referred to the Chief Environmental Health Officer who will consider whether prosecution is appropriate.

11.13 A licensed driver or operator that has been the subject of a high number of complaints, whether substantiated or not, shall be required to have their licence reviewed by the Taxi and Miscellaneous Sub-Committee. This decision shall be taken by the Licensing Manager or above. Practice has evolved over many years that three such incidences in a 12 month period would result in such action but each case will be determined on its individual merits.



12 Transparency

- 12.1 Following the receipt of a notification of a conviction or an adverse vehicle inspection, the licence holder will be informed of the action intended to be taken as soon as possible.
- 12.2 Following the completion of an investigation into a complaint or any enforcement activity, the licence holder will be informed of the action intended to be taken.

12.3 Any written documentation issued or sent will:-

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

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



Appendix L

Penalty Points Scheme

1 The Scheme

- 1.1 Points will be issued by authorised officers of the Authority to licence holders who are found to be in breach of legislation, byelaws, this policy or conditions of licence.
- 1.2 The maximum number of points that can be imposed in respect of any particular matter is 10 but it is possible for one incident or inspection to result in more than one set of points being issued.
- 1.3 If a licence holder accumulates 20 points or more within a rolling period of 12 months then their licence will be subject to a review by the Taxi and Miscellaneous Sub-Committee.
- 1.4 Any licence holder aggrieved by the imposition of penalty points on their licence may appeal to the Taxi and Miscellaneous Sub-Committee where they will have the opportunity to explain why the points should not have been imposed.
- 1.5 Notice of the appeal must be submitted in writing to the Authority within 14 days of **receiving** the penalty points notice.
- 1.6 The following tables list the breaches of legislation that attract penalty points.

Private Hire

A	Offences under the Local Government (Miscellaneous Provisions) Act 1976	Penalty Points
1	Vehicle not displaying plates. (Sec.48(6)(a))	10
2	Failure to notify vehicle transfer within 14 days. (Sec.49(1))	10
3	Failure to present vehicle for inspection. (Sec.50(1))	5
4	Failure to inform Authority where the vehicle is stored. (Sec.50(2))	5
5	Failure to report an accident within 72 hours. (Sec.50(3))	10
6	Failure to produce a vehicle licence and insurance certificate. (Sec50(4))	5
7	Failure to produce Private Hire driver licence. (Sec.53(3))	5
8	Failure to wear driver badge. (Sec.54(2))	10
9	Failure by Operator to keep records of bookings. (Sec.56(2))	10
10	Failure by Operator to keep records of vehicles. (Sec.56(3))	10
11	Failure to produce a Private Hire Operators licence. (Sec56(4))	5
12	Making false statement or withholding information to obtain a licence. (Sec.57(2))	10
13	Failure to return vehicle plate within 7 days after notice given. (Sec.58(2))	5
14	Failure to surrender driver licence after suspension. (Sec.61(2))	5
15	Charging more than the meter fare when HV used as a PV. (Sec.67)	10
16	Unnecessarily prolonging a journey. (Sec.69)	10
17	Obstruction of an authorised officer or constable. (Sec.73(1)(a))	10

A Offences under the Local Government (Miscellaneous Provisions) Act 1976		Penalty Points
18	Failure to comply with requirement of an authorised officer or constable. (Sec73(1)(b))	10
19	Failure to give information or assistance to an authorised officer or constable. (Sec.73(1)(c))	10

B Offences under the Transport Act 1980		
Section	Offence	Penalty
64 (2) (a)	Driving a vehicle with a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word	10
64 (2) (b)	Causes or permits a vehicle to have a sign above its roof which consists or includes the word "taxi" or "cab" whether alone or part of another word.	10

C Policy and Conditions of Licence
All non compliance with the policy and breaches of licence conditions shall attract 10 penalty points.

Hackney Carriage

A	Offences under the Local Government (Miscellaneous Provisions) Act 1976	Penalty Points
1	Failure to notify vehicle transfer (Sec.49(1))	10
2	Failure to present vehicle for inspection. (Sec.50(1))	5
3	Failure to inform Authority where the vehicle is stored. (Sec.50(2))	5
4	Failure to report an accident.(Sec.50(3))	10
5	Failure to produce a vehicle licence and insurance certificate.(Sec50(4))	5
6	Failure to produce HD driver licence.(Sec.53(3))	5
7	Making false statement or withholding information to obtain a licence.(Sec.57(2))	10
8	Failure to return vehicle plate within 7 days after notice given.(Sec.58(2))	5
9	Failure to surrender driver licence after suspension. (Sec.61(2))	5
10	Charging more than the fare shown on the meter for a journey ending outside the district without prior agreement (Sec.66)	10
11	Charging more than the meter fare when HV used as a PH.(Sec.67)	10
12	Unnecessarily prolonging a journey. (Sec.69)	10
13	Obstruction of an authorised officer or constable. (Sec.73(1)(a))	10
14	Failure to comply with requirement of an authorised officer or constable.(Sec73(1)(b))	10
15	Failure to give information or assistance to an authorised officer or constable.(Sec.73(1)(c))	10



B Offences under the Town Police Clauses Act		
Section	Offence	Penalty
48	Failure by HC Proprietor to hold a copy of HC driver licences of persons who use the vehicle	10
	Carrying other person than the hirer without consent	10

C Offences under the Byelaws	
All breaches of hackney carriage byelaws shall attract 10 penalty points.	

D Policy and Conditions of Licence	
All non compliance with the policy and breaches of licence conditions shall attract 10 penalty points.	

Appendix M

Procedure to be followed for Hearings at the Taxi and Miscellaneous Sub Committee

1 Key

- (1) **"Licensing Officer"** - the member of the Licensing Services Section who will be presenting the report.
- (2) **"Applicant/Licence Holder"** – this procedure applies in all cases in which a person appears before the Sub Committee other than an appeal against penalty points, i.e. both an applicant for a licence and an existing licence holder whose licence is being reviewed.
- (3) **"Representative"** – in all instances the Applicant/Licence holder is entitled to be accompanied by a representative, who may be, but does not need to be, a legal representative. In the interests of simplification, no reference to the representative appears in the remainder of this document. It may be taken that at each stage either the Applicant/Licence holder or the Representative may take the lead in addressing the Sub Committee, asking questions and, subject to any expressed wish of the members thereof, answering them. It is a matter for them how they wish to present their case. Questions may be asked of either of them, at the relevant stages.

2 Interpreters

- 2.1 The Authority no longer makes arrangements nor meets the costs of the attendance of accredited interpreters on behalf of licence holders and applicants for licences at meetings of the Taxi and Miscellaneous Sub-Committee and if applicants and licence holders wish to use an interpreter to assist them making representations to the Sub-Committee then they must make their own arrangements to employ an independent accredited interpreter. This will be the normal practice, however, alternatives will be considered in exceptional circumstances.

3 Procedure

- 3.1 The Licensing Officer and the Applicant/Licence holder are invited into the room where the Sub-Committee is meeting. The members of the Sub -Committee will have received a report about the matter and will have it before them.
- 3.2 The Chair introduces the members and officers of the Sub Committee. This will involve the solicitor, the Member Services Officer, the Licensing Officer and any other officers who may be present. The individual members and officers will state their name and position.
- 3.3 The solicitor confirms with the Applicant/Licence holder that he has received the report about him. If relevant the applicant is asked to confirm his convictions as stated in the report. If the Applicant/ Licence holder is unaccompanied, the Chair confirms whether or not he is aware that he could be accompanied by a legal or other representative.



3.4 If it should occur that the Applicant/Licence Holder does not accept that he has received the report or that his convictions are as stated in the report, then such matter will be addressed at this stage. Depending on what emerges, the Sub Committee may resolve to adjourn the matter in order that the query may be addressed. If it involves the report not having been received or read by the applicant the matter may be stood down for a while in order to enable him to read the report. It maybe that if the report is more complex it would be necessary to defer the matter to another day. If the problem relates to a dispute as to the convictions stated in the report it is likely that the matter will be adjourned in order that the Applicant/Licence Holder, and the Licensing Manager as appropriate, may investigate the matter.

- 3.5 The solicitor describes the procedure to be followed at the hearing.
- 3.6 The Licensing Officer presents the facts of the case by taking the Sub- Committee through the report (and calls any witnesses whom he may have).
- 3.7 Any additional people who have expressed a wish to make representations are then invited to speak.
- 3.8 The Applicant/Licence holder has the opportunity to put relevant questions to the Licensing Officer and any third party who has submitted evidence or made a statement to the Sub Committee.
- 3.9 Members of the Sub Committee have the opportunity to put relevant questions to the Licensing Officer and, on matters of law and licensing procedure as appropriate and also to the solicitor. They may also ask questions of any third party who has submitted evidence or made a statement to the Sub Committee.
- 3.10 The Applicant/Licence holder presents the matters which he wishes to say in support of his case, including an explanation of the matters mentioned in the report. Witnesses may be called at this stage by the Applicant/ Licence holder.

- 3.11 The Licensing Officer and any third party have the opportunity to put questions to the Applicant/Licence holder and to any witnesses that may have submitted evidence.
- 3.12 The Members of the Sub Committee have the opportunity to put questions to the Applicant/ Licence holder and his witnesses. At the invitation of the Chair, the solicitor may also ask questions if they consider that any matters within their remit require clarification.
- 3.13 The Chair asks both the Licensing Officer and the Applicant/Licence holder if they have anything further to say to sum up their case.
- 3.14 The Chair then asks the principal parties to withdraw to allow discussion of the issue in private. The Licensing Officer, the Applicant/Licence holder and all persons connected with him and any independent persons all leave the room. The Council's solicitor and Member Services Officer remain present to advise on points of law and (licensing and general Committee) procedure and to take a record of the proceedings as appropriate.

- 3.15 If it should prove necessary to recommence the asking of questions and recall any party to provide further information or clarification, all persons who have withdrawn from the hearing are invited to return. After that question has been determined they all withdraw again.
- 3.16 The Sub Committee considers all the evidence and makes a decision.
- 3.17 Once the Sub Committee has reached its conclusions, all parties are recalled and the decision is announced to the Applicant/Licence holder by the Chair. This will include mention of any specific conditions and any penalties which may have been imposed. If necessary the solicitor will provide further clarification of the decision and its implications.
- 3.18 The decision will be confirmed in writing and if it is a refusal, a written warning, a suspension or a revocation the Applicant/Licence holder is told the reasons for the decision. If it is an verbal warning, that will be issued by the Chair of the Sub-Committee then and there.



Appendix N

Hackney Carriage Stands

- 3.19 If the application is refused or there is a decision to suspend or revoke, the solicitor will inform the Applicant/Licence holder of his right of appeal to Preston Magistrates' Court. (The decision letter will also include these details.)
- 3.20 If the decision involves a resolution by the Sub Committee to suspend or revoke the licence of an existing licence holder, and the Sub Committee also passes a resolution that the decision shall have immediate effect pursuant to Section 52 of the Road Safety Act 2006, this fact will be specifically mentioned by the solicitor. The solicitor will then explain the meaning of that decision and its implications for the driver. (Again, the decision letter will explain such a decision, if applicable.)
- 3.21 The hearing is then pronounced concluded by the Chair and then the Applicant/Licence holder will depart from the meeting. If the decision is to grant a licence and the applicant is unsure of what should be done, he will be told that a licensing officer will discuss the matter with him outside the room.
- 3.22 The Sub Committee's decision is confirmed in writing by the Licensing Manager, with the reasons, to the Applicant/Licence holder as soon as possible. The letter will include details of the statutory rights of appeal were relevant.

Situation	No. of Hackney Carriages	Hours during which Stand may be used
Church Street - south side from a point 12 metres east of Manchester Road for a distance of 42 metres in the direction of Ringway	8	6.30pm - 8.00am
Church Row - West side between points 15 metres and 75 metres from Church Street	12	6.30pm - 8.00am
Lytham Road - South side in the service road between points 68 and 78 metres from Brackenbury Road	2	6.00pm - midnight
Friargate - west side between points 14 metres north of Marsh lane and 5 metres south of Edward Street	8	7.00pm - 8.00am
Fylde Road - north east side from a point 16 metres south east of its junction with Kirkham Street for a distance of 15 metres in a south easterly direction	3	11.00pm - 3.00am
Guildhall Street - east side from a point 96 metres south of its junction with Fishergate for a distance of 24 metres in a southerly direction	5	6.30pm - 3.00am

Situation	No. of Hackney Carriages	Hours during which Stand may be used
Lancaster Road - west side adjacent to Miller Arcade	6	All hours
Lancaster Road - east side between points 30 metres and 47 metres and between points 57.5 metres and 75.5 metres from the centre line of Lord Street.	7	9.00am - 6.30pm
Church Street - north side extending for a distance of 20 metres from a point 15 metres east of St John's Place	4	All hours
Tithebarn Street - west side between Old Vicarage and Crooked Lane	14	All hours
Church Street - south side extending for a distance of 20 metres from a point 2 metres west of Bolton's Court	4	6.30pm - 8.00am
Market Street - west side extending for a distance of 20 metres from a point 20 metres south of Orchard Street	4	6.30pm - 9.00am
Market Street - west side extending for a distance of 16 metres from a point 55 metres south of Orchard Street	3	6.30pm - 9.00am
Church Street - South side from a point 11 metres from Bolton's Court to the junction of St John's Place; and from a point 14 metres east of St John's Place to the junction of St John's Place	19	6.30pm - 8.00am

Two private stands are provided at Preston Railway Station with spaces for 22 hackney carriages.



Appendix O

Intended Use Policy for the Licensing of Hackney Carriages

1 Applications for the New Grant of a Hackney Carriage Licence

- 1.2 Applicants for new hackney carriage vehicle proprietor licences shall be expected to demonstrate a bona fide intention to ply for hire within the local authority area of Preston under the terms of the licence for which application is being made.
- 1.2 There will be a presumption that applicants who do not intend to a material extent to ply for hire within the local authority area of Preston will not be granted a hackney carriage vehicle proprietor's licence authorising them to do so. Each application will continue to be decided on its merits.
- 1.3 Even where the applicant intends to ply for hire to a material extent in the Preston local authority area, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

2 Applications for the Renewal of a Hackney Carriage Licence

- 2.1 Applicants for the renewal of licences will be required to inform the Authority whether they have a bona fide intention to ply for hire within the Preston local authority area under the terms of the licence for which application is being made.
- 2.2 There will be a presumption that applicants who do not intend to a material extent to ply for hire within Preston will not be granted a hackney carriage vehicle proprietor's licence authorising them to do so. Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") gives the authority a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.
- 2.3 Even where the applicant intends to ply for hire to a material extent in the Preston local authority area, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

3. Transfer of Ownership of Hackney Carriage

- 3.1 The transferee of a licensed hackney carriage shall be asked to inform the Authority whether they have bona fide intention to ply for hire within the Preston local authority area. Transferees should note the obligation under Section 73 the 1976 Act to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation.
- 3.2 Transferees of existing licences shall be expected to have a bona fide intention to ply for hire with the Preston local authority area under the terms of the licence in respect of the vehicle being transferred.
- 3.3 Where the transferee of a licensed hackney carriage is found to have no intention to ply for hire to a material extent within the Preston local authority area and/or intends to trade in another local authority area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence. Where the transferee proposes to operate remotely from Preston there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

4. Change of Vehicle - When a Proprietor Replaces a Licensed Vehicle

- 4.1 Applicants seeking the grant of a hackney carriage vehicle proprietor's licence for a vehicle intended to replace another licensed vehicle shall be asked to inform the authority of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire to a material extent within Preston will not have the new licence granted. Even where the applicant intends to ply for hire to a material extent in Preston, if the intention is to trade in another local authority area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.



5. Revocation of Licence

- 5.1 Where a licence has been granted under the terms that the applicant intends to ply for hire to a material extent within Preston but is subsequently found not to be plying for hire to a material extent in Preston and/or to be trading in another local authority area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be frustrated) there will be a presumption that the licence will be reviewed by the Authority which could lead to the revocation of that licence.



6. Exceptional Circumstances

- 6.1 Each application will be decided on its merits. However, the presumptions that intended use is to ply for hire to a material extent within Preston will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances exist will be expected to be able to satisfy the Authority that it would not frustrate the purposes of the legislation or compromise public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be.

7. Reasons for Policy

- 7.1 The Authority wishes to ensure that applications for the grant of hackney carriage vehicle proprietor licences are determined in accordance with the guidance given by the High Court in its judgement and the Declaration made in the case of *Newcastle City Council v Berwick upon Tweed* (2008).
- 7.2 The Authority is required to register the name of the new proprietor of a hackney carriage vehicle. Section 3 of this policy is intended to put the Authority in a position to respond responsibly to the transfer of a Preston hackney carriage into the name of someone who operates outside Preston or remotely from it.
- 7.3 Unless there has been a change in the vehicle proprietor's intentions with regard to plying for hire within Preston, there should be no reason why he should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained his first licence on the expressed intention of plying for hire to a material extent within Preston and who on application to replace that vehicle with another discloses that he no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

Appendix P Licensing Authority

The Licensing Authority is Preston City Council and all correspondence should be sent to:-

The Licensing Office
Preston City Council
Town Hall
Lancaster Road
Preston
PR1 2RL

E-mail:
licensing@preston.gov.uk

Facsimilie:
01772 906313

Website:
www.preston.gov.uk

Appointments & Enquiries:
01772 906910

