



## **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2012 - 2015**

### **Summary, Definitions & Interpretation**

#### **1. For ease of reference the main proposals contained in this draft document are to:**

- Consider all current policies in the light of the Department of Transport Best Practice Guidance and, so far as is possible and consistent with that document make appropriate and necessary adjustments
- Revise the specification of licensed vehicles
- Revise the 'penalty points' system to deal with breaches of licence conditions etc
- Justification of requirement for the submission of enhanced CRB checks, despite guidance from the Criminal Records Bureau

#### **2. Throughout this document:**

- 'The Council' or 'The Authority' means Gravesham Borough Council
- 'Vehicle' or 'Licensed Vehicle' means both a Hackney Carriage and Private Hire Vehicle
- 'Hackney Carriage' means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council.
- 'Private Hire vehicle' means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward by prior booking.
- 'Private Hire Operator' means a person who makes provision for the acceptance of Private Hire bookings to undertake themselves or pass to others to undertake
- 'The DfT' means the Department for Transport, including previous names under which that department has been known
- DVLA means the Driver and Vehicle Licensing Agency
- 'The DfT Guidance' means The Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010
- ECMT-IRU means the European Conference of Ministers of Transport and the International Road Transport Union
- 'The Committee' means the Regulatory Board of the Council
- The term 'DVLA driving licence' means a full original GB driving licence
- The term 'Proprietor' means the owner of the licensed vehicle – this may not necessarily be the driver of the vehicle

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## **1.0 Introduction**

### **1.1 Powers and Duties**

1.1.1 This Statement of Licensing Policy is written pursuant to the powers conferred by the Town Police Clauses Act 1847 (as amended), and the Local Government (Miscellaneous Provisions) Act 1976 (as amended) which places on Gravesham Borough Council (the “Licensing Authority”) the duty to carry out its licensing functions as to hackney carriage and private hire vehicles and drivers.

1.1.2 In undertaking its licensing function, the Council will also have regard to other relevant legislation (and any legislation replacing or amending the same or any regulations made thereunder) including:

- Transport Act 1985
- Road Vehicles (Constructions and Use) Regulations 1986.
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Disability Discrimination Act 1995
- Health Act 2006 and Smoke-free Regulations 2006/7
- Legislative and Regulatory Reform Act 2006
- Road Safety Act 2006
- Road Traffic Acts
- Health & Safety (First Aid) Regulations 1981
- Equalities Act 2010

### **1.2 Background to Policy**

1.2.1 The Department of Transport (Dft) has national responsibility for hackney carriage and private hire legislation in England and Wales.

1.2.2 In 2006 the Dft produced a Best Practice Guidance to assist local authorities with the regulation of the hackney carriage and private hire trades. It was directed at local authorities “to decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. There was recognition, within the document, that is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations.

1.2.3 In 2010 the Dft’s Guidance was updated and this policy revision takes the 2010 version into account.

1.2.4 In the light of this and in order for Gravesham Borough Council to maintain a modern, forward thinking licensing function by adopting this licensing policy recognition is given to both the needs of residents for safe, healthy, convenient and effective taxi transport while facilitating a sustainable taxi industry and the importance of this provision to the local economy and vibrancy of the borough. The hackney carriage and private hire industry within the Council’s area is comprehensive and provides its population with a good service. This policy builds on the industry’s existing strengths and on the 2009 policy.

1.2.5 This Hackney Carriage and Private Hire Vehicle Licensing policy is also intended to ensure that both the trade and the public have a document that fully explains the licensing procedures in a clear and transparent manner. The policy sets out what is considered to be best practice in terms of hackney carriage and private hire licensing. It does not seek to cover the whole range of possible licensing requirements. Instead it

seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance.

1.2.6 The Council sees the licensing process as an integral part to its approach to achieving its strategic and corporate objectives which encompasses the visionary goals of:

- Keeping Gravesham safe
- Engaging and empowering communities within the Borough
- Driving the economic development of the borough
- Ensuring a strong customer focus and delivering quality frontline services

1.2.7 The Council currently licenses approximately 175 hackney carriages and 37 private hire vehicles. There are approximately 190 hackney carriage drivers and 31 private hire drivers.

### **1.3 Objectives**

1.3.1 Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where other public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

1.3.2 In setting out its policy, Gravesham Borough Council seeks to promote the following:

- (i) The protection of the health and safety of the public and of licensed drivers
- (ii) The prevention of crime and disorder and protection of customers and drivers from being the victims of crime
- (iii) The provision of a professional and respected hackney carriage and private hire trade, by continued partnership working with the trade and also by monitoring and improvement of their required standards of service
- (iv) Vehicle safety and the provision of assistance with public access to an efficient and effective public transport service

1.3.3 The aim of the licensing process in this context is to regulate the hackney carriage and private hire trade in order to promote the above objectives. It is the Licensing Authority’s wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public.

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

1.3.5 This policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This is also in accordance with the Regulator’s Compliance Code. However, despite the existence of this policy, each application or enforcement measure shall be considered on its own merits. In certain instances we may conclude that a provision in the policy or code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the policy or code will be properly reasoned, based on material evidence and documented giving clear and compelling reasons for so doing.

1.3.6 The Council acknowledges that the current fleet of hackney carriages and private hire vehicles and drivers generally set a very high standard of appearance and performance of which the Council is proud. Whilst the number of occasions where suspension,

revocation or prosecution are very rare, this Policy seeks to reinforce the existing high standards for all new licence holders joining the trade In Gravesham and emphasise the full range of enforcement options available should they be needed.

## **1.4 Consultation and Implementation**

1.4.1 In drawing up this policy, Gravesham Borough Council has consulted with the following

- Representatives of the hackney carriage and private hire trade
- Kent County Constabulary
- Kent County Council Highways department
- Kent County Council (Schools contracts)
- Vehicle and Operator Services Agency
- Disabled Persons Transport Advisory Committee
- Local businesses and their representatives
- Local residents and their representatives
- Gravesend Town Centre management
- Parish Councils

1.4.2 It is anticipated that, subject to a full consultation process, this policy will take effect from 1st May 2012. This policy will be formally reviewed at least every three years. It will also be informally re-evaluated from time to time in the context of social and economic changes, the continued development of the Borough and any relevant representations arising from this.

1.4.3 Upon implementation of this policy, the Authority expects licence-holders to comply with its terms immediately.

## **2. Vehicles**

### **2.1 Limitation of Numbers**

2.1.1 The present legal provisions on quantity restrictions for hackney carriage vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages “if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet”. In the event of a challenge to a decision to refuse a licence on these grounds, it would, therefore, have to be established that the authority had been reasonably satisfied that there was no significant unmet demand.

2.1.2 Many local licensing authorities do not impose any quantity restrictions on hackney vehicles and the DoT regards this as best practice. Where restrictions are imposed, licensing authorities are urged to regularly reconsider the matter, taking into account whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of those who use the services of such vehicles. The over-riding principles are the benefit to be achieved for them by the continuation of controls and how they might benefit if the controls were removed. Evidence should be sought as to whether removal of the controls would result in a clear and unambiguous deterioration in the amount or quality of service provision.

2.1.3 Where quantity restrictions are imposed, vehicle licence plates command a premium, often of thousands of pounds. This tends to suggest that there are people who want to enter the market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions.

- 2.1.4 If the local authority were to take the view that a quantity restriction can be justified in principle, the Guidance advises that the level at which the limit should be set is addressed by means of a survey.
- 2.1.5 The Council does not intend to set a limit on the number of hackney carriages which it licences. The reason for this stance is that in July 2011 the taxi drivers were canvassed to assess whether there was a strong desire within the trade for a survey to be undertaken, on the understanding that because Gravesham Council has to be prudent with the finances it administers, the trade would be required to fund surveys through increased licence fees. Of the 33% of drivers who responded to this consultation the majority of drivers were against the commissioning of such a survey
- 2.1.6 No powers exist for licensing authorities to limit the number of private hire vehicles which they license.
- 2.1.7 The policy takes into account the repeal of the private hire contract exemption and the possibility of an increase in the number of private hire vehicles and drivers.

## **2.2 Specifications and Conditions**

- 2.2.1 Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles.
- 2.2.2 The Best Practice Guidance suggests that local Licensing Authorities should adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice which can be shown to meet basic criteria. In that way, emerging new designs for vehicles can be readily taken into account
- 2.2.3 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licences. Hackney carriages and private hire vehicles provide a necessary service to the public, so it is appropriate to set standards for the external and internal condition of the vehicles, provided that the standards are reasonable and proportionate.

**APPENDIX A** sets out the minimum standards of vehicle specification, which apply in respect of all licensed vehicle applications.

## **2.3 Accessibility**

- 2.3.1 Gravesham Borough Council is committed to social inclusion and ensuring a wide range of opportunities is available to disabled residents to enjoy a high quality of life. Without the ability to travel, people with disabilities are denied access to life opportunities. Their access to education, shopping, employment, healthcare as well as social and family life is significantly improved when journeys become accessible. For this reason, the Council considers it important that people with disabilities have access to all forms of public transportation. Accessibility is an important consideration in respect of vehicles licensed as hackney carriages. Gravesham Borough Council will therefore keep this section of the policy constantly under review.
- 2.3.2 The Council is aware of the government's proposals to implement the provisions of the Disability Discrimination Act 1995 in relation to hackney carriages (it does not apply to private hire vehicles). The Government announced its proposals for taxis in 2003 and since then has been consulting and gathering further information. The Government is now considering how best to bring forward requirements for accessible taxis, and this includes evaluation of all the options; both regulatory and non-regulatory approaches are being considered.

2.3.3 This section of the policy also takes into account the 2007 report published by the European Conference of Ministers of Transport and the International Road Transport Union:- It recognized that it is impossible to provide for 100% of wheelchair users without reducing the operational viability of the vehicle for the taxi operator and other passengers. There will be a small proportion of people who, because of the size of their wheelchair or the nature of their disability are unable to access taxis or indeed other forms of mainstream public transport. They will continue to need specialist door-to-door services.

2.3.4 The ECMT-IRU recommendations for taxi vehicle accessibility are based on two design levels:

- Type One: Wheelchair Accessible Taxis: accessible vehicles capable of carrying the majority, but not all, passengers who travel in their wheelchair as well as people with other disabilities
- Type Two: Standard Accessible Taxis: vehicles with features designed to make use by disabled people easier, but which would only be able to carry a wheelchair user who can transfer to a taxi seat

2.3.5 In light of the above the Council proposes the following:

- i) That from the start date of this revised policy all newly licensed hackney carriage drivers (i.e. drivers who are being licensed as hackney carriage drivers for the first time with Gravesham BC) who wish to licence a hackney carriage vehicle will need to ensure that it is a Type One wheelchair accessible taxi
- ii) That five years from the start date of this revised policy all existing hackney carriage drivers who wish to licence a new or replacement vehicle will need to ensure that it is a Type One wheelchair accessible taxi.

## **2.4. Environmental Considerations**

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

2.4.2 It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the borough by, in particular, reducing the levels of CO<sub>2</sub> emitted. There is a movement towards the use of alternative fuels and in many areas LPG conversions to vehicles are perfectly acceptable and encouraged. This will, however, be dependent of supplies of such fuel being made readily available. It may also be the case that the installation of storage tanks into vehicles may affect the ability to carry luggage.

2.4.3 Clearly emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion.

2.4.4. In view of the above details unless more urgent measures are introduced by central government in the meantime, this Council will monitor any research published and Government guidelines with a view to specifying vehicle emissions standards and promoting cleaner fuels in respect of licensed taxis. The Council will be happy to consider applications to licence vehicles that are of an electric or hybrid type. Each application will be considered on its merits.



## **2.5. Maximum Age of Vehicles**

- 2.5.1 Vehicles presented for first time licensing must be under 7 years old and will not be re-licensed if they are over 10 years old.
- 2.5.2 Purpose built and converted wheelchair accessible vehicles when presented for first time licensing must not be more than 10 years old and will not be re-licensed if they are over 14 years old.
- 2.5.3 Exceptions to the foregoing limits may be made in respect of vehicles which, in the Council's opinion, have a special character or otherwise at the Council's discretion. Applicants wishing to licence vehicles outside of this policy should show sufficient reason for the Council to deviate from agreed policy.
- 2.5.4 As with all licensed vehicles the age limit criteria is not the only criteria to be used in assessing whether to licence a vehicle or not. It will also be dependent on the physical condition of the vehicle. A vehicle licence may not be granted or renewed if the physical condition of the vehicle is not, in the opinion of Council officers, to be of a suitable standard, despite being within the age criteria.

## **2.6 Vehicle Testing, Inspections and Insurance**

- 2.6.1 All vehicles over 1 year old will be required to have a statutory M.O.T. test at a qualified testing station every six months.
- 2.6.2 If a vehicle is not M.O.T. tested or the M.O.T. certificate is not presented to the Council at the six month anniversary of a previously granted M.O.T certificate then the vehicle licence will be suspended until the M.O.T certificate is presented.
- 2.6.3 Failure to present an M.O.T certificate within two (2) calendar months of its due date will result in the vehicle licence being revoked automatically.
- 2.6.4 Vehicles will be subject to periodic, random inspections by authorised officers of the council or other agencies (e.g. VOSA) to ensure the vehicle and/or its taximeter is fit for purpose.
- 2.6.5 Where an authorised officer of the Council has reasonable grounds to suspect that the condition of a vehicle poses a danger to either passengers or other members of the public, he/she may serve on the driver/proprietor a vehicle defect notice. In such cases the vehicle licence shall be immediately suspended until such time as the defect(s) have been remedied. The suspension shall not be lifted until it is proved to the authorised officer that the vehicle defect has been corrected.
- 2.6.6 Where the relevant Committee of the Council is satisfied that a vehicle fails in any respect to meet any specification or condition of licence the relevant construction and use regulations required by law they may suspend a vehicle licence for any specified period.
- 2.6.7 Failure to comply with a vehicle defect notice issued by the Council within the statutory period for compliance will result in the revocation of the vehicle licence as required by law.
- 2.6.8 Where an authorised officer of the Council has reasonable grounds to suspect that the vehicle has defects of a minor or cosmetic nature he may serve the driver/proprietor with a vehicle defect notice and may specify a period of time to allow for these defects to be remedied to his satisfaction.

2.6.9 It is vitally important that the vehicles are covered at all times by appropriate insurance and that certification is provided to the Council to evidence this. Failure to present insurance within three (3) weeks of its due date will result in suspension of the licence. Failure to produce insurance within six weeks will result in revocation of the licence.

## **2.7 Signage**

2.7.1 Within the Borough of Gravesham, both hackney carriages and private hire vehicles are required to display licence plates externally on the rear of the vehicle. Hackney plates are white, private hire are yellow. This is a key feature in helping to identify vehicles that are properly licensed.

2.7.2 All hackney carriage vehicles, except those with built-in roof signs should carry illuminated roof-mounted signs indicating that they are a hackney carriage (the use of the word "Taxi" is acceptable to fulfil this requirement).

2.7.3 The sign shall be so arranged that it is illuminated during the hours of darkness when the vehicle is available for hire but that when the machinery of the taximeter is in action the illumination of the sign shall be extinguished.

2.7.4 Similarly, and in order to differentiate between the two types of licensed vehicle, private hire vehicles and restricted private hire vehicles are not permitted to carry roof-mounted signs of any kind or display any references to the words 'Taxi' or 'Hackney Carriage' and will ideally contain a reference to the fact that the vehicle can only be pre-booked.

2.7.5 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles and drivers display the relevant licence plate and badge issued by the authority at all times. The same legislation also permits a Council to exempt the display of licence plates and, where that exemption applies, the requirement to wear a private hire drivers badge does not apply.

2.7.6 The open display of these identifying plates and badges is important in terms of protecting both the public and the taxi trade. However, there are limited occasions where the display of such identification may have the opposite effect both in terms of customer safety and commercial implications for the operating business. The operation of chauffeured, executive and limousine vehicles is a case in point. Identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk. The display of local authority plates externally may also deter some customers from using the service.

2.7.7 It is not intended that all private hire vehicles should have access to this exemption. Only a small minority operating the type of service described above. To that end it is only considered appropriate to issue exemption notices where the following requirements are met:

- The vehicle to be exempted is of a high quality both in terms of brand and condition
- Vehicles will normally be the accepted luxury brands such as Rolls Royce and Bentley. Mercedes Benz, BMW, Jaguar and Lexus can be exempt depending on model. The highest specification executive type cars from other manufacturers may also be considered.
- The vehicle must have no visible defects, dents or blemishes to the external bodywork or internal trim.

2.7.8 A letter of exemption from the Council must be carried in the vehicle at all times. In the absence of a letter of exemption in the vehicle a plate must be displayed externally on the rear of the vehicle

## **2.8 Advertising**

2.8.1 The existing Conditions of Fitness relating to Hackney Carriages and Private Hire vehicles do not permit the display of advertisements. However, in the light of a general change in attitude nationwide towards advertising and because the proceeds of such advertising could be used to improve the safety and comfort of the vehicle and assist in the purchase of CCTV camera systems, external and internal advertising will be permitted on both hackney carriage and private hire vehicles subject to the prior written approval of the Council although advertisements concerning the following subjects will not normally be approved:

- political, ethnic, religious, sexual or controversial subjects
- escort agencies, gambling establishments or massage parlours
- nude or semi-nude figures
- tobacco or alcohol
- anything likely to offend public taste

2.8.2 The following conditions will apply to Hackney Carriage and Private Hire Cars that are not purpose built:

(a) Exterior advertising is permitted on the outside front door panels provided it does not exceed the dimensions of the panel and is restricted to one advertisement only with no other form of advertising displayed on the exterior of the vehicle except the hub caps.

(b) Rear windscreen advertising in the form of transparent 'innervation' type signs not exceeding 20 centimetres in depth are permitted provided no other form of advertising is displayed on the vehicle.

(c) External advertising in the forms of hub cap display is approved provided that the hub cap display and any other advertisement on the vehicle is for the same single product or service.

(d) External advertising in the form of illuminated triangular roof signs permanently affixed to the vehicle by means of bolts through the roof will be allowed subject to the advertisement receiving the prior written approval of the Council.

(e) A screen displaying scrolling or moving advertisements may be securely fitted within the vehicle provided that the screen shall not be within the vision of the driver of the vehicle one side of which must indicate that the advertisements will be switched off at the request of the passenger.

2.8.3 The following will apply to Hackney Carriage Purpose Built Vehicles:

(a) Exterior advertising is permitted on the outside front door panels provided that it does not exceed the dimensions of the door panel and is restricted to one advertisement only, with no other form of advertising displayed on the exterior of the vehicle except for the hub caps.

(b) Exterior advertising is permitted on the double doors of purpose built Hackney Carriage Vehicles provided only one advert covers both doors, does not exceed the dimensions of the two door panels and no other form of advertising displayed on the exterior of the vehicle.

(c) Rear windscreen advertising in the form of transparent 'innervision' type signs not exceeding 20 centimetres in depth are permitted provided no other form of advertising is displayed on the vehicle.

(d) Interior advertising is permitted on the underside of the drop seats and must not exceed 36cm X 36cm in size.

(e) Interior advertising on the interior bulkhead panel is permitted and must not exceed 100cm X 10cm.

(f) External advertising livery including a full vehicle wrap for one product is permitted on the whole sides of the vehicle.

(g) External advertising in the form of hub cap display is approved subject to the advertisement being approved by the authority, in writing, prior to its use and that the hub cap display and any other advertisement on the vehicle being for the same single product or service.

(h) A screen displaying scrolling or moving advertisements may be securely fitted within the vehicle provided that the screen shall not be within the vision of the driver of the vehicle, one slide must indicate that the advertisements will be switched off at the request of the passenger, and subject to each individual advertisement being approved by the Authority, in writing prior to its use.

(i) External advertising in the form of illuminated triangular roof signs permanently affixed to the vehicle by means of bolts through the roof will be allowed subject to the advertisement receiving the prior written approval of the Council and separate from the 'TAXI' sign.

## **2.9 Security and Closed Circuit Television (CCTV)**

2.9.1 The hackney carriage and private hire trade provide a valuable public service, especially late at night when other forms of public transport are no longer available. Security for drivers and passengers is of paramount importance. Across the UK there is evidence that attacks and incidents involving taxi drivers are sadly becoming more common. The main areas of concern are:

- threats and assaults on drivers
- allegations of drivers assaulting passengers
- customers leaving vehicles without paying
- allegations of theft associated with licensed vehicles

CCTV cameras can be a valuable deterrent for such incidents and, as well as protecting the driver from unjustified complaints, can protect the travelling public similarly by:

- helping to prevent crime
- identifying the perpetrators of crime
- reducing the fear of crime
- increasing the safety of drivers and passengers

2.9.2 In the light of the above the Council requires the installation of an approved CCTV camera system in vehicles that it licenses. As there is no distinction in these issues between Hackney Carriages and Private Hire vehicles this condition applies to both trades equally. The CCTV system must be maintained in full working order at all times.

Where CCTV systems require an SD card, drivers must at all times have a spare available to ensure continued operation of the equipment.

Consideration will be given to suspension of the vehicle licence if this condition is not met.

2.9.3 The protection that will be offered to drivers and passengers by the installation and operation of approved CCTV systems in Hackney Carriages and Private Hire vehicles must be balanced against the potential infringement of civil liberties and Human Rights by recording their activities whilst in the vehicle, which is in effect a private environment once hired. These conflicting rights can be balanced by implementing necessary and sufficient safeguards. It is therefore required that drivers sign a Code of Practice – see **APPENDIX C**.

2.9.4 In addition to CCTV drivers may wish to install a clear plastic protective screen around the driving seat. Whilst it is not proposed to make this a condition of licensing there will be no objection to the installation of shields providing that they satisfy the following:

- Make, type and design approved by Authorised Officers of the Council
- Not be changed in any way from its original design and be free of damage
- Remain clear and translucent; be free of scratches, clouding or stickers which would impede the drivers or passengers visibility
- Does not impede entry and egress or present a trip hazard to passengers using the vehicle
- Installation and maintenance must be in accordance with manufacturer's specifications and recommendations

## **2.10 Stretched Limousines**

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

2.10.2 Licensing authorities are sometimes asked to licence stretched limousines as private hire vehicles. The Guidance suggests that such requests should be approached on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand. Therefore, licence applications for such vehicles will not be automatically rejected (for example just because the vehicles may be left-hand drive).

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

- some of the vehicles are capable of carrying more than eight passengers;
- many of them are left hand drive;
- many are fitted with all round darkened glass;
- most originate from the United States;
- many have been converted or modified after manufacture;
- seating space per passenger is 405mm and could give a greater capacity than eight persons;
- due to their origin many parts may not be available making adequate maintenance difficult.

2.10.4 Accordingly, many Local Authorities have been reluctant to licence these vehicles because of possible risks to the public. Clearly, stretched limousines will normally fall

within the private hire vehicle licensing regime for licensing and enforcement purposes, or if over eight seats, the Public Service Vehicle licensing regime.

- 2.10.5 Most limousines are imported for commercial purposes, although there are loopholes in the import procedures by which some vehicles may never be inspected prior to being used on roads in the UK.
- 2.10.6 Most limousines are imported for commercial purposes and are therefore required to take a Single Vehicle Type Approval (SVA) test. They cannot be approved as Passenger Carrying Vehicles (PCV) because they cannot meet the required standards for the door arrangements and means of escape in an emergency. The SVA Scheme is an Inspection Scheme for vehicles that are not approved to British and European Standards and its purpose is to ensure that these vehicles meet modern safety standards and environmental standards before being used on public roads. When presented for SVA the vehicle is produced with a declaration that it will never carry more than eight passengers. The importer must inform any person who may use it of this restriction. Any subsequent purchasers must also be informed of the restriction.
- 2.10.7 The Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as a motor vehicle constructed or adapted to carry fewer than eight passengers, other than the hackney carriage or public service vehicle, which is provided for hire with the services of the driver for the purposes of carrying customers. Section 48 of the 1976 Act requires that before a licence is granted the Authority must be satisfied that the vehicle is:
- suitable in type, size and design for the use as a private hire vehicle;
  - not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
  - in a suitable mechanical condition;
  - safe;
  - comfortable.
- 2.10.8 Stretched limousines may be granted a private hire vehicle licence provided that they are capable of carrying no more than eight passengers and meet the requirements of the Act. Possible exemptions under the 1976 Act provide that nothing should:
- 1) apply to a vehicle used for bringing passengers or goods within a controlled district in pursuance of a contract for the hire of the vehicle made outside the district if the vehicle is not made available for hire within the district;
  - 2) apply to a vehicle while it is being used in connection with a funeral or a vehicle used wholly or mainly by a person carrying on the business of a funeral director, for the purpose of funerals;
  - 3) apply to a vehicle being used in connection with a wedding.
- 2.10.9 Stretched limousines which are not offered for private hire or which are used for funeral and weddings do not, as a rule, require a licence. Some operators of these vehicles have a wedding car insurance policy on the basis that the vehicle will be used largely during daylight hours, once or twice per week.
- 2.10.10 In accordance with the Guidance, all applications to license stretched limousines as private hire vehicles will be treated on their merits. Because these vehicles will not meet the usual vehicle specification, additional documentation and inspection will be needed in order that the Council's responsibility to ensure safety and suitability, prior to a licence being issued, can be met. Imported stretched limousine type vehicles will:
- be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive;

- be authorised as prestige type private hire vehicles; and
- be approved for licensing as private hire vehicles subject to the additional conditions detailed in **APPENDIX D**.

2.10.11 There is obviously concerns regarding the use of darkened glass in stretch limousines. It is, accordingly, considered that the light transmitted through the windscreen must be at least 75%. The front side windows must allow at least 70% of light to be transmitted through them.

2.10.12 The Council strongly recommends that anyone wishing to licence a limousine contacts the licensing authority before purchasing a vehicle to ensure that advice can be provided as to whether the vehicle will meet the required standards, as each vehicle will be considered on its merits.

2.10.13 Limousine drivers should ensure that they comply with the vehicle requirements and driver's and operator requirements.

## **2.11 Contract Vehicles**

2.11.1 Previously there was no requirement for a vehicle to be licensed where it was used for a contract with an organisation/firm for a period of more than seven days for carrying passengers for hire or reward under a contract for the hire of the vehicle. This exemption only applied to the vehicle and driver subject to the contract and then only during the period of the contract. Any vehicles being used for a contract with one firm could not be used for any other contract or purpose during the period of that contract. This exemption has been repealed by provisions contained within the Road Safety Act 2006 that became effective in January 2008 and thus vehicles which previously took advantage of this exemption will now have to become licensed private hire vehicles.

## **2.12 Funeral Vehicles**

2.12.1 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

## **2.13 Wedding Vehicles**

2.13.1 A vehicle does not need to be licensed while it is being used in connection with a wedding.

2.13.2 Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.

## **2.14 Courtesy Cars**

2.14.1 All vehicles with less than 8 passenger seats or fewer that carry passengers for hire and reward must be licensed by the Local Authority. Although there has been some legal debate regarding this particular issue, current case law supports the view that vehicles which are used as 'courtesy cars', i.e. for transporting customers to and from hotel, night-clubs, etc are being provided for hire and reward in the course of business, irrespective of whether or not a charge is made for such service. They should, accordingly be licensed.

2.14.2 Those operating 'courtesy cars', e.g. for transporting customers to and from hotels, night-clubs, etc should have an operator's licence and the vehicles and driver must be appropriately licensed.

## **2.15 Ambulances and Other Patient Transport**

2.15.1 All ambulances registered with the British Ambulance Association will be exempt from private hire licensing.

2.15.2 Other patient transport services provided by either:

1) Primary Care Trusts

2) Voluntary services

that are registered with the British Ambulance Association will be exempt from private hire licensing.

2.15.3 All other ambulance or patient transport services that are not registered with the British Ambulance Association may be required to conform to private hire licensing requirements. The Council strongly recommends that anyone wishing to provide this type of service contacts the licensing authority for each case to be considered on its merits.

## **2.16 Voluntary Sector Transport**

2.16.1 The Council will assess each individual organisation on its own merits to determine whether or not it will require licensing as a private hire business. Whilst it is clear that the organisation is providing a service, it is less clear that such provision can be defined as operating a private hire business.

2.16.2 The Council will, however, seek to enforce against unlicensed businesses where it can be proven that the business obtains a benefit and the Council considers that private hire vehicle licensing is necessary.

## **2.17 Livery**

2.17.1 Some licensing authorities require taxis to conform to particular requirements in terms of livery and markings, in order that they may be easily identified. Such an imposition is not considered appropriate in this council's area. It is felt that the visual distinction between hackney carriages and private hire vehicles can be achieved by the appropriate signage as detailed at 2.7 and **APPENDIX A**.

## **2.18 Application Procedure**

2.18.1 The application procedures for hackney carriage or private hire vehicle licence is not prescribed. Therefore existing practice will be largely retained. The Council requires that application must be made on a specified application form in accordance with application procedures set out in **APPENDIX E**.

## **2.19 Consideration of Applications**

2.19.1 The Council will consider all applications on their merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

## **2.20 Grant and Renewal of Licences**



- 2.20.1 The Guidance makes no recommendations in respect of the duration of hackney carriage or private hire vehicle licences, therefore hackney carriage and private hire vehicle licences will continue to be licensed for a one year period from the date of grant, subject to the power to grant a licence for a shorter period should this be appropriate in the circumstances.
- 2.20.2 Council officers will send a reminder letter to the current taxi proprietor or operator one month before the existing licence expires in order to assist applicants in their prompt submission of re-licensing applications.
- 2.20.3 From the date of receipt of a satisfactory and complete vehicle licence application a minimum of one week is required before the appropriate licence can be issued.
- 2.20.4 Officers may only accept complete applications comprising all the necessary paperwork. If an application is received late the applicant's vehicle may be unlicensed for a period of time during which they will be unable to use it as a licensed vehicle.
- 2.20.5 The licence fees payable are subject to periodic review and will be published together with other Council licensing fees.

### **3. Drivers**

#### **3.1 Licences**

- 3.1.1 The statutory and practical criteria and qualifications for a private hire driver are broadly identical to those for a hackney carriage driver. The sections below, therefore, apply equally to private hire and hackney carriage drivers.
- 3.1.2 The licensing authority will issue a licence to an applicant provided the applicant has held a full driving licence for at least 12 months and is a 'fit and proper person'. In assessing whether an applicant is a 'fit and proper person' to hold a licence the licensing authority will consider each case on its merits.
- 3.1.3 In determining whether a driver is fit and proper the Authority will consider amongst other things; the applicant's relevant skills, knowledge, experience, qualifications, medical fitness, criminal records and previous history as a licence holder. The convictions which the Council consider to be relevant offences when considering an application for either the grant or renewal of a licence are shown in **APPENDIX F**.
- 3.1.4 The Council will not consider an application for a driver's licence from any individual who works more than **30** hours a week in alternative employment.
- 3.1.5 Any foreign national will be required to give details of any residency outside the UK and sign a declaration that they are permitted to work in the UK. This is detailed on **APPENDIX G**. Applicants must also provide a document to evidence that they are permitted to work in the UK.
- 3.1.6 A restricted private hire driver's licence may be issued for the purpose of school contracts only.

#### **3.2 Age and Experience**

- 3.2.1 A licence to drive a hackney carriage or private hire vehicle will not be granted to a person who is under 21 years age. However, no upper age limit is proposed provided that a driver can demonstrate that he is still medically fit to hold such a licence. In this respect therefore, if a driver wishes to continue to be licensed once he reaches 70

years of age the licensing authority shall require that he obtains a medical certificate at yearly intervals.

3.2.2 A licence will not be granted to anyone over 21 years of age who has not held a full driving licence, issued in accordance with the Road Traffic Act 1972 (as amended) for a period of at least 12 months immediately prior to the application.

3.2.3 The above policy requirements have been made because:

- A licensed driver is responsible for the safety of the customer and is required to need a mature attitude when dealing with those who may be vulnerable or otherwise have special needs and;
- Insurance accident statistics show regularly that there is a higher degree of responsibility in driver behaviour above 21.

3.2.4 An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must obtain a full UK driving licence within twelve months of the issue of a hackney carriage or private hire driver's licence. Where this requirement is not satisfied the hackney carriage or private hire driver's licence will automatically be suspended pending compliance.

3.2.5 This policy requirement is to ensure appropriate regulation of any penalty points by the courts in relation to road traffic offences. The Council consider this an integral part of the 'fit and proper person' test.

3.2.6 An applicant will also be asked to complete a form authorising the Council to apply to DVLA for a driver licence history.

### **3.3 Driver Knowledge Tests**

3.3.1 Drivers clearly need a good working knowledge of the area for which they are licensed. The DoT recognises that most authorities require prospective drivers to pass a test as to their knowledge of the local geography (known locally as the Knowledge Test) as a condition of first grant of a licence. This test will also test the driver's knowledge of the Highway Code and the Council's Licensing Policy as well as basic knowledge of hackney carriage and private hire law. The procedures in relation to the above are set out in **APPENDIX H**.

3.3.2 Hackney carriage drivers require a greater knowledge than Private hire drivers because their vehicles can be hired immediately at ranks or on the street. However, whilst the Council recognises that as private hire vehicles must be pre-booked, therefore affording a private hire driver the opportunity to research the required route, it will still be necessary for any prospective driver to pass the Street Knowledge Test albeit with a lower pass mark.

3.3.3 There appears to be no substantial difficulty concerning the use of or understanding spoken English amongst taxi drivers in this area, and therefore no compulsory language test is considered to be necessary at this time. However in any individual case where it is determined by authorised officers that a language test may be necessary this will form part of the Street Knowledge Test.

3.3.4 If an applicant has difficulty in completing the Street Knowledge Test due to learning difficulties arrangements will be made for an oral test to be taken.

### **3.4 Driving Proficiency and Qualifications**

- 3.4.1 The Driving Standards Agency (DSA) first introduced a practical driving test specifically designed for hackney carriage and private hire drivers in 1999. Many authorities require the DSA test or some further driving test to be taken before a driver's licence is issued.
- 3.4.2 Gravesham Borough Council believes that as a profession hackney carriage and private hire drivers have a special responsibility for the safe transportation of fare paying passengers. An assessment of a driver's ability should, therefore, be obtained by all new applicants, and by any existing driver, where, in the opinion of either an authorised officer of the Council or the police, there is doubt as to the driver's technical competency. The cost of the DSA test will be borne by the driver.
- 3.4.3 All new applicants for hackney carriage or private hire driving licences will therefore be required to produce evidence that they have successfully completed the DSA practical driving test before a licence will be granted.
- 3.4.4 Applicants should not apply for the DSA test until such time as they have been informed by the Council that they have succeeded in passing the Street Knowledge Test.
- 3.4.5 Whilst the Council has no current plans to make it a mandatory requirement for a driver to obtain a professional qualification, for example an NVQ or BTEC in transporting passengers by taxi, the Council would encourage drivers to do so. It is of credit to the taxi trade in Gravesham that at least 60% of drivers have already obtained such a qualification voluntarily.
- 3.4.6 Similarly the Council would encourage drivers to undergo practical passenger assistance training with particular regard to those with special physical needs.

### **3.5 Medical Examination**

- 3.5.1 The DoT recognises that it is clearly good practice for medical checks as a condition for the initial grant of a licence and thereafter for each renewal. Adopting 'Group 2' medical standards as applied by DVLA to the licensing of lorry and bus drivers and applying C1 standards to hackney carriage and private hire drivers with insulin treated diabetes is considered to be best practice.
- 3.5.2 In the light of the above, medical examinations by the driver's own GP or someone with access to his medical records is required before any licence can be granted or renewed. A request form for a medical examination will be supplied by the Council. This report must be submitted at the time of applying for a driver's licence. The applicant will be responsible for payment of the appropriate fee.
- 3.5.3 Holders of current PCV and/or LGV Licences, where the holder is able to produce proof of current medical examination, will not be required to undergo a further medical examination as detailed above.
- 3.5.4 Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities.
- 3.5.5 Where there is any doubt as to the medical fitness of either an applicant or an existing driver, the Council may require the applicant or existing driver to undergo further medical examination by a doctor appointed by the Council, at the applicant's or existing driver's own expense.
- 3.5.6 Where there remains any doubt about the fitness of any applicant the Assistant Director (Communities) will review the medical evidence in consultation with the

Council's Occupational Health Advisor and make a final decision in the light of the medical evidence available.

### **3.6 Criminal Records Bureau (CRB) Disclosures**

- 3.6.1 A criminal record check on a driver is an important safety measure. While the CRB has released guidance that such checks should not be at the level of an Enhanced Disclosure, there are certain circumstances where some drivers will be carrying out regulated activity. This may include when they transport children or vulnerable adults to or from a regulated activity and it is organised by the providers of the regulated activity or an organisation working on their behalf, e.g. a Local Authority school contract. Those carrying out regulated activity would qualify for an enhanced CRB check.
- 3.6.2 It is not regulated activity if a child/vulnerable adult hires a taxi in the street or by telephone privately.
- 3.6.3 An enhanced CRB check allows councils access to intelligence on alleged sexual assaults, rapes, terrorist activity, drug dealing and organised crime. A standard CRB check only highlights where somebody has been convicted of a crime. It is unable to raise the alarm if there have been multiple accusations of a sufficient concern to investigate further.
- 3.6.4 It is the Council's view that the public expects all reasonable precautions to be taken when determining whether to grant a licence to drive a hackney carriage or private hire vehicles and, as drivers are exempt from the Rehabilitation of Offenders Act 1974; an Enhanced Disclosure should continue to be the requirement for new drivers and for those renewing their licences.
- 3.6.5 The Rehabilitation of Offenders Act 1974 sets out the period after which a conviction is regarded as 'spent' and which would not normally necessitate disclosure of that conviction. However, in 2002 the Act was amended so as to exclude hackney carriage and private hire drivers from the effects of the 1974 Act. Applicants for licences are, therefore, required to disclose all convictions and police cautions, including those that would previously been regarded as 'spent' under the 1974 Act.
- 3.6.6. Before an application for a driver's licence will be considered the applicant must provide a current (less than 3 months old) Enhanced CRB Disclosure Certificate.
- 3.6.7 Gravesham Borough Council is an accredited Criminal Records Bureau body, therefore applicants can deal with the CRB through the Council. The applicant will be responsible for payment of the appropriate fee.
- 3.6.8 A CRB Disclosure must be obtained and submitted by a licensed driver to the Council at least every 3 years normally at the time of renewal of the driver's licence. The licence is conditional upon there being no adverse information revealed on the CRB disclosure that would render the applicant not 'fit and proper'. If the licence is issued and relevant information is later revealed on a disclosure certificate then that licence will be subject to review.
- 3.6.9 The Council may request another disclosure at any time if a further check is considered necessary.

- 3.6.10 The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties. The applicant for a CRB check will be sent a separate certificate to their home address, while the Council will also receive a copy of the report. Information arising from disclosures will be kept only for as long as necessary and then destroyed within one month.
- 3.6.11 The Council recognises that there are occasions when requiring a CRB Certificate from an applicant will not achieve its original aim, for example, where the CRB are unlikely to have any information recorded against them due to the short period of time that they have resided in this country.
- 3.6.12 The Council therefore requires that all overseas applicants who have resided in this country for less than three years obtain a Certificate of Good Conduct from their relevant embassy or consulate, at the applicant's expense, authenticated, translated and sealed by the embassy or consulate.

### **3.7 Relevance of Convictions and Cautions**

- 3.7.1 The Guidance recommends that in considering an individual's criminal record authorities be encouraged to consider each case on its merits, but to take a particularly cautious view of any offences involving violence, dishonesty and sexual offences. Authorities are recommended to have a clear policy for the consideration of criminal records. For example, the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence. Such a policy should encompass applicants from elsewhere in the EU and other overseas countries by, for example, by requiring a certificate of good conduct authenticated by the relevant embassy.
- 3.7.2 The Council has generally worked to the guidelines set out in the DoT Circular 2/92 and Home Office Circular 13/92 in assessing the relevance of specific criminal convictions to a particular application. However a guide to the relevance of previous convictions, cautions and fixed penalty notices is in **APPENDIX F**.
- 3.7.3 The Council will consider each application on its merits once the appropriate tests have been undertaken and the application form and supporting documents are complete.
- 3.7.4 In assessing whether the applicant is a fit and proper person to hold a licence the Council will consider each case on its merits. It will take account of cautions, convictions, and fixed penalty notices whether spent or unspent, but only in so far as they are relevant to an application for a licence. Upon receipt of a licence application the Licensing Officer will assess from the information provided whether any or all of the current or spent convictions are capable of having significant relevance as to whether the applicant is a fit and proper person to hold a licence.
- 3.7.5 In relation to cautions the Council will have regard to the class and age of the offence and the age of the applicant when the offence occurred when considering their relevance to an application.
- 3.7.6 In relation to previous convictions the Council will have regard to the following:
- Whether the convictions are spent or unspent;
  - The class of the offences;
  - The age of the offences;
  - The apparent seriousness, as gauged by the penalty.

Guidance in relation to specific offences is given in **APPENDIX F**. In general terms the more recent, serious and relevant to public safety the offence is the less likely that a application will be granted.

3.7.7 In particular, applications may be rejected where the applicant's record includes one or more of the following:

- Any term of imprisonment or custody;
- Any conviction for a violent or sexual offence, or dishonesty, which is of a serious nature;
- Any serious motoring offence, such as dangerous driving, driving whilst disqualified, or drink driving;
- More than six current points have been acquired on their DVLA Driving Licence.

### **3.8 Application Procedure**

3.8.1 An application for a hackney carriage or private hire driver's licence must be made on the specified application form. The application procedure is set out in **APPENDIX E**.

### **3.9 Grant and Renewal of Licences**

3.9.1 Drivers' licences are granted for a period of three years. However, they be issued for a lesser period of time if in the opinion of medical practitioner who conducted the medical examination it would be more appropriate to do so.

3.9.2 Council officers will send a reminder letter to the current taxi proprietor or operator, one month before the existing licence expires in order to assist applicants in their prompt submission of re-licensing applications.

3.9.3 From the date of receipt of a satisfactory and complete vehicle licence application a minimum of one week is required before the appropriate licence can be issued.

3.9.4 Officers may only accept complete applications comprising all the necessary paperwork. If an application is received late the applicant may be unlicensed for a period of time during which they will be unable to work as a licensed hackney carriage or private hire driver.

3.9.5 The licence fees payable are subject to periodic review and will be published together with other Council licensing fees.

### **3.10 Conditions of Licence**

3.10.1 The Authority is not permitted to attach conditions to a hackney carriage driver's licence. It is, however, empowered to attach such conditions to a private hire driver's licence as are considered necessary.

3.10.2 It could be argued that many of the requirements prescribed within the Hackney bye-laws are effectively hackney carriage driver's licence conditions. Gravesham Borough Council's bye-laws were, however, enacted many years ago and do not therefore impose controls over many aspects of a driver's conduct when operating a hackney carriage vehicle. Amending bye-laws is a complex and lengthy process with inherent restrictions. It is, accordingly, not proposed to seek such amendments as part of this review process. Details of existing bye-laws are set down in **APPENDIX Q**.

3.10.3 It is considered that the conditions set out in **APPENDIX I** are reasonable, necessary and proportionate for all licensed drivers but accepted that they may only be legally imposed in respect of private hire drivers.

3.10.4 In accordance with the above, the penalty point system detailed in **APPENDIX J** is not a condition of licence. It is, however, a transparent and consistent method for the Council to determine whether or not a driver meets the 'fit and proper person' test.

### **3.11. Code of Good Conduct**

3.11.1 Adopting a Code of Good Conduct for hackney carriage and private hire drivers serves to promote the Council's licensing objectives set out in Paragraph 1.3.2 above.

3.11.2 The Licensing Authority considers that to assist both drivers and the public, it would be useful to set down the standards which must be adopted in maintaining a safe professional and efficient approach to the transport of members of the public. It is considered that drivers must be aware of the law and minimum standards of behaviour, should adopt safe and non-aggressive driving techniques, and set a good example to other road users. The standards expected of licensed drivers are set out in the Code of Good Conduct, included in this policy document at **APPENDIX K**, which it is proposed will be adopted. The Code should be read in conjunction with the other statutory and policy requirements set out in this document.

3.11.3 Failure to comply with any aspect of the Code of Good Conduct will not in itself result in enforcement action. However, breach of the Code of Conduct is an indicator which officers will use to help decide upon subsequent enforcement action. This may result in advice or warnings being given by officers or, if necessary, by the Regulatory Board. Repeated breaches following such advice or warnings may lead to more serious consequences including, if necessary, non-renewal, suspension or revocation of licences.

3.11.4 Anything that serves to enhance the professional image of the hackney carriage and private hire trade and promotes the concept that drivers of licensed vehicles are vocational drivers is to be welcomed.

3.11.5 It is considered that in order to raise the profile of the licensed trade drivers should operate at all times in a professional manner and dress so as to present a professional image to the public.

3.11.6 Any information provided by an individual will only be used for purposes connected with his application. Information will only be further used or transferred to other organisations and individuals as the law permits.

## **4. Private Hire Operators**

4.1 Any person who operates a private hire service utilising one or more private hire vehicles must apply to the Council for a Private Hire Operator's Licence. Individual Hackney Carriage drivers operating under their own or a trading name as a sole trader are not required to hold a Private Hire Operator's Licence.

4.1.2 The primary objective in licensing private hire operators is the safety of the public, both in the vehicles and at the operator's premises.

4.1.3 A private hire vehicle may only be despatched to a customer by a private hire operator who holds a private hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

4.1.4 A private hire operator must ensure that every private hire vehicle is driven by a person who holds a private hire driver's licence.

4.1.5 All three licences:

- Private hire operator's licence
- Private hire driver's licence
- Private hire vehicle licence

must be issued by the same Licensing Authority

4.1.6 Applications for an operator's licences must be made on the prescribed form, together with the appropriate fee. The Council will then decide whether the applicant is a fit and proper person to hold an operator's licence.

4.1.7 Individual Hackney Carriage drivers operating under their own or a trading name as a sole trader are not required to hold a Private Hire Operator's Licence.

## **4.2 Criminal Record Checks**

4.2.1 Private hire operators, that are not licensed drivers, cannot be required to produce an enhanced CRB disclosure. A Basic Disclosure from the CRB, or a certificate of good conduct from the relevant embassy for overseas applicants, is, however, considered appropriate in promoting the objective of public safety.

4.2.2 A reference covering, for example, the applicant's financial records and/or business history could also be considered appropriate as well as the requirements outlined above in some instances.

4.2.3 Before an application for a private hire operator's licence will be considered the applicant must provide a current (less than 3 months old) Basic CRB Disclosure of Criminal Convictions, or a Certificate of Good Conduct from the relevant embassy in the case of an overseas applicant.

## **4.3 Conditions**

4.3.1 The Council has the power to impose such conditions on an operator's licence as it considers reasonable, necessary and proportionate. The conditions set out in **APPENDIX L** are those considered to be reasonably necessary.

## **4.4 Record Keeping**

4.4.1 Requiring operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver and the number of the vehicle is accepted as good practice. This would, for example, enable police checks to be made if any mishap should befall a passenger and assist with the recovery of lost property to the rightful owner.

4.4.2 Operators must keep records in respect of all bookings, vehicles and drivers for a period of one year.

4.4.3 Such records are to be made available to any authorised officer of the Council or a police officer upon request.

## **4.5 Insurance**

4.5.1 It is considered appropriate for a Licensing Authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.



4.5.2 Before an application for a private hire operator's licence is granted, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed.

4.5.3 The conditions applicable to Private Hire Operator's Licences as detailed in **APPENDIX L** require that the operator produces an appropriate certificate of motor insurance which covers every private hire vehicle they operate.

#### **4.6 Licence Duration**

4.6.1 The DoT considers that annual licence renewal is not necessary or appropriate for private hire operators. They recommend, as good practice, that a licence period of five years would be reasonable

4.6.2 However, it is considered that five years is a considerable period of time in the context of the life of this type of business. Gravesham Borough Council will therefore continue its practice to issue a successful applicant with an annual Operator's licence.

4.6.3 Holders of existing Private Hire Operator's Licences will be reminded, in the month preceding their expiry, when their licences are due to be renewed.

4.6.4 A revision of private hire operator fees was undertaken in 2005 to introduce proportionality to the fees paid by operators with more vehicles. An operator can apply for a licence for the number of vehicles that they have at the time of application. The licence if granted authorises vehicles up to the number proposed and if an operator wishes to add to his fleet above that number a new operator's licence would have to be applied for. As the fee is payable on application, a new fee would be due for the new application and no refund would be payable by the authority for any obsolete licence.

#### **4.7 Address from which an Operator may operate**

4.7.1 Upon grant of an operator's licence the Council will specify the address from which the operator may operate. The operator must notify the Council in writing of any change of address during the period of the licence, whether this is a home address or the operating address, within seven days of such a change taking place.

#### **4.8 Bases outside the Gravesham Borough Council Area**

4.8.1 The Council will not grant an operator's licence for an operator with an operating base that is outside the Council's area. This is to ensure that proper regulation and enforcement measures may be taken by the Authority and is not intended to be a restraint of trade.

### **5. Fares and Fees**

#### **5.1 Fares**

5.1.1 Hackney Carriage Fares, set by the Council, are a maximum and can be negotiated downwards by the hirer. Gravesham Borough Council considers it good practice to review the fare scales at regular intervals and will, therefore, consider the fare scales at a period not exceeding 24 months.

5.1.2 When determining the level of fares consideration will be given as to what it is reasonable to expect the travelling public to pay as well as the need to give drivers an incentive to provide a cost-effective service at the times it is needed.

- 5.1.3 Fares can be negotiated prior to the commencement of the journey in both private hire vehicles and hackney carriages.
- 5.1.4 One of the main complaints relating to hackney carriages concerns overcharging. To protect the fare paying public from overcharging, as well as to protect the drivers from complaints, Gravesham Council will operate a simple fare tariff that must be displayed in all hackney carriages.
- 5.1.5 In reviewing the fare tariff the Council consult with the trade and follow the appropriate procedures in the Local Government (Miscellaneous Provisions) Act 1976.
- 5.1.6 These regulations in relation to fares do not apply to private hire vehicles.
- 5.1.7 A table of authorised fares will be provided to each hackney carriage licence holder, which must be displayed in each vehicle so that it is easily visible to all hirers.
- 5.1.8 A hackney carriage driver must, if requested by the passenger, provide a written receipt for the fare paid.
- 5.1.9 The Guidance also recognises that there is a case for allowing any hackney carriage operators who wish to do so, to make it clear by advertising that they charge less than the maximum fare.

## **5.2 Fees**

- 5.2.1 The Guidance does not deal with the issue of licensing fees at all. It is, however, generally recognised that the fees set for all hackney carriage and private hire licences should be such as to ensure that the costs of the service, including the cost of issue and administration will so far as possible be met from fee income.
- 5.2.2 It is, on the other hand, not lawful for the Council to seek to make a profit from licence fees that are within its discretion. In particular, with regard to the fees charged for hackney carriage and private hire vehicle and operator licences, the legislation provides that these should be sufficient to cover the costs of inspecting the vehicles, providing hackney carriage stands and administering the control and supervision of hackney carriages and private hire vehicles.
- 5.2.3 The fees payable for the grant and renewal of hackney carriage and private hire licences will be reviewed annually as part of the budgetary process and licence holders will be consulted and notified of any changes.

## **5.3 Payments**

- 5.3.1 Cheques for licence applications should be made payable to 'Gravesham Borough Council'.

## **5.4 Refunds, Transfers and Duplicate Copies**

- 5.4.1 In the case of any licence where the licence holder surrenders their licence prior to the expiry date, the Council will make a refund in respect of the whole months of the unexpired portion of the licence fee.
- 5.4.2 In common with most types of licence, an appropriate fee will be paid to cover the administrative costs associated with the transfer of a licence

5.4.3 Where the Council receives a request for a duplicate copy of any previously issued licence, an appropriate fee will apply to cover the associated administrative costs.

## **6. Disciplinary and Enforcement Measures**

### **6.1 Enforcement**

6.1.1 It is recognised that well-directed enforcement activity by the Authority benefits not only the public but also the responsible members of the hackney carriage and private hire trades. The DoT accepts that the resources devoted by licensing authorities to enforcement will vary according to local circumstances. They remind authorities, however, that it is desirable to ensure that hackney carriage and private hire enforcement effort is at least partly directed to the late night period, when problems such as touting tend most often to arise.

6.1.2 In pursuance of its objective to encourage responsible hackney carriage/private hire businesses, the Council will operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference the Council will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in section 4.2 of this document.

6.1.3 The Taxi Licensing and Enforcement Policy & Practice set out at **APPENDIX O** will be used to ensure that its enforcement effort is reasonable, transparent and well directed.

### **6.2 Disciplinary Hearings**

6.2.1 Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be referred to the Regulatory Board, or the Assistant Director (Communities) or will be dealt with by officers. One of the functions of the Board is to consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage or private hire licence and to take the action appropriate to the circumstances.

### **6.3 Penalty Points Scheme**

6.3.1 Whilst the operation of a successful hackney carriage and private hire vehicle service is important to the economic well-being of the Borough, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use the service.

6.3.2 The Council clearly has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards and to do this in a consistent and transparent manner. These standards are defined by legislation, licence conditions, codes or bye-laws adopted by the Council. Together they identify what is required of the trade and help to ensure that a consistent approach is taken by Council Officers, in their application.

6.3.3 The Council has found that an effective means of applying the conditions is through a penalty points scheme. This acts as a first step in ensuring compliance with the conditions and serves as an “early warning” system to drivers and owners or operators who see fit to ignore their responsibilities or fail to meet the requirements of the conditions.

6.3.4 Penalty points will remain on a licence for a period of two years from the date on which they are imposed. If a driver accumulates twelve or more penalty points within a period of twenty four months, commencing from the date of imposition of the earliest

'live' penalty points, then the case will be referred to the Assistant Director (Communities).

6.3.5 The Assistant Director (Communities) will follow procedures detailed in **APPENDIX O** and have a range of sanctions available, including suspension or revocation of the licence.

6.3.6 It is believed that the penalty points scheme has assisted the trade in maintaining its high standards. The Penalty Points System does not however compromise the Council's ability to enforce breaches of statute or local conditions in the Courts should an offence warrant such action. A copy of the current penalty points system can be found in **APPENDIX J**.

## **6.4 Range of Powers**

6.4.1 The Council may take any of the steps below upon receipt of evidence that an offence has been committed in relation to hackney carriage licences, private hire licences or private hire operator's licences. A breach of a condition in the Licensing Policy amounts to an offence in this context.

- Suspension of the Licence;
- Revocation of the Licence;
- Refusal to Renew;
- Issuing of Warnings or Cautions;
- Prosecution.

### 6.4.2 Suspension

#### (i) Vehicles

Hackney carriage vehicles and private hire vehicles must be kept at all times in an efficient, safe, tidy and clean condition. Compliance with the vehicle specifications and conditions is essential and will be enforced by periodic, random vehicle inspections by the Council. Where it is found that any vehicle is not being properly maintained, a defect(s) notice will be served on the proprietor setting out the defect(s) and where public safety is likely to be imperilled the further use of the vehicle will be suspended until the defects have been remedied. The suspension will then not be lifted until the vehicle has undergone a further test at the proprietor's expense and been passed as fit for use as a hackney carriage or private hire vehicle.

#### (ii) Drivers

The Council may exercise its discretion to suspend the operation of a driver's licence for a specified period. Action may be taken by an authorised officer.

### 6.4.3 Revocation

Where a licence holder has been referred to the relevant Committee because he/she has been convicted of a serious criminal offence, or has accumulated 12 penalty points or more under the Authority's penalty points system, the Committee may order the revocation or suspension of the licence.

### 6.4.4 Refusal to Renew

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

#### 6.4.5 Issuing of Warnings and Cautions

As a method of dealing with less serious matters, the Council will issue warnings and cautions as are appropriate to the circumstances in accordance with Home Office Circular 016/2008 – ‘Simple Cautioning of Adult Offenders’. Minor or first-time transgressions are likely to attract either an oral or written warning. Repeated or more serious conduct is likely to lead to the issuing of a simple caution, provided:

- there is sufficient evidence to justify a prosecution;
- the licence holder admits his/her guilt;
- the licence holder agrees to be cautioned.

This is more fully discussed in **APPENDIX O**

#### 6.4.6 Prosecution

The Council will usually prosecute licence holders for relevant offences in the following circumstances:

- where the allegation is of a serious or repeated offence;
- where the Council proposes to caution the licence holder, but the offence is not admitted, or the caution accepted.

### 7. **OFFENCES**

7.1 Offences in relation to hackney carriages are derived from the following sources:

- Town Police Clauses Act 1847 (hackney only);
- Local Government (Miscellaneous Provisions) 1976 (hackney and private hire);
- Transport Act 1980 (private hire only);

The relevant offences under the 1847 Act, the 1976 and the 1980 Act are set out in **APPENDICES J and R**

### 8. **TAXI RANKS**

8.1.1 A number of ranks for hackney carriages have been designated within the Gravesham Borough Council area:

- New Road/Bath Street
- Gravesend Railway Station
- Stone Street
- Rear of St. George’s Centre

Although the number and position of taxi ranks within the Borough may change due to regeneration schemes. These will be reviewed and adopted as and when schemes are planned and adopted

8.1.2 The Council wishes to assist those members of the public to easily access taxis that have provision to carry a wheelchair and as such are currently considering designating a specific rank to be used by wheelchair accessible taxis only.

8.1.3 The number and position of taxi ranks within the borough has not been reviewed for some time. As part of the consultation process for this policy comments are invited from both the trade and the public on the need for additional ranks in specific locations, the potential for re-locating or extending existing ranks or indeed arguments for the removal of ranks which no longer fulfil a useful purpose.

8.1.4 Following the consultation, if it is deemed necessary, a review of the provision of taxi ranks will be undertaken, in consultation with the taxi trade, with a view to further facilities being made available.

## **8.2 Waiting on Stands**

8.2.1 It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages. Drivers of hackney carriages may only wait on a stand whilst plying for hire or waiting for a fare; drivers who park on a stand and leave their vehicle unattended are committing an offence.

## **9. AMENDMENTS TO THE POLICY**

9.1 Where there are specific provisions within the policy for making amendments, for example section 5.2.3 that provides for an addendum to be published detailing the revised table of authorised fares, the Assistant Director (Communities) may authorise the amendment without further consultation.

9.2 This does not compromise, however, any other consultation that may be undertaken by the Council in relation to such amendments, for example the consultation process in determining the new fare tariff.

9.3 Any substantial amendment to this policy, not specifically provided for as detailed in 9.1 will only be implemented after further consultation with the trade and the public. All substantial amendments must be authorised by the Cabinet of the Council.

9.4. For the purpose of this section, any substantial amendment is defined as one that:

- will have a significant financial effect on licence holders, or
- will have a significant procedural effect on licence holders, or
- may not be perceived by the trade or the public to be consistent with the published objectives in Section 1.3 of this policy.

9.5 Any minor amendment to this policy, not specifically provided for as detailed in Section 9.3 of this policy, may be authorised by the Assistant Director (Communities).

## **10. RIGHTS OF APPEAL**

10.1 In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, refuse to renew, suspend or revoke a licence; the applicant has a right of appeal to the local Magistrates' Court. The specific grounds for appeal are detailed in **APPENDIX P**.

10.2 Any appeal must be lodged at the Court within twenty-one days of the applicant receiving notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

## APPENDIX A

### HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES SPECIFICATION AND SCHEDULE OF CONDITIONS

#### Conditions that apply to both types of vehicles

#### 1. General Construction

- 1.1 Every hackney carriage and private hire vehicle must comply in all respects with these specifications and conditions
- 1.2 Whilst these specifications may have been complied with a licence may nevertheless be withheld if the Council is of the opinion that any vehicle is unsuitable for public use.

#### 2. Age

- 2.1. Vehicles presented for first time licensing must be under 7 years old and will not be re-licensed if they are over 10 years old.
- 2.2 Purpose built and converted wheelchair accessible vehicles when presented for first time licensing must not be more than 10 years old and will not be re-licensed if they are over 14 years old.
- 2.3 Exceptions to the foregoing limits may be made in respect of vehicles which, in the Council's opinion, have a special character or otherwise at the Council's discretion.

#### 3. Engine Capacity

- 3.1 The engine capacity must not be less than 1400 cc. for a petrol engine and 1500 cc. for a diesel engine.
- 3.2 The engine capacity must not be more than 2800 cc.

#### 4. Body

- 4.1 The body must be of the fixed head type
- 4.2 The vehicle must not be left-hand drive. Right hand drive passenger vehicles offer the drivers clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
- 4.3 The overall length of the vehicle must not be not less than 14 feet (4267mm) in length
- 4.4 At least two doors for the use of passengers conveyed in the vehicle must be provided and a separate means of ingress and egress for the driver must be provided by means of a door on the offside of the vehicle
- 4.5 Passengers' doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism, provided that this condition shall not prevent doors being fitted with a child safety lock.

4.6 Windows must be provided at the sides and rear and passengers door windows must be capable of being easily opened and closed by passengers.

4.7 Provision must be made for carrying and securing luggage and if luggage is carried or intended to be carried on the roof a roof rack of a type or roof mounted luggage box approved by the Council must be fitted.

## **5. Steering**

5.1 The steering wheel must be on the offside of the vehicle and must not be left-hand drive. Right hand drive passenger vehicles offer the drivers clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.

## **6. Tyres**

6.1 All tyres at normal pressure under load must have a suitable minimum circumference for correct operation of the taximeter.

6.2 In view of the high mileage covered by hackney carriage and private hire vehicles the depth of tyre tread on all vehicles must be a minimum of 2mm.

## **7. Suspension**

7.1 The vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.

## **8. Fuel Tank**

8.1 The filling point for all fuel tanks must be accessible only from the outside if the vehicle and filler caps must be so designed and constructed that they cannot be dislodged by accidental operation.

## **9. Seating**

9.1 Seating in saloon and estate cars does not normally cause concern. Multi-purpose vehicles (MPV's) or people carriers offer a bewildering number of seat configurations often to match the owner's needs. In the interests of public safety of the passengers it is necessary to examine these seating arrangements to ensure that in the event of a collision or fire there is unobstructed egress from the vehicle. If MPV's or people carriers have individual seats, it may be necessary to remove a second row middle seat to permit improved access to the rearmost seats. This however would reduce the maximum permissible passengers by one. Alternatively, in the event of an emergency, passengers should be able to exit the vehicle through the rear and emergency brake glass hammers should be fitted.

9.2 Therefore:

- The passenger carrying capacity will be at the discretion of the licensing authority
- The rear seat of the vehicle of the vehicle must be a minimum of 1.22 metres long (405 millimetres, 16 inches per person)
- The seat is to be measured where the rear of the cushion meets the back of the seat
- All seats must be fitted with fully operational seat belts



- The number of passenger seats must remain as stated on the vehicle licence
- There must be no alteration to the seating configuration without notifying the Council
- All seats must be forward or rear facing
- All vehicles must be able to seat a minimum of 4 passengers in comfort with sufficient legroom for all passengers
- The seat covering must be clean and in a good state of repair

## **10. Tinted glass**

10.1 Vehicles are manufactured and produced with window glass in various tints or film coatings from clear to jet-black, the latter making it impossible to view into the passenger compartment. The removal of film coating from windows is far less expensive than the changing of glass. These heavily tinted windows may be of concern to women passengers travelling alone, and parents of children travelling unaccompanied. Many of the vehicles supplied with tinted glass are acceptable, however in the interests of safety and reassurance to passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on licensed vehicles. The final decision on whether a vehicle in this regard rests with authorised officers of the Council.

## **11. Luggage**

11.1 Adequate storage for passenger luggage must be available, adequately separated from the passenger compartment without obstructing any emergency exits. Luggage carried must be suitably secured in place.

11.2 Estate cars or multi-passenger type vehicles, can cause a safety concern when stacking luggage in the vehicle by the potential danger to passengers should the vehicle have to harshly brake or be involved in an accident. It is recommended that luggage should not be stacked above the height of the rear seats unless the vehicle is designed with, or fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment. Alternatively a guard rail should be fitted.

## **12 Facilities for driver**

12.1 The vehicle must be so designed and constructed that the driver has adequate room, can easily reach and operate the controls and give hand signals on the offside of the vehicle.

12.2 The vehicle must be fitted with at least two mirrors fitted externally to the vehicle, one to the offside and one to the nearside, with another mirror fitted internally. All mirrors are to be fitted and adjusted to afford the driver a clear view to the rear of the vehicle.

12.3 The vehicle must be fitted with adequate devices for demisting and defrosting the windscreen and rear window and for washing the windscreen.

## **13 Heating**

13.1 An adequate heating system must be provided and maintained for the driver and passengers and, where the driver's compartment and passenger compartment are separate must be provided for independent control by the driver and passengers

## **14 Communication between Passenger and Driver**

- 14.1 Sufficient means must be provided by which any person in the vehicle may communicate with the driver.

## **15 Floor covering**

- 15.1 The floor of the vehicle must be covered with a suitable carpet, mat or other covering which can be readily cleaned.

## **16 Fire Extinguisher**

- 16.1 A fire extinguisher must be carried in all licensed vehicles. Such an appliance must be either:-

- ABC General Purpose Powder
- AFFF Foam

and conform to BSEN 3, showing the appropriate kite mark

- 16.2 All extinguishers must be certified in accordance with the appropriate British Standard. The date of expiry must be clearly visible on the extinguisher.

## **17 First Aid Equipment**

- 17.1 There shall be carried and maintained in such a position as to be readily available for use and prominently marked adequate and suitable first aid equipment suitable for treating minor injuries. (Beware! – a driver should not render aid to any other person unless he holds a current First Aid Certificate – Health and Safety Rules).

- 17.2 The Council will specify a required list of products for the first aid kit, however, as a minimum it is recommended that this kit contains:

- individually wrapped sterile adhesive dressings (assorted sizes)
- sterile eye pads
- individually wrapped triangular bandages
- safety pins
- medium sized individually wrapped sterile wound dressings (approximately 12cm x 12cm)
- large individually wrapped sterile wound dressings (approximately 18cm x 18cm)
- pair of disposable gloves

## **18 Radio Equipment**

- 18.1 If two-way equipment is provided in the vehicle, it must be in a position approved by the Council and maintained in a sound condition.

## **19 Mobile Telephones**

- 19.1 Mobile telephones may only be used with a hands-free kit or a Bluetooth headset.

## **20 Identification Plates**

- 20.1 The authorised identification plates issued by the Council must be affixed to the vehicle as follows:

- i) the large identification plate shall be securely fixed to the rear of the vehicle in a conspicuous position and in a manner both to be approved by the Council, plates are NOT allowed within the rear window
  - ii) the small identification plate shall be securely fixed to the inside of the vehicle in a conspicuous position and in a manner both to be approved by the Council.
- 20.2. No vehicle may be used or permitted to be used with any such plate concealed from view or so defaced that any word, letter, figure or material particular is illegible.

## **21 Fittings**

- 21.1 No fittings other than those approved by the council shall be attached to or carried upon the inside or outside of the vehicle.

## **22 Seat Belts**

- 22.1 All vehicles must be fitted with fully operational seat belts, one for each passenger carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.
- 22.2 In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with. The law regarding seatbelts and children is explained in **APPENDIX B**

## **23 Alteration of Vehicle**

- 23.1 No material alteration or change in the specification, design, condition or appearance of any vehicle shall be made without the approval of the Council at any time while a licence is in force in respect of that vehicle.
- 23.2 Equipment must not be removed from a vehicle which is wheelchair accessible which would render the vehicle incapable of carrying wheelchair bound passengers.

## **24 Maintenance of Vehicle**

- 24.1 The vehicle (including the engine area) and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in the Road Vehicles (Construction and Use) Regulations in force from time to time shall be fully complied with.
- 24.2 Any corroded or damaged body panels or other parts must be properly repaired or renewed, all splits or cracks must be properly welded and all paintwork properly finished off.
- 24.3 All vehicles over 1 year old will be required to have a statutory M.O.T. test at a qualified testing station every six months.
- 24.4 Vehicles are liable to be examined at any time by an authorised officer of the council, the Vehicle Inspectorate or the Police.

## **25 Disability Access**

- 25.1 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:
- i) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
  - ii) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as to not obstruct any emergency exit.
  - iii) A suitable restraint must be available for the occupant of a wheelchair.
  - iv) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper.
  - v) Ramps and lifts must be securely stored in the vehicle before it may move off.
- 25.2 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307). Any such equipment must be maintained in good working order and be available for use at all times.
- 25.3 Test certification is to be made available to an authorised officer of the council upon request.

## **26 Smoking**

- 26.1 The Health Act 2006 and its associated regulations require vehicles to be smokefree. A vehicle means every type of enclosed hackney carriage and private hire vehicle shall be smoke free.
- 26.2 Hackney carriage and private hire vehicles are required to be smoke free at all times, whether they are being used for work or for private use.
- 26.3 Under the Health Act 2006 and the Smoke-free (Signs) Regulations 2007, all hackney carriage and private hire vehicles will also be required to display the prescribed no-smoking signs and the signage must be displayed in a prominent position.
- 26.4. The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 set out the persons who have legal duties to stop any person who is smoking in a smokefree vehicle, they are:
- the driver
  - any person with management responsibilities for the vehicle
  - any person in a vehicle who is responsible for order or safety in it

## **27 Animals**

- 27.1 Since 31 March 2001 licensed taxi drivers in England and Wales have been under a duty (under s.37 of the Disability Discrimination Act 1995) to carry guide, hearing and other prescribed assistance dogs in the vehicles, without additional charge.
- 27.2 Drivers who have a medical condition that is aggravated by exposure to dogs may apply to the licensing authority for exemption from the duty on medical grounds. Any other driver who fails to comply with the duty is guilty of a criminal offence and liable, on summary conviction, to a fine of up to £1,000.
- 27.3 No animals, other than those falling into the criteria above or those owned by bona-fide fare paying passengers with the agreement of the driver, shall be carried in or on any licensed vehicle whilst the vehicle is so engaged under the terms of its licence.

## **28 The Public Carriage Officer**

- 28.1 It is a criminal offence to obstruct a Public Carriage Officer or any other authorised officer of the Council.
- 28.2 From time to time it is necessary for the Public Carriage Officer or any other authorised officer to examine or check the vehicle.

## **Conditions that apply to Hackney Carriage Vehicles only**

### **29 Seating for purpose built hackney carriages**

- 29.1 In the case of any folding seat as found in purpose built hackney carriages:-
- a) the width of the cushion seat must not be less than 16 inches (406mm)
  - b) the depth from the upholstery at the back to front edge of the seat must not be less than 14 inches (355mm)
  - c) the shortest vertical distance between the undeflected seat cushion and the roof lining immediately above must not be less than 33 inches (839mm)
  - d) The vertical distance between the highest point of the undeflected seat cushion and the top of the floor covering must not be less than 12 inches (305mm)
  - e) where seats are placed facing each other there must be a clear space of 17 inches (432mm) between any part of the front of a seat and any part of any other seat which faces it.
  - f) any such folding seat must be so constructed and arranged to rise automatically when not in use and must not obstruct any doorway when not in use.
- 29.2 Nothing in condition 29.1 above shall prevent
- a) the licensing of any purpose built hackney carriage which has 2 folding seats and a rear seat width of 45 inches (1143mm) for the carriage of four passengers
  - b) the licensing of any purpose built hackney carriage which has 2 folding seats and a rear seat width of not less than 50 inches (1227 mm) for the carriage of 5 passengers

### **30. Taximeters**

- 30.1. An approved taximeter must be fitted in all hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure.

All taximeters must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation.

- 30.2 The taximeter shall be positioned so that the display on the face of the meter may be clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring.
- 30.3 The vehicle taximeter shall be brought into operation at the commencement of a journey. When the meter is operating there shall be recorded on the face of the meter on clearly

legible figures a fare not exceeding the maximum fare that may be charged for that journey.

- 30.4 An official copy of the Council's fare tariff shall be clearly displayed in the vehicles so as to be plainly visible to passengers carried therein.
- 30.5 In the event of a journey commencing in but ending outside the area covered by Gravesham Borough Council, there may be charged for the journey such fare as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of hackney carriages.
- 30.6 Private hire vehicles are not required to be fitted with a taximeter but where a taximeter has been fitted, it must be of a type approved by the Council.
- 30.3 The fare recorded on the face of the taximeter must be of an amount calculated strictly in accordance with the Council's table of fares in force for the time being.
- 30.4 When a taxi meter is programmed to record a new table of fares, action must be taken at that time to ensure that it is impossible to record on the face of the meter any table of fares other than that currently in force.

### **31 Roof Sign**

- 31.1 There must be fitted externally to the roof in a position and of a size and type approved by the council a sign showing to the front the word 'TAXI' additionally the Proprietors trading name may be shown.
- 31.2 The rear of the sign may be left blank or have the word 'TAXI' showing. Alternatively, the proprietor's trading name and/or telephone number may be shown.
- 31.3 The sign shall be so arranged that it is illuminated during the hours of darkness when the vehicle is available for hire but that when the machinery of the taximeter is in action the illumination of the sign shall be extinguished.
- 31.4 The roof sign may be removed while the vehicle is being used in connection with a funeral, a wedding or other special occasion.

### **32 Fare Table**

- 32.1 A fare table of a size and design approved by the Council must be permanently affixed in a conspicuous position inside the vehicle so that it is clearly and conveniently visible to any passenger being conveyed in the vehicle.

## **Conditions that apply to Private Hire vehicles only**

### **33 Taximeter**

- 33.1 Any taximeter with which the vehicle is provided shall be so constructed, attached and maintained as to comply with the following requirements:-
- i) the taximeter shall not be fitted with a flag or other device bearing the words 'FOR HIRE'

- ii) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter
- iii) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter
- iv) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or drivers is entitled to demand and take in pursuance of the table of fares approved by the Council in that behalf for the hire of the vehicle by distance or by distance and time.
- v) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as to clearly apply to the fare recorded thereon.
- vi) the taximeter shall be so placed that all letters and figures on the face thereof may at all times be plainly visible to any person being conveyed in the vehicle and that for the purpose the letters and figures shall be suitably illuminated during any period of hiring.
- vii) the taximeter and all fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

## APPENDIX B

### HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

#### SEATBELT REGULATIONS AND CHILDREN

	<b>Front Seat</b>	<b>Rear Seat</b>	<b>Who is responsible?</b>
Driver	Seat belt <b>MUST</b> be worn if fitted		Driver
Child under 3 years of age	Correct child restraint <b>MUST</b> be used	Correct child restraint <b>MUST</b> be used. If one is not available in a taxi, may travel unrestrained	Driver
Child from 3rd birthday up to 1.35 metres in height (or 12th birthday, whichever they reach first)	Correct child restraint <b>MUST</b> be used	Correct child restraint <b>MUST</b> be used where seat belts are fitted. <b>MUST</b> use adult belt if correct child restraint is not available in a licensed taxi or private hire vehicle, or for reasons of unexpected necessity over a short distance, or if two occupied restraints prevent fitment of a third	Driver
Child over 1.35 metres (approx 4ft 5ins) in height or 12 or 13 years	Adult seat <b>MUST</b> be worn if available	Adult seat <b>MUST</b> be worn if available	Driver
Adult passengers aged 14 and over	Seat belt <b>MUST</b> be worn if available	Seat belt <b>MUST</b> be worn if available	Passenger



## APPENDIX C

### CODE OF PRACTICE FOR THE MANAGEMENT OF CAMERA SYSTEMS IN HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES LICENCED BY GRAVESHAM BOROUGH COUNCIL.

This Code of Practice has been agreed and accepted by Gravesham Borough Council, North West Kent Police and Gravesham hackney carriage and private hire drivers.

#### 1. **Introduction**

- 1.1 The Code of Practice (hereinafter called the Code) sets out to ensure that in-car camera systems in hackney carriages and private hire vehicles (hereinafter called Licensed vehicles) licensed by Gravesham Borough Council (hereinafter called the Licensing Authority) are used to prevent crime, identify the perpetrators of crime, enhance the health and safety of hire vehicle drivers and reduce the fear of crime. Adherence to this Code will ensure that the civil liberties of all parties are upheld.
- 1.2 The body responsible for monitoring compliance with this Code will be the Regulatory Board of Gravesham Borough Council acting through officers of the Regulatory Services Department.
- 1.3 Any person agreeing to this Code, by completing a copy of the certificate appended to this Code of Practice, will be accepting it as part of the conditions attached to their Proprietors / Vehicle Licence. Any non-compliance will be considered to be a breach of those conditions.

#### 2. **The Purpose of In Car Camera Systems**

- 2.1 The purpose of in-car camera systems shall be to provide a safer environment for the benefit of hire vehicle drivers and passenger by:
  - 2.1.2 Deterring and preventing the occurrence of crime;
  - 2.1.3 Reducing the fear of crime;
  - 2.1.4 Assisting the Police in investigating incidents of crime;
  - 2.1.5 Assisting the Police in identifying missing persons.

#### 3. **Approval processing for a driver safety camera**

- 3.1 How to have a product placed on the 'Approved List'

The manufacturer of a camera, a Taxi Association or a vehicle proprietor may apply in writing for a particular make/model of camera to be placed on the 'Approved List'

- 3.2 There will need to be evidence that the product has an appropriate level of conformity with regard to:
  - 3.2.1 Safety issues when fitted inside the vehicle
  - 3.2.2 Adequate image quality in day and night light conditions

- 3.2.3. Encryption of images stored
- 3.2.4. Appropriate public information signs
- 3.2.5. Adequate secure storage of recording device and memory away from public access
- 3.2.6. Appropriate activation device

The manufacturer will supply the Council with de-encryption software free of charge to ensure compliance with the condition that all captured images should only be accessible to Authorised Officer in the first instance.

- 3.3 Authorised Officers will require appropriate product technical information in writing.
- 3.4 The camera will also be inspected in situ within a saloon vehicle mutually agreed between the applicant and Authorised officers. This will enable Officers to take a view on how the safety issues and conformity to conditions in respect of security.
- 3.5 If approved the product and manufacturer detail will be placed in the Council's 'Approved List' to inform licensed drivers of the product suitability.

#### **4 Installation and Operation of In Car Camera Systems in Licensed Vehicles**

- 4.1 Only in-car camera systems approved by the Licensing Authority will be installed in licensed vehicles.
- 4.2 Prior to installation of an approved system, any hire vehicle proprietor/owner wishing to install an in-car camera system must sign an agreement to comply with this Code.
- 4.3 An approved installer will carry out the installation in accordance with the manufacturer's instructions and this Code.
- 4.4 All licensed vehicles with in-car camera systems installed shall display prominent notices visible from outside the vehicle and also within the vehicle at a point readily visible to passengers, declaring that an in-car camera system is in operation within the vehicle. Signage to be in accordance with Hackney Carriage and Private Hire Vehicles conditions. The driver may also verbally bring to the attention of passengers that in-car camera equipment is installed, if it is felt appropriate.
- 4.5 Unless already installed, signs must not be displayed if equipment is not installed or is not operational.
- 4.6 The installation will consist of one rear-facing camera in the hire vehicle unless the seating arrangements therein allows rear-facing passengers, in which case an additional camera may be installed to capture images of passengers in those seats. Any proprietor/owner wishing to install additional cameras to those allowed in this paragraph must obtain written consent from the Assistant Director (Communities) prior to doing so.

- 4.7 All cameras will be installed above the level of the dashboard within the hire vehicle.
- 4.8 The installer will provide a certificate to the authority giving details of the installation.
- 4.9 The in-car camera system will at all times be operated in accordance with the manufacturer's instructions.
- 4.10 The operator of a hire vehicle with an in-car camera system will advise the Licensing Authority of any proposed changes to the installation.

## **5. Use of Information Recorded on In-Car Camera Systems**

- 5.1 It is important that any person who suspects that a crime has been committed and that an in-car camera system may contain relevant information to the crime, should report that suspected crime to the Police as soon as possible. Any delay in reporting a suspected crime may result in evidence being lost.
- 5.2 Only persons approved by the Licensing Authority after consultation with North West Kent Police may download or otherwise extract information from an in-car camera system, subject to Data Protection Legislation.
- 5.3 Under normal circumstances, for evidential purposes, two copies of an image on photographic quality paper will be required.
- 5.4 In the event of a serious crime investigation, where the equipment stores the image digitally and is therefore the primary evidence, it may be necessary for the data storage unit to be removed from the vehicle. This decision will be made by the investigating police officer. The Approved Person to remove the unit should, where possible, install a replacement to allow the system to continue to operate.
- 5.5 The removal of information from the in-car camera system or the removal of the data storage unit will only be carried out by an Approved Person under the supervision of the investigating police officer or other nominated police officer. Police Officer supervision will not be required where removal is for maintenance purposes (with reference to 6.10) or in support of paragraph 6.11.
- 5.6 Upon removal, the photograph, data storage unit or other data will be handed immediately to the supervising police officer and no one else to ensure continuity of evidence.
- 5.7 The Approved Person will provide a certificate to the police officer confirming that they are an Approved Person to download data or remove the equipment, that they are properly trained for that function and that the equipment was working satisfactorily at that time. A statement containing the following information must also be provided: details of person requesting the image, details of vehicle in which equipment is installed (make and model, registration number and plate number), serial number of equipment, date and time the image was recorded and date and time the image was produced.
- 5.8 Only a police officer or a civilian working for the police or at the direction of the police may make copies of any image.

- 5.9 No other person will have direct access to the images stored in the in-car camera system. Any person, who believes that the image of a person responsible for a criminal act may be held in an in-car camera system, must report the matter to the police.
- 6.10 The Licensing Authority must be notified if any maintenance work is required to the in-car camera system.

**7. Monitoring of the Use of In-Car Camera Equipment**

- 7.1 Authorised officers of the Regulatory Services Department will be responsible for monitoring the use of in-car camera systems.
- 7.2 Any authorised officer of the Regulatory Services Department may, at any reasonable time and on production of identification, if requested, examine any in-car camera installation.
- 7.3 Any failure to comply with this Code of Practice will be reported to the appropriate Committee as a breach of the Proprietors / Vehicle Licence Conditions.

**8. Liability**

- 8.1 The in-car camera system will at all times remain the property of the Licensed Proprietor of the Vehicle or the licensed driver who uses the Vehicle, who will at all times be liable for its use in his/her vehicles. The licensed proprietor of the vehicle will be responsible for the maintenance of the system.

**9. Review**

- 9.1 The working of the Code of Practice shall be subject to review. Reviews will take place on a three yearly basis and also at other times when it becomes apparent that a particular policy requires urgent review.

**PARTNERSHIP AGREEMENT**

**I AGREE TO THE TERMS AND CONDITIONS OF THE ABOVE CODE OF PRACTICE ON THE MANAGEMENT OF CAMERA SYSTEMS IN HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES LICENSED BY GRAVESHAM BOROUGH COUNCIL.**

**SIGNED .....**

**ASSISTANT DIRECTOR (COMMUNITIES) on behalf GRAVESHAM BOROUGH COUNCIL**

**SIGNED .....**

**I am a Licensed Hackney Carriage Driver with Gravesham Borough Council**

**I am a Licensed Private Hire Driver with Gravesham Borough Council**

*(Delete as appropriate)*

**ADDRESS:**

**CONTACT TELEPHONE NUMBER:**

**VEHICLE PLATE NO .....**

**DRIVER BADGE NUMBER .....**

**DATED .....**

## APPENDIX D

### ADDITIONAL CONDITIONS FOR PRIVATE HIRE LIMOUSINES

#### 1 TYPES OF VEHICLES

- 1.1 The vehicle must have one of the following:
- (i) A UK Single Vehicle Approval Certificate
  - (ii) A European Whole Vehicle Approval Certificate
  - (iii) UK Low Volume Type Approval Certificate
- 1.2.1 If the vehicle has a UK Single Vehicle Approval Certificate, the licensing authority will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof.

#### 2 VEHICLE AND SAFETY EQUIPMENT

- 2.1 Stretched limousines and similar vehicles shall comply with the existing conditions of licence applicable to all licensed private hire vehicles in so far as they are not superseded by these additional conditions and the local private hire licence fee shall be the same.
- 2.2 The Proprietor of a vehicle shall:-
- (i) ensure that the fire extinguisher required to comply with the standard Vehicle Conditions of Licence applicable to all licensed private hire vehicles should be mounted on brackets, in a convenient position in the driver's compartment;
  - (ii) ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (*including those contained in the Motor Vehicles(Construction & Use) Regulations*) are fully complied with. Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance is rectified;
  - (iii) ensure that loose luggage is not carried within the passenger compartment of the vehicle;
  - (iv) ensure that any CCTV cameras installed in the vehicle have received prior written approval of the Council; and
  - (v) display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation.
  - (vi) ensure the vehicle is fitted with tyres that meet both the size and weight specification.
- 2.3 Vehicles may be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive.
- 2.4 Limousines with sideways facing seating to be considered for private hire licensing.
- 2.4 The passenger compartment of the vehicle may be fitted with darkened or blackened glass.
- 2.5 The driver's compartment, including the front passenger seat must not be fitted with darkened or blackened glass.

- 2.6 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.

### **3 USE OF VEHICLE**

- 3.2 The proprietor of the vehicle or the holder of a private hire operator's licence responsible for the booking shall:-
- (i) ensure that the vehicle is at all times only driven by a person who holds a current private hire vehicle driver's licence issued by Gravesham Borough Council;
  - (ii) not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers;
  - (iii) ensure that in any advertisement publicising their limousine service, the vehicle is only licensed to carry a maximum of eight passengers.
  - (iv) not convey any passengers in the front compartment of the vehicle;
  - (v) not supply any intoxicating liquor in the vehicle unless there is in force an appropriate authorisation under the Licensing Act 2003 permitting the sale or supply of the same.
  - (vi) if the occupants are below the age of 18, there should be no alcohol in the vehicle for consumption or otherwise.
  - (vii) any glassware in the vehicle must be made of either shatterproof glass or plastic.
  - (viii) the driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.
  - (ix) if the limousine parks to provide some sort of entertainment to its passengers, the relevant authorisation must be in place in accordance with the Licensing Act 2003.
  - (x) when directed by the Council, display and maintain any notices in conspicuous position.

### **4 VEHICLE IDENTIFICATION**

- 4.1 The vehicle will not be required to display the rear, external private hire vehicle licence plates which must normally be displayed by licensed private hire vehicles. The proprietor of the vehicle will be issued, by the Council, with the licence identification which identify the vehicle as a private hire vehicle on which will be displayed the registration number that vehicle and the number of passengers permitted to be carried. The proprietor shall ensure that:-
- (i) vehicle identification is displayed on the top left-hand corner of the front windscreen in a conspicuous position where it can be clearly seen from the outside of the vehicle and all wording and lettering contained thereon read. The other identification shall be fixed inside the vehicle in such a position (such as the bulkhead or security screen) as to be visible to persons conveyed therein;

- (ii) no private hire limousine vehicle identification shall be parted with, lent or used on any other vehicle and the loss or damage of the vehicle identification shall be reported to the Council as soon as the proprietor is aware of the loss. In the event of ceasing to use the vehicle for private hire (special event) purposes the proprietor shall surrender the vehicle identification and licence to the Council within seven days.

## **5 SIGNS, NOTICES, ETC**

- 5.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle, other than those specifically approved by the Council.

## **6 INSURANCE/MOT TEST CERTIFICATE**

- 6.1 The vehicle must not be used to carry passengers for private hire special events unless there is in force for the vehicle:

- (i) a statutory M.O.T. test at a qualified testing station every six months.
- (ii) a policy of insurance covering the use of the vehicle for private hire special events and the proprietor of the vehicle is shown as the policy holder and any other licensed private hire limousine vehicle drivers who drive the vehicle are covered.

These documents shall be produced to an authorised officer of the Council or a Police Officer at such time and place as may be required.

- 6.2 If the insurance cover on the vehicle is cancelled, expires or fails to cover the use to which the vehicle is being put, the Licence Officer shall be informed immediately and the vehicle shall not be used until appropriate cover is obtained.

## **7 DEPOSIT OF LICENCES**

- 7.1 If the proprietor permits or employs any other person to drive his private hire limousine vehicle, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his private hire vehicle driver's licence or restricted private hire vehicle driver's licence for retention until such time as the driver ceases to be permitted or employed to drive that vehicle.

- 7.2 The loss of any vehicle or driver licence shall be reported to the Council as soon as possible.

## **8 GENERAL CONDITIONS**

- 8.1 All Operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.
- 8.2 The Licensee must produce a copy of the SVA certificate at time of licensing.



## APPENDIX E

### HACKNEY CARRIAGE AND PRIVATE HIRE APPLICATION PROCEDURES

#### 1. VEHICLES

##### 1.1 New licences and renewal licences

1.1.2 An applicant will need to complete, in full, one of the necessary application forms as follows:-

- New application for hackney carriage vehicle licence
- Renewal application for hackney carriage vehicle licence
- New application for private hire vehicle licence
- Renewal application for private hire vehicle licence

1.1.3 The following documents must also be produced:-

- i) The Vehicle Registration Document issued by the DVLA, or proof of ownership
- ii) Insurance Certificate confirming the vehicle is covered for 'Hire and Reward' – if a cover note is provided licence holders will be required to produce further insurance certificates on or before the expiry of the cover note
- iii) MOT certificate

If the documentation is complete, photocopies will be taken of all documents. The copies will be retained and the originals returned to the applicant.

1.1.4 The relevant fee must also be paid.

1.1.5 All of the above must be submitted in sufficient time to take into account that a minimum of one week is required before the appropriate licence can be issued.

1.1.6 Officers may only accept complete applications comprising of all the necessary paperwork. If an application is received late, the applicant's vehicle may be unlicensed for a period of time during which they will be unable to use it as a licensed vehicle.

1.1.7 The successful completion of this procedure will be indicated by the issue of an appropriate hackney carriage/private hire vehicle licence together with the necessary plates for the vehicle, which must not be used for hire or reward until these are attached to the licence.

##### 1.2 Replacement Vehicle on an existing hackney carriage or private hire vehicle

1.2.1 If, during the term of the vehicle licence, it becomes necessary to replace the existing vehicle with another, all of the supporting documents as detailed above must be submitted, together with the original licence for endorsement with the new vehicle details. All of the documentation must be submitted in sufficient time to take into account that a minimum of one week is required before the appropriate licence can be issued.

1.2.2 There will an administration fee charged for this process which takes into account the supply of a new vehicle plate.

### 1.3 **Transfer application for an existing hackney carriage or private hire vehicle from one licensed driver to another**

1.3.1 This is the only licence that may be transferred

1.3.2 Documentation as described in 1.1.3 above must be provided together with the original licence for endorsement with the new details. All of the documentation must be submitted in sufficient time to take into account that a minimum of one week is required before the appropriate licence can be issued.

1.3.3 There is no fee for this process.

## 2. **DRIVERS**

2.1.1 An applicant will need to complete, in full, one of the necessary application forms as follows:-

- New application for hackney carriage drivers licence
- Renewal application for hackney carriage drivers licence
- New application for private hire drivers licence
- Renewal application for private hire drivers licence

2.1.2 All applicants must be over 21 years of age and not be in other employment totalling more than **30** hours a week.

### 2.1.3 **New drivers**

2.1.4 All new applicants must firstly pass the Knowledge Test as detailed in **APPENDIX .** Depending upon the overall pass mark achieved they will either be able to apply for a private hire drivers licence or a hackney carriage drivers licence.

2.1.5 An applicant has 2 years in which to take out a licence subsequent to successfully passing the Knowledge Test. Anyone who fails to do so within this time frame will be required to re-sit the Knowledge Test again.

2.1.6 The following documentation must then be provided:

- a) Full UK (or equivalent EC) Drivers licence which has been held for at least 12 months

Where applicants have recently arrived from countries within the European Union, any driving licence entitlement held in that country will automatically count towards the qualification requirement for the issue of a hackney carriage or private hire vehicle driver's licence.

Where applicants have recently arrived from other, non-EU countries, it is possible for them to convert any existing driving licence to a UK issue, either by straight transfer or by undertaking an appropriate driving test. The Council requires that the twelve month qualifying period for holding such a licence will start from the time of the conversion.

- b) A Driving Standards Agency test certificate for hackney carriage and private hire drivers.

- c) A medical certificate, obtained from the drivers own GP or someone with access to his medical records indicating that the applicant is physically fit and able to fulfil the role, to DVLA Vocational Group 2 Standards.
- d) A completed application form for an Enhanced Criminal Records Bureau Check. All overseas applicants who have resided in this country for less than three years obtain a Certificate of Good Conduct from their relevant embassy or consulate, at the applicant's expense, authenticated, translated and sealed by the embassy or consulate.
- e) Any foreign national will be required to give details of any residency outside the UK and sign a declaration that they are permitted to work in the UK. Applicants must also provide a document to evidence that they are permitted to work in the UK.
- f) Proof of identity – Passport or Birth Certificate
- g) Confirmation of address – Utility bill or the like
- h) 3 colour photographs, of passport size and standard, showing the full face of the applicant as it would normally appear.

If the documentation is complete, photocopies will be taken of all original documents and returned to the applicant

2.1.7 The appropriate fee must be paid

2.1.8 Applicants will be issued with a paper licence and also a driver's badge which shall remain the property of the Council and must be surrendered when the driver ceases employment.

#### 2.1.9 **Drivers renewing licences**

The following documentation must then be provided:

- a) