

Hackney Carriage and Private Hire Licensing Policy



DECEMBER 2021

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1 INTRODUCTION

1.1 Powers and Duties

1.1.1 The licensing of hackney carriages dates from 1847 and for private hire vehicles (outside London) from 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 Policy details the procedures and standards applied by the Authority in carrying out its hackney carriage and private hire licensing functions. It provides the Authority’s interpretation of the legal standards facilitated by legislation, statutory standards, good practice, and the practical procedures that are in place to implement the licensing requirements. It will be published by the Authority and all applicants and licence holders will be made aware of it when making an application. It will be issued to licence holders and be available on the Authority’s website.

1.1.4 Licence holders are expected to be familiar with the Policy, the standards expected of them as a licence holder and the potential consequences of failure to comply with it and/or relevant legislation.

1.1.5 This Policy also provides detailed guidance to licence applicants as to the standards expected by the Authority. It also provides the public with an overview of the standards they should expect from the hackney carriage and private hire trades and provides information and guidance on how complaints should be dealt with by the Authority.

1.1.6 This policy will be used by officers of the Authority and Councillors to provide a framework against which decisions are made in respect of licencing matters. It will be used to determine whether applications are valid, and if so, assist in determining whether those applications should be granted or refused and whether existing licences should be reviewed. It will also be used to determine whether any and, if so, what form of enforcement action should be taken against licence holders, and none licence holders.

1.2 Objectives

1.2.1 Hackney carriages and private hire vehicles play a vital role within an integrated transport system. They provide services in situations where other forms of transport are either not available (rural areas and the late-night economy) or for persons with mobility difficulties. The Authority shall seek to promote the following objectives:

- To prevent crime and disorder and to protect the public.
- The safety and health of the public and drivers.
- Vehicle safety, comfort, and access.
- To ensure professional and respected hackney carriage and private hire trades, and.
- To encourage environmental sustainability

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

1.2.3 When considering each of the policies detailed in this document regard has been given to the Regulators Code published by the Better Regulation Delivery Office within the Government's Department for Business, Innovation and Skills in April 2014.

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. It also includes the recommendations made by the Secretary of State for Transport in the statutory guidance document "Statutory Taxi & Private Hire Vehicle Standards" published in July 2020.

1.4 Status

1.4.1 In carrying out its licensing functions, the Authority shall have regard to this Policy, the legislation and relevant guidance.

1.4.2 Each licence application or enforcement measure will be considered on its own merit, and whilst regard will be had to the Policy, the Authority's discretion will not be fettered and where appropriate it may depart from the Policy providing clear and compelling reasons for doing so.

1.5 Implementation

1.5.1 This policy shall take effect from December 2021 for a period of approximately five 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 in Preston.

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 650 private hire vehicles as well as 39 private hire operators.
- 1.6.3 It has approximately 300 persons licensed to drive hackney carriages and 660 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
- Agencies responsible for the railway station
- Inclusion Reference Group
- Lancashire Constabulary
- Lancashire County Council School Transport Providers
- Pub Watch/BID
- Other Local Authorities
- Parish Councils
- Hospitals
- University and Colleges
- Public via website
- Taxi and Miscellaneous Committee
- Relevant internal services

2. ADMINISTRATIVE AND OPERATIONAL ARRANGEMENTS

2.1 Decision Making

2.1.1 The Local Government Act 2000 provides a framework for decision making for licensing authorities and requires the publication of a constitution. It is devised and approved by the Authority and is its own rule book in respect of:

- How its responsibilities have been allocated.
- Its procedural framework for undertaking the functions and decisions within the Authority; and

- Codes and Protocols that elected Members and officers are expected to follow.

2.1.2 The Scheme of Delegation is contained within the constitution which also sets out details of what roles and responsibilities have been given to the Council, the Executive of the Council, various committees, and senior officers. A copy of the current constitution is available on the Authority's website.

2.2 Guidelines on Relevance of Convictions

2.2.1 The Authority has specific guidelines in place on the relevance of convictions and other conduct. A copy of the guidelines can be found at **Appendix A**. They apply to applicants for licences and existing licence holders.

2.2.2 Within the guidelines it clearly states that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute, or an investigation which is continuing where the individual has been bailed) can and will be considered by the Authority. In addition, any reference to convictions will also include matters that amount to criminal behaviour, but which have not resulted in a conviction, as will complaints where there was no police involvement.

2.3 Licences

2.3.1 Time periods for which licences can be granted by this Authority are as follows:

- Driver licences – 3 years
- Private hire operator licences – 5 years
- Vehicle licences – 6 months

2.3.2 Licences can be issued for a shorter period where the Authority thinks it appropriate due to specific circumstances of the application. This may happen with a driver licence when the applicant's leave to remain in the UK is less than 3 years at the time of his application.

2.3.3 Licences will not be issued for a shorter time based on a probationary period.

2.3.4 The Authority sets the fees for the hackney carriage and private hire licensing function. It will consult on changes to licensing fees and will review them annually as part of the budget process.

2.3.5 The appropriate fee must be paid when the licence application is submitted. It is acknowledged that the licence fee in respect of an application for the grant of a private hire operator, hackney carriage/private hire driver and hackney carriage/private hire vehicle licence is payable for the grant of the licence. Therefore, in the event of these types of licences being refused a refund can be requested of the appropriate fee. No refunds will be given once a licence

has been granted. The current licence fees are available on the Authority's website.

2.4 Guidance/Information for Passengers

2.4.1 The Authority recognises the importance of the public understanding how to identify licensed vehicles and drivers and the increased risks associated with the unlicensed trade.

2.4.2 Information notices will be published by the Authority that will be required to be displayed in licensed private hire operator premises and private hire and hackney carriage vehicles regarding standards expected from the trade and from customers and how to make a complaint. General guidance for passengers on how to stay safe when using hackney carriage and private hire services will be published by the Authority on its website.

2.4.3 When making a booking with a private hire operator, customers are advised to make the operator aware of any special requirements such as a wheelchair accessible vehicle; accompanied by an assistance dog; large amount of luggage; swivel seats required; child car seats etc.

2.5 Whistle Blowing Policy

2.5.1 The Authority has a whistle blowing policy in place to encourage employees and others who have serious concerns about any aspect of the Authority's work to come forward and voice those concerns.

2.6 Safeguarding

2.6.1 In recent years the national media has reported on numerous towns and cities where local licensing authorities' policies and practices have failed to protect the safety of passengers travelling in licensed vehicles, whether that be in relation to child sex exploitation, inappropriate treatment of customers and drug/people trafficking. Less media attention has been given to physical attacks and abuse suffered by licensed drivers. The trades press regularly detail such incidents which often result in serious injury to licensed drivers.

2.6.2 Safeguarding is at the heart of this Policy. Procedures and practices including licence conditions and enforcement reflect the importance of safeguarding and will seek to promote the welfare of children, vulnerable people, passengers in general and licensed drivers.

2.6.3 Safeguarding is everyone's responsibility, any licence holder who receives information or has concerns regarding a safeguarding matter is expected to notify the Authority's licensing services team. Private hire operator licence conditions have been strengthened to require operators to review complaints and develop and implement their own safeguarding policies.

2.7 Application Processes

2.7.1 The application processes in respect of the various licence types are detailed in the drivers, vehicles, and operators' sections of this Policy. A step-by-step process can be found on the Authority's website.

2.7.2 Generally all documentation submitted in support of licence applications should be original documents that can be verified. Scanned copies may be sent electronically but will only be accepted on the basis that the document is clearly legible once viewed on the Authority systems.

2.8 Right to Work Checks

2.8.1 All applicants for driver, vehicle and private hire operator licences are required to demonstrate that they have the right to live and work in the UK. A licence will not be granted to an applicant who is not entitled to work in the UK.

2.8.2 Where an applicant's entitlement to work (or remain in the UK) is time limited, the Authority will not grant a licence beyond the date of the entitlement to work. Should that entitlement subsequently be extended during the validity of the licence, an application to renew the licence for a longer period may be made, to be accompanied by evidence of the revised entitlement.

3. DRIVERS

3.1 Fit and Proper Test

3.1.1 Legislation requires that hackney carriage and private hire drivers should be "fit and proper" but does not provide a definition as to what constitutes fit and proper. Applicants must, however, be over 18 years of age and hold a full DVLA or equivalent driver's licence.

3.1.2 This Authority will use the following test in considering the fitness and propriety of an applicant for a licence:

Without prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. Applicants or licence holders will not be given the benefit of doubt. It is useful to note that the threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and the Authority can take into consideration, conduct that has not resulted in a criminal conviction.

3.1.2 The Authority is not fettered in its discretion as to what can be taken into consideration regarding the “fit and proper” test but routinely considers a person’s conduct, knowledge, and awareness of issues relevant to the role of a licensed driver and medical suitability. These tests are listed in the following section.

3.2 New Driver Applicants

3.2.1 The application process for hackney carriage and private hire drivers requires several tests to be met before the Authority can consider an individual “fit and proper” to be a licensed driver. New applicants are required to provide:

- Evidence of right to work in the UK.
- Completed application form.
- Two recent passport size photos.
- DVLA Group 2 medical certificate (completed within 3 months by a medical practitioner who has had sight of the applicant’s medical summary).
- Full DVLA driving licence held for at least 12 months and a time limited DVLA check code.
- An enhanced DBS certificate for the role of taxi driver and other workforce, together with DBS Update Service details.
- Pass a local knowledge test
- A BTEC level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver; and
- The licence fees.

3.2.2 An application for a driver’s licence will only be accepted when all the documentation listed in paragraph 3.2.1 above are provided. Any person with criminal convictions, cautions, motoring offences or other conduct matters are strongly advised to familiarise themselves with the Authority’s guidelines on the relevance of convictions, (**Appendix A**), before deciding whether to commence the application process.

3.2.3 The Authority will check the National Register of Taxi Licence Revocations and Refusals to see if new driver applicants have previously been refused an application for a hackney carriage or private hire driver licence or had such a licence revoked in line with procedures detailed in **Appendix B**.

3.2.4 Applications that have been inactive for 12 months will be deemed withdrawn.

3.3 Driver Renewal Applications

3.3.1 The following are required in respect of driver renewal applications:

- Completed application form.
- DVLA check code.

- Satisfactory DVLA Group 2 medical certificate (completed within 1 month by a medical practitioner who has had sight of the applicant's medical summary).
- DBS Update Service details.
- Right to Work documents; and
- Licence fee.

3.4 Fast-Track Driver Licence Applications

3.4.1 The fast-track driver application process provides a quicker application process for drivers who had previously been licensed but for one reason or another has chosen to take a short break from the trade and allowed their licence to expire. However, this service is also available for drivers who have had their licences revoked but due to a change in circumstances wish to reapply for a licence. This would normally be where information comes to light after a revocation which may infer that the revocation would not have been made had the new information been available at the time.

3.4.2 A fast-track licence application largely replicates a new application with the exception that there is no need for a person to complete the training course and the knowledge test if these have previously been satisfactorily completed as part of a previous licence that was valid less than 6 months previously.

3.5 Driver Criminality Checks

3.5.1 As part of the new driver licence application process an applicant will be required to complete an enhanced Disclosure and Barring Service (DBS) check. The disclosure application will be countersigned by an authorised officer of the Authority and the Job Role will be identified as 'other workforce taxi driver' to ensure that the disclosure will include a check of the "barred lists" as well as spent and unspent convictions. In addition, all new applicants and existing drivers are required to register and maintain subscription to the DBS Update Service. This can be done at any time from the date of submission of the disclosure application up to and including 30 days from the date when the disclosure certificate is issued.

3.5.2 Applicants are required to produce their disclosure certificate to an authorised officer of the Authority who will consider it against the Authority's' Guidelines on Relevance of Convictions (**Appendix A**) and the information together with any other relevant information from the applicant and other agencies will be considered before the application is determined.

3.5.3 If a new hackney carriage or private hire driver's licence is granted then the Authority will, at 6 monthly intervals, conduct an online check utilising the DBS Update Service to see if there has been a change in status to the DBS disclosure. If a change is disclosed, then the licence holder will be required to apply for and produce to the Authority a new enhanced DBS disclosure which

will be used to decide whether any further action is required of the driver's licence at that time.

- 3.5.4 If the Authority is made aware of a licensed drivers' failure to maintain subscription to the DBS Update Service it will result in the suspension or revocation of the licence.
- 3.5.5 It is noted that private hire driver licence conditions and hackney carriage drivers code of conduct require a licensed driver to notify the Authority of any conviction, fixed penalty, caution, charge, or arrest for any matter within 48 hours. The receipt of any such information may result in further enquiries with relevant agencies and action may or may not be taken against the drivers' licence.
- 3.5.6 Any information received from relevant partner agencies, including the Police and other local licensing authorities regarding criminal or unacceptable conduct will be considered during the duration of the licence and in future applications.
- 3.5.7 Criminality, motoring convictions, medical fitness and general conduct are seen as fundamental to the "fit and proper" test that must be satisfied before a person is licensed to drive hackney carriages or private hire vehicles and maintained during the licence period.

3.6 Driver Medicals

- 3.6.1 As part of the Authority's assessment of the "fit and proper" test, licensed drivers are required to be medically fit for the role they are carrying out. Medical fitness is assessed by the Driver and Vehicle Licensing Agency (DVLA) "medical standards of fitness to drive for Group 2 licences". The medical certificate requires the medical practitioner to state whether, in their opinion, the applicant/licence holder complies with the standards and is medically fit to drive hackney carriages or private hire vehicles.
- 3.6.2 Where the medical practitioner has stipulated that they do not consider the applicant/licensed driver to be medically fit, in accordance with Group 2 standards, to drive hackney carriages or private hire vehicles, the Authority will refuse the application for a new driver, and in the case of a licensed driver either suspend or revoke the driver's licence dependant upon the details contained within the medical certification.
- 3.6.3 Where the medical practitioner has recommended that further monitoring of a condition or examination are undertaken in a certain period, it shall be open to the Authority to consider granting a licence for a shorter period commensurate with that recommendation, or to require additional medical certificates to be submitted at more frequent intervals than would otherwise be required.

3.6.4 In order to ensure that the Authority are informed of any significant changes to a driver's health which could impact on their driving standards, there is a condition attached to the grant of a private hire driver's licence and stated on the hackney carriage driver code of conduct that licensed drivers must notify the Authority of changes in health.

3.7 Driver Training Requirements

3.7.1 As part of the Authority's assessment of the "fit and proper" test, licensed drivers are required to have knowledge awareness and skills necessary for them to undertake the role of a licensed driver.

3.7.2 Prior to commencing the application process prospective applicants are required to undertake tests to provide a basic level 2 of proficiency in the English language and mathematic calculations. A lack of language proficiency could impact on a driver's ability to understand written documents such as this Policy and other guidance relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others. A proficiency in making calculations will assist in receiving payments and providing the correct change.

3.7.3 Applicants are required to sit Preston's driver knowledge test which assess a candidate's knowledge of the routes within the city area and beyond.

3.7.4 Applicants are also required to complete the BTEC Level 2 Certificate in "Introduction to the Role of the Professional Taxi and Private Hire Driver" delivered by a trainer included on the Authority's approved list which is available on its website.

3.8 Private Hire Driver Licence Conditions

3.8.1 Legislation allows the Authority to attach "reasonably necessary" conditions to the grant of a private hire driver's licence. The Authority has a set of standard conditions that are attached to the grant of a private hire driver's licence, and these are attached at **Appendix C**. The Authority will include additional, specific licence conditions on the grant of a licence where it considers it reasonably necessary to do so.

3.9 Hackney Carriage Byelaws

3.9.1 A copy of the Byelaws are attached at **Appendix D**. They apply to hackney carriage drivers and hackney carriage vehicle licence holders. It is an offence to fail to comply with the byelaws.

3.10 Driver Code of Conduct

3.10.1 Licensed drivers are expected to remain “fit and proper” to hold a licence during the period of their licence. The Authority expects them to remain medically fit, maintain the standards detailed in the Guidelines on Relevance of Convictions (**Appendix A**) and conduct themselves appropriately.

3.10.2 In order to assist licensed hackney carriage drivers, a code of conduct has been developed so that drivers have an awareness of the standards expected whilst they are working as a hackney carriage driver. A copy of these is attached at **Appendix E**. The standards detailed within the code of conduct are replicated as appropriate in the private hire driver licence conditions.

3.11 Dress Code

3.11.1 Whilst there is no requirement for corporate branding or uniform to be worn by licensed drivers the Authority consider it important that licensed drivers wear clean, appropriate clothing, and maintain a good standard of personal hygiene whilst working as a licensed driver. A requirement to comply with the dress code is included within the private hire driver licence conditions and the hackney carriage driver code of conduct. A copy of the dress code is attached at **Appendix F**.

3.12 Carriage of Assistance Dogs

3.12.1 It is a legal requirement that drivers of hackney carriages and private hire vehicles permit assistance dogs to be carried in the licensed vehicle without any extra charge. Assistance dogs are highly trained and will normally sit in the footwell of the vehicle immediately adjacent to their owner. The failure of a licensed driver to carry a passenger (pre-booked passenger in the case of private hire) because the passenger is accompanied by an assistance dog is an offence.

3.12.2 If a licensed driver has an allergy to dogs, then the licensed driver must obtain a certificate from their medical practitioner, a copy of which should be provided to the Authority. Consideration will then be given to granting a certificate of exemption based on medical grounds.

3.12.3 The Authority regards the failure to carry an assistance dog as a serious matter and where sufficient evidence of the offence exists then the Authority will generally prosecute the driver and review the driver’s licence.

3.13 Surrender of Driver Licences

3.13.1 The Authority will not accept the surrender of hackney carriage or private hire driver licences. The surrender of such licences negates the notification of any

criminal conduct matters and allows an individual to correctly state that a licence has not been revoked or suspended in future applications.

4. LICENSED VEHICLES

4.1 Suitability of Licence Holder

4.1.1 As with driver and operator licensing requirements, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched and hired are above all else safe. The vehicle licence holder must ensure that the vehicle is always maintained to an acceptable standard, and they must also ensure that the vehicle is not used for illegal or illicit purpose. The Authority will only issue vehicle licences to persons it considers safe and suitable to hold such licences, as such it will have regard to the conduct of the licence holder.

4.1.2 Although some vehicle licence holders may not drive their licensed vehicle (and if they are they will be subject to their own fitness and proprietary test to obtain a driver's licence) they clearly have an interest in the use of the vehicle. They will be responsible for the maintenance of the vehicle and vehicles that are not properly maintained have a clear impact on public safety. Licensed vehicles are used to transport people in many circumstances and are seen everywhere across the UK at all times of the day and night in any location. Therefore, they could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.

4.1.3 This Authority will use the following test in considering the fitness and propriety of an applicant for a vehicle licence:

Without prejudice, and based on the information before you, would you allow this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence.

If on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence. Applicants or licence holders will not be given the benefit of doubt. It is useful to note that the threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and the Authority can take into consideration, conduct that has not resulted in a criminal conviction.

4.1.4 Applicants are required to produce a basic disclosure certificate on first application and then annually, to an authorised officer of the Authority who will

consider it against the Authority's' Guidelines on Relevance of Convictions (**Appendix A**) and the information together with any other relevant information from the applicant and other agencies will be considered when the application is determined.

4.2 New Vehicle Licence Application

4.2.1 In the first instance any person wishing to apply for a new private hire vehicle licence should ensure that the vehicle meets the Authority's vehicle specification. Section 4.6 below and **Appendix G** attached provide details regarding private hire vehicle specification.

4.2.2 Any person wishing to apply for a new hackney carriage vehicle licence should familiarise themselves with the current policy in relation to the allocation of such licences in that the Authority has limited the number of hackney carriage vehicle licences to 187. It does so because it is satisfied that there is no significant unmet demand for the services of hackney carriages which is evidenced by regular independent surveys.

4.2.3 An application for a new vehicle licence shall include the following:

- Completed application form.
- Current certificate of insurance/cover note.
- Compliance certificate
- Right to work documents for the applicant
- DBS Basic Certificate (unless applicant is a licensed driver or operator with this Authority) and statutory declaration; and
- Licence fees.

4.3 Renewal Vehicle Licence Application

4.3.1 A completed renewal application must be received by the Authority prior to the expiry of the vehicle licence, and failure to do so will mean that the vehicle cannot be used for licensed purposes once the previous licence has expired. A completed renewal application will include the following documents:

- Completed application form.
- Current certificate of insurance/cover note.
- Compliance certificate.
- Right to work documents if the licence holder has only limited leave to remain in the UK or has a spousal visa as the right to work in the UK.
- DBS basic certificate (every other renewal application): and
- Licence fees.

4.4 Notification of Transfer of Vehicle Licence

- 4.4.1 A proprietor of a hackney carriage or private hire vehicle licence has a legal obligation to notify the Authority that they have transferred their interest in the licence to another person or have added or removed a person to or from the licence. The notification must be in writing and must detail the name and address of the person to whom the vehicle has been transferred or of persons added to the licence. The notification must be made within 14 days of the transfer taking place. A Vehicle Transfer form is available on the Authority's website.
- 4.4.2 A vehicle licence holder who fails to comply with this requirement without reasonable excuse is guilty of an offence. It is important that the Authority maintains an accurate record of vehicle licence holders and the failure to comply with this legal requirement will be regarded as a serious matter and likely subject to formal action.

4.5 Application to Change a Vehicle on a Vehicle Licence

- 4.5.1 There is no legal framework for the change of a vehicle licence to a different vehicle. However, due to this Authority having a limit on hackney carriage vehicle licences it is essential for a process to allow for replacement vehicles following accidental damage and for hackney carriages to be replaced with more modern, cleaner, suitable vehicles.
- 4.5.2 If a proprietor wishes to replace his hackney carriage vehicle with a replacement vehicle, then they must first surrender the licence in order that the same vehicle identification number can be issued to the replacement vehicle which uses the new vehicle licence application process.
- 4.5.3 In respect of proprietors of private hire vehicles, only if they wish to retain the same vehicle identification number do they need to surrender the licence.

4.6 Vehicle Specifications/Standards

- 4.6.1 The legislation requires hackney carriages to be of such a design, appearance or have distinguishing marks so that they are clearly identifiable as a hackney carriage. Any person wishing to licence a vehicle as a hackney carriage should in the first instance familiarise themselves with the policy to limit the number of licences it issues. **Appendix H** details the specifications for hackney carriage vehicles.
- 4.6.2 For private hire vehicles the legislation requires that the vehicle be suitable in type, size, and design, not such a design that a person could believe it is a hackney carriage, be in suitable mechanical condition, safe, comfortable and the vehicle is suitably insured. Any person wishing to licence a vehicle as a

private hire vehicle will be expected to provide a vehicle that complies with the specifications at **Appendix G**.

4.7 Vehicle Emissions Standards

4.7.1 The Authority is currently working with others in the city to reduce Preston's climate change carbon dioxide emissions and expects that the Policy will be reviewed and updated within its life to address city wide hackney carriage and private hire fleets that minimise carbon emissions.

4.8 Vehicle Testing, Inspections, and Maintenance

4.8.1 It is the responsibility of an applicant to ensure that any vehicle to which an application relates meets the vehicle specification.

4.8.2 Vehicle licences are issued for a period of 6 months the same frequency as vehicle testing. It is the responsibility of the applicant to arrange for the testing of a vehicle at an approved vehicle testing station in Preston. There is a list of approved vehicle testing stations on the Authority's website.

4.8.3 Any Preston MOT approved business which would like to become an authorised vehicle testing station for Preston hackney carriages and private hire vehicles should consider the Authority's requirements which are attached at **Appendix O**. An application process is detailed on the Authority's website.

4.8.4 Conditions attached to the relevant vehicle licences require that weekly inspections be undertaken on licensed vehicles to ensure that the vehicles are safe and roadworthy. The findings are recorded on the Weekly Vehicle Maintenance Schedule, provided by the Authority, which must be kept in the vehicle. However, licence holders are advised to undertake a daily inspection of their licensed vehicles following each shift.

4.9 Vehicle Licence Conditions

4.9.1 The legislation allows the Authority to attach "reasonably necessary" conditions to the grant of a hackney carriage or private hire vehicle licence. It has a set of standard conditions that are attached to the grant of private hire vehicles set out in **Appendix J** and hackney carriage vehicle licences in **Appendix K**.

4.9.2 The Authority will include additional specific licence conditions on the grant of a licence where it considers reasonable and necessary to do so.

4.10 Signage and Advertising

4.10.1 It is important that the public should be able to identify and understand the difference between a hackney carriage and a private hire vehicle.

- 4.10.2 Private hire vehicles are not 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.
- 4.10.3 Roof signs fitted to hackney carriage vehicles shall be always illuminated when the vehicle is available for hire.
- 4.10.4 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles, except those private hire vehicles deemed Executive Hire vehicles by the Authority, shall display plates on both the front and rear of the vehicle.
- 4.10.5 Private hire vehicles shall display door signs indicating that they must be booked in advance and separate signs indicating details of the private hire operator they are working for.
- 4.10.6 Magnetic door signage are not permitted.
- 4.10.7 Vehicles shall not be allowed to display written or other material on any window or within the interior of the vehicle except for those permitted by the conditions of licence.
- 4.10.8 The Authority will allow advertising on hackney carriages but not on private hire vehicles. There is an application process for hackney carriage proprietors on the Authority’s website.

4.11 Executive Hire

- 4.11.1 Legislation provides an exemption for licensed private hire vehicles from displaying plates, and signage. The Authority will consider requests for this exemption from private hire vehicles used exclusively for the purposes of executive hire.
- 4.11.2 There is no legal definition of “executive hire”, but the Authority will generally consider the following when determining any requests for exemption from displaying plates/signage:
- Most of the work should be for businesses which maintain an account with the private hire operator.
 - The vehicle may be used for one or more contracts, but these would be booked on account with payment made by invoice or card/electronic payments. No payments are to be made to the driver in the vehicle.
 - The type of vehicle to which the application relates should reflect the executive hire status, i.e., a high value luxury vehicle.
 - The driver of an executive hire should wear a uniform befitting of the executive status.
 - The vehicle cannot be used for any standard private hire work.

4.11.3 If an exemption notice is granted it would apply to the duration of the licence. Failure to comply with the requirements above or the conditions attached to the grant of a private hire vehicle licence will result in the exemption being withdrawn or the licence being revoked.

4.12 Licensing of Stretched Limousines

4.12.1 The Authority considers such vehicles do not undertake standard private hire work and any request to licence a stretch limousine as a private hire vehicle would fall under consideration of executive hire and would expect to comply with the requirements detailed in section 4.11.2.

4.12.2 The Authority will only consider applications from vehicles which have been examined and granted Individual Vehicle Approval (IVA) certification by the Driver and Vehicle Standards Agency (DVSA). In addition, vehicles will be subject to further taxi test and inspection. Special arrangements may be necessary regarding vehicle testing if the size of the vehicle prevents the use of Authority approved vehicle testing stations.

4.12.3 The Authority will only consider applications in respect of a vehicle with 8 or less passenger seats and will not consider void/blocked off seating areas.

4.13 Accident Notifications

4.13.1 Legislation requires proprietors of hackney carriage and private hire vehicles to report as soon as practicable and in any case within 72 hours any accident involving their licensed vehicle which has caused damage that may materially affect the safety, performance, or appearance of the licensed vehicle or the comfort or convenience of persons in the vehicle. To assist proprietors to comply with this requirement the Authority has provided an Accident Form on its website.

4.13.2 The provision of false or misleading information on an accident form will be regarded as very serious. Failure to comply with this requirement without “reasonable excuse” is an offence for which the vehicle licence holder may be prosecuted, and action taken against the licence.

4.13.3 In addition to the above provision the Authority is keen to be made aware of all road traffic accidents involving licensed drivers and has, therefore, imposed a condition on private hire driver licences and highlighted in the hackney carriage drivers code of conduct that drivers should report all traffic accidents in which they are involved, to the Authority so that any trends of poor driving standards can promptly be identified.

4.14 CCTV in Licensed Vehicles

- 4.14.1 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles and views that the provision of CCTV in licensed vehicles can provide additional deterrence to prevent this and assist investigations. However, the mandating of CCTV in licensed vehicles may give rise to concerns about the proportionality of such an approach and will therefore require an equally strong justification.
- 4.14.2 This Authority has also not decided to mandate CCTV in its licensed vehicles, but such a proposal will be kept under regular review.
- 4.14.3 Licensed vehicles may be fitted with an appropriate CCTV system and the authority would expect the system to:
- Cover all passenger and driver seats.
 - Recordings stored and kept available for a minimum of 14 days.
 - Recordings encrypted and can be downloaded by the data controller or the police.
 - The quality of images is such that images are clear even in hours of darkness.
 - The vehicle to carry appropriate signs.

4.15 Licensing a Vehicle in more than one Authority

- 4.15.1 If a vehicle is currently licensed with another local licensing authority this Authority will not consider it for licensing. Vehicle licence plates and signage are required to be displayed throughout the duration of the licence, and the identity of the licensed vehicle would become confused if licensed in more than one licensing authority area.
- 4.15.2 A licence condition will be attached to the grant of vehicle licence holders to prevent them from obtaining a vehicle licence from another Licensing Authority on that vehicle during the duration of the Preston City Council licence.

4.16

Using a Licensed Vehicle with more than one Operator

- 4.16.1 A condition will be attached to the grant of a private hire vehicle licences preventing them from working for more than one private hire operator at any time. Private hire vehicles are required to display company door signs to enable customers to recognise their booked vehicles. This is a safety feature which is undermined by using multi company door signs or the absence of any door signs.

4.17 Livery of Vehicles

4.17.1 In Preston it is the practice that the differential between hackney carriage and private hire vehicles is by means of roof signs being present on hackney carriages, different specifications for hackney carriages and private hire vehicles and differences in door signage. At this stage the Authority has not included a colour policy to differentiate between hackney carriage and private hire. If poor public knowledge on vehicle differentials is found to be causing concern, then a livery policy may be considered in the future.

4.18 Child Seats in Licensed Vehicles

4.18.1 It is not always possible for the correct child seat or booster to be available in a licensed vehicle. In the case of private hire bookings, the hirer is advised to clarify at the time of making the booking whether suitable child seats will be available in the vehicle and if not will be expected to make their own provision regarding child car seats.

4.18.2 The Highway Code, road safety and vehicle rules allow children to travel in hackney carriages or private hire vehicles without using a suitable car seat, but the following restrictions apply:

- Under 3's may travel unrestrained, but in the rear only.
- Those 3 years and above must use an adult belt in the rear seat only.
- A child up to 135cms in a front seat of any vehicle must use the correct child seat or booster.
- The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in vehicles with fixed partitions).
- Rear-facing baby seats must not be used in a seat protected by a frontal air bag unless the airbag has been deactivated manually or automatically.
- Drivers are expected to comply with the highway code requirements and where passengers refuse to comply with seat belt requirements this is a legitimate reason for the driver to refuse to carry the passenger.

4.19 Vehicle Insurance Requirements

4.19.1 The Authority requires appropriate vehicle insurance documents prior to granting a hackney carriage/private hire vehicle (proprietors) licence. It requires a valid certificate or cover note confirming that insurance is in place for each driver of the vehicle and specify the use as either public hire (hackney carriage) or private hire vehicle insurance.

- 4.19.2 Hackney carriage vehicle insurance documents will need to state that the insurance covers public hire and hire and reward.
- 4.19.3 Private hire vehicle insurance documents will need to state that the insurance covers hire and reward.
- 4.19.4 If a valid cover note is provided rather than an insurance certificate the insurance certificate should be provided to the Authority at the earliest opportunity and failure to do so may result in the suspension/revocation of the vehicle proprietor's licence.
- 4.19.5 Scanned copies of original documents are acceptable on the basis that the documents are clearly legible on the Authority's IT systems.
- 4.19.6 The Local Government (Miscellaneous Provisions) Act 1976 S50 allows for authorised officers of the Council to require a vehicle licence holder to produce insurance documents on request. Such requests may be made on site or in writing. Officers will normally allow a period of several days for the documents to be produced, but any documents produced must cover the period requested by the officer. Failure to comply to such a request without a reasonable excuse is an offence for which a vehicle licence holder may be prosecuted. In addition, action will be taken to immediately suspend/revoke the vehicle licence.
- 4.19.7 As an added public safety measure the Authority has imposed as a standard licence condition on all vehicle licences that a valid certificate of insurance always remains in place on the vehicle that is licensed. This provides added protection through the duration of the licence.

4.20 Hackney Carriage Fares

- 4.20.1 This Authority sets the maximum fares that can be charged by hackney carriage drivers for local journeys. The fares include all charges associated with the hire of the vehicle such as the flag fall (initial start-up fare which may include a measured distance), rate per distance travelled, soiling charges, and waiting charges. The fares are published in a table of fares displayed in the hackney carriage vehicle. The table of fares also indicates the different tariffs applicable for day/night and holiday periods.
- 4.20.2 For journeys that begin or end outside the City Council boundaries a fare can be agreed in advance of the journey (this may be higher than the table of fares due to the likelihood of the vehicle having to undertake a return journey without any passengers). If no fare has been agreed in advance, then the fare shown on the meter must be charged.

4.21 Private Hire Fees and Charges

4.21.1 Private hire fees and charges are not set by the Authority, but by the private hire operators who take the bookings and dispatch the private hire vehicles/drivers. Each private hire operator has their own tariff which may be different or identical to the hackney carriage tariff.

4.21.1 Where a hackney carriage vehicle/driver fulfils a private hire booking they cannot charge more than the metered fare unless the out of area provisions referred to above apply.

4.22 Limitation on Numbers of Hackney Carriage Vehicle Licences

4.22.1 The grant of a hackney carriage licence may be refused for the purpose of limiting the number of licensed taxis, if the local authority is satisfied that there is no significant demand for the services of hackney carriages in the area which is unmet.

4.22.2 Preston City Council does limit the number of hackney carriages to 187. The need for this limit is reviewed periodically (approximately every three years) by a competent company appointed to conduct the review on behalf of the Authority.

4.22.3 The Authority has no power to limit the number of private hire vehicles.

4.23 Accessibility

4.23.1 The Authority is committed to ensuring that a wide variety of opportunities are available to disabled persons, as regards to access to transport and to ensure disabled people are not discriminated against or treated less favourably.

4.23.2 The Authority is mindful that different accessibility considerations apply in relation to hackney carriages and private hire vehicles. This Authority requires all its licensed hackney carriages to be wheelchair accessible.

4.23.3 Since 2019 this Authority has published and maintained a list of designated wheelchair accessible licensed vehicles which can be viewed on the Authority's website. In doing so it had the effect of bringing into force section 165 of the Equality Act 2010 which places duties on drivers of designated wheelchair accessible hackney carriages and private hire vehicles. These duties are:

- To carry the passenger while in the wheelchair.
- Not to make any additional charge for doing so.
- If the passenger chooses to sit in a passenger seat to carry the wheelchair.

- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort, and
- To give the passenger such mobility assistance as is reasonably required.

4.24 Hackney Carriage Byelaws

4.24.1 A copy of the Byelaws are attached at **Appendix D**. They apply to hackney carriage drivers and hackney carriage vehicle licence holders. It is an offence to fail to comply with the byelaws.

4.25 Hackney Carriage Ranks

4.25.1 There are two separate legal provisions which allow for the creation of “hackney carriage ranks/stands” commonly referred to as taxi ranks. They were originally created by the Town Police Clauses Act 1847, now replaced by Local Government (Miscellaneous Provisions) Act 1976. Where a hackney carriage stand has been designated by this legislation, authorised local authority officers can undertake enforcement action in respect of the provisions of section 64 of the 1976 Act, i.e., prohibition of other vehicles on a hackney carriage stand – accepting the defence of reasonable excuse.

4.25.2 In recent years, many Local Authorities have utilised traffic regulation orders (TRO’s) to create hackney carriage ranks, which imposes parking restrictions applied in such a way that they only permit hackney carriages to utilise the facility. The advantage of a TRO rank is that it can be enforced by civil enforcement officers who can issue fixed penalty notices. **Appendix M** provides details of the taxi ranks in Preston.

4.26 Intended Use Policy for the Licensing of Hackney Carriages

4.26.1 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.

4.26.2 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 interests and means they cannot be effectively monitored to ensure the vehicles are safe. The policy is attached at **Appendix L**.

5. PRIVATE HIRE OPERATORS

5.1 The “Fit and Proper” Test

5.1.1 Legislation requires that private hire operators are “fit and proper” but does not provide a definition as to what constitutes fit and proper. This Authority will use the following test in considering the fitness and propriety of an applicant for a vehicle licence:

“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes”.

5.1.2 The Authority’s guidelines on the relevance of convictions and other conduct at **Appendix A** outlines the matters that will be considered together with relevant conduct issues that will be considered when determining whether a person is “fit and proper”. There is no medical assessment required as part of private hire operator fit and proper considerations. Relevant financial conduct and previous business status may be a relevant consideration.

5.2 Application for a New Private Hire Operator Licence

5.2.1 An applicant for a new private hire operator licence is required to provide:

- A fully completed application form.
- Relevant licence fee.
- Copy of the proposed private hire fare card.
- Copy of proposed company door signage.
- A copy of Public & Employers Liability insurance
- Basic DBS Certificate for each person named on the application (if a partnership or company it is for each partner/director) (existing licensed Preston drivers exempt) and statutory declaration.
- Right to work documents for each applicant.

5.3 Application to renew a Private Hire Operator Licence

5.3.1 A completed renewal application must be received prior to the expiry of the operator’s licence, and failure to do so will mean that the private hire operator must cease trading upon expiry of the previous licence. A completed renewal application will require the following:

- Relevant licence fee.
- Completed application form
- Copy of the current private hire fare card.
- A copy of current Public & Employers Liability insurance certificate

- Basic DBS Certificate for each person named on the application (if a partnership or company it is for each partner/director) (existing licensed Preston drivers exempt) and statutory declaration.
- If any of the applicants have limited leave to remain in the UK or have the right to remain via a spousal visa, then a copy of the current right to work document must be provided.
- Copy of written policies as required by conditions attached to the grant of a private hire operator licence.

5.4 Criminality Checks for Private Hire Operators and Staff

5.4.1 Where a private hire operator applicant is not the holder of a Preston City Council hackney carriage or private hire driver's licence, they will be subject to a Basic DBS and required to make a statutory declaration.

5.4.2 Once a private hire operator licence has been issued then a licensed operator will be required to provide the Authority with an annual Basic DBS disclosure.

5.5. Staff Training

5.5.1 Staff employed by an Operator (this may be paid or unpaid) in the operation of the business, such as persons taking bookings, and dispatching vehicles should understand the legal and practical requirements of the work they are undertaking. The Operator is expected to provide training which should be effective, and it is important that the training is undertaken within a short time of a person commencing the work or task.

5.6 Record Keeping and Documentation

5.6.1 The Local Government (Miscellaneous Provisions) Act 1976 section 56 requires private hire operators to keep details of private hire bookings. Licence conditions attached to private hire operator licence provides details of what should be recorded and how long these should be kept.

5.7 Private Hire Operator Licence Conditions

5.7.1 Legislation allows the Authority to attach "reasonably necessary" conditions to the grant of a private hire operator's licence. It has a set of standard licence conditions which are attached at **Appendix N**. The Authority will include additional specific licence conditions on the grant of a licence where it considers it reasonably necessary to do so.

5.7.2 The Authority recognises that in most cases private hire operator licences have been granted for periods of 5 years and so on implementation of this policy the Authority will write to all relevant private hire operators to make them aware of the new private hire operator licence conditions that will be attached to the grant of future licences. In the interests of promoting passenger and driver safety the Authority encourages responsible private hire operators in Preston to

implement the requirements of the revised standard set of conditions without delay.

5.8 Approval of Private Hire Vehicle Door Signage

5.8.1 As part of the initial application private hire operators are required to provide a copy of proposed door signage to be used on their private hire vehicles to be dispatched by that operator. They are to be affixed on the two front doors (upper half panel in line with the Authority signs affixed to the rear doors). The maximum size permitted is 770mm x 260mm. A company sign may be affixed to the rear of the vehicle but should not exceed 100mm in height.

5.8.2 The company sign is not permitted to include the words or a word that consists of “taxi” or “cab” whether in the singular or plural or any other word or words of similar meaning or appearances to any one of those words, whether alone or part of another word.

5.8.3 Any hackney carriage (taxi) dispatched by a private hire operator has the option to display private hire operator signage on the rear passenger doors and the rear of the vehicle with the same format of the signage used on private hire vehicles with the exception that the vehicle can also display a taxi sign. It shall not display the sign provided by the Authority relating to pre-booking of a private hire vehicle.

5.10 Location of Private Hire Operator

5.10.1 Preston City Council will only grant a private hire operator’s licence to an applicant that has an office within Preston’s local authority boundary.

6. COMPLIANCE AND ENFORCEMENT

6.1 General

6.1.1 The Government is committed to reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between regulators and those they regulate.

6.1.2 The Authority will try to avoid imposing unnecessary regulatory burdens through its regulatory activities. It will assess whether similar social, environmental, and economic outcomes can be achieved by less burdensome means.

6.1.3 The development of this part of the policy has been drafted having regard to the principles contained in the Regulators Code which came into effect in April 2014 and published by the Better Regulation Delivery Office based within the Government Department for Business Innovation and Skills. The code details six principles that regulators, including Preston City Council must have regard to when undertaking their duties relating to regulatory activity. These are:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
- Regulators should base their regulatory activities on risk
- Regulators should share information about compliance and risk
- Regulators should ensure clear information, guidance, and advice is available to help those they regulate meet their responsibilities to comply
- Regulators should ensure that their approach to their regulatory activities is transparent.

