



## NORTH NORFOLK DISTRICT COUNCIL

# Hackney Carriage and Private Hire Policy & Handbook

North Norfolk District Council  
Council Offices  
Holt Road  
Cromer  
NR27 9EN  
Telephone: 01263 516189

E-mail: [public.protection@north-norfolk.gov.uk](mailto:public.protection@north-norfolk.gov.uk)

[www.northnorfolk.org](http://www.northnorfolk.org)

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**HACKNEY CARRIAGE AND PRIVATE HIRE POLICY & HANDBOOK**

**FOURTH EDITION 2020**

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## **Definitions**

- **“The Council”** means North Norfolk District Council
- **“The District”** means district of North Norfolk
- **“Authorised Officer/ Agent”** means an officer of the Council (or agent acting on behalf of the Council) authorised in writing or Police Officer
- **“Driver’s licence”** means, in relation to the driver of a hackney carriage, a licence under section 46 of the Town Police Clauses Act 1847 and, in relation to the driver of a private hire vehicle, a licence under section 51 of Local Government (Miscellaneous Provisions) Act 1976;
- **“Licence Duration”** The Licence will be issued for a maximum period of three years, unless revoked or suspended during that period; where an entitlement to work defined by the licence holders visa is less than three years, the licence will be suspended unless evidence of continued entitlement to work is produced before period of the initial visa ends.
- **“Hackney carriage”** means a carriage (motor vehicle) exposed for hire to the public, whether standing in the public street or a private yard. Can be commonly referred to as a taxi.
- **“Hackney carriage byelaws”** means the byelaws for the time being in force in the controlled district of the Council relating to hackney carriages;
- **“Private Hire Vehicle”** is a motor vehicle constructed or adapted to have eight or less passenger seats, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers. Private hire vehicles cannot ply for hire on a rank on be hailed in the street and must be pre-booked through a private hire operator licensed by the Council.
- **“Operate”** means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle;
- **“Operator’s licence”** means a licence issued by the Council under section 55 of the Local Government (Miscellaneous Provisions) Act 1976;
- **“Taximeter”** means any device for calculating the fare to be charged in respect of any journey in a hackney carriage by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both;
- **“Vehicle licence”** means in relation to a hackney carriage a licence under sections 37 to 45 of the Town Police Clauses Act 1847 and in relation to a private hire vehicle means a licence under section 48 of Local Government (Miscellaneous Provisions) Act 1976. Once a vehicle is licensed it remains so 24 hours a day, 7 days a week and must be driven at all times by a person who holds a combined driver’s licence issued by the Council.
- **“Special Event Vehicle”** means a private hire vehicle exclusively used for special occasions. For further information, see Section 6.
- **“Hackney Rank/Stand”** A designated place adopted by the Council where hackney carriages can wait the arrival of a hirer.
- **“Notify the Council”** means notify the Public Protection Team - Licensing of the Council in writing.
- **“Nominated Garage”** means the garage(s) approved by the Council for the purpose of undertaking the mechanical inspections
- **“Vehicle Inspection Report”** means the certificate issued by the Nominated Garage following the vehicle inspection for the purposes of licensing the vehicle.

- **“Licence Plate”** means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage or Private Hire Vehicle
- **“Fit and proper”** The definition of what is a fit and proper person is not set in law but the generally accepted test is; " Would you allow your son or daughter, mother or father, spouse or partner, grandson or granddaughter or any other person you care about get into a vehicle with this person alone?"

**The Purpose of Licensing / Licensing Objectives**

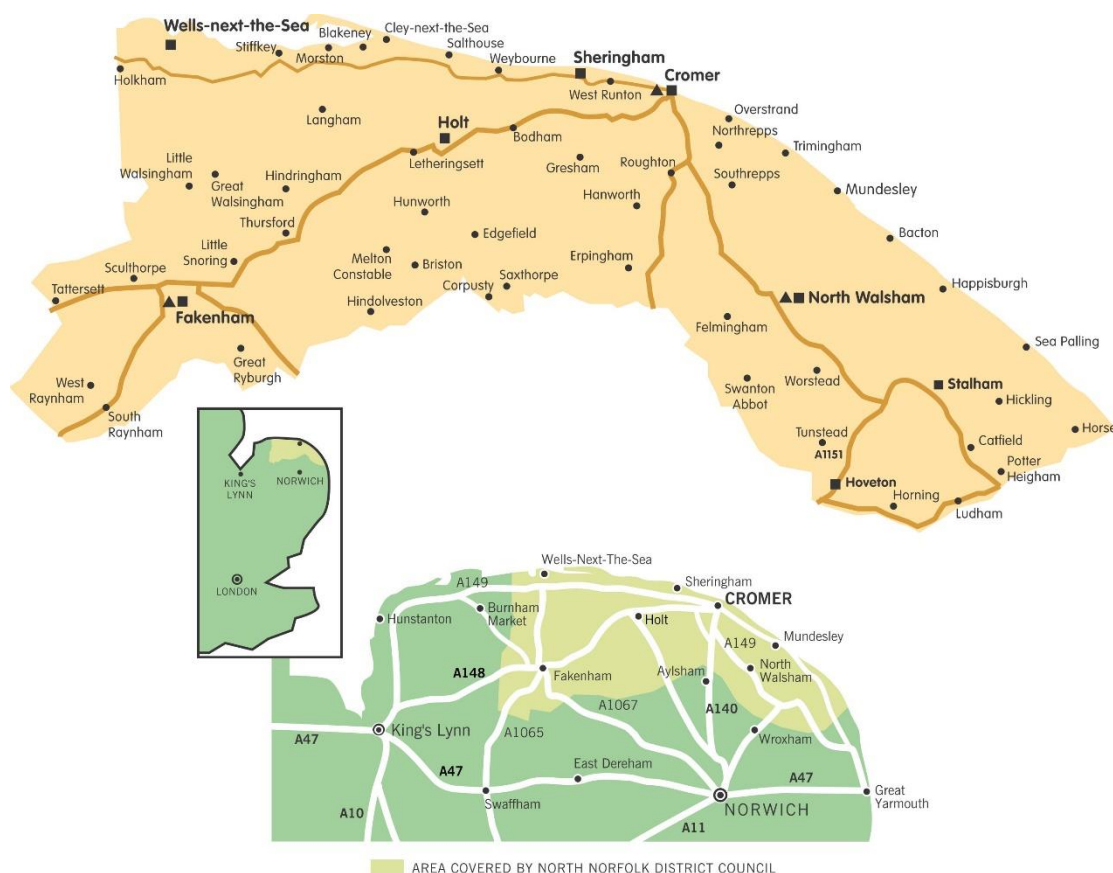
**Drivers:** The aim of the licensing regime is to ensure that, so far as possible, those licensed to drive either a hackney carriage or private hire vehicle are suitable persons to do so. Suitable means that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit. They also should be honest individuals who would not take advantage of their position to abuse, assault or defraud customers. The general term used in taxi licensing to describe this person is 'fit and proper'.

**Vehicles:** The Council expects all licensed vehicles to be maintained to the highest standard at all times.

**Operators:** The Council expects licensed operators to provide a first class customer service in order to promote a high standard to those who live in, work in, or visit the area

**1.0 Introduction**

1.1 North Norfolk is one of the seven Districts that make up the county of Norfolk. It is predominantly a rural area with five market towns covering some 400 square miles with a population of approximately 99,000. The District and market towns are shown on the map below;



### **The Council's Role in Taxi Licensing**

- 1.2 The Council is responsible for the licensing of all hire vehicles which operate within the district, which are provided with a driver and operated with eight or less passenger seats.
- 1.3 There are two types of vehicle: public hire vehicles (**hackney carriages**) and vehicles that are only available by prior booking arrangement (**private hire vehicles**). Although the description 'taxi' should only be applied to a hackney carriage any hire vehicle is usually known as a 'taxi' by the public.
- 1.4 Before any vehicle is licensed, it must be tested at one of the Council's nominated garages. The test covers the vehicle's mechanics and general appearance, which includes the comfort for passengers and the reliability of any meter fitted.
- 1.5 Private Hire vehicles may only undertake journeys in response to advance bookings. The Council is also responsible for granting private hire operators licences for the premises at which these bookings are made.
- 1.6 The Council is responsible for the licensing of the drivers of both classes of vehicle. Within the scope of legislation, the Council ensures that all drivers are 'fit and proper persons' to be licensed by carrying out checks on an applicant's background.
- 1.7 The Council issue dual driver's licences to all successful applicants, which enables the holder to drive either a hackney carriage vehicle or a private hire vehicle if these vehicles are licensed by this authority.
- 1.8 As part of ensuring drivers are suitable for the job, the Council carries out enhanced Disclosure and Barring Service checks. For more information, visit the Disclosure and Barring Service (DBS) website at;  
<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>
- 1.9 The Council also has a responsibility as the 'Enforcement Agency' of the drivers, vehicles and operators it has licensed. Enforcement covers offences related to 'taxi' legislation, driver's behaviour, the condition of the vehicles and the investigation of complaints made against any licence holder.
- 1.10 As well as granting and issuing licences, the Council also has the power to suspend or revoke licences and take Court action if necessary against any offending licence holder.
- 1.11 Licensing and enforcement is carried out by Council officers appointed 'Authorised Officers' for that purpose and they have been issued with written authority to do so, as well as having a Council identity badge.

### **Hackney Carriage/Private Hire Drivers Licences**

- 1.12 In considering new applications for Hackney Carriage/Private Hire Drivers Licences and also any breaches during the currency of a licence, the Council must be satisfied that drivers are fit and proper persons to hold a Licence.
- 1.13 In doing so, they must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct /behaviour, breach of licence conditions



and other convictions obtained during the course of a Licence, in accordance with the convictions policy (Annex B).

- 1.14 When such circumstances occur, the application/driver may be referred to a Licensing Sub Committee for determination.

### **Referral to the Licensing Sub Committee**

- 1.15 Where an applicant or a driver is referred to the Licensing Sub Committee for consideration, they will be notified in writing of the reason and the date, time and venue of the hearing.
- 1.16 They will be advised that they may bring a representative to the hearing. The representative may be a friend, legal representative or a representative from the trade whom they wish to assist them in addressing the Sub Committee in support of their application/disciplinary hearing. But please note that any consultation with a representative should take place in advance of the hearing date and not just prior to the meeting. This will ensure that their case is well prepared for Sub Committee consideration.

### **Licensing Sub Committee**

- 1.17 The Sub Committee will consist of three members made up of District Councillors, who sit on the Licensing and Appeals Committee (of which there are fifteen members in total). A Chairman is appointed to supervise the Sub Committee during the process. A legal representative may advise the Sub Committee.
- 1.18 A number of Council Officers may also attend the hearing, in an advisory capacity. However, they do not take part in the decision making process.

### **Sub Committee Hearing**

- 1.19 A number of applications and disciplinary matters could be considered on the day, including any historic matters. Each matter will be considered on its own merits and the public will be excluded to protect confidentiality where appropriate. In these circumstances the public will not have access to the meeting unless the applicant requests that they should.
- 1.20 When a person is called to appear before the Sub Committee they and their representative and any complainants will be guided to their seats. They will be asked if they have received a copy of the report regarding the circumstances surrounding their case. The Sub Committee will already have a copy of the report. Where the case arises from a complaint, the complainant, if present, will be asked to explain their complaint to the Sub Committee. They will then be given the opportunity to question the complainant.
- 1.21 They will be asked to describe the circumstances surrounding the convictions or incident concerned and asked to demonstrate to the Sub Committee why they think they are a 'fit and proper person' to hold a Hackney Carriage/Private Hire Drivers Licence or why they feel disciplinary action should not be taken.

### **The Decision**

- 1.22 When considering convictions, the Sub Committee will have regard to the 'Guidance relating to the relevance of convictions and cautions' a copy of which is attached at Annex B.
- 1.23 After hearing the evidence and representations from all parties, the Sub Committee will retire to make their decision.
- 1.24 As soon as the Sub Committee have come to a decision they will aim to return to the room and inform the person(s) of their decision. The person(s) will also be advised of the decision in writing together with their rights of appeal. The Sub Committee have a number of options which include the following:
- Grant or refuse application
  - Take no action
  - Issue a verbal warning
  - Suspend or revoke Licence
  - Apply conditions to the licence
  - Require driver to complete Driving Standards Assessment and/or sit Council's Knowledge test, or any other action deemed appropriate
  - Apply NNDC penalty points

### **Right of Appeal**

- 1.25 If the Council refuses the grant of a Vehicle, Operator or Drivers Licence, or in the case of a disciplinary hearing, decide to suspend or revoke a Drivers Licence or any other formal action, the person will have the right of appeal to a Magistrates' Court. In the case of refusal to grant a Hackney Carriage Proprietors Licence, appeal will be to the Crown Court. Appeals must be made to the Magistrate's Court within 21 days.

### **General Advice**

- 1.26 The Sub Committee is a formal meeting where members sit in a quasi-judicial manner. This means that the Sub Committee has to act in a similar fashion to a Court or Tribunal. It is therefore important that persons appearing before Sub Committee should behave and dress in an appropriate manner.
- 1.27 If a person appears before the Sub Committee following a complaint about their conduct, they should not attempt to speak to the complainants / witnesses prior to the meeting as this could be deemed to be harassment.

### **Serving of Notices**

- 1.28 Sub-sections (2) to (5) of S233 of the Local Government Act 1972 shall have effect and are incorporated in the conditions for vehicles, operators and drivers in relation to any notices required or authorised by the conditions to be given or served on the licensee by or on behalf of the Council or any authorised officer.

## **2.0 Application Process**

### **Driver Application**

- 2.1 In addition to the application form, all applications for driver licences must be accompanied by the following:
1. Enhanced Disclosure and Barring Service Report (DBS);
  2. Driver's Medical;
  3. DVLA Driving Licence – (photo card)
  4. DVLA Mandate (D796 form)
  5. Fees;
  6. Passport Size Photograph certified as being a true likeness, or taken by NNDC Customer Services
  7. Driver Standard Agency (DSA) Hackney Carriage/Private Hire Test Assessment Pass Certificate.
  8. Additional documents may be required to ensure that the applicant has the right to work in the UK.
  9. Safeguarding Training
  10. Knowledge Test

### **Disclosure and Barring Service form (DBS) & Right to Work Check**

- 2.2 As part of the application process, the Applicant will obtain a Disclosure and Barring Service disclosure to 'enhanced' standard. The Council has signed a contract with United Medicare Limited to countersign DBS checks. A [Candidate User Guide](#) is available to assist users with their application.
- 2.3 A DBS check can be completed online. Please note Internet Explorer or Firefox are fully supported however you may experience difficulties if using alternative browsers. If you are unable to submit an online application, please make an appointment to visit us and we will guide you through the process. You will also need to make an appointment at the Council for your identity check where your identity documents to be verified.
- 2.4 The DBS process can take up to 8 weeks. Applicants that already have a disclosure and have signed up to the online update service must provide the original disclosure certificate and the unique online reference number so the Council may access their record online.
- 2.5 You will be required to provide us with a new Disclosure and Barring Service check every 3 years unless your licence expires beforehand, or you have signed up for the online update service. Should you wish to re-apply you would be required to submit a new DBS disclosure.
- 2.6 The Disclosure and Barring Service will send the Disclosure to the applicant. The original disclosure document must be produced to the Council's Public Protection Team - Licensing. A disclosure with no convictions will be processed. In all cases the disclosure number recorded and the date of issue will be entered onto our computer system.
- 2.7 A Disclosure with conviction/s and/or cautions may not necessarily mean that you are not a "fit and proper" person to hold a licence. Council officers do not have delegated powers to deal with convictions and/or cautions. We will refer you to the Licensing Sub

Committee to determine whether you are a “fit and proper” person. Depending on the type and age of conviction the Sub Committee may grant a licence, refuse a licence or add conditions as necessary. Please see Annex B for further information.

- 2.8 If an applicant has been resident in any other Country than the UK, preceding an application, a certificate of good conduct from an overseas embassy, or each overseas embassy where the applicant has lived, will be required in addition to the Disclosure and Barring Service Disclosure.
- 2.9 **Usage;** Information revealed on a DBS Disclosure will only be used for the purpose of determining an application in relation to hackney carriages or private hire licensing.
- 2.10 Successful applicants will be notified in writing, and issued, with the appropriate licence. Those who are granted a driver’s licence will be issued with a driver badge, which will remain the property of the council and must be surrendered when the licence is suspended, revoked or has expired.

### **Right to Work Check**

- 2.11 The Council will not issue a hackney carriage or private hire licence unless the individual has a right to work in the UK, [Home Office - A 'Right to work Checklist'](#). All applicants must therefore provide documentation to prove that they have the right to work in the United Kingdom. An application from a person who cannot provide the necessary documentation will be refused by officers under delegated authority.

### **Rehabilitation of Offenders Act 1974**

- 2.12 Applicants for taxi and private hire licensing are exempt from the Rehabilitation of Offenders Act 1974. Therefore, all convictions, regardless of how long ago may be taken in consideration when determining applications. However, in the determining the relevance of convictions the Licensing Sub Committee will take into account the type of offence, the age of the applicant at the time of the offence and the apparent seriousness of the offence. Please see Annex B.

### **Driver’s Medical**

- 2.13 A DVLA Group 2 medical will be required upon initial application and must be carried out by a registered Medical Practitioner. The medical form, which your doctor will be required to complete is available on the [website](#). Subsequent medicals will be required every five years from the point of application and then annually from the age of 65 years. A driver under the age of 65 with a controlled medical condition may also be required to undergo a full medical annually.

### **DVLA Driving Licence & Mandate**

- 2.14 You will need to supply your DVLA driving licence showing your current address. Holders of Photo-card only driving licences are required to supply the photo card and holders of paper licences are required to provide their paper part. There is a DVLA mandate form in each application pack which must be completed and signed. This will be used to obtain your driving licence history from DVLA. This process can take up to two weeks.

*Please note: If you have 9 or more current penalty points and/or any previous convictions appear on your DVLA driving licence we may refer your application to a Licensing Sub Committee to ascertain whether you are a 'fit and proper' person to hold a licence.*

### **Fees**

- 2.15 Applications with all the relevant supporting documentation will not be accepted without the appropriate fee. It should be noted that the preferred method of payment is be either BACS, cheque or credit/debit card. Any licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

### **Knowledge Test**

- 2.16 You will need to pass the Council's Knowledge Test as part of the application process. The test will include multi-choice questions on Licensing Conditions, the Highway Code, knowledge of the area and literacy and numeracy and it will be conducted online at the Council offices.

### **Operators Application**

- 2.17 Any person who receives bookings or has contracts for the hire and reward for a private hire vehicle is required to hold an operator's licence. Annually, in January, you must provide a list of vehicles and drivers used by the operator. Points will be applied to the Operator licence for failure to provide this information. An operator must be a 'fit and proper person' and is therefore subject to a DBS check (see above).

### **Vehicle Application**

- 2.18 A vehicle application can be processed within 7 days if all the relevant information, including payment, has been supplied and the vehicle meets current conditions (i.e. age/condition etc.).
- 2.19 **Registration Document or Bill of Sale;** for initial applications only you will need to prove that you are the lawful keeper of the vehicle by providing an original copy of the vehicles V5 (vehicle registration document). A bill of sale for that vehicle may be produced if the V5 is not available but the bill must include the date of first registration and the original V5 document must be produced within a calendar month.
- 2.20 **Insurance Certificate;** to enable us to licence a vehicle we require a copy of a valid insurance policy, and schedule or cover note covering the vehicle for Private Hire and/or Hackney Carriage work. Email copies of insurance documents are acceptable provided that your insurance company's original email is forwarded to licensing ([public.protection@north-norfolk.gov.uk](mailto:public.protection@north-norfolk.gov.uk)).
- 2.21 **Vehicle Inspection/MOT;** all vehicles licensed by this Authority require inspection at an nominated garage (the nominated garages can be found on the NNDC website); [http://www.northnorfolk.org/files/Taxi\\_Testing\\_Station\\_Information.pdf](http://www.northnorfolk.org/files/Taxi_Testing_Station_Information.pdf)).

### **Vehicle Licence Renewals**

- 2.22 Vehicle renewal applications will be accepted up to one calendar month before they are due to expire. Vehicle licences will not be granted an earlier renewal date than their current expiry date. Vehicle Registration documents (V5C) are not required to be produced upon renewal of a vehicle licence, providing there has been no material changes to that vehicle/document during the preceding licence period.

### **Combined Driver Licence & Private Hire Operator Renewals**

- 2.23 Combined Driver Licence renewals and Private Hire Operator Renewals will be accepted up to one calendar month before they are due to expire.

Other than insurance or other original documents issued and sent by email all documentation must be originals. Photocopies, scanned or fax copy in other circumstances is not acceptable under any circumstances.

### **Refund of Licence Fees – (not applicable to Insurance/lease vehicles)**

- 2.24 In the event that a driver, vehicle or operator licence is not granted then the Council will refund the licence application fee. This does not apply to the other fees e.g. knowledge test, medical and DBS disclosure application.
- 2.25 Should a vehicle or operator licence be surrendered during the life of the licence then a pro-rata refund (less admin fee) will be given for the unexpired portion of the licence. The date will be calculated from the date the licence is returned to the Council. Refunds will **not** be given for licences that are suspended or revoked.

### **Death of Licence Holder**

- 2.26 A licence will immediately lapse in the event of death of the licence holder. In the case of a vehicle licence, a licence may be transferred using the normal procedure within 3 calendar months. A private hire operator licence may not be transferred into another person's name.

## **3.0 All Vehicles**

- 3.1 The Council will not grant or renew a licence unless satisfied that the vehicle is suitable to be a licensed vehicle, is in a suitable mechanical condition (meeting the requirements of the vehicle inspection), safe and comfortable.

### **Duration of Licence**

- 3.2 A vehicle licence, once granted, will be issued for a maximum period of one year.

### **Insurance**

- 3.4 A vehicle must have a current certificate of insurance or cover note which clearly covers the use to which the vehicle is to be put.
- 3.5 It shall be the responsibility of the proprietor of a licensed vehicle to produce proof of continuous insurance cover. The insurance proof is to be reviewed by the licensing authority within seven days of the expiry of the preceding certificate or cover note.

- 3.6 If the proprietor fails to produce a certificate of insurance cover on request he shall produce it forthwith or within seven clear days of the request to an authorised officer of the Council. Failure to comply may result in the immediate suspension of the vehicle licence by authorised officers using delegated authority. The suspension will remain in place until a satisfactory certificate of insurance is produced.

### **Excise Duty (Road Tax) & Vehicle Registration Document (V5)**

- 3.7 There should be a valid excise duty for the vehicle at all times.
- 3.8 A full vehicle registration document must be produced at the grant of a licence, or as soon as is reasonable - and following any change to the original document.

### **Age Requirement**

- 3.9 All hackney carriage and private hire vehicles will not normally be considered for licensing unless they are under 10 years of age from date of first registration (date as shown on DVLA registration document). Vehicles presented for licensing that are less than 5 years of age will require an annual Vehicle Inspection Report to be completed by one of the nominated garages. Vehicles over 5 years will be required to have a Vehicle Inspection Report every 6 months:
- 3.10 Vehicles that are over 10 years may be considered by the Council 's Licensing Sub Committee who may grant the licence if the vehicle is considered 'exceptional'.
- 3.11 In the following list are factors that will be taken into consideration in determining 'exceptional', but it is not exhaustive:
- Condition of bodywork (e.g. no dents, scratches, stone, chips or rust around wheel arches);
  - Original manufacturer's colour and trim combination;
  - Immaculate interior, in original condition, free of damage and with only minor wear and tear;
  - Full service history showing regular service dates, with the relevant garage stamp;
  - Full documentation (i.e. garage receipts showing schedule of works carried out);
- 3.12 **Renewal of Vehicle Licences;** Renewal applications for Hackney Carriages and Private Hire Vehicles will only be granted if they continue to meet the required conditions and pass a mechanical inspection by one of the nominated garages.
- 3.13 Any vehicles presented for licensing that do not meet the above criteria will be refused by authorised officers using delegated powers. Applicants may appeal these decisions to the Magistrates' Court, or in case of a hackney carriage appeal to the Crown Court.

### **Exceptions to Age Requirement**

- 3.14 Special Event Vehicles are exempt from the general age policy and fall into the following categories:
- **Executive Vehicles** presented for licensing for the first time must not be older than 3 years on the day the application is received.

- **American Stretch Limousines** presented for licensing for the first time must not be older than 7 years on the day the application is received.
- **Historic Vehicles** presented for licensing for the first time must not be constructed less than 40 years ago. Note: In accordance with DVLA taxation class for Historic Vehicles.

3.15 Vehicles not meeting the above criteria may be referred to the Council 's Licensing Sub Committee who may grant the licence if the vehicle is considered 'exceptional'. (see Condition 3.11).

### **Vehicle Specifications**

- 3.16 The vehicle shall have side opening doors for each passenger (designed for the purpose of permitting persons' access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons' access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons' access to/from the interior).
- 3.17 Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.
- 3.18 Other than a vehicle classed as a special event vehicle the vehicle must be right-hand drive.
- 3.19 The vehicle must have European Community Whole Vehicle Type Approval (ECWVTA) and must show category M1 on the V5C/logbook.
- 3.20 If the requirements in Condition 3.19 above cannot be satisfied, or if the vehicle has been altered from the original manufacturers specification, then a Driver and Vehicle Standards Agency (DVSA) Individual Vehicle approval (IVA) or Voluntary Individual Vehicle Approval (VIVA) inspection must be undertaken and a satisfactory report produced.
- 3.21 In the case of a Private Hire vehicle its appearance must not lead people to believe it is a Hackney Carriage Vehicle.
- 3.22 The vehicle must have seats with a minimum width of not less than 400mm per person.
- 3.23 The vehicle shall be fitted with appropriate seatbelts to the front and rear seats of the vehicle.
- 3.24 Estate versions of saloon vehicles fitted with seats in the rear luggage compartment may be licensed for more than 4 passengers, but the operator/proprietor must inform the customer that the vehicle has seats in the rear luggage compartment at the time of booking.
- 3.25 The vehicle shall have a sufficient engine capacity (usually considered as 1400cc). Any hybrid/LPG, electric or other alternatively powered vehicle must have an engine size that is sufficient for use at full capacity.



### **Wheelchair Accessible Specifications**

- 3.26 A vehicle complying with the specifications required by the Disability Discrimination Act must be adapted or designed to carry at least one wheelchair bound passenger:
- there must be sufficient space between the front of the rear seat and any partition for an occupied wheelchair to turn
  - there must be sufficient space for a wheelchair to travel
  - A 4-point anchorage system must be fitted, comprising two for attachment at the front of the wheelchair and two at the rear of the wheelchair, in accordance with ISO 10542-2.
  - there must be a separate means of securing the chair and the wheelchair occupant.
  - there must be wheelchair ramps carried in the vehicle.
- 3.27 A vehicle designed or adapted in accordance with the above may carry a maximum of two signs indicating that it is capable of carrying wheelchair bound passengers; any swivel seat fitted must meet the requirements of the above Act.
- 3.28 If a mechanical hoist is fitted to the vehicle this will be required to be inspected annually by the manufacturer or his approved agent and a certificate produced to that effect.

### **Lifts/Ramps**

- 3.29 Access to the vehicle must be possible from the road or pavement either by a lift or ramp. Any power-operated device must be capable of manual operation in the event of a power failure. The boarding device must have a safe working load of 300kg and operate under normal loading conditions without undue deflection.

### **Ramps**

- 3.30 A ramp should be of slip resistance material and at least 750mm in width. The ramp should be capable of being deployed both onto the road and onto a 125mm high kerb. The ramp when deployed should be securely located at the point of entry to the vehicle. For side loading the ramp when deployed to the pavement should not exceed a slope of 1:4. For rear loading the ramp when deployed to the road should not exceed 1:4. When not in use the ramp should be securely stored in such a manner as not to block any of the vehicle doors and not to present a hazard to the vehicle occupants.

### **Lifts**

- 3.31 The lift platform must be not less than 750mm in width and not less than 1200mm in length. The ramp should be equipped with a device to prevent the wheelchair rolling off and should operate at a vertical speed of less than 0.15m/s.

### **Roof / Boot Racks & Bullbars**

- 3.32 No roof, boot racks or bullbars may be fitted to licensed vehicles during the currency of the licence.

### **Carriage of Portable Oxygen Tanks**

- 3.33 Hackney carriage/private hire vehicle drivers will accept the carriage of portable oxygen tanks for passengers that require their usage for medical purposes.

### **Vehicle Testing**

- 3.34 No vehicle shall be first licensed or re-licensed unless the vehicle has passed the vehicle inspection at one of the Council's approved and nominated testing stations. All hackney carriage and private hire vehicles after 5 years (date as shown on DVLA V5 registration document) shall have a vehicle compliance test at an approved Vehicle Testing Station every 6 months. In addition, an authorised officer of the Council may inspect a vehicle for first licensing and/or upon renewal.
- 3.35 The Council will not consider a grant or renewal of a vehicle licence unless it has been examined in accordance with the Council's Hackney Carriage and Private Hire Vehicle [Compliance Testing Standards](#).
- 3.36 Costs of such testing is payable by the person wishing to licence the vehicle. In addition, the history of the vehicle may be taken into consideration when determining whether the vehicle should be licensed.
- 3.37 The 6 monthly compliance test certificate required for vehicles over 5 years old (see 3.34 above) must be produced to the Council within 7 days of the date of the test. Tests can be carried out by an approved testing station up to one calendar month before the 6 monthly point of the licence.
- 3.38 A vehicle which fails an inspection/safety check during the currency of a licence with the Council will have the fault(s) rectified and the vehicle re-inspected at the same testing station within 2 months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.
- 3.39 A vehicle may be inspected by an authorised officer of the Council or a Police Officer, at any reasonable time. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle, he may give written notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the authorised officer or police officer is so satisfied. If the authorised officer or police officer is not satisfied within two months of the initial inspection the Vehicle licence shall be deemed revoked. An authorised officer or police officer may permit other persons to examine the vehicle on their behalf (e.g. VOSA).

### **Altered Vehicles**

- 3.40 Any vehicle which has been altered from the original manufacturers specification, re-registered or has been an insurance loss (categories C and D only) shall only be considered for licensing if the vehicle has been subjected to a satisfactory IVA or VIVA test (engineers report) from the Driver and Vehicle Standards Agency (DVSA).
- 3.41 Vehicles without a DVSA engineers report will only be considered for licensing if they have been built to the manufacturers original specification.
- 3.42 The IVA test is appropriate for vehicles not previously registered in the UK, and a VIVA for vehicles registered in the UK to prove compliance.
- 3.43 Category A and B (as defined by the Code of Practice for the Disposal of Motor Vehicle Salvage) write offs will not be considered fit for licensing.

### **Vehicle Inspections**

- 3.44 All vehicles being presented for testing at one of the approved Council testing stations shall be in clean condition to allow the tester to inspect the vehicle. The tester may refuse to test a vehicle that does not conform to this requirement.

### **Exterior Bodywork and Wheel trims**

- 3.45 The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Wheel trims must be fitted to all road wheels where part of the manufacturer's original specification.

### **Vehicle Accidents / Damage to Vehicle**

- 3.46 The proprietor of a private hire/hackney carriage vehicle must report to the Council in writing (by way of a prescribed accident notification and vehicle damage form) as soon as possible or in any event within 72 hours, any accident or incident which has caused damage to the vehicle or to any other property (i.e. other vehicle, fence post etc.). An example of the accident notification and vehicle damage form is attached at Annex A and can be obtained from the Council.
- 3.47 The Authorised Officer/Agent will inspect the vehicle and make a decision as to whether or not the vehicle can continue in service
- 3.48 If the vehicle can continue in service until a permanent repair is undertaken, the repair must be completed within a maximum of 28 days of the Authorised Officer/Agent's decision
- 3.49 If any damage is considered by the Authorised Officer/Agent to be extensive enough to affect the safety or general appearance of the vehicle, it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired, submitted for a Council vehicle inspection and the cosmetic appearance inspected by an Authorised Officer/Agent, before the plate is re-affixed and the vehicle returned to service
- 3.50 In the case of any dispute the matter will be referred to the Council's Licensing Sub Committee
- 3.51 Any replacement vehicle, either a short-term or permanent replacement, must comply with licensing prerequisites. A completed application form must be submitted together with the other necessary documents and the appropriate fee, before being used as a licensed vehicle. If all the above items and all conditions are met and are satisfactory, the licence will be produced within seven working days from receipt of an acceptable application.
- 3.52 It is not necessary to report a stone chip or other similar very minor damage to a licensed vehicle providing no damage has been caused to a person or property, and the damage would pass a compliance test.

### **Fire Equipment & First Aid**

3.53 The following equipment shall be provided and maintained in all licensed vehicles at all times.

3.53.1 Fire Extinguisher: To be carried in such a position as to be readily accessible and available in any emergency. The fire extinguisher should be either a 1kg dry powder or a 2 litre AFFF. Fire extinguishers must be maintained in accordance with BS5306 Part 3 i.e. they must have an annual service, a five-yearly service and refilled. These tests must be carried out by a BAFE certified engineer and new tags and seals must be placed on each extinguisher after inspection. A unique identification tags will be provided for each extinguisher and must be affixed to the extinguisher at all times.

3.53.2 First Aid: The first-aid kit is for self-administration only. The following contents must be presented in a suitable container marked 'First Aid' positioned so that it is readily available for use. Contents must comply with Health & Safety (First Aid) Regulations 1981;

- a leaflet giving general guidance on first aid (for example, HSE's leaflet [Basic advice on first aid at work](#));
- individually wrapped sterile plasters (assorted sizes), appropriate to the type of work (hypoallergenic plasters can be provided if necessary);
- sterile eye pads;
- individually wrapped triangular bandages, preferably sterile;
- safety pins;
- large sterile individually wrapped un-medicated wound dressings;
- medium-sized sterile individually wrapped un-medicated wound dressings;
- disposable gloves

### **Change of Address**

3.54 A licence holder must inform the Council of any change of address, in writing, before the change where possible, or within 7 days.

### **Citizen Band Radios**

3.55 No citizen band radios may be fitted in any licensed hackney carriage or private hire vehicle.

### **Radio Scanning Devices**

3.56 No radio scanning devices of whatsoever type or sort may be fitted to, carried in or used in or in the vicinity of any Hackney Carriage or Private Hire Vehicle during the currency of the licence.

### **CCTV Cameras**

- 3.57 Suitable internal and external equipment, capable of recording both audio and video, may be installed, subject to the written approval of the Council, in all licensed vehicles. If fitted the system must comply with the ICO code and General Data Protection Regulation requirements.

### **Upholstery**

- 3.58 All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable other than 'fair, wear & tear'. Upholstery includes seats, headrests, armrests, carpets and other trim.

### **Ventilation**

- 3.59 All vehicles shall have suitable and adequate ventilation.

### **Fittings**

- 3.60 All fittings shall be properly maintained and in good working order. Fittings include clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fitments where the vehicle is to be licensed to carry wheelchair bound passengers.
- 3.61 The vehicle must be kept free from damage and maintained in good condition both internally and externally.

### **Roof and Floor Coverings**

- 3.62 These should be clean and in good condition, with no tears or other damage.

### **LPG Conversions for existing licensed vehicles**

- 3.63 Any vehicle proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following conditions.
- LPG systems must be fitted in accordance with LPGA Code of Practice 11.
  - That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.
  - If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely placed in a position not obstructing the entire luggage space.
  - The proprietor of the vehicle must notify DVLA Swansea of the change in fuel from petrol to both LPG and petrol.
  - The vehicle must be annually serviced by a person competent in LPG powered vehicles.

### **New applicants - Vehicles Powered by Liquid Petroleum Gas (LPG)**

- 3.64 An applicant for a licence involving a vehicle which has been converted to run on LPG will be required to produce, prior to a licence being issued, a certificate stating that the LPG system has been fitted in accordance with LPGA Code of Practice 11.

- 3.65 The vehicle will be required to undergo an annual service by a person competent in LPG powered vehicles in addition to the Councils require vehicle inspection at a one of its nominated garages.
- 3.66 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the storage of a reasonable amount of luggage and any spare wheel displaced as a result must be stored in a location that does not impinge on the passenger carrying area of a vehicle.

### **Low Emission and Electric Vehicles**

- 3.67 The Council encourages the uptake of low emission and electric vehicles in the District. The authority will seek to examine the feasibility of introducing schemes which help improve the charging network and aid drivers in testing and purchasing electric vehicles.
- 3.68 The Authority recognizes that low emission vehicles can have a positive impact on the environment and any application receives for other low and ultra-low emission vehicles will be considered on its own merits
- 3.69 The Council will waive the initial vehicle licence application fee for any application to licence a fully Electric Vehicle (EV) received for one calendar year from the date this policy became effective.

### **Tinted Windows**

- 3.70 Tinted windows must comply with the Road Vehicles (Construction & Use) Regulations which specify the minimum levels of light that must pass through the windscreen and front side windows. The limits are:
- The light transmitted through the windscreen must be at least 75%; and
  - The front side windows must allow at least 70% of light to be transmitted through them.

### **Unfit Vehicle Notices**

- 3.71 Unfit Vehicle notices can be issued by Authorised Officers and Police Officers where vehicle defects give cause for concern.
- 3.72 Immediate Unfit Notices will be given if the vehicle appears to be unsafe to carry members of the public. Once a Notice is issued the vehicle must not be used for hire with immediate effect. The vehicle must be presented to either an authorised officer or the Councils approved testing station with the faults rectified. Only after this will the Notice be lifted and the vehicle can then be used for hire.
- 3.73 If the Notice is not lifted within two-months, the vehicle licence will be deemed revoked.
- 3.74 Deferred Notices can be issued which means the vehicle can continue to be used for the time specified and the faults rectified within a specified time. When the faults are rectified the vehicle must be presented to a Council approved testing station for inspection.

**External / Internal Advertising and Signs**

- 3.75 No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems, other than those mentioned below shall be displayed on, in or from the vehicle.
- Signs permitted are:
    - any registration number
    - any sign required by statute or subordinate legislation
    - any sign on a taximeter indicating that the vehicle is for hire
    - the internal and external licence plates giving the licence number and the maximum number of passengers to be carried on the outside rear of the vehicle.
    - the roof sign referred to in the Section 4 'Hackney Carriage Vehicles'
    - any sign indicating membership of a national motoring organisation
    - any sign informing passengers not to smoke in the vehicle
    - the tariff card
    - any sign approved by the Council to indicate that the payment of fares may be made by debit/credit card shall be displayed on the front windscreen of the vehicle
    - any sign provided by the Norfolk County Council to show that the vehicle is used for school contracts shall be displayed in the windscreen in such a manner so as not to obstruct the driver's vision, and may only be displayed when actually employed in the performance of such contract work with pupils being carried.
    - any other sign specifically approved in writing by the Council must meet the conditions as set out above,
    - no sign may contain any material of a religious or political nature or contain any matter likely to cause offence.
    - In the case of Private Hire Vehicles signage is subject to the specific exclusion of the words "taxi" or "cab" the use of which will not be permitted.
- 3.76 Any sign permitted must be positioned so as not to impede visibility. No sign shall be placed on the rear window of the vehicle. No hanging obstruction shall be placed in any part of the vehicle.
- 3.77 The Council will allow advertisements to be placed upon a vehicle subject to the following:
- The proprietor of a licensed vehicle shall not display or permit to be displayed on the vehicle any sign or advertisement whatsoever unless written permission has been obtained from the Council.
  - Advertising is to be limited to the back door panels of licensed vehicles only. Advertising on parts of the vehicle in addition to the back door panels may be considered but only after prior written approval of the Council has been given. However, no advertising will be permitted on the windows of the vehicle.
  - All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Council reserves the right to require the licensee to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.
  - No advertisement will be permitted that relates to or advertises alcohol, nudity, gambling, smoking materials or others of a political nature.
  - The same advertising must be displayed on the nearside and offside doors of vehicles.
  - Any advertising may cover both back doors.
  - Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.
  - In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi" or "cab" the use of which will not be permitted.

### **Vehicle Identification – External Licence Plate**

- 3.78 The vehicle licence plate shall be securely fixed and displayed outside and on the rear of the vehicle and shall be clearly visible during daylight hours from a distance of not less than 5 metres. The licence plate must not obstruct any signage prescribed by the Council or any lights or the vehicles registration mark. Any items such as tow bars must not obstruct the licence plate.
- 3.79 The Licence Plate shall be fixed in a permanent manner and displayed outside and on the rear of the vehicle, either immediately above or below the bumper. It shall be fixed in such a position that it and the vehicle's registration mark is not obscured, with its particulars facing outwards. The figures and numbers endorsed thereon are distinct and legible.
- 3.80 The licence plate is the property of the Council to whom it must be returned without delay and within 7 days of demand if the licence is suspended, revoked or not renewed for any reason. Authorised officers are entitled to physically remove the plate from the vehicle and retain it where necessary.
- 3.81 The requirements to display the Licence Plate on a Private Hire Vehicle do not apply if an exemption notice has been issued in writing by the licensing authority under section 75 of the Local Government (Miscellaneous Provisions) Act 1976, on any occasion specified in that exemption, and the Licence Plate is in the vehicle as specified in the exemption

### **Vehicle Identification – Internal Licence**

- 3.82 The internal vehicle licence shall be fixed and displayed inside the front windscreen on the passenger side of the vehicle in the top left corner and must not be obstructed.

### **Reporting a Lost, Damaged or Stolen Licence Plate**

- 3.83 The vehicle proprietor/licensee shall inform the Council by the next working day should the licence plate become lost, damaged or stolen. If lost or stolen, the matter shall be reported to the police and a relevant reference number shall be required (i.e. Crime Number or Lost Property reference). On no account must a hackney carriage ply for hire without a correctly displayed plate, as required under the Police Town Clauses Act 1947, Sections 51 and 52.

### **List of drivers to be maintained**

- 3.84 The vehicle proprietor/licensee shall maintain a list of names and addresses of all persons that have use of that licensed vehicle. The list shall be made available to authorised officers upon request.

### **Trailers attached to Licensed Vehicles**

- 3.85 The proprietor of a licensed vehicle may attach a trailer for carrying luggage when required, subject to the completion of the relevant application, and providing that an external trailer licence plate is affixed to the rear of the trailer. The licence plate must be the same as the vehicle licence plate, with the addition of a trailer identification mark.
- 3.85.1 Trailers cannot be used by Hackney Carriage vehicles when plying for hire on a Hackney Carriage Stand.



- 3.85.2 The trailer must at all times comply with all Road Traffic legislation requirements, in particular those laid down in the Road Vehicles (Construction and use) Regulations 1986
- 3.86 No licensed vehicle may tow any trailer unless evidence of valid insurance (see below) to cover such use of hire and reward has been produced to the Council and the licence endorsed. The driver must hold the appropriate towing licence issued by the DVLA.
- a current certificate of insurance must be produced which covers the use of the trailer and the vehicle to be licensed to tow it: and
  - public liability insurance to the value of £100,000 must be produced to cover any luggage carried in the trailer.
  - No advertisement will be allowed to be displayed on the trailer
- 3.87 Trailers must comply with the following standards:
- Un-braked trailers shall be less than 750kg gross weight;
  - Trailers over 750kg gross weight shall be braked acting on at least 2 road wheels;
  - The towing vehicle must have a kerb weight at least twice the gross weight of the trailer;
  - A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer whenever in use;
  - The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling;
  - The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres;
  - The maximum length for braked axle trailers is 5.54 metres.

### **Change of Use**

- 3.88 Once a Hackney Carriage or Private Hire vehicle has passed first registration it will not be considered as a new application if a change of use between either category is requested, or if the licence has previously lapsed and is being re-instated. This is conditional that the vehicle held a vehicle licence issued by this authority in the preceding 3 months, and that the previous licence holder makes the new application.

### **4.0 Hackney Carriage Vehicles**

- 4.1 The following are conditions attached to the hackney carriage vehicle licence. These conditions are additional to the requirements imposed upon proprietors by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Breach of any of these conditions may lead to suspension or revocation of the licence and/or prosecution. These conditions are equally applicable when the hackney carriage is being used for private hire purposes.

### **Insurance**

- 4.2 The proprietor shall keep in force, in relation to the use of the hackney carriage, a policy of insurance in respect of public hire and complying with the provisions of Section 145 of Part VIA Road Traffic Act 1988, which covers third party liability both in respect of physical injury or death and in respect of damage to personal belongings. The certificate of insurance and schedule must be produced, on demand to an authorised officer of the Council for inspection.

- 4.3 It shall be the responsibility of the proprietor of a hackney carriage to produce proof of continuous insurance cover in respect of public hire. The insurance proof is to be reviewed by the licensing authority within seven days of the expiry of the preceding certificate or cover note.
- 4.4 If the proprietor fails to produce a certificate of insurance cover on request he shall produce it forthwith or within seven clear days of the request to an authorised officer of the Council. Failure to comply may result in suspension of the Hackney Carriage Vehicle licence.

#### **Transfer of interest in the vehicle**

- 4.5 If a proprietor of a licensed hackney carriage vehicle transfers his interest, in whole or in part, in the vehicle to any other person not specified in the vehicle licence, he must notify the Council within 14 days using the appropriate form. The form must be accompanied by any fee and supporting documents.

#### **Taximeters**

- 4.6 All Hackney Carriage vehicles licensed or to be licensed shall have a taximeter fitted. Each taximeter shall be tested by one of the Council's approved testing stations in order to establish that the meter reflects the fares prescribed in the current Hackney Carriage Fare Tariff approved by the Council.
- 4.7 The taximeter shall be placed in a safe position and so far as possible so that all letters and figures on the face thereof shall be at all times plainly visible to any persons being conveyed in the carriage. For that purpose, the letter and figures shall be capable of being suitably illuminated during the period of hiring.
- 4.8 The driver of a hackney carriage shall, at the commencement of the journey, activate the meter so that the word 'Hired' is clearly visible and shall keep the meter operating until the termination of the hiring – 'Commencement of the journey' means:
- When the hirer enters the vehicle.
  - When the driver has attended at an appointed place, and has made his presence known to the hirer.
  - When the driver has presented him/herself at an appointed place at a specified time.
- 4.9 The driver of a Hackney Carriage Vehicle shall when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate a sign, which shall bare the words 'For Hire' in clear legible letters.
- 4.10 Any taximeter fitted to a Hackney Carriage Vehicle, which has been adjusted or repaired shall have the taximeter retested by one of the Council's approved testing stations.
- 4.11 The taximeter shall clearly display a fare not exceeding the rate or fare approved by the Council.
- 4.12 The taximeter and all the fitting thereof shall be so affixed to the carriage with security seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently disabling the security seals.

#### **Inspection of Vehicle and Taxi Meter**

- 4.13 A taxi meter fitted to a licensed vehicle may be inspected by an authorised officer of the Council or by a Police Officer at all reasonable times.

- 4.14 If the officer or constable inspecting the vehicle is not satisfied as to the fitness of the vehicle or the accuracy of the meter, he may without prejudice to the taxi meter condition, give written notice to the proprietor to make the Hackney Carriage and/or taxi meter available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the officer or constable is satisfied as to the vehicles fitness or as to the accuracy of the taxi meter.
- 4.15 If the officer or constable is not so satisfied within two months of the initial inspection, the Hackney Carriage Licence shall be deemed revoked.

### **Roof Signs**

- 4.16 All Hackney Carriage vehicles must be fitted with roof-mounted signs.
- 4.17 Roof signs fitted upon a Hackney Carriage Vehicle must be white in colour and shall be securely fitted to the vehicle and must be of a design and shape approved by the Council.
- 4.18 All Hackney Carriage Vehicle roof signs shall display the wording 'taxi' on the front. The sign shall be capable of being illuminated internally in such a manner that the word 'TAXI' is illuminated at all times when the vehicle is plying for hire, but not otherwise. The sign may include the name and landline telephone number of the hackney carriage company
- 4.19 All wording shall be black in colour and the word 'TAXI' must be readable from a distance of 20 metres.

### **Vehicle Inspections**

- 4.20 A vehicle which fails a compliance inspection/safety check during the currency of a licence will have the fault (s) rectified and the vehicle re-inspected within 2 months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.
- 4.21 A Hackney Carriage may be inspected by an authorised officer of the Council or a police officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give written notice to the proprietor to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the officer or police officer is so satisfied.
- 4.22 If the authorised officer or police officer is not so satisfied within two months of the initial inspection the Hackney Carriage vehicle licence shall be deemed revoked.

### **Alteration of Vehicle**

- 4.23 During the currency of the Licence, no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior written approval of the Council.

### **Passengers**

- 4.24 The proprietor or owner of a Licensed Hackney Carriage shall not permit to be conveyed in the vehicle a greater number of persons than prescribed on the licence for the vehicle.

4.25 The driver of a Licensed Hackney Carriage shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in the vehicle.

4.26 A driver shall not refuse to carry fewer persons than the number marked on the plate.

### **Unattended Taxis**

4.27 No Hackney Carriage may be left on a taxi rank designated by Section 65 Local Government (Miscellaneous Provisions) Act 1976 or a Local Traffic Order without a licensed driver in attendance to take care of it whilst plying for hire.

## **5.0 Private Hire Vehicles**

### **Roof Signs**

5.1 The Council will not permit a private hire vehicle to be fitted with a roof-mounted sign of any kind.

### **Transfer of vehicle**

5.2 If a proprietor of a private hire vehicle transfers his interest, in whole or in part, in the vehicle to any other person not specified in the vehicle licence he must notify the Council within 14 days using the appropriate form. The form must be accompanied by any fee and supporting documents.

### **Vehicle Signage**

5.3 The private hire vehicle shall not display any sign, which consists of or includes the word 'Taxi' or 'Cab' whether singular or plural, or 'Hire', or any word of a similar meaning or appearance to any of those words, whether alone or as part of another word. The only exceptions are:

5.3.1 The word 'Hire' displayed on a private hire vehicle is when the word is used in conjunction with the word 'Private' to form the term 'Private Hire'.

5.3.2 To meet the requirements of Condition 5.4 below.

5.4 A sign must be displayed in a prominent position on each front side door of the vehicle displaying either:

5.4.1 Council logo with the wording 'Pre-Booked Only', no 'advance booking', 'no insurance', or

5.4.2 Council logo and specifying the operator name, telephone number for bookings, with the wording 'Pre-Booked Only'

5.5 The sign must be in either of the prescribed formats (see example 'A' and 'B' below) and must be affixed to the vehicle by a Council authorised sign maker. Removable signs e.g. magnetic will not be permitted. The signage is only obtainable via the Council's licensing team and must be fitted within 14 days of the date the signage is ready and available with the signage company. Examples of permitted private hire signage:

Example A

**NNDC LOGO**  
**Pre-Booked Only**

**INSURANCE INVALID UNLESS  
BOOKED WITH OPERATOR**

Example B

**NNDC LOGO**  
North Norfolk Cars  
Pre-Booked Only  
Tel; 01263 xxxxxx

- 5.6 In the event that a private hire vehicle changes private hire operator and the vehicle bears signage in the form of 'Example B' above then new signage will be required. This must be ordered through the Council within 7 days of the change taking place. As 'Example A' does not identify the operator then no change of signage will be required on change of operator.

## **6.0 Special Event Vehicles**

### **Application in Writing**

- 6.1 Any person wishing to apply for a special event vehicle licence will be required to apply in writing stating the type and age of vehicle they intend to use and the reasons why they believe that they should be considered for this vehicle category. Vehicles issued with a special event licence shall only be used for special occasions and executive business contracts. Vehicles licensed within this category shall not be used for everyday private hire use, e.g. 'school contracts' but must work under the control of a private hire operator.

### **Sale of Alcohol**

- 6.2 The licensee shall not facilitate the sale of alcohol unless there is in force an appropriate authorisation under the Licensing Act 2003 (either a premises licence or temporary event notice) permitting the sale of alcohol.

### **Types of Vehicle**

- 6.3 Special event vehicles are a type of private hire vehicle and fall into one of the following categories:
- Executive Vehicles;
  - Novelty Vehicles
  - Stretched Limousines;
  - Historic Vehicles

### **Age Requirements**

- 6.4 Executive Vehicles presented for licensing for the first time should not normally be older than 5 years on the day the application is received.
- 6.5 Stretch Limousines presented for licensing for the first time should not normally be older than 7 years on the day the application is received.
- 6.6 Historic Vehicles presented for licensing for the first time must not have been constructed no less than 40 years ago. Note: This is in accordance with DVLA taxation class for Historic Vehicles.

### **Licence Plate**

- 6.7 The vehicle licence plate will be required to be fixed to the inside of the boot lid on the vehicle.

### **Communication Equipment**

- 6.8 No vehicle shall be fitted with a two-way radio system.

### **Dress Code**

- 6.9 Drivers of special event vehicles will be required to observe a 'smart casual' dress code e.g. no jeans, no t-shirts, no sportswear etc. A minimum acceptable standard for men includes shoes, trousers and a formal shirt (i.e. with collar). For women a minimum acceptable standard includes shoes, trousers or skirt and a blouse or jumper.

### **Minimum Booking Fee**

- 6.10 Vehicles shall not be offered for hire for less than a £30 minimum booking fee. A receipt must be given to the customer in all cases, unless covered by a contract and receipts and contracts should be available to authorised officers of the Council for inspection;

### **Stretched Limousines**

- 6.11 A "stretched limousine", is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. An "American stretched limousine" is a stretched limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.
- 6.12 The purpose of this Policy and subsequent conditions is to protect public safety. The conditions will apply in addition to the Council's standard conditions for private hire vehicles and take account of the fact that stretched limousines will:
- travel generally at slower speeds than normal taxis;
  - not normally overtake other vehicles;
  - be easily recognisable by the hirer;
  - be heavier and considerably longer than standard cars;
  - be adapted or converted by someone other than the original manufacturer.
- 6.13 For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat is 400mm (16 inches). In the case of an 'L' shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.
- 6.14 In the case of a stretched limousine, or an American stretched limousine, where the vehicle has been constructed or adapted to seat up to 8 passengers, originals of the following documentation will be required by the Council before an initial application for a vehicle licence can be considered:
- Completed importation documentation where applicable and individual vehicle approval (IVA) or Voluntary Individual Vehicle Approval (VIVA) certificate.
  - Proof the 'stretch' was performed by the manufacturer or by a Coachbuilder approved by the vehicle manufacturer i.e. American Limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.
  - DVLA Registration Document (V5).
  - Valid Certificate of Insurance, with cover for hire and reward.

- Current MOT certificate issued by an approved Testing Station.
- Where applicable, an installation certificate from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.
- Valid Road Vehicle Excise licence.

### **Replacement Parts**

- 6.15 Any replacement parts fitted to stretch limousine vehicles must meet the approved standards of the stretched specifications i.e. tyres will not only have to meet the size specifications, but must also meet the weight specification.

### **Window Tints**

- 6.16 Stretch limousines are exempt from Condition 3.71 regarding tinted windows fitted to the side and rear window glass of the vehicle. The driver and passenger front side window glass and the front windscreen (cockpit area) must meet legal requirements.

### **Private Hire Operator – Additional Requirement**

- 6.17 Special event vehicles must be specifically requested by the customer and it is not for the operator to determine which class of vehicle should be assigned to the booking. In addition to the private hire operator records required under Section 8, operators of special event vehicles are to maintain a record of the nature of the special event i.e. why the customer requested a special event vehicle.

## **7.0 Combined Hackney Carriage & Private Hire Driver's Licences**

### **General Requirements**

- 7.1 Before a person is licensed, or renews a licence, as a licensed driver the following requirements shall be met:
- 7.1.1 All applicants/Drivers must be in possession of a full driving licence issued by the DVLA or a licence from an EEA or EU state and that licence must have been in place, for at least, the preceding 12 months.
  - 7.1.2 Any applicant must be medically examined by a qualified medical practitioner at the practice where the applicant is registered and must be considered fit enough to meet at least the standards required for the grant of a Group II driving licence as recommended by the Driver Vehicle Licensing Agency. Medical certificates supplied upon first registration will be accepted if dated up to 4 months before the date of initial application.
  - 7.1.3 An enquiry shall be made of the DVLA to establish the validity of any applicant's UK driving licence and any motoring convictions recorded against him/her in order to confirm that the applicant is a fit and proper person to hold, or continue to hold, a licence. The applicant will be required to authorise the Council to make such enquiries.
  - 7.1.4 An applicant's criminal record shall be obtained via the Disclosure and Barring Service at "enhanced" level in order to confirm that the applicant is a fit and proper person to hold a licence. The applicant will be required to complete the necessary forms for the purpose. If a Disclosure and Barring Service check is not available,

the applicant must provide a certificate of good citizenship or equivalent from every country where the applicant has been resident.

- 7.1.5 Any applicant must make a declaration (by means of a form or questionnaire provided for the purpose) as to any criminal or motoring convictions recorded or pending against him/her in order to confirm that the applicant is a fit and proper person to hold a licence.
- 7.1.6 The applicant must have a right to work in the UK.
- 7.2 The DVLA driving licence must cover the appropriate category for the vehicle being driven.
- 7.3 A DVLA Group II medical will be required for all holders of a Combined Driver's licence, upon initial application and must be carried out by a registered Medical Practitioner. The medical form, which your doctor will be required to complete is available on the [website](#). Subsequent medicals will be required every five years from the point of application and then annually from the age of 65 years. A driver under the age of 65 with a controlled medical condition may also be required to undergo a full medical annually. An authorised officer of the Council may, upon reasonable request ask for a driver to complete a medical at any time.
- 7.4 If a medical certificate is not produced when requested, the Council may consider suspension/revocation of a Drivers licence. If there is a change in a Drivers medical fitness to drive a vehicle, they must notify the Licensing Team as soon as possible or no longer than 72 hours after the change in circumstances.
- 7.5 In relation to the consideration of convictions and cautions recorded against persons the Council has adopted the policy set out in Annex B (Guidelines relating to the relevance of convictions).
- 7.6 A Combined Driver's Licence shall be valid for a maximum term of three years (unless a shorter period is appropriate). Applicants requiring a shorter licence period must apply in writing stating full reasons why a lesser period is appropriate.
- 7.7 When a licence expires, the Council will not permit any 'periods of grace' for the submission of a renewal application unless there is evidence of exceptional circumstances, accepted as satisfactory by the Council. Where the Council accepts there are exceptional circumstances it will notify the licence holder in writing and detail the period by which the renewal application must be received by the Council.
- 7.8 If a Driver accrues 9 or more points in a 3-year period on his/her DVLA driving licence, they will be required to appear before a Licensing Sub Committee in order for their continued suitability to hold a driver's licence to be assessed.
- 7.9 Any driver who receives, during the currency of their licence, a conviction for drink driving will automatically have their suitability to hold a licence referred before a Licensing Sub Committee for consideration of revocation of their licence.
- 7.10 The driver of a private hire vehicle while driving or in charge of such a vehicle shall not:
- 7.10.1 Tout or solicit or cause or procure any other person to tout or solicit on a road or other public place any person to hire or to be carried for hire in any vehicle;



- 7.10.2 Ply for hire by offering a vehicle for immediate hire while they or that vehicle are on a road or other public place;
- 7.10.3 accept an offer for the immediate hire of a vehicle while they or that vehicle are on a road or other public place except where the offer is first communicated to the driver in person by telephone or vehicle radio without him / her in any way procuring the offer.
- 7.10.4 in this condition "road" means any highway and any other road to which the public has access and includes bridges over which a road passes.
- 7.11 When hired to drive to a particular destination, a driver shall (subject to any directions given by the hirer) proceed to that destination by the shortest available route.

### **Conduct of Driver**

- 7.12 The driver shall at all times:
- 7.12.1 Carry a reasonable quantity of luggage when requested by any person hiring or seeking to hire a vehicle, and afford all reasonable assistance in loading and unloading passengers' luggage.
- 7.12.2 Be clean and respectable in his/her dress and person.
- 7.12.3 Behave in a civil and orderly manner. This applies to behaviour with all clients, road-users and any other person affected by the driver's activities.
- 7.12.4 Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
- 7.12.5 Not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- 7.12.6 Not cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- 7.12.7 When collecting passengers, the driver will not beep the vehicle's horn but shall make his / her arrival known in person.
- 7.12.8 Eating or drinking in the vehicle is not permitted without the express consent of the passenger(s).

### **Change of Address**

- 7.13 The driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

### **Change of Operator**

- 7.14 The driver shall notify the Council in writing of any change in the private hire operator he/she is working under the control of within 7 days of the change taking place. If the change requires new private hire vehicle signage, then please refer to Condition 5.5.

### **Convictions, Cautions, Driving Offences & Charges**

- 7.15 The driver shall notify the Council in writing if he/she receives any summons, charge, conviction, caution, formal or informal notice, County Court Judgement or fixed penalty notice within seven days of receiving such. The written notification should include the following details:
- Offence / alleged offence;
  - Date, place & time of offence/alleged offence;
  - Whether acting as a hackney/private hire;
  - If motoring offence:
    - whether paying passengers carried;
    - speed or alleged speed;
    - speed limit for road;
    - Punishment e.g. amount of fine, number of penalty points issued etc.
    - whether speed awareness course undertaken
- 7.16 Depending on the circumstances or the number of penalty points accrued on their DVLA driver's licence, drivers may be referred to a Licensing Sub Committee for consideration. In doing so, the Committee must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct/behaviour, breach of licence conditions and other convictions obtained during the course of a Licence.
- 7.17 Drivers should be aware that if they fail to comply with this requirement it may prevent the Council from renewing their driver's licence under delegated authority.
- 7.18 In the event of a disqualification from driving, a driver shall immediately inform the Council and return their driver's badge.

### **Badges**

- 7.19 The driver shall at all times, whilst in charge of a licensed vehicle, wear their drivers badge, issued by the Council, on their person where it is clearly visible or secure it in a position visible by the passenger.
- 7.20 A driver shall not damage or deface a driver's badge nor allow any other person to do so. The badge remains, at all times, the property of North Norfolk District Council.
- 7.21 Where a licence has lapsed, been surrendered or revoked a new application must be submitted in accordance with the relevant new licence procedures before the Council will consider the application.
- 7.22 In the event that a driver's licence has been revoked by due process, a new application to drive will not be accepted for a minimum of one calendar year following revocation.

### **Driving licence**

- 7.23 A driver shall produce their DVLA driving licence for inspection by an authorised officer annually and at any point during the period of the licence (within 7 days of request).

### **Prompt Attendance**

- 7.24 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 the vehicle at such appointed time and place

### **Passengers**

- 7.25 The driver shall not convey or permit to be conveyed in a vehicle a greater number of persons than that prescribed on the licence for the vehicle, regardless of the age of any passenger carried
- 7.26 The driver shall not, without the consent of the hirer, permit any other person to be carried whilst hired
- 7.27 The driver, who knowingly carries in the vehicle, the dead body of any person shall immediately thereafter notify the fact to:

PHE East of England HPT (Norfolk)  
Public Health England  
Council Offices  
College Heath Road  
Mildenhall  
Suffolk  
Norfolk  
IP28 7EY

Email: EastofEnglandHPT@phe.gov.uk; phe.EoEHPT@nhs.net  
Telephone: 0300 303 8537

- 7.28 The Driver shall not convey in the front seat, any child below the age of twelve years. Children under twelve years old or 135 cm tall must normally use a child car seat. If the driver does not provide the correct child car seat, children can travel without one – but only if they travel on a rear seat; and wear an adult seat belt if they are 3 years or older; without a seat belt if they are under 3 years.
- 7.29 No driver without reasonable excuse shall refuse to carry or refuse assistance to any person with a disability or refuse to carry an assistance dog (without the appropriate exemption certificate).
- 7.30 No extra fee may be charged for carrying an assistance dog or wheelchair.

### **Lost Property / Misplaced Articles**

- 7.31 The driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- 7.32 If any property accidentally left in the vehicle by any person who may have conveyed therein is found by or handed to the driver, it shall be reported to the Police via telephoning 101 and obtaining a report number. It shall be taken as soon as possible and in any event within 72 hours (if not claimed by or on behalf of its owner) to a convenient police station and left in the custody of the officer in charge and a receipt obtained for it.

### **Animals**

- 7.33 The driver shall not convey in a vehicle any animal belonging to, or in the custody of, himself or the proprietor or operator of the vehicle.

- 7.34 The driver shall ensure that any animal belonging to, or in the custody of, any passenger is conveyed in the rear of the vehicle except that an assistance dog accompanying a disabled person may sit in the front of the vehicle provided that the animal is properly trained to sit in the foot well of the vehicle with the disabled passenger.
- 7.35 No driver (unless they hold an Exemption certificate) may refuse to carry a Guide, Hearing, and other assistance dogs – Dogs for the Disabled, Support Dogs, Canine Partners for Independence - that is in the charge of a fare paying passenger. No charge shall be made for the carriage of such a dog whilst in the company of a disabled person or any person training such a dog and the dog should be allowed to remain with the passenger.
- 7.36 Any driver with a medical reason for not complying with this condition must obtain a medical certificate from a registered medical practitioner to exempt him. An application must then be made to the Council for an Exemption Certificate with a payment for such certificate(s). All vehicles and drivers must comply with the requirements of any relevant disability discrimination legislation, in respect of carrying assistance dogs.

### **Breakdowns**

- 7.37 If any vehicle, for whatever reason, becomes unfit to complete a journey under a hire agreement:
- the driver shall be entitled to demand the fare for the distance already travelled
  - the driver shall secure alternative transport immediately to complete the journey if the hirer so wishes. If the original vehicle is repaired and completes the hiring, the driver shall be entitled to full fare with the exception of any time that the hirer waited for the repair to be executed
  - any such incident must be reported to the Council within one (1) working day

### **Fare to be demanded**

- 7.38 The driver shall not demand from any hirer of a vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or a fare in excess of the stated fee of a calibrated taximeter.
- 7.39 The fares for such journeys, undertaken by hackney carriage, are controlled under the rates or fares fixed by the Council and the vehicle must be fitted with a taximeter calibrated to those fares.

### **Passenger Transport Badge Holders**

- 7.40 If a licensed driver holds a badge with Norfolk County Council to carry passengers on school or other contracts, and that badge is suspended or revoked by the County Council, the driver shall notify the Council, in writing, within 72 hours.

### **Smoking and Electronic Cigarettes**

- 7.41 The driver must not smoke, or permit any passenger to smoke, in a licensed vehicle at any time. This includes the use of Electronic Cigarettes (e-cigs), Personal Vaporizers (PV) and Electronic Nicotine Delivery Systems (ENDS) which are also prohibited.

### **Failure to provide Information**

7.42 It is the driver's responsibility to provide the following information throughout the term of their licence:

- DBS check every 3 years;
- Annual DVLA check;
- Medical Certificate in accordance with condition 2.13;

Failure to provide this information throughout the term of the licence may result in the suspension of the driver's licence by officers under delegated authority or referral to the Licensing Sub Committee for determination. Additionally, points may be applied to the driver's NNDC licence in accordance with the NNDC penalty points system.

### **Safeguarding Training**

7.43 All existing licensed drivers and new combined driver applicants will be required to undertake Safeguarding Training as prescribed by the Council.

### **Equalities Act 2010**

7.44 Section 165 of the Equality Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs. The duties are:

- 7.44.1 To carry the passenger while in the wheelchair;
- 7.44.2 Not to make any additional charge for doing so;
- 7.44.3 If the passenger chooses to sit in a passenger seat to carry the wheelchair;
- 7.44.4 To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- 7.44.5 To give the passenger such mobility assistance as is reasonably required.

7.45 For the purpose of Condition 7.44.5 mobility assistance is defined as assistance:

- 7.45.1 To enable the passenger to get into or out of the vehicle;
- 7.45.2 If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- 7.45.3 To load the passenger's luggage into or out of the vehicle;
- 7.45.4 If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

7.46 In the case of hackney carriages, the taximeter must not be running whilst carrying out any of the duties described in Condition 7.44 above.

## **8.0 Private Hire Operators**

### **General Requirements**

- 8.1 A Private Hire Operators Licence shall be valid for a maximum period of five years (unless a shorter period is appropriate). Applicants requiring a shorter licence period must apply in writing stating full reasons why a lesser period is appropriate. The Council will only grant operators licences to those operating from an address within the area of the Council's District to enable any Authorised Officer/Agent access to the premises or any records as required by statutes or conditions.
- 8.2 The applicant for the grant of a new licence will need to obtain a criminal records disclosure to enhanced level as an aid to establishing if an applicant is a suitable person to hold an operator's licence. If a PH/HC Drivers Licence is held an additional Criminal check will not be necessary unless the Disclosure Barring Service Report is out of date.
- 8.3 The applicant must make a declaration (by means of a form or questionnaire provided for the purpose) as to any criminal or motoring convictions recorded or pending against him/her in order to confirm that the applicant is a "fit and proper" person to hold a licence.
- 8.4 An Operator must not include in his trading title any reference to "taxi" or "cab" unless he/she is also the proprietor of a hackney carriage vehicle.
- 8.5 An Operator must ensure that all vehicles and drivers working for them are licensed by North Norfolk District Council. Any operator who employs or permits anyone to drive any licensed vehicle owned by him or her will ensure that a copy of the driver's licence is deposited with him during the period that the driver is employed or permitted to drive. Any vehicle employed or used by an operator must be licensed and the proprietor of the vehicle shall deposit his vehicle licence with the operator during the period that his vehicle is so employed.
- 8.6 When a new driver begins to work under the control of an operator, and when an existing driver leaves, the operator must inform the Council in writing of that change within 7 days.
- 8.7 An Operator must keep records of bookings and produce these to an authorised officer or police officer on request. The content of these will be as prescribed by the Council.
- 8.8 The Operator's licence must be produced on request of an authorised officer or police officer.
- 8.9 An operator must, if possible, accept a booking for a Private Hire vehicle if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him/her.
- 8.10 An operator cannot make an additional charge for the carriage of an assistance dog.
- 8.11 An Operator shall record details of every private hire booking made by him/her. The following information shall be recorded in an easily retrievable method (e.g. computer database or page numbered log) before the commencement of each journey, and shall include the following:
- the date and time of each booking;
  - how the booking was received, i.e. telephone or personal call;
  - the time of pick-up;
  - where journey was from and to;
  - the name, address and contact telephone number of the hirer;

- the private hire vehicle licence plate number of the vehicle allocated the booking;
  - the name of the driver allocated the booking.
- 8.12 In addition to the requirement of Condition 8.11 above, an operator of a special event vehicle must also record the nature of the special event i.e. why was a special event vehicle booked.
- 8.13 The records shall be kept for a period of three years, or such longer period as is required by an Authorised Officer of the Council.
- 8.14 The records shall be produced, on request, to any Police Officer or Authorised Officer of the Council.
- 8.15 An Operator shall maintain at his premises details of all vehicles operated by him, which shall include the following:
- the Private Hire licence plate number;
  - the vehicle registration number;
  - the name and address of the proprietor of the vehicle;
  - the name(s) and address(es) of the driver(s) of the vehicles(s);
  - the badge number(s) of the driver(s).
- The above records shall be produced on request to any Authorised Officer of the Council or Police Officer.
- 8.16 No operator shall invite or accept a private hire vehicle booking or control or arrange a journey to be undertaken by a private hire vehicle without first making available the charge for the hire of the vehicle to the person making the booking. The charge can be notified in writing or verbally.
- 8.17 The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times. This includes the following:
- 8.17.1 Ensure that when a private hire vehicle has been hired to attend at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, attend punctually at the appointed time and place.
- 8.17.2 Keep clean, adequately heated, ventilated and lit any premises which the operator provides to which the public have access, whether for the purpose of booking or waiting.
- 8.17.3 Ensure that any waiting area provided by the operator has adequate seating facilities.
- 8.17.4 Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- 8.18 An Operator shall undertake to ensure that all drivers and vehicles owned, controlled or operated by them shall be licensed and comply with all the conditions of their driver's licence and/or Private Hire Vehicle licence.
- 8.19 The Equality Act 2010 makes it an offence for a private hire operator to fail or refuse to take a booking for a private hire vehicle;
- if the booking is requested by or on behalf of a disabled person, or a person who wishes a disabled person to accompany him; and
  - the reason for the failure or refusal is that the disabled person will be accompanied by his assistance dog.

This is subject to medical exemption certificates and it is also an offence for the operator to make any additional charge as a result of the need to carry an assistance dog.

- 8.20 An applicant for an operator's licence is required to provide proof of planning permission for the address where the business is to operate from and any other area offices/depots/booking offices
- 8.21 In the case of operators who invite the public to make bookings in person at a premises, the prospective premises must be clean, adequately heated, ventilated and lit both for bookings and waiting and have adequate seating facilities
- 8.22 An applicant is required to provide proof of holding a radio transmission licence (and planning permission for any aerial) if the operator uses such radios.

### **Complaints**

- 8.23 An Operator shall maintain a log detailing any complaints received from customers. This shall be available for inspection by any authorised officer or police officer upon request. The log must provide the complainant's name/address/complaint details and any action taken against driver/vehicle proprietor.

### **Change of Address**

- 8.24 The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.

### **Convictions**

- 8.25 The operator shall notify the Council in writing if he/she receives any summons, charge, conviction, caution, formal notice or fixed penalty notice within seven days of receiving such. The written notification should include the following details:
- Offence /alleged offence;
  - Date, place & time offence/alleged offence;
  - Punishment e.g. fine, penalty points etc.
- 8.26 Depending on the circumstances or the number of penalty points accrued on their DVLA driver's licence (if held), operators may be referred to a Licensing Sub Committee. In doing so, the Committee must have regard to all convictions, police cautions, charges, driving convictions, complaints of unacceptable conduct/behaviour, breach of licence conditions and other convictions obtained during the course of a Licence.
- 8.27 Operators should be aware that if they fail to comply with condition 8.25 above, it may prevent the Council from renewing their licence under delegated authority.

### **Duties of Operators**

- 8.28 The Operator shall provide a suitable number of parking spaces for vehicles awaiting allocation for the conveyance of passengers. These parking spaces must be notified to the Public Protection Team at the time of any application or at any time there is a change in these arrangements. The Operator shall ensure that no vehicle, being operated by him, shall at any time park in a position where parking restrictions are in place, at that time, any breach of this condition will be contrary to Section 55 (3) of the Act.



8.29 Operators must ensure that non-licensed staff, i.e. controllers, cleaners etc. behave in a civilised and appropriate manner when involved in the operation of the business.

## **9.0 Hackney Carriage Byelaws**

9.1 Made Under THE TOWN POLICE CLAUSES ACT 1847 &1889 and THE PUBLIC HEALTH ACT 1875 (As Amended)

**For regulating the conduct of the proprietors and drivers of hackney carriages plying for hire within the District in their employment, and determining whether such drivers shall wear any or what badges.**

9.2 The driver of a hackney carriage shall:

- 9.2.1 if the taximeter is fitted with a flag or other device bearing the words 'for hire'
- when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
  - as soon as the carriage is hired, whether by distance or by time and before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible, and keep the machinery of the taximeter in action until the termination of the hiring;
  - calculate the fare or charge from the point at which the hirer commences their journey at a rate of fare or charge not greater than that fixed by the Council;

- 9.2.2 if the taximeter is not fitted with a flag or other device bearing the words 'for hire'
- when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter, and operate a sign which shall bear the words 'for hire' in plain letters at least 3.8cms (1.5ins) in height and capable of being operated so that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire;
  - as soon as the carriage is hired, whether by distance or by time, operate the said sign so that the words 'for hire' are not conveniently legible by persons outside the carriage;
  - as soon as the carriage is hired by distance and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for that purpose, 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;
  - calculate the fare or charge from the point at which the hirer commences their journey at a rate or charge not greater than that fixed by the Council;

9.3 The taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for that purpose of the Road Traffic Act 1972 and at any other time at the request of the hirer.

9.4 The driver or proprietor 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 its seals. Vehicles must be presented for inspection following any adjustments or repairs to the taximeter.

9.5 The driver of a hackney carriage shall ensure that a statement of rates or fares currently in force in the District of North Norfolk shall be displayed at all times and shall not wilfully

or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time whilst the carriage is plying for or being used for hire.

- 9.6 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 most practical route and shall not, without reasonable cause, unnecessarily prolong in distance or in time the journey for which the carriage has been hired.
- 9.7 The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:
- proceed with reasonable speed to one of the ranks appointed by the Council
  - if a stand at the time of their arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand
  - on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage behind the carriage or carriages on the stand so as to face the same direction
  - from time to time, when any other carriage immediately in front is driven off or moved forward, drive the carriage forward to fill the place previously occupied by the carriage driven off or moved forward.
- 9.8 The proprietor or driver of a hackney carriage when standing or plying for hire, shall not be calling out or otherwise importune any person to hire such carriage and shall not make use of the services of any other person for that purpose.
- 9.9 The 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.
- 9.10 Every proprietor or driver of a hackney carriage shall, at all times when standing, plying, or driving for hire, conduct himself in an orderly manner, and with civility and propriety towards every person seeking to hire, or hiring, or being conveyed in such carriage and shall comply with every reasonable requirement of any person hiring, or being conveyed in such carriage.
- 9.11 The driver of a hackney carriage shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 9.12 The driver of a hackney carriage shall, when requested by any person hiring or seeking to hire the vehicle:
- carry a reasonable quantity of luggage;
  - afford reasonable assistance in loading and unloading;
  - afford reasonable assistance in removing the luggage to and from the entrance of any premises or other place on which he might take up or set down such person.
- 9.13 The proprietor or driver of a hackney carriage 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 the vehicle at the appointed time and place.
- 9.14 The driver of a hackney carriage shall, when standing or plying for hire and when hired or when driving the vehicle (as appropriate), wear in a conspicuous position to be plainly and distinctly visible, by the passenger, the drivers badge issued to him by the Council.

- 9.15 Any driver who knowingly carries in the vehicle, the dead body of any person shall immediately thereafter notify the fact to:

PHE East of England HPT (Norfolk)  
Public Health England  
Council Offices  
College Heath Road  
Mildenhall  
Suffolk  
Norfolk  
IP28 7EY

Email: EastofEnglandHPT@phe.gov.uk; phe.EoEHPT@nhs.net

Telephone: 0300 303 8537

### **Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages**

- 9.16 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.
- 9.17 The proprietor or driver of a hackney carriage shall, if any property accidentally left in the vehicle by any person, who may have conveyed therein, is found by or handed to the driver, it shall be reported to the Police via telephoning 101 and obtaining a report number. It shall be taken as soon as possible and in any event within 72 hours (if not claimed by or on behalf of its owner) to a convenient police station and left in the custody of the officer in charge and a receipt obtained for it.

### **Penalties**

- 9.18 Every person who shall offend against any of these bylaws shall be liable, on summary conviction, to a fine not exceeding level two (2), and in the case of a continuing offence to a further fine not exceeding two pounds (£2) for each day during which the offence continued after such conviction thereof.

### **10.0 Penalty Points System**

- 10.1 North Norfolk District Council operates a local penalty points scheme. This is a separate scheme to that which operates under the Road Traffic Offenders Act 1988.
- 10.2 Penalty points can be imposed on the drivers of Private Hire Vehicles and Hackney Carriages, proprietors of vehicles and Operators of Private Hire Vehicles are shown below. This system is designed for the public interest, as an aid to ensure continued public safety and to give the individual concerned a chance to rectify any relatively minor breaches of licence conditions without the need for the Council to resort straight to suspension/revocation or prosecution.
- 10.3 Drivers aggrieved by the imposition of penalty points on their hackney carriage /private hire drivers licence may appeal in writing to the Licensing Manager within 21 days of the notification of points awarded and have the matter considered by the Councils Licensing Sub Committee.

10.4 If an individual concerned accrues a total of 12 local penalty points within a 3-year period then he/she will automatically be referred to the Licensing Sub Committee of the Council to show just cause why their licence should continue.

10.5 The following list, whilst not exhaustive, details the number of penalty points that will be awarded for the infringements shown:

<b>DC Code</b>	<b>Infringement</b>	<b>Penalty Points</b>
<b>PP1</b>	Failing to have a Private Hire Driver or Hackney Carriage Driver badge in his possession whilst driving a licensed vehicle	3
<b>PP2</b>	Not having an appropriate Fire Extinguisher and/or first aid kit in the vehicle	3
<b>PP3</b>	Failing to notify the Licensing Office, in writing within 7 days, of a change to name and/or address	3
<b>PP4</b>	Failing to carry Licensing Handbook whilst driving a licensed vehicle	3
<b>PP5</b>	Failing to display any Plates, Signs or Notices required by North Norfolk District Council	3
<b>PP6</b>	Failing to deal with lost property in the correct manner	3
<b>PP7</b>	Private Hire Operator/HC Proprietor failing to notify the Licensing Office of any complaints received	3
<b>PP8</b>	Failing to attend the Council Offices when directed by an authorised officer	3
<b>PP9</b>	The issue of an Unfit vehicle notice for any reason other than for an accident	3
<b>PP10</b>	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	3
<b>PP11</b>	Failing to attend at appointed time and place without sufficient cause	3
<b>PP12</b>	Failing to display fare card (Hackney carriage)	3
<b>PP13</b>	Parking/Stopping contrary to authorised road markings	3
<b>PP14</b>	Parking/Stopping with one or more wheels on the pavement – in avoidable circumstances where obstruction has been caused	3
<b>PP15</b>	Failing to notify the Licensing Office, in writing within 7 days, of any charges, summons, penalty points, cautions or convictions being imposed	4
<b>PP16</b>	Failing to produce a relevant documentation within 7 days of request	4
<b>PP17</b>	Failing to notify the Licensing Office, in writing within 72 hours, of being involved in an accident	4
<b>PP18</b>	Leaving a vehicle unattended on the rank	4
<b>PP19</b>	Private Hire Operator failing to maintain their records in the correct format	4
<b>PP20</b>	Licensed vehicle not carrying a spare wheel, space saver or tyre weld that is capable of being used.	4
<b>PP21</b>	Using a mobile phone, radio hand set, eating or drinking whilst the vehicle is in motion unless specifically exempted by law	6
<b>PP22</b>	Displaying any feature on a private hire vehicle which would suggest it is a taxi	6
<b>PP23</b>	Failing to carry an assistance dog without requisite exemption	6
<b>PP24</b>	Using a unlicensed vehicle	6
<b>PP25</b>	Private Hire drivers touting for business	6
<b>PP26</b>	Failing to notify the Licensing Office of any change in medical fitness to drive	6
<b>PP27</b>	Failure to produce the 6 monthly Compliance check	4

<b>DC Code</b>	<b>Infringement</b>	<b>Penalty Points</b>
<b>PP28</b>	Failure to report to the authority the transfer of a private hire vehicle licence or a hackney carriage vehicle licence within 14 days of transfer.	4
<b>PP29</b>	Failure to return vehicle licence plate within 7 days after due notice following expiry, revocation or suspension of such licence	4
<b>PP30</b>	Failing to notify Licensing Team of a change in private hire operator.	4
<b>PP31</b>	Wheelchair accessible hackney carriage fails to carry ramps for loading disabled persons wheelchair	6
<b>PP32</b>	Driver smoking in the vehicle	3
<b>PP33</b>	Failure to display official 'no smoking' sign in vehicle	3
<b>PP34</b>	Licensed vehicle displaying unauthorised markings (inside or out)	3
<b>PP35</b>	Sounding the vehicle horn to announce arrival or tout for business	3
<b>PP36</b>	Defective vehicle, i.e. headlight not working	3
<b>PP37</b>	Defective vehicle, i.e. bald tyre	6
<b>PP38</b>	Failure to comply with legislation pertaining to hackney carriage and private hire licensing.	3-6
<b>PP39</b>	Failure to conform with the Road Traffic Act	3-6
<b>PP40</b>	Failure of Private Hire Operator to provide annual list of vehicles and drivers	3
<b>PP41</b>	Eating or drinking in the vehicle without consent of the passenger(s)	3

10.6 In appropriate cases, additional penalty points to those specified above may be imposed by a Panel of the Licensing Sub Committee following a hearing when they have considered the circumstances of an individual case

**11.0 Summary of Offences**

<b>Town Police Clauses Act 1847</b>	
<i>Section</i>	<i>Offence</i>
40	Giving false information on application for hackney carriage proprietor's licence
44	Failure to notify change of address of hackney carriage proprietor
45	Plying for hire without a hackney carriage proprietor's licence
47	Hackney driver acting without licence, or proprietors employing unlicensed drivers
52	Failure to display hackney carriage plate
53	Refusal to take a fare
54	Charging more than the agreed fare
55	Obtaining more than the legal fare
56	Travelling less than the lawful distance for an agreed fare
57	Failing to wait after a deposit to wait has been paid
58	Charging more than the legal fare
59	Carrying other person than the hirer without consent
60	Driving a hackney carriage without proprietor's consent
60	Person allowing another to drive a hackney carriage without proprietor's consent
61	Penalty for drunkenness, furious driving, etc. of hackney carriage.
62	Driver leaving hackney carriage unattended
64	Hackney carriage driver obstructing other hackney carriages
<b>Local Government (Miscellaneous Provisions) Act 1976</b>	
<b><u>Hackney Carriage Provisions</u></b>	
49	Failure to notify transfer of hackney carriage proprietor's licence
50(1)	Failure to present hackney carriage for inspection as required
50(2)	Failure to inform Local Authority where hackney carriage is stored if requested
50(3)	Failure to report an accident to Local Authority
50(4)	Failure to produce hackney carriage proprietor's licence and insurance certificate
53(3)	Failure to produce hackney carriage driver's licence
57	Making false statement or withholding information to obtain hackney carriage driver's licence
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of hackney carriage proprietor's licence
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew
64	Permitting any vehicle other than hackney carriage to wait on a hackney carriage stand
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement
67	Charging more than the meter fare when hackney carriage used as private hire vehicle
69	Unnecessarily prolonging a journey
71	Interfering with a taximeter
73(1)(a)	Obstruction of authorised officer or constable
73(1)(b)	Failure to comply with requirement of authorised officer or constable
73(1)(c)	Failure to give information or assistance to authorised officer or constable
<b>Local Government (Miscellaneous Provisions) Act 1976</b>	
<b><u>Private Hire Provisions</u></b>	
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle

46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver
48(6)	Failure to display private hire vehicle plate
49	Failure to notify transfer of private hire vehicle licence
50(1)	Failure to present private hire vehicle for inspection as required
50(2)	Failure to inform local authority where private hire vehicle is stored if requested
50(3)	Failure to report an accident to local authority
50(4)	Failure to produce private hire vehicle licence and insurance certificate
53(3)	Failure to produce private hire driver's licence
54(2)	Failure to wear private hire driver's badge
56(2)	Failure by private hire operator to keep records of bookings
56(3)	Failure by private hire operator to keep records of private hire vehicles operated by him
56(4)	Failure to produce private hire operator's licence on request
57	Making false statement or withholding information to obtain private hire driver's or operator's licence
58(2)	Failure to return plate after notice given after expiry, revocation or suspension of private hire vehicle licence
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew
67	Charging more than the meter fare when hackney carriage used as private hire vehicle
69	Unnecessarily prolonging a journey
71	Interfering with a taximeter
73(1)(a)	Obstruction of authorised officer or constable
73(1)(b)	Failure to comply with requirement of authorised officer or constable
73(1)(c)	Failure to give information or assistance to authorised officer or constable

**Annex A**



**Hackney Carriage or Private Hire Vehicle  
 Incident/Accident Report Form**

<b>1</b>	<b>Reporting of Incident/Accident</b>	
1.1	Name of person reporting incident/accident	
1.2	Date of reporting incident/accident	

<b>2</b>	<b>Licensed Vehicle damaged</b>	
2.1	Make and model	
2.2	Registration number	
2.3	HCV/PHV Plate No	
2.4	Name of Vehicle Owner	
2.5	Name of Driver	

<b>3</b>	<b>Incident/Accident Details</b>	
3.1	Time	
3.2	Date	
3.3	Location	
3.4	Brief circumstances of accident	
3.5	Passengers in vehicle at time of accident	Yes <input type="checkbox"/> No <input type="checkbox"/>
3.6	Injuries sustained to passengers/driver	Yes <input type="checkbox"/> No <input type="checkbox"/>
3.7	Give further details of injuries sustained	

<b>4</b>	<b>Details of any other vehicle(s) involved</b>	
4.1	Make and model	
4.2	Registration Number	

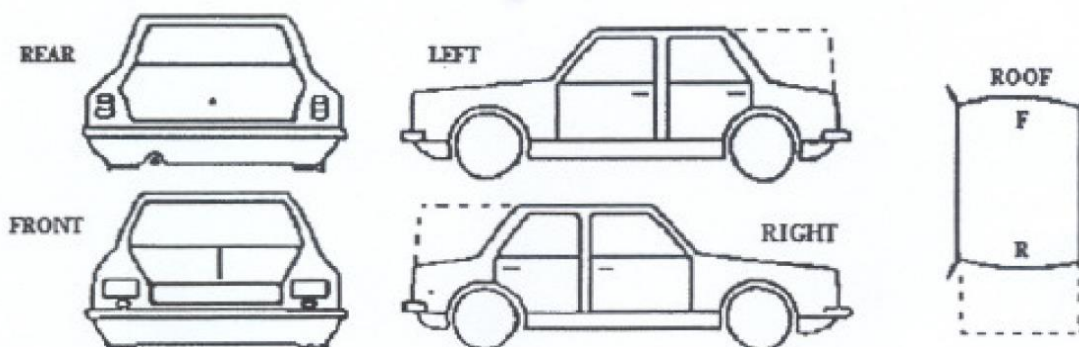
<b>5</b>	<b>Details of any other driver(s) involved</b>	
5.1	Name	
5.2	Address	



Details of any damage to Property	
6.1	Was there any damage to property/structure(s) <span style="float: right;">Yes <input type="checkbox"/></span> <span style="float: right;">No <input type="checkbox"/></span>
6.2	If yes, give address of property/structure(s)
6.3	Give further details of damage

7 Police Assistance	
7.1	Police attendance <span style="float: right;">Yes <input type="checkbox"/></span> <span style="float: right;">No <input type="checkbox"/></span>
7.2	Name of Officer
7.3	Where stationed

<b>8</b>	<b>Indicate areas of damage on licensed vehicle</b>
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9 Provide photo(s) showing all damage to the vehicle	
9.1	Method of submission <span style="float: right;">Paper hard copy <input type="checkbox"/></span> <span style="float: right;">Email – electronic as JPEG <input type="checkbox"/></span>
9.2	Date photo(s) taken

10 Inspection of Vehicle	
10.1	Date vehicle booked for inspection at testing station
10.2	Name of testing station

11 Insurance	
11.1	Will your insurance company be undertaking the repairs to this vehicle <span style="float: right;">Yes <input type="checkbox"/></span> <span style="float: right;">No <input type="checkbox"/></span>
11.2	If Yes, do you have an estimated timeframe, from insurance company, for completion of the repairs?

Annex B

## Guidelines Relating to the Relevance of Convictions Hackney Carriage & Private Hire Licensing

### 1.0 Introduction

- 1.1 The purpose of these guidelines is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper and safe and suitable person;
  - That the person does not pose a threat to the public;
  - That the public are safeguarded from dishonest persons;
  - The safeguarding of children, vulnerable and young persons.
- 1.3 This document provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for Drivers' licences;
  - Existing Licenced Drivers whose licences are being reviewed;
  - Applicants for Private Hire Operator licenses;
  - Licensing Officers;
  - Members of the Licensing Committee;
  - Magistrates hearing appeals against Local Authority decisions.
- 1.4 Where Licensing Officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Sub Committee. Whilst Officers and the Committee will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the Committee/Officer may depart from the guidelines.**

### 2.0 General guidelines

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- 2.2.1 Remain free of conviction for an appropriate period; and
- 2.2.2 Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

- 2.3 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

### **3.0 Appeals**

- 3.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied he/she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of receipt of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

### **4.0 Powers**

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 4.3 In this policy the term "disqualification" refers to the period served. In order to take account of the fact that a court may reduce the period of disqualification from driving, an applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.
- 4.4 It should be noted that "any reasonable cause" includes conduct falling short of a criminal conviction(s).

### **5.0 Consideration of Disclosed Criminal History**

- 5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:
- How relevant the offence(s) are to the licence being applied for;
  - How serious the offence(s) were;
  - When the offence(s) were committed;
  - The date of conviction;
  - Circumstances of the individual concerned;
  - Sentence imposed by the court;
  - The applicant's age at the time of conviction;
  - Whether they form part of a pattern of offending;
  - Any other character check considered reasonable (e.g. personal references);
  - Any other factors that might be relevant.

- 5.2 Existing holders of driver licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Public Protection Team - Licensing in confidence for advice.
- 5.4 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police or other agencies.
- 5.5 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 5.6 It should be noted that the determination of whether an applicant is “fit and proper” or safe and suitable includes consideration of conduct falling short of a criminal conviction.

## **6.0 Offences involving Violence, Disorder and Damage to Property**

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence, disorder or criminal damage. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
- 6.2 Any one with a conviction for an offence involving violence, disorder or damage to property will normally be expected to remain free of such convictions for a period of at least 3 years. However, given the range of the offences, consideration must be given to the nature of the conviction. A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence involving violence or disorder.
- 6.3 In the most serious cases, an application will be refused unless there are exceptional circumstances. A licence will **not** normally be granted where the applicant has a conviction for an offence such as:
- Murder;
  - Manslaughter;
  - Manslaughter or culpable homicide while driving;
  - Terrorism offences;
  - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.
- 6.4 An application will normally be refused if the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date on which the application is determined by the authority:
- Arson;
  - Malicious wounding or grievous bodily harm;
  - Actual bodily harm;
  - Grievous bodily harm with intent;
  - Robbery;
  - Possession of firearm;
  - Riot;
  - Violent disorder;

- Any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.
- 6.5 An application will normally be refused if the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date on which the application is determined by the authority:
- Common assault;
  - Assault occasioning actual bodily harm;
  - Affray;
  - Aggravated criminal damage;
  - Any racially aggravated offence;
  - Resisting arrest;
  - Assault police;
  - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.
- 6.6 An application will normally be refused if an applicant has a conviction for an offence or similar offences(s) which replace the offences below and the conviction is less than 3 years prior to the date on which the application is determined by the authority:
- S.5 Public Order Act 1986 offence (harassment, alarm or distress);
  - S.4 Public Order Act 1986 offence (fear of provocation of violence);
  - S.4A Public Order Act 1986 offence (intentional harassment, alarm or distress);
  - Obstruction;
  - Criminal damage;
  - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.
- 6.7 A person bound over to keep the peace or be of good behaviour will not normally be granted a licence within the period of the recognisance e.g. where a person is bound over for 6 months, they will not normally be licensed within that 6-month period.
- 6.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.
- 7.0 Possession of a Weapon**
- 7.1 A conviction for possession of a weapon or any other weapon related offence will raise serious concerns as to the fitness of the applicant to carry the public.
- 7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.
- 8.0 Sex and Indecency Offences**
- 8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will normally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 15 years) free of conviction for such offences before a licence will be granted.
- 8.2 Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
- Rape;

- Assault by penetration;
  - Offences involving children or vulnerable adults;
  - Or any similar offences (including attempted or conspiracy to commit) which replace the above.
- 8.3 An application will normally be refused if the applicant has a conviction for an offence listed below and the applicant has not been free of such conviction for at least 15 years:
- Sexual assault;
  - Indecent assault;
  - Possession of indecent photographs, child pornography etc.;
  - Exploitation of prostitution;
  - Trafficking for sexual exploitation;
  - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above;
- 8.4 An application will normally be refused if the applicant has a conviction for an offence listed below and the applicant has not been free of such conviction for at least 5 years:
- Indecent exposure;
  - Soliciting (kerb crawling);
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- 8.5 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.
- 8.6 A licence will not normally be granted if an applicant has more than one conviction for a sex or indecency offence.

## **9.0 Dishonesty**

- 9.1 A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.
- 9.2 In general, a minimum period of 3 years free of conviction Offences involving dishonesty include:
- Theft;
  - Burglary;
  - Fraud;
  - Benefit fraud;
  - Handling or receiving stolen goods;
  - Forgery;
  - Conspiracy to defraud;
  - Obtaining money or property by deception;
  - Other deception;
  - Taking a vehicle without consent;
  - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.

## **10.0 Drugs**

- 10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
- 10.2 An application will normally be refused where the applicant has a conviction for an offence related to the **supply of drugs** and has not been free of such conviction for 10 years.
- 10.3 An application will normally be refused where the applicant has more than one conviction for offences related to the **possession of drugs** and has not been free of conviction for 5 years.
- 10.4 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 10.5 If there is evidence of persistent drugs use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict, then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

## **11.0 Minor and Major Traffic Offences**

### *Minor*

- 11.1 Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc. may prevent a person from being granted a hackney carriage or private hire drivers licence if they have received more than 2 motoring convictions within the last 2 years.
- 11.2 The accumulation of 9 or more penalty points will cast grave doubts on the suitability of the applicant and could lead to the refusal of the application.

### *Major*

- 11.3 A serious view will be taken of any conviction for a major traffic offence, this includes:
- Causing death by dangerous driving;
  - Dangerous driving;
  - Causing death by careless driving whilst under the influence of drink or drugs;
  - Causing death by careless or inconsiderate driving;
  - Careless and inconsiderate driving;
  - Driving under the influence of drink or drugs etc.;
  - Driving whilst disqualified;
  - Using a vehicle without insurance;
  - Offences contrary to the taxi licensing legislation;
  - Or any similar offences (including attempted or conspiracy to commit) or an offence which replaces the above.
- 11.4 These guidelines make specific provision for certain types of major traffic offences to reflect the seriousness of those convictions. In the case of major traffic offences where no such specific provision is made and paragraph 14 (Disqualification) does not apply, an application will normally be refused unless a period of at least 3 years free from conviction of such offences has elapsed.

## **12.0 Driving Offences involving the Loss of Life**

- 12.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not normally be granted unless the applicant is free of conviction for 7 years if he/she has a conviction for:
- Causing death by dangerous driving;
  - Causing death by careless driving whilst under the influence of drink or drugs;
  - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.
- 12.2 Before a licence is granted, an applicant should be free of conviction for 3 years, if he/she has a conviction for:
- Causing death by careless driving;
  - Causing death by driving: unlicensed, disqualified or uninsured drivers;
  - Or any similar offences (including attempted or conspiracy to commit) or any offences which replace the above.

## **13.0 Drink Driving/Driving under the Influence of Drugs**

- 13.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs.
- 13.2 An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending and he must comply with the rehabilitation period below.
- 13.3 More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.
- 13.4 At least 3 years free of conviction, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

## **14.0 Disqualification**

- 14.1 Where an applicant has been disqualified from driving following a conviction for a major traffic offence and no specific provision is made above regarding the appropriate rehabilitation period, the application will generally be refused unless a period of between 3 and 5 years free from conviction has elapsed from the restoration of the DVLA licence.
- 14.2 Where convictions for a number of minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 12 months free from conviction must have elapsed from the restoration of the DVLA licence.
- 14.3 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the Council is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.
- 14.4 Any period of disqualification will lead to the suspension/ revocation of a licence.



### **15.0 Insurance Offences**

- 15.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily prevent a licence being granted provided he/she has been free of such conviction for 3 years; however, a strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.
- 15.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for 3 years.

### **16.0 Cautions**

- 16.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.
- 16.2 If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to his/her future conduct.
- 16.3 Cautions for more serious offences could lead to refusal of an application or the suspension or revocation of a licence.

### **17.0 Outstanding Charges or Summonses**

- 17.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 17.2 If the outstanding charge or summons involves a serious offence, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.
- 17.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, S52, 2(a)&2(b)]

### **18.0 Licensing Offences**

- 18.1 Convictions for offences contrary to taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed unless the applicant has been free of such convictions for a period of at least 3 years.

### **19.0 Licences issued by other Licensing Authorities**

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

**20.0 Summary**

- 20.1 To summarise, a motoring/criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 15 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
- 20.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.
- 20.3 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

**Annex C**

**Immediate revocation and suspension of Hackney Carriage and Private Hire Drivers licences**

The Council has adopted a procedure to revoke a driver’s licence with immediate effect where the interests of public safety require such course of action. The delegated authority states that the Head Environmental Health, in consultation with the Chair (or Vice Chair) of Licensing and Appeals Committee, be authorised to immediately revoke a hackney carriage and/or private hire vehicle driver’s licence where it is considered to be urgently necessary to safeguard the public. The flowchart below sets out the procedure adopted:

