



# **Licensing Policy**

## **Hackney Carriage and Private Hire**

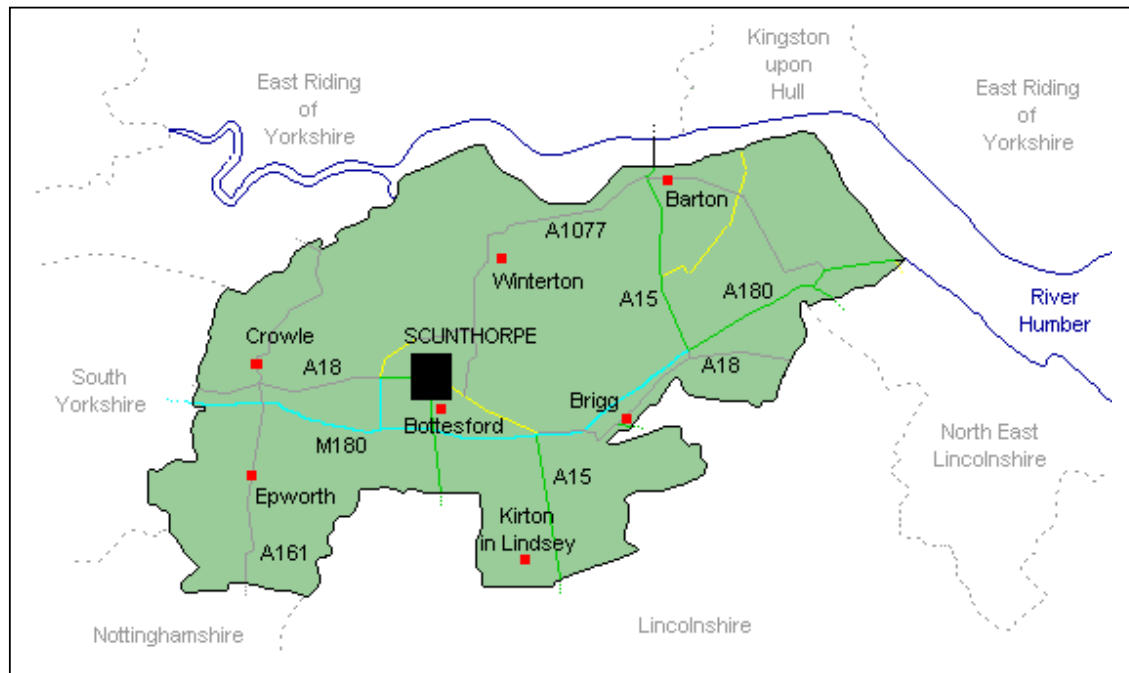
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## Introduction

### 1 The Area of North Lincolnshire

- (1) North Lincolnshire covers a mix of urban and rural areas. It includes the towns of Scunthorpe, Barton upon Humber and Brigg. There are also several other market towns, villages and rural areas. Its total area is 328 square miles.
- (2) The 2001 Census gave the population of North Lincolnshire as 152,849. Of these, 72,106 live in Scunthorpe and Bottesford. The other 80,743 people live in the rural areas, which include the towns of Barton upon Humber and Brigg.
- (3) Large concentrations of licensable activities are located in Scunthorpe town centre, in the areas of Doncaster Road, the High Street and Frodingham Road.
- (4) Below is a map of the area.



### 2 General Information

- (1) The primary legislation relating to Hackney Carriage and Private Hire Licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- (2) The aim of this policy is to ensure the safety and welfare of the population who live and work in North Lincolnshire, while recognising the importance of the businesses to the local economy.

- (3) This policy will provide guidance to the licensing authority when considering licence applications for
- Hackney Carriage and Private Hire Vehicle Drivers
  - Hackney Carriage Vehicles
  - Private Hire Vehicles
  - Private Hire Operators
  - Small Bus Permits

### **3 Consultation**

- (1) In determining this Licensing Policy, North Lincolnshire Council has consulted the following persons/bodies:
- Federation of Small Businesses
  - Disabled Access Groups
  - Training Providers (North Lindsey College & Hull College)
  - Scunthorpe Charter Trustees
  - Town & Parish Councils
  - Trade Associations
  - Licence Holders
  - Taxi Users
- (2) In addition, various other professional persons within North Lincolnshire Council have been consulted. These include:
- Legal Services, including Democratic Services
  - Community Safety Partnership
  - Town Centre Manager
  - Highways
  - The Mayors Office
  - Leader of Conservative Group
  - Leader of Labour Group
  - Chair of Licensing Committee
  - Cabinet Member for Environment
- (3) The views of all the appropriate bodies and organisations have been taken into consideration and weighted appropriately.

### **4 Review of the Licensing Policy**

- (1) The Council will review this policy every three years. At the time of the review all interested parties will again be consulted. In addition to the three yearly reviews, this policy will be subject to continuous evaluation and may be updated at anytime.

## 5 **Contacts**

- (1) The Licensing Division is currently part of Neighbourhood and Environmental Services. Our address is:

Licensing Division  
Church Square House,  
PO Box 42,  
Scunthorpe,  
North Lincolnshire,  
DN15 6XQ.

Email: [licensing@northlincs.gov.uk](mailto:licensing@northlincs.gov.uk)

- (2) To ask about any licensing issue, first contact the Licensing Division on (01724) 297592. We have attached a list of useful contacts in Appendix A.

# **Part 1 – Licensing Principles, Process and Delegation**

## **Introduction**

The council has adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 as amended. Together with the provisions contained in the Town Police Clauses Act 1847, the Council carries out the licensing of hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.

This part of the policy will focus on the principles the Council will follow when dealing with licence applications, reviewing conditions, setting fees and setting the table of fares. It explains the roles and duties of the Licensing Committee and officers.

## **Licensing Principles, Process and Delegation**

### **6 Licensing Principles**

- (1) The Licensing Authority aims to provide a clear consistent service to the service user. We will look to balance the needs of the applicant against the need to protect the safety of the public.
- (2) All licence applications will be considered and determined on their own merits.

### **7 Licensing Committee & Sub Committee**

- (1) North Lincolnshire's Licensing Committee is made up of 15 members of the council. The Licensing Committee will deal with policy issues, conditions, fees and fares. The Licensing (Miscellaneous) Sub-Committee is made up of 5 members who will determine applications for and review licences.
- (2) The public must be able to see that the Licensing Committee and Licensing Sub-Committee act in a fair and reasonable manner at all times. Therefore, all members of the Licensing Committee must attend in-house training before they can sit on the Licensing Committee or Sub-Committee.
- (3) Members of the Licensing Committee should not hear an application or make a decision on an application where an applicant is known to them. This measure is in the interests of reducing a conflict of interest.
- (4) Members will determine applications for a licence in accordance with the Guidance to members of the Licensing (Miscellaneous) Sub-Committee in respect of previous convictions relating to applications for hackney carriage & private hire vehicle drivers' licences. This guidance is based on the Department of Transport Circular 2/92 and the Home Office Circular 13/92. A copy of the guidance is attached to this policy as Appendix B.

### **8 The Licensing Process & Delegation of Functions**

- (1) The Council will delegate its licensing function to either the Licensing Committee, Licensing Sub-Committee or to an authorised officer of the council. Delegation will be as follows:

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
Determine Licence Fees	All cases		
Determine Table of Fares	All cases		
Determine objections to fees or table of fares	All cases		
Determination of application for a Hackney Carriage/Private Hire Vehicle Drivers Licence		All cases where there is doubt that the applicant is a fit & proper person	If no offences are revealed on the CRB check or endorsements on the licence

Revoke a Hackney Carriage/Private Hire Vehicle Drivers Licence following a complaint, conviction, endorsement, etc		All Cases	
Suspend a Hackney Carriage/Private Hire Vehicle Drivers Licence		All other cases	Licensing Manager/ Principal Licensing and Mediation Officer in consultation with Chair of the Licensing Committee If there is an urgent need in order to protect the public
Suspend a Hackney Carriage or Private Hire Vehicle			All cases
Revoke a Hackney Carriage or Private Hire Vehicle licence		All cases	
Suspend/Refuse or Revoke an operators licence		All cases	
Setting Local Knowledge Test and Study Guide			Licensing Manager
Determination of Advertising		Appeal against Licensing Managers decision	Licensing Manager to determine

- (2) Where an application is referred to the Licensing Sub-Committee, it will be determined on its own merits. Members of the Committee will take into consideration the information contained in the report, and hear the representations of the Applicant.

## 9 Decisions

- (1) Following the determination of an application by the Licensing Sub-Committee the applicant will receive a copy of the decision in writing. This written decision will be delivered as soon as possible after the decision has been made, or in any case within 7 days of the hearing. This will include information on the right of appeal where appropriate.

## 10 Appeals

- (1) Parties aggrieved by a decision of the Licensing Authority have a right of appeal. This should be lodged with the Magistrates Court within 21 days of the notification of a decision.

## **11 Working in Partnership**

- (1) The Council aim to work in partnership when dealing with Hackney Carriage and Private Hire Licensing issues. Such partnerships will include Humberside Police, Safer Neighbourhoods, Training Providers and the licence holders.

## **12 Licensing Forum**

- (1) A Licensing Forum will be held with representatives from the Hackney Carriage and Private Hire Trade every three months. This meeting will normally be chaired by the chairperson of the Council's Licensing Committee. Representatives will be invited from other organisations to assist in the consultation process.

## **Part 2 – Licensable Activities**

### **Introduction**

This part of the Policy will focus on the licensable activities and the necessary steps required to obtain and hold such a licence. These steps will include the standards required and the conditions that applicants and licence holders will be required to attain. The scope of this policy covers Hackney Carriage and Private Hire Drivers, Vehicles and Operators.

## **Hackney Carriage and Private Hire Vehicle Drivers**

### **13 Summary**

- (1) Any person who drives a Hackney Carriage Vehicle must hold the appropriate vehicle drivers licence. Hackney Carriage Vehicle drivers licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.
- (2) Any person who drives a Private Hire Vehicle must hold the appropriate vehicle drivers licence. Private Hire Vehicle drivers licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
- (3) A person can apply for a licence to drive either a Hackney Carriage or Private Hire Vehicle or they can apply for both types of licence.

### **14 Fit and Proper Person**

- (1) Licensed drivers will be required to convey vulnerable adults and/or children in their vehicles. The Council will not licence anyone to drive a Hackney Carriage or Private Hire vehicle unless it is satisfied that they are a “fit and proper” person. In considering the fit and proper test, applicants will be required to satisfy the application process outlined below.

### **15 Application Process**

- (1) Licences are issued on an annual basis (subject to the provisions contained in paragraph 16) and all applicants are required to undertake and produce the following:
  - Application form
  - Enhanced Criminal Records Bureau (CRB) Check
  - ISA Registration (subject to statutory requirements)
  - Local Knowledge Test (Hackney Carriage Drivers only)
  - Driver Standards Agency (DSA) Taxi Driver Test in certain circumstances
  - 2 x passport size colour photographs (the same)
  - Medical Certificate obtained from the applicants own GP or in consultation with their medical history.
  - DVLA Licence or other appropriate licence (if paper and photo card bring both) and must have held a full licence for not less than 12 months
  - Licence Fee

## **16 Period of Licence**

- (1) Hackney Carriage and Private Hire Vehicle Drivers Licences have hitherto been issued for a period of 12 months, however the legislation allows for licenses to be issued for a period up to three years.
- (2) Licences will continue to be issued for a period of 12 months, however where a licensed driver holds the qualifications as detailed in **paragraph 22**, the said person may apply for a licence for a three year period.
- (3) If a person who has been issued with a three year licence is found upon application to renew their licence to have been convicted of an offence, which they failed to declare, or following the revocation of a licence, then the applicant will only be able to apply for a licence for a period of one year. Under such circumstances, an application for a three year licence would only be reconsidered provided the applicant is free of conviction and has complied with the licensing requirements for a period of five years.

## **17 Application Form**

- (1) The application form must be completed. If any part of the application form is not complete, the applicant will be required to provide all the required information before the application can proceed.
- (2) The application form, medical certificate and photographs should be submitted at the same time, along with the applicant's original DVLA or other appropriate driving licence. If any of these items are missing, the application may be delayed. A CRB check will be requested on receipt of the application form.
- (3) Guidance on the application process is provided for applicants. Although this guidance is available in languages other than English, it is essential that applicants are able to converse in English.
- (4) Where an applicant is found to have provided false information or knowingly omitted to declare information, the application shall be referred to the Licensing (Miscellaneous) Sub-committee, who will determine the application.

## **18 Criminal Records Bureau (CRB) Check**

- (1) All persons applying to drive a Hackney Carriage or Private Hire Vehicle will be required to have a CRB check on initial application and every three years thereafter. Further checks may be carried out if we have reason to think that a person has been convicted of an offence since they were last licensed.
- (2) Due to the nature of the occupation, Hackney Carriage and Private Hire Vehicle Drivers are an exempt occupation under the provisions of

the Rehabilitation of Offenders Act 1974. As a result, convictions are deemed never to be spent. When considering convictions and endorsements, the council will only take into consideration such convictions deemed to be relevant.

- (3) On the return of a CRB check where convictions have been disclosed, an assessment panel will be held. This panel will consider the conviction(s) and should it be deemed relevant, then the application will be referred to the Licensing (Miscellaneous) Sub-Committee for consideration.
- (4) All new applicants for a licence will be required to have an interview at the time the CRB check is carried out. Documentation will be checked for authenticity at this time.
- (5) Persons who have been resident outside the United Kingdom will be required to produce a certificate of good conduct or equivalent document issued by the relevant Embassy or High Commission. The Council may contact the relevant Embassy or appropriate body to verify any documents provided.

## **19 Independent Safeguarding Authority (ISA)**

- (1) Applicants for a Hackney Carriage and/or Private Hire Vehicle Drivers Licence will be required to register with the ISA before a licence can be issued (subject to statutory provisions).
- (2) Where an applicant or current licensed drivers are refused ISA registration or have their registration revoked, then the said person will be referred to the Licensing (Miscellaneous) Sub-Committee, who will determine if they are a “fit and proper” person. In such cases, there will be a presumption to refuse/revoke the licence, unless the applicant/driver can convince the Committee that they are a fit and proper person.
- (3) The Council will display the ISA registration number on each Hackney Carriage and Private Hire Vehicle Drivers Licence and the ID badge issued to all drivers.

## **20 Criminal History**

- (1) A criminal record does not automatically bar an applicant from holding a Hackney Carriage or Private Hire Vehicle Drivers Licence. The Council has adopted guidance for members relating to a person’s criminal history, which is based on the guidance issued by the Department for Transport Circular 2/92 and the Home Office Circular 13/92. This guidance is at Appendix B to this policy.

## **21 Knowledge Test**

- (1) Applicants for a licence to drive a Hackney Carriage Vehicle will be required to sit a knowledge test. This test will be in three parts covering local routes, legislation and road craft. Each applicant will be provided with a study guide. The questions in the knowledge test will be derived from the guide.
- (2) The test will consist of 50 questions. Part A (local routes) will constitute 20 questions, part B (legislation) will have 10 questions and part C (road craft) will have 20 questions.
- (3) Applicants will be required to attain an 80% pass in part A, 100% in part B and 80% in part C. Where an applicant passes either part A, B or C, they will not be expected to re-take that part again should they fail another part of the test.
- (4) Normal examination conditions will apply during the knowledge test. Any person found to be using unfair means during the test will be excluded from the said test and will be required to take a fresh test and pay the appropriate fee.

## **22 Qualifications**

- (1) The Council recognises and supports training and qualifications for licensed Hackney Carriage and Private Hire Vehicle Drivers. It is considered important for licensed drivers to hold the BTEC in Transporting Passengers by Taxi or Private Hire Vehicle and the NVQ in Road Passenger Vehicle Driving. The Council will not insist that drivers hold the said qualifications in order to obtain a licence.

## **23 Driver Standards Agency (DSA) Taxi Driver Test**

- (1) Statistically young and new drivers are more likely to be involved in accidents than experienced drivers. The minimum requirement for a person to hold a Hackney Carriage or a Private Hire Vehicle Drivers Licence is that they must have held a DVLA, or other appropriate driving licence for at least 12 months.
- (2) Where a new applicant for a Hackney Carriage or Private Hire Vehicle Drivers Licence has six or more points on their DVLA driving licence, or has been banned from driving in the last three years for totting up, or five years for serious road traffic offences, that applicant will be required to undertake the DSA Taxi Driver Test before a licence will be issued.
- (3) Where a licensed Hackney Carriage or Private Hire Vehicle Driver is convicted of a driving offence, has been issued with a fixed penalty or, in the opinion of a police constable or authorised officer, has driven or parked in a dangerous manner, the persons licence may be reviewed by the Licensing (Miscellaneous) Sub-Committee, who may require the

said person to undertake and pass a DSA driving test within a set time, as specified by the Committee. The Licensing (Miscellaneous) Sub-Committee may determine that the licence is suspended until such a test has been taken and passed.

## **24 Identity**

- (1) An applicant for a Hackney Carriage or Private Hire Vehicle Drivers licence must provide two passport photographs. One of these photographs shall be endorsed by a person of professional standing to the effect that the photograph is a true likeness to the applicant. This should be dated and signed.
- (2) The person of professional standing shall not include a relative of the applicant or a prospective employer.
- (3) Photographs other than standard passport photographs will not be accepted.
- (4) The applicant should not wear headwear (other than for religious purposes), dark glasses or other items, which cover the head or face.

## **25 Medical Requirements**

- (1) All applicants for a Hackney Carriage or Private Hire Vehicle Drivers Licence are required to undertake a medical examination. This medical examination should be carried out by the applicant's registered General Practitioner (GP) or in consultation with the applicant's medical history.
- (2) Medical certificates shall be produced on application to renew a licence every five years up to the age of 65, and yearly for persons over 65 years of age. Where a person suffers from a medical disorder, then the period between medicals may differ.
- (3) Should an authorised officer have reason to believe that a licensed Hackney Carriage or Private Hire Vehicle Driver has a medical condition which renders them unfit to drive, a further medical examination will be requested. This medical examination should again be carried out by the driver's GP. If it is deemed necessary to do so, the licence may be suspended in the interests of protecting the public until the further medical examination has been carried out.

## **26 DVLA and Other Relevant Driving Licences**

- (1) A person applying for a Hackney Carriage or Private Hire Vehicle Drivers licence must have held a DVLA or other relevant driving licence for at least 12 months. In addition to this requirement, a DSA test will be required for certain drivers in accordance with **paragraph 23**.

- (2) Applicants will be required to produce the original of their DVLA driving licence. Copies will not be accepted. Where a Licence has an ID card and counter-part paper licence, applicants will be required to produce both parts.

## **27 English Speaking**

- (1) Applicants for Hackney Carriage and Private Hire Vehicle Drivers licenses must be able to converse in English. Drivers may potentially be carrying vulnerable adults and children and it is important that language should not be a barrier to communication.

## **28 Dress Code**

- (1) Drivers of Hackney Carriage and Private Hire Vehicles should dress in an appropriate manner. Clothing and footwear should be appropriate for a professional driver and shall be clean and free from damage. North Lincolnshire Council's Dress Code for Licensed Hackney Carriage and Private Hire Drivers is attached as **Appendix H**.

## **29 Licence Conditions**

- (1) Private Hire Vehicle Drivers licenses can have conditions attached to them in accordance with the Local Government (Miscellaneous Provisions) Act 1976.
- (2) A copy of the Private Hire Vehicle Drivers Licence conditions is appended to this policy as **Appendix C**.
- (3) The Private Hire Vehicle Drivers licence conditions will be reviewed with this policy on a three yearly basis, thus ensuring that they are reasonable and fit for purpose.
- (4) Conditions cannot be attached to Hackney Carriage Vehicle Drivers Licences.

## **Hackney Carriage Vehicles**

### **30 Summary**

- (1) Hackney Carriage or Public Hire Vehicles are licensed in accordance with the provisions contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- (2) Commonly known as Taxis, Hackney Carriages can be hailed in the street and may ply for hire on an appointed stand.

### **31 Use of Vehicles**

- (1) A person applying for a licence for a Hackney Carriage Vehicle should do so with the intention of using the vehicle in the controlled district of North Lincolnshire. Where the intention is to use a licensed vehicle in another district for private hire, then the applicant should apply to the said district for an appropriate licence.

### **32 Application Process**

- (1) In addition to completing an application form, a person wishing to license a hackney carriage vehicle will need to submit a valid certificate of insurance for public hire, a bill of sale to prove that they are the owner of the vehicle, the registration certificate and the licence fee. All documents shall be provided before the vehicle is tested and inspected.

### **33 Testing of Vehicles**

- (1) Vehicles will be tested and inspected at the council's MoT test station. On satisfactory completion of the test, a Certificate of Compliance will be issued. The test and inspection includes a number of items in addition to the normal MoT test. These elements have been deemed reasonable and necessary in order to protect the public using licensed vehicles. A copy of the testing criteria is appended to this policy at **Appendices D1 to D3**
- (2) The Certificate of Compliance once issued is only valid in conjunction with a valid Hackney Carriage Vehicle Licence.
- (3) Vehicles will be tested and inspected in accordance with **paragraph 34 of this policy**.

### **34 Standard of Vehicles to be Licensed**

- (1) Vehicles licensed to carry persons for hire and reward must be fit, safe, comfortable and suitable for the purpose for which they are licensed. To ensure that vehicles within the controlled district of North

Lincolnshire meet these criteria, the Council has specified that vehicles will be tested and inspected in accordance with the following Table.

<b>Age of Vehicle</b>	<b>Test and Inspection Requirements</b>
Under 5 years of Age	Annually
Between 5 years and under 8 years of age	Tested twice per annum (6 monthly intervals)
Over 8 years of age	Tested three time per annum (4 monthly intervals)

### **35 European Emission Standards**

- (1) In addition to the age requirements detailed in paragraph 31, it is considered reasonable for licensed hackney carriage vehicles to meet European Emission Standards.
- (2) All new applicants for a Hackney Carriage Vehicle Licence will need to ensure that the vehicle they wish to licence complies with the **Euro IV** standard. For proprietors wishing to change their Hackney Carriage Vehicle, the replacement vehicle should comply with **Euro III** standards and any currently licensed vehicle must meet **Euro II** Standard at the time of the next test and inspection.
- (3) Technical details of the Euro emissions standards are available on request.

### **36 Licensing of Vehicles Over Eight Years of Age**

- (1) The Council would not normally licence new vehicles that are over eight years of age as a Hackney Carriage. However, where a vehicle over eight years of age is presented for licensing, it will be considered if it is deemed to be in an exceptional condition.
- (2) In defining the exceptional standard for vehicles over eight years of age, the following criteria will be applied:
  - a) the vehicle shall pass North Lincolnshire Council's test and inspection for the certificate of compliance at the first attempt and not on re-test, and;
  - b) the vehicle must be free from body work blemishes; and
  - c) all interior and exterior accessories must be in full working order.

Where a vehicle has failed North Lincolnshire Councils test and inspection for the Certificate of Compliance at the first attempt for a

non-mechanical reason, it may still be considered for licensing providing the vehicles meets criteria b) and c).

- (4) As Hackney Carriage Vehicles are carrying members of the public for hire and reward, we have a duty to ensure that they are fit, safe, comfortable and suitable for use.

### **37 Meters & Table of Fares**

- (1) Hackney Carriage vehicles shall be fitted with a meter and display a table of fares. Such meters shall be used at all times when the vehicle is hired by a passenger.
- (2) In order to reduce the risk of over charging, all licensed Hackney Carriage Vehicles shall be fitted and operated with a calendar-controlled meter. New vehicles shall comply with this requirement and existing licensed vehicles shall comply by 1 January 2012.

### **38 Roof Signs**

- (1) All Hackney Carriage Vehicles shall be fitted with a roof sign. The roof sign shall display the wording "TAXI" or "For Hire" on the front of the sign, the company name or both. The rear of the sign can be used to display the company or telephone number of the business, or the wording "TAXI" or "For Hire". Roof signs shall not be blank. Where a roof sign does not display the wording "TAXI" or "For Hire", then a screen sign shall be displayed on the near side of the front windscreen.
- (2) Roof signs shall show either white or yellow from the front and either Red or Yellow to the rear and the sign shall be displayed with the front of the sign facing the front of the vehicle
- (3) Roof signs shall be a maximum of 20 inches in length and 5 inches in height.

### **39 Advertising**

- (1) Proprietors may advertise on Hackney Carriage Vehicles subject to approval from the Licensing Authority. Approval should be sought in writing. The Council will not normally reject an application unless it is deemed to be indecent, offensive or illegal.
- (2) Proprietors will be able to advertise on both saloon type vehicles and purpose built vehicles. It will be permissible to advertise on all panels of a saloon type vehicle, save the two front doors of the vehicle. Purpose-built vehicles will be permitted to have all over advertising. Proprietors will be able to advertise a maximum of two businesses on their vehicles.
- (3) Advertising inside the vehicle is permitted providing it does not distract or obscure the view of the driver.

#### **40 Vehicle Identification**

- (1) All Hackney Carriage Vehicles will be required to display a rear licence plate, door panel, internal signs and roof sign. The rear licence plate shall be displayed in accordance with **paragraph 44** of this policy, the door panel in accordance with **paragraph 45** and the internal signs in accordance with **paragraph 46**.

#### **41 Closed Circuit Television (CCTV)**

- (1) Hackney Carriage Vehicles may be fitted with Closed Circuit Television (CCTV) systems. Where such a system is fitted, the vehicle must display a sign/signs ensuring passengers are aware that CCTV is installed and in use and the proprietor shall notify the council that CCTV is in operation.
- (2) The CCTV system shall be installed by a registered installer and shall be maintained to the manufacturer's standards.
- (3) Where CCTV is installed, there is an expectation that it will be in working order when passengers are being carried. Recordings from such a system must be encrypted and not accessible to the proprietor or driver.
- (4) The CCTV recordings must be available for inspection by a Police Officer or an Authorised Officer of the Council for a period of up to 28 days.
- (5) It is the proprietor's responsibility to ensure that images from the system are held in a secure manner.
- (6) Any misuse of CCTV or recorded images may result in immediate suspension and referral to the Licensing (Miscellaneous) Sub-Committee for the appropriate action.

#### **42 Ranks**

- (1) Hackney Carriage Ranks/Stands are provided in accordance with the Local Government (Miscellaneous Provisions) Act 1976. The Council will work with the Taxi trade, Highways and Humberside Police to determine where ranks/stands should be situated.
- (2) Drivers should use the ranks available to them. Where a driver is standing plying for hire and is illegally parked if, in the opinion of an authorised officer of the council or police constable, the driver is plying for hire in a dangerous location the said driver's licence may be reviewed and such conduct may be deemed reasonable cause to revoke or suspend the licence under section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

#### **43 Disabled Access**

- (1) In order to afford public transport for all and in accordance with the requirements of the Disability Discrimination Act 1995, all newly licensed Hackney Carriage Vehicles shall be adapted to carry a passenger in a wheelchair. Proprietors wishing to licence such vehicles will be required to produce a certificate stating that the vehicle has been produced to a minimum of UK low volume production standards.
- (2) Vehicles already licensed as Hackney Carriage shall be allowed to continue being used as Hackney Carriage Vehicles for as long as a valid licence is in place. If the licence is allowed to lapse for a period of 28 days, then it will need to be replaced in accordance with the requirements of **paragraph 43(1)**.
- (3) Proprietors replacing a saloon type vehicle will be able to replace it with a similar type of vehicle subject to the provisions in **paragraph 43(2)**.
- (4) Drivers of vehicles adapted to carry disabled passengers should be trained in the use of equipment necessary to convey the passenger safely.
- (5) Assistance dogs shall be conveyed in the vehicle with the passenger in accordance with statutory requirements.

#### **44 External Plates**

- (1) The external licence plate shall be fixed securely to the vehicle adjacent to the vehicle's registration plate or to the centre of the rear bumper. Plates shall be kept clean and legible at all times.

#### **45 Door Panels**

- (1) A door panel as stipulated by North Lincolnshire Council shall be displayed on both the drivers and front passenger side doors. No other signs may be displayed on the said doors other than the company name and telephone number. The telephone number shall be a land line number and not a mobile telephone number.

#### **46 Internal Plates**

- (1) Internal plates shall be securely fixed in the front windscreen on the passenger side of the vehicle: just above the tax disc in saloon type vehicles, and on the partition for purpose built vehicles where a partition is fitted.

#### **47 Tinted Windows**

- (1) No Hackney Carriage vehicle shall be fitted with dark or tinted windows of such a degree that the driver or passengers are not visible from

outside the vehicle. Any tint applied shall allow at least 70% of light through or 75% in the case of the windscreen.

#### **48 Mobile Telephones**

- (1) It is an offence to use a hand held mobile telephone whilst driving. Drivers wishing to take a call on their mobile phone shall ensure that they are parked safely and that the engine is switched off.

#### **49 Smoking**

- (1) It is an offence for the driver to smoke or to allow persons to smoke in a licensed Hackney Carriage Vehicle irrespective of the vehicles use. Smoking is not permitted even if the doors or windows are open. Drivers wishing to smoke shall only do so away from the vehicle.

#### **50 Licence Conditions**

- (1) Conditions attached to Hackney Carriage and Private Hire Vehicle licences will be reviewed every three years to ensure that they are reasonable and fit for purpose. A copy of the conditions attached to Hackney Carriage Vehicle Licences is attached as **Appendix D**.

## **Private Hire Vehicles**

### **51 Summary**

Private Hire Vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Private Hire Vehicles must not have the appearance of a Hackney Carriage Vehicle.

### **52 Application Process**

In addition to completing an application form, a person wishing to license a private hire vehicle will need to submit valid insurance certificate for private hire, a bill of sale to prove that they are the owner of the vehicle, the registration document (V5) and the licence fee. All documents shall be provided before the vehicle is tested and inspected.

### **53 Testing of Vehicles**

- (1) Vehicles will be tested and inspected at the council's test station. On satisfactory completion of the test, a certificate of compliance will be issued. The test and inspection includes a number of items in addition to the normal MoT test. These elements have been deemed reasonable and necessary in order to protect the public using licensed vehicles. A copy of the testing criteria is appended to this report at **Appendices E1 to E3**.
- (2) The Certificate of Compliance once issued is only valid in conjunction with a valid Private Hire Vehicle Licence.
- (3) Vehicles will be tested and inspected in accordance with **paragraph 54 of this policy**.

### **54 Standard of Vehicles to be Licensed**

- (1) Vehicles licensed to carry persons for hire and reward must be fit, safe, comfortable and suitable for the purpose for which they are licensed. To ensure that vehicles within the controlled district of North Lincolnshire meet these criteria, the Council has specified that vehicles will be tested and inspected in accordance with the following Table.

<b>Age of Vehicle</b>	<b>Test and Inspection Requirements</b>
Under 5 years of age	Annually
Between 5 years and under 8 years of age	Tested twice per annum (6 monthly intervals)

Over 8 years of age	Tested three time per annum (4 monthly intervals)
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## 55 European Emission Standards

- (1) In addition to the age requirements detailed in **paragraph 54**, it is considered reasonable for licensed hackney carriage vehicles to meet European Emission Standards.
- (2) All new applicants for a Private Hire Vehicle Licence will need to ensure that the vehicle they wish to licence complies with the **Euro III** standard. For proprietors wishing to change their Private Hire Vehicle, the replacement vehicle should comply with **Euro III** standards and any currently licensed vehicle must be at least **Euro II** at the time of the next test and inspection. This provision does not apply to vehicles specified in **paragraph 57**.
- (3) Proprietors wishing to provide a vehicle adapted to carry a wheelchair as a private hire vehicle may apply to licence a vehicle meeting the Euro II standard.
- (4) Technical details of the Euro emissions standards are available on request.

## 56 Licensing of Vehicles Over Eight Years of Age

- (1) The Council would not normally licence vehicles that are over eight years of age as Private Hire. However, where a vehicle over eight years of age is presented for licensing, it will be considered if it is deemed to be in an exceptional condition.
- (2) In defining the exceptional standard for vehicles over eight years of age, the following criteria will be applied:
  - a) the vehicle shall pass North Lincolnshire Council's test and inspection for the certificate of compliance at the first attempt and not on re-test; and
  - b) the vehicle must be free from body work blemishes; and
  - c) all interior and exterior accessories must be in full working order.

Where a vehicle has failed North Lincolnshire Council's test and inspection for the Certificate of Compliance at the first attempt for a non-mechanical reason, it may still be considered for licensing providing the vehicle meets criteria b) and c).

- (3) As Private Vehicles are carrying members of the public for hire and reward, we have a duty to ensure that they are fit, safe, comfortable and suitable for use.

## **57 Novelty Vehicles, Stretched Limousines and Vintage Vehicles**

- (1) Vehicles such as stretched limousines and fire engines will be licensed by the council, however such types of vehicle would only be licensed as Private Hire.
- (2) In addition to the vehicles mentioned in **paragraph 57(1)**, vehicles such as vintage vehicles will also be considered for licensing. Such vehicles will not be required to meet the requirements for Euro emissions as detailed in **paragraph 55**.

## **58 Meters & Table of Fares**

- (1) Where a private hire vehicle is fitted with a meter, then the proprietor shall ensure that a table of fares is displayed in the vehicle.

## **59 Roof Signs**

- (1) Private Hire Vehicles may be fitted with Green Roof signs only. The sign can be used to identify the company/operator and may display a landline telephone number. The sign must not display the wording "TAXI" or "FOR HIRE" or "CAB" even where it forms a part of the company name.
- (2) Roof signs shall be a maximum of 20 inches in length and 5 inches in height and shall be positioned on the roof of the vehicle so that it faces to the side of the vehicle rather than facing the front.
- (3) Vehicles where the height of the roof is over 1.5 metres will be permitted to have a roof sign up to a maximum of 36 inches in length and 8 inches in height. Such roof signs shall be displayed so that it faces the side of the vehicle.

## **60 Advertising**

- (1) Proprietors may advertise their business on a Private Hire Vehicle subject to approval from the Licensing Authority. Approval should be sought in writing. Such adverts shall not contain the word "TAXI" or "FOR HIRE" or "CAB".

## **61 Vehicle Identification**

- (1) Private Hire Vehicles will be required to display a rear licence plate, door panel, internal signs and roof sign. The rear licence plate shall be displayed in accordance with **paragraph 64** of this policy, the door panel in accordance with **paragraph 65** and the internal signs in accordance with **paragraph 66**.

## **62 Closed Circuit Television (CCTV)**

- (1) Private Hire Vehicles may be fitted with Closed Circuit Television (CCTV) systems. Where such a system is fitted, the vehicle must display a sign/signs ensuring passengers are aware that CCTV is installed and in use and the proprietor shall notify the council that CCTV is in operation.
- (2) The CCTV system shall be installed by a registered installer and shall be maintained to the manufacturer's standards.
- (3) Where CCTV is installed, there is an expectation that it will be in working order when passengers are being carried. Recordings from such a system must be encrypted and not accessible to the proprietor or driver.
- (4) The CCTV recordings must be available for inspection by a Police Officer or an Authorised Officer of the Council for a period of up to 28 days.
- (5) It is the proprietor's responsibility to ensure that images from the system are held in a secure manner.
- (6) Any misuse of CCTV or recorded images may result in immediate suspension and referral to the Licensing Committee for the appropriate action.
- (7) Recordings from such a system should be available for inspection by a Police Officer or an Authorised Officer of the Council for a period of up to 28 days.
- (8) It is the proprietor's responsibility to ensure that images from the system are held in a secure manner.

## **63 Disabled Access and Assistance Dogs**

- (1) Where a vehicle is adapted to carry a passenger in a wheelchair or other disabled user, then the driver of the said vehicle should have appropriate training to ensure that the passengers are conveyed safely.
- (2) Assistance dogs shall be conveyed in the vehicle with the passenger in accordance with statutory requirements.

## **64 External Plates**

- (1) The external licence plate shall be fixed securely to the vehicle on the off side rear bumper (driver's side) or adjacent to the vehicles registration plate. Plates shall be kept clean and legible at all times.

## **65 Door Panels**

- (1) A door panel as stipulated by North Lincolnshire Council, shall be displayed on both the drivers and front passenger side doors. No other signs may be displayed on the said doors other than the company name and telephone number. The telephone number shall be a land line number and not a mobile telephone number.
- (2) The company name must not use the wording "TAXI" or "FOR HIRE" on the side of the vehicle, even when it forms part of the company name.

## **66 Internal Plates**

- (1) Internal plates shall be securely fixed in the front windscreen on the passenger side of the vehicle: just above the tax disc in saloon type vehicles, and on the partition for purpose built vehicles where a partition is fitted.

## **67 Exemption from Displaying Licensed Plate**

- (1) A proprietor may apply for an exemption from displaying the private hire licence plate and door panels on the vehicle. Such an application shall be made in writing to the licensing authority.

## **68 Mobile Telephones**

- (1) It is an offence to use a hand held mobile telephone whilst driving. Drivers wishing to take a call on their mobile phone shall ensure that they are parked safely and that the engine is switched off.

## **69 Smoking**

- (1) It is an offence for the driver to smoke or to allow persons to smoke in a licensed Private Hire Vehicle irrespective of the vehicles use. Smoking is not permitted even if the doors or windows are open. Drivers wishing to smoke shall only do so away from the vehicle.

## **70 Licence Conditions**

- (1) Conditions attached to Private Hire Vehicle licences will be reviewed every three years to ensure that they are reasonable and fit for purpose. A copy of the conditions attached to a Private Hire Vehicle Licence is attached to this policy as **Appendix E**.

## **Private Hire Operators**

### **71 Summary**

- (1) Private Hire Operators are licensed in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any person who takes a booking for a Private Hire Vehicle must hold a licence.

### **72 Record Keeping**

- (1) Operators shall keep records in accordance with the conditions attached to their licence. Such records should be available upon request from a Police Constable or Authorised Officer.

### **73 Parking of Vehicles**

- (1) Operators shall ensure that vehicles that are booked through their office/radio circuit are parked in a legal manner and do not cause an obstruction to other road users.

### **74 Fit and Proper Person**

- (1) Where an applicant applies for an Operators Licence but does not intend to hold a Hackney Carriage or Private Hire Vehicle Drivers Licence, then the said person will be required to obtain a basic CRB disclosure or police check.

### **75 Planning Consent**

- (1) Operators shall ensure that they have the appropriate planning consent to operate their business.

### **76 Telephones**

- (1) Operators should have a landline telephone on which bookings are taken.
- (2) It is an offence to use a mobile telephone whilst driving. Operators shall ensure that drivers wishing to take a call on their mobile phone are parked safely and that the vehicles engine is switched off.

## **Enforcement**

### **77 Summary**

- (1) The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 contain a number of offences. Many of these offences relate to the protection of the public.
- (2) The Council's Licensing Officers will work closely with Humberside Police and the Council's Vehicle Maintenance Department in addressing such issues.
- (3) The Licensing Division will also look to work closely with other enforcement authorities when dealing with licensed and or unlicensed vehicles and drivers, especially concerning cross boundary related issues.
- (4) The Local Government (Miscellaneous Provisions) Act 1976 also gives the authority powers to serve notice on proprietors of Hackney Carriage and Private Hire Vehicles to produce their vehicle for inspection to ascertain its fitness. Where a vehicle is deemed unfit for its intended purpose the proprietor will be issued with a suspension notice in accordance with Section 68. If the vehicle is not brought up to a suitable standard within two months from the date of the notice, the licence will automatically be deemed to be revoked.
- (5) It is an offence to drive a licensed vehicle unless the driver is licensed to do so. Once a vehicle is licensed it remains so licensed until expiry, suspension or revocation of the licence.
- (6) An offence is also committed if there is a breach of the Byelaws or Conditions attached to a licence.
- (7) Such offences may result either in prosecution or the licence being reviewed by the Licensing (Miscellaneous) Sub-Committee, who may attach additional conditions to the licence.
- (8) The Council has adopted the Concordat relating to enforcement. In dealing with enforcement issues the Council will act in a fair consistent manner and will treat all cases and people with consideration and empathy.

### **78 Complaints**

- (1) The Council will investigate all complaints. Complainants will be encouraged to raise the complaint with the licence holder or business concerned in the first instance. Failing this, the Council will arrange a meeting to try and resolve the issues of concern.

## Appendix A

The attached table includes a list of useful contacts regarding licensing. The contacts are generally available during office hours, Monday to Thursday 08.30 a.m. to 17.00 p.m. and Friday 08.30 a.m. to 16.30 p.m.

<b>Department/Contact</b>	<b>Name</b>	<b>Contact Details</b>
Application Forms; Guidance; Operating Plans	Licensing Division	Licensing Division Church Square House PO Box 42 SCUNTHORPE North Lincolnshire DN15 6XQ  Telephone: 01724 297745 e-mail: <a href="mailto:Licensing@northlincs.gov.uk">Licensing@northlincs.gov.uk</a>
<b>Licensing Division</b>		Licensing@northlincs.gov.uk
Licensing Manager	(01724) 297607	
Taxi Licensing Officer	(01724) 297608	
Licensing Assistant	(01724) 297745	
Humberside Fire Brigade	(01724) 295915	
Humberside Police Licensing	(01724) 274255	
Scunthorpe Magistrates Court	(01724) 271100	



**GUIDANCE TO MEMBERS OF THE  
LICENSING (MISCELLANEOUS) SUB-COMMITTEE  
IN RESPECT OF PREVIOUS CONVICTIONS  
RELATING TO  
Applications for Hackney Carriage & Private Hire  
Vehicle Drivers' Licences**

## **1.0 Introduction**

- 1.1 This guidance is based on the Department of Transport Circular 2/92 and the Home Office Circular 13/92, taking into account the amendment to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 in March 2002 to include drivers of Hackney Carriages and Private Hire Vehicles and the Bishard Enquiry regarding the disclosure of non-conviction information on Criminal Record Disclosures.
- 1.2 The purpose of the guidance is to assist members and officers to determine the fitness of an applicant to hold a Hackney Carriage/Private Hire Vehicle Drivers Licence in accordance with The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

## **2.0 Background**

- 2.1 North Lincolnshire Council is a registered body with the Criminal Records Bureau.
- 2.2 It uses the Criminal Records Bureau (CRB) disclosure service to assess an individual's suitability to drive a Hackney Carriage / Private Hire Vehicle.
- 2.3 The main objective is to obtain information to assist in establishing whether a person is a 'fit and proper person' under the Local Government (Miscellaneous Provisions) Act 1976.
- 2.4 It also enables the local authority to attach any conditions to the granting of the licence, which it feels are necessary to protect members of the public.

## **3.0 Scope of Legislation**

- 3.1 The Rehabilitation of Offenders Act was introduced in 1974 to help restore the reputation of persons who have been convicted of an offence but have since stayed on the right side of the law. In normal circumstances, if someone is sentenced to 30 months or less in prison, the conviction will become 'spent' after 10 years, beginning with the date of sentence, and would no longer need to be disclosed when applying for employment. However, applicants for certain occupations, including Hackney Carriage and Private Hire Drivers, will always be required to disclose all their previous convictions, regardless of whether or not they would normally be regarded as 'spent', and all relevant convictions can therefore be considered.
- 3.2 The Bichard Enquiry came following the Home Secretary's announcement that an independent inquiry would be held. This would consider the way in which the police handled intelligence and the vetting processes prior to Huntley being employed in a school.
- 3.3 Sir Michael Bichard, Rector of the London Institute and a former Permanent Secretary at the Department for Education and Employment, was appointed as Chairman of the inquiry.

- 3.4 Sir Michael Bichard looked into the events surrounding the Soham Murders of 2002 and in particular what was previously known about Huntley. The concern existed that professionals in Humberside were aware that Huntley had a history of sexual relationships with girls under the age of sixteen. However, this information did not appear to have been readily available and as a consequence when the school where Huntley was subsequently employed carried out its statutory checks on him nothing untoward came to light. Bichard made a number of recommendations, some of which affects the information, which is now disclosed on the Criminal Records Disclosure, that may not have appeared before.
- 3.5 On initial application for a licence, and upon application to renew a licence every 3 years, a request is made to the Criminal Records Bureau for a disclosure of any criminal record held in the name of the applicant prior to the grant of a licence
- 3.6 An Enhanced Disclosure is requested, which contains the same details as a Standard Disclosure but may also contain non-conviction information from local police records, which a chief police officer thinks may be relevant in connection with the matter in question.
- 3.7 It is also a requirement that the applicant must submit their DVLA driving licence for both new and renewal applications failure to do so will result in the application being incomplete.
- 3.8 A further Criminal Records Bureau check can be requested by the Licensing Division at any time during a licence where there is reason to believe that the licence holder has been convicted of a further offence. Information may be received from many different sources such as, the public, trade, police or even in the local press regarding current Hackney Carriage/Private Hire Vehicle Driver's who have been convicted of an offence.
- 4.0 Determination of Relevant Information / Convictions, by Board of Officers**
- 4.1 As previously stated, applicants for Hackney Carriage & Private Hire Vehicle Drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974, and therefore all relevant convictions can be considered.
- 4.2 The legislation also allows the Licensing Authority to consider comments received by the police relating to Hackney Carriage/Private Hire Vehicle Drivers, in situations where a conviction may or may not have been obtained. As all applicants or licensed Hackney Carriage/Private Hire Vehicle Driver's have the right to a fair and proper hearing, the members, in these circumstances, will have the opportunity to put questions to the applicant and the police and clarify any issues raised in the Criminal Records Bureau disclosure made by the police, at the Sub-Committee.
- 4.3 Where a Criminal Records Bureau Disclosure, for the application or review of a driver's licence shows a Trace or is accompanied by any relevant police

comments, an Assessment Board of Officers of the Licensing Division considers the nature of any offences or information provided by the Chief Police Officer. The date of the event, the age of the applicant and any other relevant factors will be considered to determine if it is relevant. In the event that the Assessment Board is not satisfied that the applicant is a “fit and proper” person, a recommendation is made to this Sub-Committee to determine the application.

4.4 On receipt of the application, disclosure and DVLA driving licence, the Licensing officer will check the details. If convictions are disclosed and/or offences displayed on the driving licence, an Assessment Board, comprising a further three licensing officers, will be convened.

4.5 **The Assessment Board will consider: -**

- Whether the conviction or other matters revealed are relevant to the application in question,
- The seriousness of any offence or other matter revealed,
- The length of time since the offence or other matter occurred,
- Whether the disclosure reveals a pattern of behaviour,
- Whether the applicant’s circumstances have changed since the offending behaviour or the other relevant matters, and
- The circumstances surrounding the offence and the explanation(s) offered by the applicant.

5.0 **Determination of Application where Convictions/Endorsements are disclosed**

5.1 If the matters revealed are deemed relevant, the Assessment Board will refer the matter to the Licensing (Miscellaneous) Sub Committee for determination. Certain types of offences will always be referred.

5.2 The following examples afford a general guide on the action to be taken where convictions are admitted.

*a) Minor traffic offences*

Convictions for minor traffic offences, for example,. obstruction, waiting in a restricted street or speeding, should not prevent a person from proceeding with an application.

If sufficient points have been accrued to require a period of disqualification of the applicant’s driving licence, members should ask to the reason why the points have accrued, and note whether there is a pattern, for example of excessive speed.

*b) Major traffic offences*

An isolated conviction for reckless driving or driving without due care and attention etc, should normally merit a warning as to future driving

and advice on the standard expected of Hackney Carriage and Private Hire Vehicle Drivers. Clarification should be sought as to the reason for the conviction and circumstances at the time of the offence should be taken into account.

More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

c) *Drunkenness*

*1. With motor vehicle.* A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour.

More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the applicant is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

*2. Not in motor vehicle.* An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (1) above). In some cases, a warning may be sufficient.

d) *Drugs*

An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

e) *Indecency/Sexual Offences*

As Hackney Carriage and Private Hire Vehicle Drivers often carry unaccompanied passengers, applicants with convictions for a sexual offence, indecent exposure, indecent assault, or importuning, should be refused until they can show a substantial period free of such offences.

If more than one conviction of this kind or under circumstances where a serious crime of indecency or of a sexual nature has been committed, the Sub-Committee should give serious consideration as to whether or not a licence should be granted.

f) *Violence*

As Hackney Carriage and Private Hire Vehicle Drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

If someone has re-offended or has committed a serious offence of violence consideration should be given as to whether or not a licence should be granted.

g) *Dishonesty*

Hackney Carriage and Private Hire Vehicle Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty and note whether there is a pattern. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

**6.0 Determination of an Application where Non-Conviction Information has been disclosed by the Police**

6.1 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person from whom you care, to get into a vehicle with this person alone?'

6.2 If the answer to this question (or a similar test) is an unqualified 'Yes', then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage/private hire driver's licence.

6.3 Mr Justice Silber made an obiter observation in the case of *Leeds City Council v Hussain*. In the context of suspension of a drivers licence "for any other reasonable cause" he said:

'...the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose, therefore, is to prevent licenses being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.'

6.4 This test would support the test for fitness and propriety.

## **7.0 General**

7.1 It is important to stress that the above examples constitute guidance only and that each case must be decided on its own merits.

7.2 A person with a relevant conviction for serious crime need not be permanently barred from obtaining a licence but, generally speaking, the applicant will be expected to remain free of conviction for a period of 3 to 5 years, depending on the type of offence and the circumstances, before a licence is determined. Consideration should be given as to whether or not the offence is isolated and whether there are mitigating circumstances.

7.3 The overriding consideration should be the protection of the public.

## **8.0 Action available to the Sub-Committee**

8. The options available to the Licensing (Miscellaneous) Sub-Committee are as follows:

- a) Take No Action
- b) Issue the Driver/Proprietor with a warning
- c) Require a medical or CRB check at shorter intervals than specified in the Hackney Carriage and Private Hire Licensing Policy
- d) Suspend the licence
- e) Suspend the licence subject to meeting a set criteria, e.g. passing a DSA test or knowledge test
- f) Add additional conditions to the licence
- g) Revoke the licence
- h) Take other action as deemed appropriate



**PRIVATE HIRE VEHICLE DRIVERS LICENCE  
CONDITIONS**

**Conditions attached to**

**Licence No:**

**Expiry Date:**

## **1.0 LICENCE CONDITIONS**

- 1.1 Any requirement of legislation, which affect the operations being carried out under the terms of this licence, shall be regarded as if they are conditions of this licence.
- 1.2 Wherever there appears in the Licence Conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

## **2.0 CONDUCT OF DRIVER**

The driver shall:

- 2.1 Ensure that any private hire vehicle to be driven by him/her is in a roadworthy condition and thoroughly cleansed before the commencement of his/her journey;
- 2.2 The driver shall ensure before commencing any journey that the vehicle is appropriately licensed, plated and insured as a private hire vehicle;
- 2.3 Afford all reasonable assistance with passenger's luggage;
- 2.4 At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner; and
- 2.5 The driver must notify the proprietor of the vehicle, of any defects or damage however minor at the end of their shift.

## **3.0 PASSENGERS**

The driver shall not:

- 3.1 Convey or permit to be conveyed in a private hire vehicle a greater number of persons than prescribed in the licence for the vehicle;
- 3.2 Allow there to be conveyed in the front of a private hire vehicle any child below the age of twelve years, unless with suitable restraint;
- 3.3 Allow passengers to be conveyed within the vehicle without suitable restraint.
- 3.4 All drivers should comply with the laws and regulations relating to child restraints and booster seats (for further information visit [www.thinkroadsafety.gov.uk](http://www.thinkroadsafety.gov.uk))
- 3.5 Allow wheelchair passengers to be conveyed without appropriate restraints, and drivers must be adequately trained to secure such passengers.

- 3.6 Without the consent of the hirer of a vehicle, permit to be conveyed any other person in that vehicle.

#### **4.0 LOST PROPERTY**

- 4.1 The driver shall immediately after the termination of any hiring of a private hire vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- 4.2 If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, he shall take it as soon as possible and in any event, within 24 hours if not sooner claimed by or on behalf of its owner, to his/her operating centre or police station and inform the North Lincolnshire Council Licensing Division of such action.

#### **5.0 ANIMALS**

- 5.1 The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself/herself or the proprietor or operator of the vehicle.
- 5.2 Any animal belonging to or in the custody of any passengers, which at the driver's discretion may be conveyed in a private hire vehicle, shall only be conveyed in the rear of the vehicle.
- 5.3 A driver of a licensed Private Hire Vehicle, which has been hired:
- (a) by or for a disabled person with their guide, hearing or prescribed assistance dog; or
  - (b) by a person who wishes such a disabled person to accompany him in the vehicle
- will have a duty to :
- (a) carry the disabled passenger's dog and allow it to remain with the passenger; and
  - (b) not make any additional charge for doing so.
- 5.4 An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with a physical impairment, and which at the time that its owner hires a taxi is wearing a yellow jacket inscribed with the name of one of those charities.

5.5 The driver shall only be exempt from this condition on medical grounds and the driver has obtained an exemption notice from North Lincolnshire Council. The notice of exemption shall be exhibited by either;

(a) laying it in a prominent position on the dashboard facing upwards, or

(b) affixing it to the windscreen of the vehicle, facing outwards.

## **6.0 PROMPT ATTENDANCE**

6.1 The driver of a private hire vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

## **7.0 DEPOSIT OF LICENCE**

7.1 If the driver is permitted or employed to drive a private hire vehicle by an operator he shall, before commencing to drive that vehicle, deposit his/her private hire driver's licence with that operator for retention by him/her until such time as the driver ceases to be permitted or employed to drive for that operator where it should then be returned.

## **8.0 TAXIMETER**

8.1 If a private hire vehicle is fitted with a taximeter then the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

8.2 Private hire vehicles fitted with a taximeter may not operate unless the meter is in working condition and has been checked by an authorised Officer of the Council.

## **9.0 FARE TO BE DEMANDED**

9.1 The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed to the hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

## **10.0 CHANGE OF ADDRESS/TELEPHONE NUMBER**

10.1 The driver shall notify the Council in writing of any change of his/her address and /or telephone number within 7 days of such change.

## **11.0 CONVICTIONS / OFFENCES**

- 11.1 The driver shall, immediately, disclose to the Council in writing, details of any conviction imposed on him/her during the period of the licence, motoring or criminal. (Includes any fixed penalties and cautions, endorsable or not)

## **12.0 DRIVERS BADGES**

- 12.1 The Driver's badge must be worn on the driver's person in a position where it may be seen at all times. The driver shall, upon the expiry (without immediate renewal), revocation or suspension of this licence, forthwith return to the Council the Driver's badge issued to him/her by the Council. The badge remains the property of the Council at all times.

## **13.0 ILLNESS OR INJURY**

- 13.1 The driver shall notify the Council in writing, as soon as possible and in any event within 21 days of any illness or injury affecting his/her fitness to drive in any way, unless the said period of illness is for a period of less than 21 days and the driver does not intend to drive during this period.

## **14.0 GENERAL LICENCE CONDITIONS**

- 14.1 If you are aggrieved by any of the conditions attached to the licence you may appeal to a Magistrates Court within 21 days of the service of the licence and attached conditions on you. (See Section 52 and 77 of the 1976 Act and Section 300 of the Public Health Act 1936).
- 14.2 All drivers shall operate strictly within the terms of any licence issued under the incorporating terms and conditions of The Local Government (Miscellaneous Provisions) Act 1976.