6.1.4 When appropriate the Authority will work with external regulators to ensure it achieves its aims and objectives through joint working.

6.2 Disciplinary Hearings

6.2.1 Disciplinary matters that will be considered by the Authority's Taxi and Miscellaneous Committee shall follow procedures as set out in **Appendix Q**.

6.3 Penalty Points Scheme

6.3.1 The Authority operates a penalty points scheme whereby points may 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 as an alternative to more formal legal proceedings. Details of the scheme are attached at **Appendix P**.

6.4 Complaints about Hackney Carriage and Private Hire Licence Holders

6.4.1 The Authority investigates complaints relating to the conduct of a licence holder and sometimes non-licence holder in accordance with a procedure detailed on the Authority's website.

6.4.2 Complaints will be recorded on the Authority's data base and will be subject to trends analysis on an ongoing basis in respect of individual licence holders.

6.4.3 There are a wide variety of actions that can arise from the investigation of complaints, such as: -

- No action
- Verbal advice given
- Written advice/warning issued
- Penalty points
- Suspension/revocation of licence
- Simple cautions
- Prosecutions
- Licence review at a hearing which could result in any of the above.

Where there are several complaints against a licence holder this is likely to compound concerns regarding the licence holder's suitability to remain licensed.

6.44 As part of the inspection of private hire operator premises, authorised officers will inspect the complaints record log to identify any patterns of complaints and take appropriate action where necessary.

6.45 Where appropriate, information concerning the investigation and outcome of investigations of complaints may be shared with other agencies such as the police and the National Refusals and Revocations Register (NR3).

6.5 Refusal to Grant a Licence

6.5.1 The legislative framework for refusal of licence applications is contained within the Local Government (Miscellaneous Provisions) Act 1976. Applicants will always be informed in writing of the reasons why an application has been refused and their right of appeal against the decision.

6.5.2 Where an applicant is refused a licence they have a right of appeal, generally to the Magistrates' Court, the only exception being the refusal to grant a hackney carriage vehicle licence which would be an appeal direct to the Crown Court.

6.6 Suspension/Revocation of Licences

6.6.1 The Local Government (Miscellaneous Provisions) Act 1976 provides provisions for suspending and revoking licences, where it is appropriate for the Authority to do so. The difference between the suspension of a licence and its revocation is that in general, a suspension of a licence is for a finite period in such cases as:

- Suspend a driver's licence until a satisfactory medical certificate has been produced.
- Suspend a driver's licence until a particular training course has been successfully completed.
- Suspend a vehicle licence until a satisfactory certificate of insurance has been produced.

A revocation, however, is a total loss of a licence and once revoked cannot be reinstated, other than through an appeal process.

6.6.2 Case law has defined that suspension/revocation cannot be used as a two-stage process and if it has been determined to take away a licence then it must either be a suspension for a limited period or a revocation. It cannot be a suspension followed by a revocation.

6.6.3 Licensed vehicles shall be always kept 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.

6.6.4 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 been passed as fit for use by the Authority.

6.7 Simple Cautions

6.7.1 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.

6.7.2 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.

6.7.3 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).

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

6.8 Prosecutions

6.8.1 Where a licence holder has committed an offence the Authority will decide in respect of what action should be taken against the licence holder. The Authority will have regard to its own policy, the Regulators Code, Code for Crown Prosecutors, and its own Penalty Points Scheme. The offences listed in **Appendix P** where the maximum number of penalty points that maybe awarded is shown by n/a indicates offences that may lead to a prosecution by the Authority.

6.8.2 There are several factors that will be taken into consideration before any decision is made. These factors include:

- Is there enough evidence to prosecute?
- Is it in the public interest to prosecute?
- How serious/potentially serious is the offence?
- Has the person benefitted from the offence?
- Is there any relevant previous history?
- Is the offence likely to be repeated?
- Was the person coerced in any way?
- Has there been any harm caused?
- Is there a potential for impact on the wider community?
- Is prosecution a proportionate response?

6.8.2 There are a limited number of circumstances where prosecutions will be instigated against none licence holders, primarily these will relate to persons working within the licensed trade but without having the relevant licence in place and include persons working with expired licences and unlicensed drivers purporting to be licensed drivers.

6.9 Appeals

6.9.1 The principles of the rules of natural justice lead to the position that someone has the right to challenge decisions. In terms of hackney carriage and private hire licensing there is a right of appeal to the Magistrates' Court (and Crown Court) against decisions to revoke, refuse, suspend a licence and against any conditions imposed on the grant of a licence. Appeals to Magistrates' Court must be made within 21 days of receipt of the decision. In most circumstances once an appeal against the Authority's decision has been lodged a person may continue to utilise the licence until the appeal process has been finalised or withdrawn, although clearly this does not apply to new applicants who have had their application refused. There are some exceptions to the above:

- There is no immediate right of appeal against the Authority's decision to immediately suspend a vehicle licence under section 68 of the 1976 Act. However, if the suspension has not been lifted within a 2-month period a right of appeal is then available.
- In relation to a decision to refuse to grant a hackney carriage vehicle licence the appeal is direct to the Crown Court.
- A hackney carriage/private hire driver's licence revoked or suspended with immediate effect on the grounds of public safety, prevents the licence holder from utilising the licence, even when an appeal has been lodged.
- In most cases there is a further right of appeal from the Magistrates' Court to the Crown Court.

6.9.2 An appeal against the imposition of penalty points may be made to the Authority's Taxi and Miscellaneous Committee. Notice of the appeal must be submitted in writing no later than 14 days of receiving the Penalty Points Notice.

6.10 Data Sharing

6.10.1 The Authority will share with other enforcement bodies and relevant agencies, including DBS and National Anti-Fraud Network, information supplied by applicants/licence holders or acquired while exercising the licensing functions, where it is lawful to do so.

6.10.2 Personal information will only be disclosed in accordance with the Data Protection Act 2018 and General Data Protection Regulations.

6.10.3 Where the Authority decide to refuse an application for the grant of a hackney carriage/private hire driver's licence or when an existing driver's licence is revoked, that information will be placed on the National Register of Taxi Licence Revocation & Refusals (NR3) in accordance with the Authority's policy relating to requests for information, disclosure of information, and use of information because of an entry on NR3, attached at **Appendix B**.

6.11 Referrals to the DBS

6.11.1 Where the City Council decides to refuse or revoke a licence because the applicant/licence holder is thought to present a risk of harm to a child or vulnerable adult, it will refer this decision to the Disclosure and Barring Service in addition to the NR3 register detailed above. The circumstances that will warrant such action will be when it is thought that:

- An individual has harmed or poses a risk of harm to a child or vulnerable adult.
- An individual has satisfied the 'harm test'; or
- Received a caution for a relevant offence; and
- The person referred to has or might in the future be working in regulated activity.

If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

APPENDIX A – RELEVANCE OF CONVICTIONS

1. Introduction

- 1.1 The overriding aim of this Licensing Authority when carrying out its functions relating to the licensing of Hackney Carriage or Private Hire Drivers, Vehicle Proprietors and Operators is the protection of the public and others who use or can be affected by Hackney Carriage and Private Hire services.
- 1.2 The relevant legislation provides that any person must satisfy the Authority that they are a fit and proper person to hold a licence. If an applicant or licence holder falls short of the fit and proper test, then the application should be refused, or the licence revoked. Each case will always be considered on its own merits having regard to this Policy, and the Licensing Authority can depart from the Policy where it considers appropriate to do so.
- 1.3 The licensing process places a duty on the Authority to protect the public. Given the nature of the role, it is paramount that those seeking a living from the trades meet the required standards set by the Authority. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the Authority considers all relevant factors, including previous convictions, cautions and complaints and the time elapsed since these were committed. The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime.
- 1.4 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce the risk and protect the public can be achieved by following correct processes and guidance.

2. Drivers

- 2.1 An applicant must hold a full DVLA or equivalent driver's licence, have the right to work in the UK, and be a "fit and proper" person. There is no legal definition of what "fit and proper", but a test used by this Authority is as follows:

'Without prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?'

- 2.2 The Authority has the power to require an applicant to provide such information as it considers necessary to enable it to determine whether the licence should be granted. This information can include any pre-conditions or tests it considers necessary. The following is required by this Authority: -

- Completed application form and fee
- Passing a local knowledge test
- BTEC Level 2 Certificate – Introduction to the Role of the Professional Taxi and Private Hire Driver
- Group 2 Standards of Medical Fitness
- Enhanced DBS certificate and sign-up to the update service
- Passing English and Maths competency tests
- DVLA driving licence check

2.3 When applying for a licence to drive a hackney carriage or a private hire vehicle, or renew such a licence, applicants are required to declare on their application form all previous convictions, cautions, penalties, and motoring endorsements they may have received, except for protected cautions and convictions which are detailed in paragraphs 2.4 and 2.5 below. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974, therefore convictions which would ordinarily be considered ‘spent’ must be declared and may be considered in the determination of the application. The Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) (2013) Order introduced new categories of ‘protected cautions’ and ‘protected convictions’, which mean that after the stated period of time an applicant must be treated as not having been charged with, convicted of or sentenced for any of those offences that would fall within the categories of protected cautions/convictions, as such protected cautions and protected convictions do not need to be disclosed.

2.4 A caution is only ‘protected’ if:

- It does not relate to a listed offence.
- It was given to a person aged under 18 at the time of the caution and two years or more have elapsed.
- It was given to a person aged 18 or over at the time of the caution and six years or more have elapsed.

2.5 A conviction is only ‘protected’ if:

- It does not relate to a listed offence such as violence and sexual offences.
- No custodial sentence was imposed.
- It is the only conviction that the individual has received.
- It was received by a person aged under 18 at the time of the conviction and five and a half years or more have elapsed.
- It was received by a person aged 18 or over at the time of the conviction and 11 years or more have elapsed.

NB the reference to ‘listed offence’ is as per list detailed in the current Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) (2013 and 2020).

2.6 There has been recent changes to legislation introduced on 28 November 2020 which means that:

- Warnings, reprimands, and youth cautions will no longer be automatically disclosed on a DBS certificate.
- The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type, or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed.

2.7 Upon initial application, all driver applicants will be required to obtain an enhanced level disclosure from the DBS and sign up and maintain subscription to the DBS Update service. They would then not be required to obtain a further enhanced level disclosure from the DBS unless a check on the DBS Update service revealed a change in status of the disclosure. The Authority will undertake 6 monthly online checks on the status of all Preston licensed driver DBS certificates. Where a change in status is revealed then the licensed driver will be required to submit a further enhanced disclosure.

3. Private Hire Operators

3.1 As with drivers the role of the Private Hire Operator (PHO) goes far beyond simply taking bookings and dispatching vehicles. While making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked and where that booking is made by anybody other than the driver, there are no controls or vetting procedures in place, in relation to the person who takes that booking and holds that personal information.

3.2 PHO's, including directors and shareholders, are required to submit upon application a basic level DBS certificate and then annually.

3.3 To enable consistent and informed decisions to be made, the following is a working test of fitness and propriety used for PHO's:

'Would I be comfortable in providing sensitive information such as holiday plans, movements of my family or other information to this person and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes.'

3.4 PHO's are required to undertake checks on those they employ/use within their business to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance with this Authority.

4 **Vehicle Proprietors**

- 4.1 Similar considerations apply to vehicle proprietors, both hackney carriage and private hire. Although the vehicle proprietor may not be driving a vehicle, they clearly have an interest in the use of the vehicle. They will be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.
- 4.2 Hackney and private hire vehicles are used to transport people in many circumstances and are seen everywhere across the UK at all times of the day and night, in any location. Therefore, they could provide a transportation system for illegal activities of any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.
- 4.3 Vehicle proprietors have, therefore, two principal responsibilities:
- They must ensure that the vehicle is always maintained to an acceptable standard.
 - They must ensure that the vehicle is not used for illegal or illicit purposes.
- 4.4 It is recognised that some vehicle licence holders rent their vehicle to a licensed driver and in such circumstances the vehicle licence holder must ensure that they have adequate management control systems in place to ensure that the vehicle is properly maintained.
- 4.3 Vehicle licence holders that fail to maintain their vehicle in a satisfactory condition are likely to cause some concern to the Authority as to whether they are fit and proper to hold a vehicle licence. Additionally, the disclosure of any convictions, cautions, reprimands, investigations etc will be considered when determining applications and so a condition on vehicle licences require applicants (vehicle proprietors) to submit a Basic Disclosure from the DBS.
- 4.4 To enable consistent and informed decisions to be made, the following is a working test of fitness and propriety is used for vehicle licence holders:

‘Without prejudice, and based on the information before you, would you allow this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence’.

5. **General Policy**

- 5.1 As a general rule the Authority will expect applicants for licences and licence holders to be free from previous convictions, cautions, and be of good conduct. However, a person with convictions or cautions will not be excluded from holding a licence but should be expected to have:

- Remained free of conviction for an appropriate period.
- Show adequate evidence of good character from the time of conviction.

5.2 Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character. Regard will be given to any failure to accurately complete an application as this may give rise to serious concerns regarding an applicant's honesty. Each case will be considered on its own merits and some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.

The table below includes a list of offence types and the minimum time that should have elapsed since the date of conviction before a licence would be granted.

OFFENCE	GUIDANCE			
	2013 POLICY	INSTITUTE OF LICENSING	DEPARTMENT FOR TRANSPORT	2021 Policy
Minor traffic offences	No restriction	7 or more DVLA licence points – 5 Years	More than 1 offence then Committee	7 or more DVLA licence points – 5 Years
Driving disqualification from DVLA totting up	Warning letter	Not considered	Committee	n/a (see above)
Major motoring offences (except below)	3 Years	7 Years Except using a handheld device which is 5 Years	As above except using a handheld device which is 5 Years	7 Years Except using a handheld device which is 5 Years
Causing death by careless driving or by dangerous driving	Taxi and Miscellaneous Committee	7 Years	Not considered	7 Years

Drunkenness in a motor vehicle – single conviction	3 Years since restoration of DVLA driving licence	7 Years	7 Years	7 Years
Drunkenness in a motor vehicle – more than one conviction	Taxi and Miscellaneous Committee	n/a	n/a	n/a
Drunkenness – not in a motor vehicle – single conviction	No restriction	Not considered	Not considered	n/a
Drunkenness – not in a motor vehicle – more than one conviction	Medical examination to determine alcoholism then 3 years since completion of treatment.	n/a	n/a	n/a
Drugs – possession	3 Years	5 Years	5 Years	5 Years plus drug test
Drugs – supply	5 Years	10 Years	10 Years	10 Years
Serious Sexual or Indecency	Taxi and Miscellaneous Committee	Never	Never	Never. In addition, a licence will not be granted to any applicant who is currently on the Sex Offending Register or on any 'barred list'.

Other Sexual or Indecency – single conviction	5 Years and Taxi and Miscellaneous Committee	Never	Never	As above
Other Sexual or Indecency – more than one conviction –	10 Years and Taxi and Miscellaneous Committee	Never	Never	As above
Violence – arson, malicious wounding, grievous bodily harm, robbery, possession of firearm, riot, assault police, common assault with racial aggravation, violent disorder and resisting arrest	5 Years	10 Years for all offences involving violence. Possession of a weapon or any weapon related offence – 7 Years.	10 Years for all offences involving violence against the person. Possession of a weapon or any weapon related offence – 7 Years.	10 Years for all offences involving violence against the person. Possession of a weapon or any weapon related offence – 7 Years.
Violence – common assault, affray, obstruction, criminal damage, and other	3 Years	As above	As above	As above

public order offences				
Dishonesty	3 Years	7 Years	7 Years	7 Years
Other offences and special circumstances	Taxi and Miscellaneous Committee	Not considered	Not considered	Remove
Crimes resulting in death	Not included	Never	Never	Never
Exploitation including slavery, child sexual exploitation, grooming, psychological, emotional, or financial abuse.	Not included	Never	Never	Never
Vehicle use offences – taxi/private hire	Not directly included	7 Years	Not considered	7 Years
Hackney carriage & private hire offences (excluding vehicle use)	Not directly included	7 Years	Not considered	7 Years
Discrimination	Not included	7 Years	7 Years	7 Years

APPENDIX B - POLICY IN RESPECT OF REQUESTS FOR INFORMATION, DISCLOSURE OF INFORMATION, AND USE OF INFORMATION AS A RESULT OF AN ENTRY ON THE NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS AND REFUSALS (KNOWN AS NR3)

1 Overarching Principles

- 1.1 This policy covers the use that Preston City Council will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3).
- 1.2 In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.
- 1.3 The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence. This information is important in the context of a subsequent application to another Authority for a drivers' licence by a person who has had their licence refused or revoked in the past.
- 1.4 Preston City Council has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.
- 1.5 When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, we will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details. Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, deciding, notifying the applicant of the outcome of that decision, and the appeal processes. For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application.
- 1.6 Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to

appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

- 1.7 The data will be held securely in accordance with this Authority's general policy on the secure retention of personal data. At the end of the retention period, the data will be erased and/or destroyed in accordance with this Authority's general policy on the erasure and destruction of personal data.

2. Making a request for further information regarding an entry on NR3

- 2.1 When an application is made to Preston City Council for the grant of a new, or renewal of, a taxi driver's licence, this authority will check the NR3. We will make and then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search.
- the name or names searched.
- the reason for the search (new application or renewal).
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register later).

This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained for the retention period of 25 years.

- 2.2 If Preston City Council discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained because of this process. This request will be made in writing. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

3. Responding to a request made for further information regarding an entry on NR3

- 3.1 When this Authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained for the retention period of 25 years. We will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

- 3.2 The Authority will conduct a Data Protection Impact Assessment. This will consider how the other Authority (the second Authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second Authority has adopted a policy like this, that should be a reasonably straightforward process. If Preston City Council is satisfied that the other Authority's (the 2nd Authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function. Any disclosure must be considered and proportionate, considering the data subjects' rights and the position and responsibilities of a taxi driver.
- 3.3 Data is held on the NR3 register for a period of 25 years, but Preston City Council (the 1st Authority) will not disclose information relating to every entry. Each application will be considered on its own merits. This Authority will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within its Guidance on Relevance of Convictions (Appendix A).
- 3.4 Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Appendix A) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in Appendix A) outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.
- 3.5 Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the Authority by an enactment or rule of law.
- 3.6 The officer will record what action was taken and why. The Authority will make and then retain a clear written record of every decision that is made as a result of a request from another Authority. This will detail:
- the date the request was received
 - how the data protection impact assessment was conducted and its conclusions
 - the name or names searched
 - whether any information was provided
 - if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
 - if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
 - how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records (i.e., combined with a register of licences granted) and will be retained for the retention period of 25 years.

4. Using any information obtained as a result of a request to another Authority

- 4.1 When the Authority receives information as a result of a request that has been made to another Authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications; assessment will take place against the Authority's definition of fit & proper person. This Authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above). Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this Authority will make in relation to the application

APPENDIX C - PRIVATE HIRE DRIVER LICENCE CONDITIONS

1. Driver Conduct

- 1.1 The holder of a private hire driver's licence ("the driver") shall comply with the following conditions.
- 1.2 The driver shall whilst working as a private hire driver be compliant with the dress code for licensed drivers.
- 1.3 The driver shall not allow the identification badges granted to him to be used by any other person or cause or permit any other person to wear it.
- 1.4 The driver shall behave in a civil, polite, and orderly manner while 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 drive with due care and courtesy towards the passengers and other road users.
- 1.6 The driver shall take the most time efficient route bearing in mind likely traffic problems and known diversions and agree with the passenger any diversion from the most direct route.
- 1.7 The driver shall ensure that the passenger has pre-booked before commencing the journey.
- 1.8 The driver shall provide reasonable assistance to passengers (getting in and out of the vehicle and unloading luggage to the outer door of the premises/building).
- 1.9 The driver shall ensure luggage is stored safely and properly secured in the vehicle.
- 1.10 The driver shall not eat or drink in the vehicle whilst passengers are in the vehicle except with their permission.
- 1.11 The driver shall not play the radio, utilise phone or internet whilst passengers are in the vehicle except with their permission. An exemption is the use for sending or receiving messages in connection with the operation of the vehicle.
- 1.12 The driver shall not behave in a way that may be deemed to be standing or plying for hire, by not plotting or waiting without a booking:
 - a) in high footfall/high visible areas
 - b) outside busy venues/businesses
 - c) at the front or back of designated hackney ranks
 - d) in groups or lines that present as a rank
 - e) in contravention of road traffic orders

- 1.13 The driver shall ensure that the vehicle is kept clean (inside and out) and free of rubbish.
- 1.14 The driver shall stop or park the private hire vehicle considerately and legally and shall switch off the engine if required to wait.
- 1.15 The driver shall wherever possible ensure that children or vulnerable adults leave the vehicle directly onto the kerb and outside their destination (if it is safe and legal to do so).

2. Fares and Journeys

- 2.1 The driver shall ensure the meter (if fitted) is set to display any fare table adopted by the private hire operator.
- 2.2 The driver shall ensure any meter is set to the tariff displayed and sealed appropriately.
- 2.3 The driver shall not operate the meter until the journey commences (this does not apply where no meter is fitted in the private hire vehicle).
- 2.4 The driver shall provide written receipts on request.
- 2.5 The driver shall report immediately to the operator any incident of concern, including accidents where hurt or distress has been caused, customer disputes or passenger conduct concerns.
- 2.6 The driver shall be vigilant regarding vulnerable passengers and safeguarding concerns when working and shall report any concerns immediately to the private hire operator.
- 2.7 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.
- 2.8 The driver shall know and comply with the highway rules for children travelling in private hire vehicles, particularly the provision of car seats and where in the vehicle children are permitted to sit.
- 2.9 The driver shall keep relationships with passengers on an appropriate professional basis.
- 2.10 The driver shall not engage in any sexual or illicit activity in a licensed vehicle, even if consensual and the vehicle is not being used for private hire purposes.

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 shall notify the Authority, in writing, the name of their private hire operator within 7 days of commencing taking bookings from the operator.
- 3.3 The driver shall provide the holder of the private hire vehicle licence with a copy of their current private hire driver's licence prior to driving a licensed vehicle.
- 3.4 The driver shall before commencing work with a private hire operator provide the private hire operator with a copy of his current private hire driver's licence.
- 3.5 All licences and badges issued always remain the property of the Authority. 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.
- 3.6 The driver shall within 7 days of a change of address notify the Authority in writing of the change of address.
- 3.7 The driver shall within 2 working days of a request being made, provide the Authority with a DVLA check code to enable a check on his DVLA licence to be undertaken.
- 3.8 The driver must notify the Authority, in writing and within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
- 3.9 The driver shall keep a copy of the Policy (which includes these driver conditions) in the licensed vehicle being used by that driver.
- 3.10 The driver shall notify the Authority of any newly diagnosed or change to a current medical condition which may restrict their entitlement to a driver's licence requiring a DVSA Group 2 medical standard. Notification must be sent to the Authority in writing immediately of the relevant diagnosis or change to medical condition.
- 3.11 The driver shall undertake a daily vehicle check at the beginning of each shift to ensure as far as reasonably practicable that the vehicle is in a safe and clean condition.
- 3.12 The driver shall undertake a weekly vehicle check using the record sheet published by the Authority. Any defects should be noted, and corrective action undertaken. The record of the check is to be always kept in the vehicle and will ensure the information is available for inspection by an authorised officer of the Authority. In the case of vehicles licensed to a person other than the driver, the vehicle licence holder must be informed of any defects identified and corrective action undertaken if required.
- 3.13 The driver shall report to the Authority any form of road traffic accident/collision/incident in which the licence holder was the driver of a vehicle involved in the incident. This is regardless of whether the incident was in a licensed vehicle or not. The incident should be reported as soon as possible and in any event within 72 hours. It should be reported using the Accident Form available on the Authority's website.

- 3.14 The driver shall ensure that relevant documentation (including DBS update status, medical certificate, and right to work) is maintained throughout the period of the licence.
- 3.15 The driver shall undertake any reasonable training appropriate to the role of a licensed driver as required by the Authority. Any costs associated with the provision of training will be borne by the licence holder.

4. Lost Property

- 4.1 The driver shall immediately after the completion of each hiring or as soon as practicable thereafter check the vehicle for lost property.
- 4.2 The driver shall notify the owner of the lost property found in the vehicle (if this is possible by either booking records or personal details found in the lost property). Where the owner of the property cannot be ascertained the lost property must be handed to the private hire operator who will hold the property for a period not exceeding 6 months, before disposing unclaimed items.

5. The Carriage of Animals

- 5.1 A driver shall not convey in a private hire vehicle any animal, which belongs to, or is being looked after by, himself, the proprietor or operator of the vehicle.
- 5.2 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.
- 5.3 The driver shall ensure that their private hire operator is aware of any exemption certificate they have from the Authority in relation to the requirement to carry assistance dogs. A copy shall be kept in the licensed vehicle.

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 D - 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 an street and not actually hired
 - (a) proceed with reasonable speed to one of the stands fixed by the byelaws in that behalf;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward 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,
 - (a) convey a reasonable quantity of luggage,
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.
- 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.

(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.

22. 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.

23. 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

- 24.** 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 E - HACKNEY CARRIAGE DRIVER CODE OF CONDUCT

1. Introduction

Legislation requires the Authority to licence persons as a hackney carriage driver if it deems “fit and proper”. The Authority has specific requirements which a person must satisfy to meet this test, including training, medical fitness, and criminality checks. The Authority has a code of conduct in place for hackney carriage drivers to provide guidance on the standards that they are expected to maintain as part of the “fit and proper” test, throughout the period of their licence.

Failure to comply with the code of conduct or any other conduct that is contrary to the “fit and proper” test could result in a review of the status of the licence.

2. Administrative Conduct

A hackney carriage driver shall:

- 2.1 Notify the Authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
- 2.2 Within 7 days notify the Authority in writing of any change of address.
- 2.3 Within 2 working days of a request being made, provide the Authority with a DVLA check code to enable a check of their DVLA licence to be undertaken.
- 2.4 Ensure that relevant documentation (including DBS update service, medical certificate, and right to work documentation) is maintained throughout the period of the licence.
- 2.5 Notify the Authority of any newly diagnosed change to current medical condition which may restrict their entitlement to a driver’s licence requiring a DVSA Group 2 medical standard. This notification to be sent to the Authority immediately (or in any case within 48 hours) of the relevant diagnosis or change to medical condition.
- 2.6 Undertake any reasonable training appropriate to the role of a licensed driver as required by the Authority. Any costs associated with the provision of the training will be borne by the licence holder.
- 2.7 Report to the Authority any form of road traffic accident/collision/incident in which the licence holder was the driver of a vehicle involved in the incident. The incident should be reported as soon as possible and in any event within 72 hours. The incident should be reported using the Accident Form on the Authority’s website.
- 2.8 Keep a copy in the licensed vehicle of any exemption certificate issued by the Authority relating to the medical condition that prevents the licensed driver from carrying assistance dogs or providing assistance with wheelchair passengers.

2.9 Keep a copy of the Policy (which includes this code) in the licensed vehicle being used by that driver.

3. Conduct whilst working as a Licensed Driver.

A hackney carriage driver shall:

3.1 Be compliant with the Authority's dress code for licensed drivers.

3.2 Be polite to passengers and communicate clearly with them.

3.3 Keep the licensed vehicle clean and free of rubbish.

3.4 Provide reasonable assistance to passengers getting in and out of the vehicle and unloading luggage to the outer door of the premises/building.

3.5 Ensure luggage is stored safely and properly secured in the vehicle.

3.6 Provide written receipts on request from passengers.

3.7 Keep relationships with passengers on an appropriate professional basis.

3.8 Not eat or drink in the vehicle whilst passengers are in the vehicle except with their permission.

3.9 Not play the radio, utilise phone or internet whilst passengers are in the vehicle except with their permission. An exemption is their use for sending or receiving messages in connection with the operation of the vehicle.

3.10 Not conduct themselves or utilise the vehicle in any way as to be a nuisance to passengers, or the public.

3.11 Drive with due care and courtesy towards passengers and other road users.

3.12 Know and comply with the highway code rules around children travelling in hackney carriages, particularly in respect of the provisions of car seats and where in the vehicle children are permitted to sit.

3.13 Not carry any animal belonging to yourself in the vehicle.

3.14 Undertake a weekly vehicle check using the record sheet published by the Authority. Any defects should be noted, and corrective action undertaken. The record of the check is to be always kept in the vehicle and will ensure the information is available for inspection by an authorised officer of the Authority. In the case of vehicles licensed to a person other than the driver, the vehicle licence holder must be informed of any defects identified and corrective action undertaken or required.

3.15 Ensure that all passengers must have access to a designated seat and appropriate seat belt. For passengers travelling in a wheelchair, the wheelchair can be regarded as a designated seat provided the wheelchair is adequately secured using proper restraints and the passenger travelling in the wheelchair has access to an appropriate seat belt.

4. Conduct in respect of Fares Levied and Use of Meters.

A hackney carriage driver shall:

- 4.1 Use the meter within the licensed area unless the passenger has agreed to hire by time.
- 4.2 Take the most efficient route bearing in mind likely traffic problems and known diversions and explain to passengers any diversion from the most direct route.
- 4.3 Where a hackney carriage is hired via a telephone call to a private hire operator linked by radio to the vehicle, the contract of hire shall be deemed to be made with the person operating the booking office, the meter shall not be set into operation until the hirer has commenced their journey.
- 4.4 Ensure the current hackney carriage tariff is displayed in the vehicle in such a location that it can be seen and read by passengers.

5. Conduct in respect of Lost Property

A hackney carriage driver shall:

- 5.1 Immediately after each hiring or as soon as practicable thereafter check the vehicle for lost property.
- 5.2 Notify the owner of the lost property found in the vehicle (if this is possible by either known address or contact details found in the lost property).
- 5.3 Plan with the property owner regarding its return.
- 5.4 Where the owner of the property cannot be ascertained the lost property must be handed in to a Police Station.

6. Conduct in respect of Hackney Carriage Byelaws

A hackney carriage driver shall:

- 6.1 Familiarise themselves with the requirements of Preston City Council hackney carriage byelaws.
- 6.2 Comply with the byelaws.

APPENDIX F - DRESS CODE FOR LICENSED DRIVERS

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, to provide a positive image of Preston's licensed hackney carriage and private hire trades.

Dress Code

- All clothing worn by licensed drivers whilst working must be in good condition and the driver must have good standards of personal hygiene.
- As a minimum standard whilst working, male licensed drivers should wear trousers and a shirt which has a full body and short/long sleeves. Knee length tailored shorts are also acceptable.
- As a minimum standard whilst working, female licensed drivers should wear trousers or a knee length skirt or dress and shirt/blouse which has a full body and short/long sleeves. Knee length tailored shorts are also acceptable.
- Footwear whilst working shall fit i.e., be secure around the heel of both feet.

Examples of Unacceptable Standard of Dress

- Clothing that is not kept in a clean condition, free from holes, rips, or other damage.
- Words or graphics on any clothing that is of an offensive nature or suggestive nature which might offend.
- Sportswear e.g., football/rugby kits including shirts, track suits in whole or part, beachwear.
- Sandals with no heel straps, flip flops, or any other footwear does not secure around the heel.
- The wearing of any hood or any other type of clothing that may obscure the drivers' vision or their identity.

Uniforms

The Authority recognises the positive image that uniforms can create. This dress code does not require a licensed driver to wear a distinct uniform except for drivers of executive hire vehicles. The Authority acknowledges that nationally some operators and hackney carriage associations do require licensed drivers to wear appropriate corporate branded uniform, and this is a practice that the Authority would encourage Preston companies and associations to consider and adopt in Preston.

APPENDIX G – PRIVATE HIRE VEHICLE SPECIFICATION

1. General

- 1.1 Licensed vehicles must be of manufacturers' specification and shall comply in all respects with the Motor Vehicle (Type Approval) Regulations 1980, Motor Vehicle (Type Approval) Regulations 1984 and the Road Vehicles (Construction and Use) Regulations 1986. In addition, all vehicles must comply in all respects with the British and European vehicle regulations and be a type to the requirements to the M1 category of European Whole Type Approval 70/156/EEC as amended.
- 1.2 Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approval M1 certification for the resultant vehicle. If the vehicle has been registered with the DVLA and issued with the appropriate registration index number, no change, structural alteration, or rearrangement of detail shall be carried out unless the vehicle has received subsequent M1 Whole Type Approval.
- 1.3 If the vehicle has a UK Single Vehicle Approval Certificate, the Authority will expect that the vehicle will have been modified in accordance with a programme approved by the original vehicle manufacturer and have appropriate documentary proof.
- 1.4 Vehicles cannot be retrofitted with engines of a poorer emission standard than that of the vehicle manufacturer.
- 1.5 No new vehicle licence will be granted to any vehicle which has been subject to any category of vehicle write off.
- 1.6 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.
- 1.7 Vehicles which could lead the public to believe that such a vehicle is a Preston licensed hackney carriage, shall not be licensed as a private hire vehicle.
- 1.8. No vehicle currently licensed as private hire vehicle with another Authority will be licensed by Preston City Council.
- 1.9 The vehicle must be capable of passing the private hire vehicle compliance test.
- 1.10 No roof signs are permitted.
- 1.11 The vehicle shall be right hand drive.

2. Seats

- 2.1 Vehicles shall have a passenger seating capacity of not less than 4 persons and not more than 8 persons.
- 2.2 Each seat shall be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.
- 2.3 Each seat shall not be less than 406mm in width.
- 2.4 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 to accommodate 3 passengers.
- 2.5 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.
- 2.6 If a seat is to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.

3. Windows

- 3.1 The minimum light transmission for glass in front of, and to the side of, the driver is 70%. No restrictions to rear passenger side windows or rear windscreen.
- 3.2 Opening windows should be provided in the rear of the vehicle and must be capable of being opened by passengers. Where this is not possible the vehicle should have an adequate air conditioning system which can be operated by passengers seated in the rear of the vehicle.

4. Doors

- 4.1 The vehicle shall have a minimum of 4 opening doors. All doors must be fitted with reflectors/reflective strips or lights which are clearly visible from the rear of the vehicle when the door is open.
- 4.2 All doors should be capable of being opened from the inside and outside and the interior door handle must be clearly visible and accessible to passengers.

5. Interior

- 5.1 The upholstery, carpets, seats, trims, and other interior fittings should be free from damage (including stains and burns) and significant wear.
- 5.2 The vehicle will have space for a reasonable amount of luggage associated with the maximum passenger numbers.

5.3 All vehicles should have adequate leg and foot room, shoulder width, and head height to accommodate a passenger of 6 ft. height and average build.

6. Vehicle Body

6.1 All bodywork to be free from dents and damage.

6.2 Panels must be attached and aligned to the chassis/body shell correctly with all joints and welds as per the manufacturer's specifications. The panels must be free from distortion and dents.

6.3 No vehicles are permitted to be fitted with 'bull bars', or any similar factory fitted or aftermarket additions that may pose additional danger to pedestrians in the event of a collision.

6.4 The vehicle shall have a solid roof (sunroofs are permitted).

7. Wheels, Tyres and Steering

7.1 The vehicle must be right-hand drive.

7.2 Wheels should be correctly aligned, joints, and bearings free from abnormal wear. All mounting points should be in a sound condition with no undue wear in any associated bushes.

7.3 The vehicle must have a minimum of four road wheels.

7.4 Vehicles must either carry the manufacturer's system of tyre repairs or spare wheel as compliant with the Construction and Use regulations 1986, as amended.

7.5 Tyre fitments should comply, in all respects, with the requirements of any Act or Regulation pertaining to Motor Vehicle Regulations on tyre safety in force.

7.6 The depth of tyre tread must not be less than 1.66mm.

8. Wheelchair Carrying Facilities

8.1 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 always available 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.
- 8.2 The vehicle shall be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.
 - 8.3 Any lifting equipment used to lift persons or loads fitted to a vehicle must have received a thorough examination by a competent person.
 - 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.

APPENDIX H – HACKNEY CARRIAGE VEHICLE SPECIFICATION

1. General

- 1.1 Vehicles must conform to M1 vehicle standard. Converted vehicles must have either European Whole Vehicle Type Approval/Individual Type Approval (IVA) or European Low Volume Type Approval.
- 1.2 Vehicles cannot be retrofitted with engines of a poorer emission standard than of the vehicle at manufacture.
- 1.3 No new vehicle licence will be granted to any vehicle which has been subject to any category of vehicle write off.
- 1.4 No renewal licence will be granted to any vehicle which has been subject to any category of vehicle write off.
- 1.5 No vehicle currently licensed as hackney carriage vehicle with another Authority will be licensed by Preston City Council.
- 1.6 The vehicle must be capable of passing the hackney carriage vehicle compliance test.

2. Seats

- 2.1 Vehicles shall have a passenger seating capacity of not less than 4 persons and not more than 8 persons.
- 2.2 Each seat shall be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.
- 2.3 Each seat shall not be less than 406mm in width.
- 2.4 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 to accommodate 3 passengers.
- 2.5 Access to all passenger seats must be unimpeded i.e., clear access and egress to all passenger seats must be provided without the need to tip forward, fold or remove seats.

3. Windows

- 3.1 The minimum light transmission for glass in front of, and to the side of, the driver is 70%. No restrictions to rear passenger side windows or rear windscreen.
- 3.2 Opening windows should be provided in the rear of the vehicle and must be capable of

being opened by passengers. Where this is not possible the vehicle should have an adequate air conditioning system which can be operated by passengers seated in the rear of the vehicle.

4. Doors

- 4.1 All doors must be fitted with reflectors/reflective strips or lights which are clearly visible from the rear of the vehicle when the door is open.
- 4.2 All doors should be capable of being opened from the inside and outside and the interior door handle must be clearly visible and accessible to passengers.

5. Interior

- 5.1 The upholstery, carpets, seats, trims, and other interior fittings should be free from damage (including stains and burns) and significant wear.
- 5.2 The floor of the passenger compartment shall be covered with non-slip material, which can easily be cleaned.
- 5.3 The vehicle will have space for a reasonable amount of luggage associated with the maximum passenger numbers.
- 5.4 All vehicles should have adequate leg and foot room, shoulder width, and head height to accommodate a passenger of 6 ft. height and average build.
- 5.5 All vehicles shall have separate driver and passenger compartments.

6. Vehicle Body

- 6.1 All bodywork to be free from dents and damage.
- 6.2 Panels must be attached and aligned to the chassis/body shell correctly with all joints and welds as per the manufacturer's specifications. The panels must be free from distortion and dents.

7. Wheels, Tyres and Steering

- 7.1 The vehicle must be right-hand drive.
- 7.2 Wheels should be correctly aligned, joints, and bearings free from abnormal wear. All mounting points should be in a sound condition with no undue wear in any associated bushes.
- 7.3 The vehicle must have a minimum of four road wheels.
- 7.4 Vehicles must either carry the manufacturer's system of tyre repairs or spare wheel as

compliant with the Construction and Use regulations 1986, as amended.

7.5 Tyre fitments should comply, in all respects, with the requirements of any Act or Regulation pertaining to Motor Vehicle Regulations on tyre safety in force.

7.6 The depth of tyre tread must not be less than 1.66mm.

8. Wheelchair Carrying Facilities

8.1 The vehicle shall have a designated space to accommodate at least one wheelchair user to be carried in a standard wheelchair.

8.2 The vehicle must provide access for a wheelchair either through the nearside rear door, or a door at the rear of the vehicle. Any door used for wheelchair access must be capable of opening as wide as the aperture.

8.3 The means to secure both the wheelchair and the occupant of the wheelchair must be provided. Additional handholds and an additional step must be provided for the assistance of elderly and ambulant disabled people and ramps must be carried with the vehicle.

8.4 If the vehicle was not purpose built for the carriage of wheelchairs the applicant will be required to produce documentary evidence that it was adapted prior to registration, and that the adaption was approved by the manufacturer.

APPENDIX I – DRIVER/VEHICLE PROPRIETOR VEHICLE MAINTENANCE

Public safety is at the core of hackney carriage and private hire licensing, the safety of a licensed vehicle is an integral part of that. As part of the conditions attached to driver and vehicle licences and the hackney carriage drivers code of conduct both drivers and vehicle licence owners have responsibility in terms of the safety of the vehicle.

A licensed driver or vehicle owner shall undertake a weekly vehicle check. The checks to be carried out are as follows:

- Tyre condition, pressures, and tread
- Brakes
- Steering/suspension appear to be working ok
- Lights and indicators
- Battery
- Windscreen wipers, washers, and washer fluid levels
- Oil and water levels
- Horn in working order
- Seats/seat belts
- Central locking in hackney carriages
- Bodywork – no dents or sharp edges
- Cleanliness inside and out
- Meters
- Emissions
- Wheelchair restraints/ramps and lifts operational
- Signage as required

It is recommended that the licensed driver should undertake a daily vehicle check at the beginning of each shift. However, a record shall be kept of the weekly checks on the schedule provided by the Authority.

APPENDIX J - PRIVATE HIRE VEHICLE LICENCE CONDITIONS

1. General

- 1.1 The vehicle licence holder shall ensure that whilst a private hire vehicle is licensed by Preston City Council the vehicle is not to be licensed by another local authority.
- 1.2 The vehicle licence holder shall upon request from an authorised officer provide details as to who had permission to drive the vehicle at a date and time specified by the officer.

2. Meters

- 2.1 The vehicle licence holder shall ensure that if the vehicle is fitted with a meter, it is always of a type approved by the Authority and maintained in a sound mechanical condition.
- 2.2 Any meter fitted should be illuminated and located in a position where any hirer can easily see the fare.
- 2.3 The vehicle licence holder shall ensure that the word 'FARE' is printed on the face of the meter in clear letters to apply to the fare recorded thereon.
- 2.4 The vehicle licence holder shall ensure that the meter and any connected equipment is fitted securely without the risk of impairing the driver's ability to control the vehicle or be a risk to any person in the vehicle.

3. Signs (including plates)

- 3.1 The vehicle licence holder shall ensure that plates are firmly affixed to the front and rear of the vehicle using platform kits supplied by the Authority and all information included on them should be visible from the front and rear of the vehicle respectively and they must not in any way obscure the vehicle registration plates or lights on the vehicle.
- 3.2 The vehicle licence holder shall ensure no roof sign of any type including advertisements are utilised on a private hire vehicle.
- 3.3 The vehicle licence holder shall ensure the display of door signs indicating that they must be booked in advance and separate signs indicating details of the private hire operator they are working for.
- 3.4 The vehicle licence holder shall ensure that no sign, notice, flag, emblem, or advertisement shall be displayed on a private hire vehicle without the permission of the Authority.

4. Receipt book

4.1 The proprietor of a private hire vehicle shall ensure that a carbonated receipt book is always available in the vehicle. A receipt will be given on request and each receipt shall show as a minimum the following particulars:

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

5. Luggage

5.1 The vehicle licence holder shall ensure the boot/luggage compartment is available for passenger luggage and shall be kept clean and any covering free from major cuts, tears or other damage or staining.

5.2 Where luggage is stored other than in a boot it shall be properly secured.

6. Condition of the Vehicle

6.1 The vehicle licence holder shall ensure that the private hire vehicle is maintained in good order and should be capable of passing the Authority's vehicle compliance test at any stage during the licence period.

6.2 The vehicle licence holder shall ensure that the private hire vehicle is inspected every week and a record of such shall be made on the Weekly Vehicle Maintenance Schedule provided by the Authority. The schedule shall be retained for 3 months from the date of the last entry and shall be always kept in the licensed vehicle and made available to an authorised officer on request.

6.3 The vehicle licence holder shall ensure no alteration or change in the specification, design, condition, or appearance of the vehicle shall be made without the prior approval of the Authority at any time while the licence is in force.

7. Convictions

7.1 The vehicle licence holder shall notify the Authority, in writing and within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. imposed during the period of their private hire vehicle licence.

8. Vehicle Insurance

8.1 The vehicle licence holder shall throughout the period of the licence, keep in force in relation to the user of the private hire vehicle, a suitable policy of insurance which covers private hire use and third party liability both in respect of physical injury or death and in respect to personal belongings.

9. Private Hire Driver's Licence

9.1 Before permitting a licensed private hire driver to drive the licensed vehicle they shall require the driver to deliver to him a copy of their private hire drivers for retention, until such a time as the driver ceases to be permitted or employed to drive the private hire vehicle.

9.2 The vehicle licence holder shall:

- Keep a complete and accurate record of the name of the person driving the vehicle at any time and the expiry date of the driver's private hire driver licence.
- Not allow any person to drive the licensed vehicle without a valid private hire driver's licence being in place.
- Keep information regarding driver's licences for six months after expiry and produce upon request to an authorised officer or police officer.
- Not allow the vehicle to be licensed by another licensing authority.

10. Wheelchair Accessible Vehicles

10.1 The vehicle licence holder shall ensure any person permitted to drive the vehicle is fully trained and can safely use all the specialist equipment in the vehicle, in particular the licence holder must satisfy himself that the driver can safely load/unload and secure any passenger travelling in a wheelchair.

10.2 The vehicle licence holder shall ensure that the private hire vehicle displays the nationally recognised wheelchair accessible sign above the Authority issued door signs.

11. Assistance Dogs

11.1 The vehicle licence holder shall not prevent a licensed driver from carrying assistance dogs in the vehicle.

12. Change of Address

12.1 The vehicle licence holder shall within 7 days notify the Authority in writing of any change of address.

APPENDIX K - HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

1. General

- 1.1 The vehicle licence holder shall, within 7 days, notify the Authority, in writing, of any change of address.
- 1.2 The vehicle licence holder shall ensure that whilst a hackney carriage is licensed by Preston City Council the vehicle is not to be licensed by another local authority.

2. Signage

- 2.1 The vehicle licence holder shall ensure that plates, provided by the Authority, are securely affixed to the front and rear exterior of the vehicle in such a position that all the information on the plates are visible from outside the vehicle. They must not in any way obscure the vehicle registration plates or lights on the vehicle.
- 2.2 The identification plates shall be fixed to the vehicle using platform kits 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 by other similar means.
- 2.3 The vehicle licence holder shall ensure that before driving a licensed hackney carriage or renting a vehicle to a licensed hackney carriage driver a display holder, provided by the Authority, be located on the interior partition in a manner that it can be seen by passengers in the rear of the vehicle. The display holder shall hold a copy of the vehicle plate and licensed driver badge. The licensed driver must be made aware of the requirement to display his hackney carriage driver badge in the display holder.
- 2.4 The vehicle licence holder shall ensure that before driving a licensed hackney carriage or renting a vehicle to a licensed hackney carriage driver the passenger information notice, issued by the Authority, is displayed in the vehicle in such a position that it can be seen by all passengers. If required multiple notices can be displayed.
- 2.5 The vehicle licence holder shall ensure that before driving a licensed hackney carriage or renting a vehicle to a licensed hackney carriage driver “no smoking” signs must be displayed in a manner that they can be seen by passengers inside and outside of the vehicle.
- 2.6 The current table of fares fixed by the Authority shall be displayed inside the vehicle and is not concealed from view or rendered illegible.
- 2.7 The vehicle licence holder shall ensure that a roof sign of the approved type shall be always illuminated when (and only when) the vehicle is available for hire.

2.8 The vehicle licence holder shall ensure that the hackney carriage displays the nationally recognised wheelchair accessible sign.

3. Meters

3.1 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.

3.2 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.

3.3 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.

3.4 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.

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

3.6 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.

4. Receipt book

4.1 The vehicle licence holder shall ensure that a carbonated receipt book is always available in the vehicle. A receipt will be given on request and each receipt shall show as a minimum the following particulars: -

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

5. Luggage

5.1 The vehicle licence holder shall ensure the boot/luggage compartment is available for passenger luggage and shall be kept clean and any covering free from major cuts, tears or other damage or staining.

5.2 Where luggage is stored other than in a boot it shall be properly secured.

6. Condition of the Vehicle

- 6.1 The vehicle licence holder shall ensure that the hackney carriage is maintained in good order and should be capable of passing the Authority's vehicle compliance test at any stage during the licence period.
- 6.2 The vehicle licence holder shall ensure that the hackney carriage is inspected every week and a record of such shall be made on the Weekly Vehicle Maintenance Schedule provided by the Authority. The schedule shall be retained for 3 months from the date of the last entry and shall be always kept in the licensed vehicle and made available to an authorised officer on request.
- 6.3 The vehicle licence holder shall ensure no alteration or change in the specification, design, condition, or appearance of the vehicle without the prior approval of the Authority at any time while the licence is in force.

7. Convictions

- 7.1 The vehicle licence holder shall notify the Authority, in writing and within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence imposed during the period of their hackney carriage vehicle licence.

8. Vehicle Insurance

- 8.1 The vehicle licence holder shall throughout the period of the licence, keep in force in relation to the user of the private hire vehicle, a suitable policy of insurance which cover, public hire use, third party liability both in respect of physical injury or death and in respect to personal belongings.

9. Wheelchair Accessible Vehicles

- 9.1 The vehicle licence holder shall ensure any person permitted to drive the vehicle is fully trained and can safely use all the specialist equipment in the vehicle, in particular the licence holder must satisfy himself that the driver can safely load/unload and secure any passenger travelling in a wheelchair.

10. Assistance Dogs

- 10.1 The vehicle licence holder shall not prevent a licensed driver from carrying assistance dogs in the vehicle.

APPENDIX L – INTENDED USE POLICY FOR THE LICENSING OF HACKNEY CARRIAGES

1. Applications for the New Grant of a Hackney Carriage Licence

- 1.1 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 own 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 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 own 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 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 a 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 vehicle 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 own 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 vehicle licence.

6. Exceptional Circumstances

- 6.1 Each application will be decided on its own 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 it 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 vehicle licence were granted, renewed or if it were not suspended or revoked.

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 M – HACKNEY CARRIAGE STANDS

Situation	No. of Hackney Carriages	Hours During Which Stand May be Used
Lancaster Road – west side from a point 11 metres south of its junction with the centreline of Jacson Street for a distance of 33.5 metres in a southerly direction.	6	All hours
Lancaster Road – east side from a point 3 metres north of its junction with the centreline of Crooked Lane for 9 metres in a northerly direction.	2	9am – 6.30pm
Church Street – north side extending for 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
Lancaster Road – east side from a point 35 metres north of its junction with the centreline of Lord Street, in a northerly direction to a point 7 metres south of its junction with the centreline of Crooked Lane.	6	9am – 6.30pm
Church Street – south side extending for 20 metres from a point 2 metres west of Bolton’s Court	4	6.30pm – 8am
Market Street – west side from a point 4 metres south of the centreline of earl Street for 25.5 metres in a southerly direction.	4	All hours
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 – 8am
Church Street – south side from a point 12 metres east of Manchester Road for 42 metres in the direction of Ringway	8	6.30pm – 8am

Church Row – West side between points 15 metres and 75 metres from Church Street	12	6.30pm – 8am
Friargate – west side between points 14 metres north of Marsh lane and 5 metres south of Edward Street	8	7pm – 8am
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	11pm – 3am
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 – 3am

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

APPENDIX N - PRIVATE HIRE OPERATOR LICENCE CONDITIONS

1. Administration

- 1.1 The operator shall provide a prompt, efficient, and reliable service to members of the public at all reasonable times.
- 1.2 The operator shall ensure that when a private hire vehicle has been hired to attend an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- 1.3 The operator shall notify the Authority in writing of any change of address within seven days of such change taking place.
- 1.4 The operator shall ensure that adequate training is provided to staff (paid and unpaid) on relevant licensing law, safeguarding policies, complaints policy and how and when to accept bookings. The training should be undertaken within one month of the commencement of these conditions or employment and thereafter, at least annually. The operator shall keep records of staff training which may be inspected at any reasonable time by an authorised officer of the Authority.
- 1.5 The operator shall co-operate fully with any authorised officers in respect of any enquiries or investigations carried out in respect of drivers or vehicles connected to the business or formerly connected to the business.
- 1.6 The operator shall not allocate any bookings to any driver or vehicle without having a copy of the current licence on file. The licence on file must be valid i.e., not expired.
- 1.7 The operator shall adopt, implement, review, and update a data protection policy and in doing so must ensure that any personal information obtained during the business is stored securely. Access to this information must be restricted to persons who will use it for the purpose of which it has been collected.
- 1.8 The operator shall adopt, implement, review, and update a documented equality policy which details how the business will comply with its requirements under the Equality Act 2010 including disability awareness and the carrying of assistance animals.

2. Taking and Recording of Bookings

- 2.1 The operator shall record the following information in respect of each booking:
 - Time and date booking received
 - Name and contact details of person making the booking
 - How the booking was made e.g., telephone, APP, online or in person
 - Time of pick up
 - Location of pick up

- Specific destination
- ID of dispatched driver
- ID of dispatched vehicle
- ID of person taking the booking (excludes electronic)
- Any special requirements
- Details of any sub-contracting to or from another private hire operator
- Any fare quoted at time of booking, if requested by person making the booking

2.2 The operator shall advise a customer if the booking is being sub-contracted to another operator and if so, provide the name of the sub-contracted operator who will be undertaking the booking.

2.3 The operator shall ensure that booking records are:

- Available for immediate inspection by an authorised officer
- Able to be printed onto paper or downloaded in an electronic format
- Continuous and chronological
- Not capable of retrospective alteration or amendment
- Kept as one set of records (cash and credit account bookings can be separately identified but must not be in separate records)
- Are clear, legible, and retained for a minimum of 12 months from the date of the last entry.

2.4 The operator shall ensure the use of a driver who holds a passenger carrying vehicle licence and the use of a public service vehicle such as a minibus to undertake a private hire booking will not be permitted to do so without the informed consent of the person making the booking.

3. Other Records

3.1 The operator shall keep detailed, up to date records of every vehicle operated by the business (whether licensed as a private hire vehicle or hackney carriage). The records must include:

- Name and address of the vehicle licence holder
- Copy of the current vehicle licence
- Date the vehicle was first used by the business to fulfil bookings and the date the operator ceased using the vehicle to fulfil bookings (where applicable)
- Vehicle registration number
- Any allocated unique radio/call sign allocated to the driver and vehicle.

3.2 The operator shall have a system in place to ensure that no vehicle is operated when the licence or insurance has expired.

3.3 The operator shall keep detailed, up to date records of every driver operated by the business (whether licensed as a private hire vehicle or hackney carriage). The records must include:

- Name and home address of the driver
- The dates the driver commenced fulfilling bookings from the business and the date the driver ceased taking bookings from the business (where applicable)
- Copy of the driver's current private hire or hackney carriage driver licence.

3.4 The operator shall have a system in place to ensure that no driver is allocated any work once the driver's licence has expired.

4. Customer Complaints

4.1 The operator shall adopt, implement, review, and update a Customer Service and Complaints Policy which includes conduct of drivers and the timeframe for responding to complaints.

4.2 In respect of customer complaints, the operator shall:

- Record in writing or digitally every complaint received about its service (including any driver/vehicle complaints) and details of the licence holder(s) identified as the subject of the complaint.
- Investigate complaints and provide a reasonable response to the complainant outlining the findings of the investigation and any action taken.
- Where there are concerns regarding the conduct of a licence holder or a pattern of complaints, notify the Authority in writing.

4.3 The operator shall notify the Authority immediately of any complaints, police enquiries or notifications of convictions involving any driver employed by the business that relate to matters of sexual nature, dishonesty, violence or threats of violence, drugs, or major motoring offences. This notification to the Authority must take place regardless of whether the operator terminates any contractual arrangement with the driver.

4.4 The operator shall keep all records for a period of not less than 12 months following the date of last entry and make them immediately available to authorised officers on request.

5. Convictions

5.1 An operator shall provide a DBS basic disclosure to the Authority on an annual basis. Where the operator is a company/partnership then each director/partner will be required to comply. This condition will not be enforced in respect of any operator who currently holds a Preston hackney carriage/private hire driver's licence.

5.2 The operator shall notify the Authority, in writing and within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

6. Safeguarding

- 6.1 The operator shall require all persons working (paid or unpaid) or involved in bookings and or dispatching vehicles or having contact with private hire users for the business to provide them with a DBS basic disclosure dated within 1 month of the start date of employment/placement in the operator premises.
- 6.2 The operator shall require existing persons working (paid or unpaid) or involved in bookings and or dispatching vehicles or having contact with private hire users for the business to provide them with a DBS basic disclosure without delay following the implementation of this Policy.
- 6.3 The operator shall keep records of all persons working/involved in any capacity (paid or unpaid) for the business and include:
 - Full name
 - Address
 - Date of birth
 - Contact details
 - DBS issue date and certificate number
 - Start and finish dates of employment
 - Job title

7. Premises and Equipment

- 7.1 The operator shall keep that part of their premises where the public have access for the purpose of booking or waiting, clean, adequately ventilated, and well lit.
- 7.2 The operator shall ensure that any waiting area provided has adequate seating facilities.
- 7.3 The operator shall ensure that any telephone facilities and radio equipment provided are maintained in a good working condition and that any defects are repaired promptly.
- 7.4 The operator shall ensure all reasonable precautions are taken to ensure that activities within the operator's office and from licensed vehicles do not create a nuisance to others.
- 7.5 The operator shall always obtain and maintain in force a public liability insurance policy in respect of the premises to which the public have access and produce the same to an authorised officer on request.
- 7.6 Where the operator has premises to which the public have access, they shall display the following at their premises in a prominent position where the public have access and where they can be easily always read:

- A copy of the current Operator Licence.
- A schedule of fares
- Information provided by the Licensing Authority in respect of passenger information
- A copy of the public liability insurance policy certificate.

7.7 The operator shall 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.

8. Lost Property

8.1 The operator shall keep a written record of lost property that is handed in by drivers or passengers. The record must include:

- The date the item is handed in.
- Details of where it was found.
- Description of the property
- Whether it was claimed and if so claimant contact details.

8.2 The log must always be available for inspection by an authorised officer and any information entered must be kept for a period of 12 months from the date of entry.

8.3 The operator shall securely store lost property for a period of 6 months, after which time it should be disposed of in a secure manner, or if appropriate donated to a charitable purpose.

Appendix O – Vehicle Testing Station Criterion

It is proposed that the application process be restricted to MOT licensed testing stations that are located within the Preston local authority area.

In addition the following proposed criteria would also have to be met by applicants:

- DVSA risk rating – Green required.
- DVSA authorised approved test lane.
- Minimum of 3 DVSA authorised testers with a DVSA risk rating of Green.
- A minimum of one authorised tester to be available at all times the garage is open.
- Customer car parking spaces available – minimum of 3 spaces.
- Provide details for the disposal of waste oil, car batteries, tyres and other vehicle parts.
- Minimum number of weekly test appointments available is 30.
- Appointments available Monday to Saturday.
- Dedicated clean and comfortable waiting area.
- Separate customer sanitary facilities.
- Public Liability insurance - £5m.
- Employers Liability insurance.
- Provide a Basic Disclosure and Barring Service certificate for business directors, partners or sole trader and testers.
- Broadband connection (Internet access/competence for submitting test results to PCC).
- Training records in respect of additional Council comfort/appearance requirements.
- Authorised testers to have a full UK or EC or EEA driving licence.
- Customer complaints procedure.
- CCTV surveillance system covering internal and external areas in good working order and available for inspection by authorised officers of PCC.
- Records of DVSA self-assessment compliance checks be available for inspection by authorised officers of PCC.

There would be no limit on the number of approved testing stations; that would be a business decision for all eligible garages to consider whether to apply.

APPENDIX P – 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 have committed offences, contravened byelaws, this policy, or licence conditions.
- 1.2 The maximum number of points that can be imposed in respect of any 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 Committee.
- 1.4 Any licence holder aggrieved by the imposition of penalty points on their licence may appeal to the Taxi and Miscellaneous 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 table below list details of hackney carriage and private hire related offences and the number of penalty points imposed on relevant licences.
- 1.7 Where no points are indicated then either the offence does not relate to a licence holder, or the offence is one where the Authority's policy is to seek legal proceedings.

<u>Offences under the Local Government (Miscellaneous Provisions) Act 1976 – Private Hire</u>		<u>Penalty Points</u>
1.	Using an unlicensed private hire vehicle. (Sec.46(1)(a))	n/a
2.	Driving a private hire vehicle without a private hire driver's licence. (Sec. 46(1)(b))	n/a
3.	Proprietor of a private hire vehicle using an unlicensed driver. (Sec.46(1)(c	n/a
4.	Operating a private hire vehicle without a private hire operator's licence. (Sec.46(1)(d)	n/a
5.	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle. (Sec.46(1)(e	n/a
6.	Operating a private hire vehicle when the driver is not licensed as a private hire driver. (Sec.46(1)(e	n/a
7.	Failure to display private hire vehicle plate. (Sec.48(6)(a))	10
8.	Failure to notify transfer of private hire vehicle licence. (Sec.49(1))	10
9.	Failure to present private hire vehicle for inspection as required. (Sec.50(1))	10
10.	Failure to inform Authority where private hire vehicle is stored if requested. (Sec.50(2))	10
11.	Failure to report an accident to the Authority. (Sec.50(3))	10
12.	Failure to produce private hire vehicle licence and insurance certificate. (Sec50(4))	10
13.	Failure to produce private hire driver's licence. (Sec.53(3))	10
14.	Failure to return driver's licence and badge after ceasing to be in force for immigration reasons. (Sec.53A (9))	n/a
15.	Failure to wear private hire driver badge. (Sec.54(2))	10
16.	Failure to return operator's licence after ceasing to be in force for immigration purposes. (Sec.55ZA (8))	n/a
17.	Subcontracting private hire operator knowing that the subcontractor will use an unlicensed vehicle or driver. (Sec. 55(B)	n/a
18.	Failure by private hire operator to keep records of bookings. (Sec.56(2))	10
19.	Failure by private hire operator to keep records of private hire vehicles operated by them. (Sec.56(3))	10
20.	Failure to produce a Private Hire Operator's licence on request.(Sec56(4))	5
21.	Making false statement or withholding information to obtain private hire driver's licence or operator's licence. (Sec.57(2))	10
22.	Failure to return plate after notice given after expiry, revocation, or suspension of private hire vehicle licence. (Sec.58(2))	5
23.	Failure to surrender driver's licence after suspension, revocation or refusal to renew. (Sec.61(2))	5
24.	Charging more than the meter fare when hackney carriage used as a private hire vehicle. (Sec.67)	10

25.	Unnecessarily prolonging a journey. (Sec.69)	10
26.	Interfering with a taximeter. (Sec. 71)	n/a
27.	Obstruction of authorised officer or constable. (Sec.73(1)(a))	10
28.	Failure to comply with requirement of an authorised officer or constable. (Sec73(1)(b))	10
29.	Failure to give information or assistance to an authorised officer or constable. (Sec.73(1)(c))	10
<u>Offences under the Transport Act 1980 – Private Hire Provisions</u>		
<u>Section</u>	<u>Offence</u>	<u>Penalty</u>
64 (2) (a)	Driving a private hire vehicle with a roof sign which contravenes section 64(1).	10
64 (2) (b)	Causing or permitting a private hire vehicle to be driven with a roof sign which contravenes section 64(1).	10

<u>Offences under the Local Government (Miscellaneous Provisions) Act 1976 – Hackney Carriage</u>		<u>Penalty Points</u>
1.	Failure to notify transfer of Hackney Carriage Proprietor's Licence (Sec.49(1))	10
2.	Failure to present Hackney Carriage for inspection. (Sec.50(1))	5
3.	Failure to inform Authority where the Hackney Carriage is stored if requested. (Sec.50(2))	5
4.	Failure of proprietor to report an accident to the Authority. (Sec.50(3))	10
5.	Failure to produce Hackney Carriage Proprietor's Licence and insurance certificate.(Sec50(4))	5
6.	Failure to produce Hackney Carriage Driver's Licence. (Sec.53(3))	5
7.	Failure to return driver's licence and badge after ceasing to be in force for immigration reasons. (Sec.53A(9)).	n/a
8.	Making false statement or withholding information to obtain Hackney Carriage Driver's Licence.(Sec.57)	10
9.	Failure to return vehicle plate after notice given after expiry, revocation, or suspension of Hackney Carriage Proprietor's Licence. (Sec.58(2))	5
10.	Failure to surrender driver's licence after suspension, revocation, or refusal to renew. (Sec.61(2))	5
11.	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage stand. (Sec.64)	n/a
12.	Charging more than the meter fare for a journey ending outside the district without prior agreement (Sec.66)	10

13.	Charging more than the meter fare when hackney carriage used as a private hire vehicle.(Sec.67)	10
14.	Unnecessarily prolonging a journey. (Sec.69)	10
15.	Interfering with a taximeter. (Sec.71)	n/a
16.	Obstruction of authorised officer or constable. (Sec.73(1)(a))	10
17.	Failure to comply with requirement of authorised officer or constable. (Sec73(1)(b))	10
18.	Failure to give information or assistance to authorised officer or constable. (Sec.73(1)(c))	10

<u>Offences under the Town Police Clauses Act 1847 – Hackney Carriage</u>		
<u>Section</u>	<u>Offence</u>	<u>Penalty</u>
40	Giving false information on application for hackney carriage proprietor's licence.	10
44	Failure to notify change of address of hackney carriage proprietor.	5
45	Plying for hire without a hackney carriage proprietor's licence.	n/a
47	Driving a hackney carriage without a hackney carriage driver's licence.	n/a
47	Lending or parting with a hackney carriage driver's licence.	n/a
47	Hackney carriage proprietor employing unlicensed driver.	n/a
48	Failure by hackney carriage proprietor to hold a copy of HC driver licences of persons who use the vehicle	10
52	Failure to display hackney carriage plate.	10
53	Refusal to take a fare.	n/a
54	Charging more than the agreed fare.	n/a
55	Obtaining more than the legal fare.	n/a
56	Travelling less than the lawful distance for an agreed fare.	10
57	Failure to wait after a deposit to wait has been paid.	10
58	Charging more than the legal fare.	n/a
59	Carrying other person than the hirer without consent.	10
60	Driving a hackney carriage without proprietor' consent.	10

60	Person allowing another to drive a hackney carriage without proprietor's consent.	n/a
61	?	
62	Driver leaving hackney carriage unattended.	10
64	Hackney carriage driver obstructing other hackney carriages.	10

Offences under the Byelaws

All breaches of hackney carriage byelaws shall attract 10 penalty points.

Policy and Licence Conditions

All noncompliance with the policy and breaches of licence conditions shall attract 10 penalty points.

APPENDIX Q – HEARING PROCEDURES

I. Key

- (1) **“Licensing Officer”** - the member of the Licensing Services Team who will be presenting any written report.
- (2) **“Applicant/Licence-Holder”** – this procedure applies in all cases in which a person appears before the 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 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 If applicants and licence holders wish to use an interpreter to assist them making representations to the 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 Committee is meeting. The members of the Committee and applicant/licence holder will have received a report about the matter in advance of the meeting.
- 3.2 The Chair introduces the members of the Committee and ask others in attendance to state their name and position in relation to the hearing. This will include the Council’s legal adviser, the Member Services Officer, the Licensing Officer and any other officers who may be present.
- 3.3 The legal adviser will confirm with the Applicant/Licence holder that they have received the report about them and ask them to confirm the personal details contained therein are correct. If the Applicant/Licence holder is unaccompanied, the Chair confirms whether 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 personal details are as stated in the report are incorrect, then such matters will be addressed at this stage. Depending on what emerges, the Committee may resolve to adjourn the matter in order that any queries 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 may be 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 personal details contained 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 legal adviser will explain the procedure to be followed at the hearing.
- 3.6 The licensing officer presents the facts of the case by taking the Committee through the written 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 or their representative can put relevant questions to the licensing officer and any third party who has submitted evidence or made a statement to the Committee.
- 3.9 Members of the 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 legal adviser. They may also ask questions of any third party who has submitted evidence or made a statement to the Committee.
- 3.10 The applicant/licence holder or representative 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 can put questions to the applicant/licence holder and to any witnesses that may have submitted evidence.
- 3.12 The Members of the Committee can put questions to the applicant/licence holder and his witnesses. At the invitation of the Chair, the legal adviser 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 legal adviser and member services officer remain present to advise on points of law and 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 Committee considers all the evidence and decides what action, if any, to take.
- 3.17 Once the 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 legal adviser or licensing officer will provide further clarification of the decision and its implications.
- 3.18 The decision will be confirmed in writing including reasons for the decision and if relevant any rights of appeal. If the decision is to issue a verbal warning, then this will be delivered by the Chair.
- 3.19 If the decision is to suspend or revoke the licence of an existing licence-holder, and the 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 legal adviser. The legal adviser 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.)
- 3.20 The hearing is then pronounced concluded by the Chair and the applicant/licence-holder will depart from the meeting.
- 3.21 The Committee's decision is confirmed in writing by the Licensing Manager, with the reasons, to the applicant/licence holder as soon as possible after the conclusion of the meeting but certainly after no more than 10 working days. The letter will include details of the statutory rights of appeal were relevant.

APPENDIX R

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

Website: www.preston.gov.uk

Appointments & Enquiries: 01772 906910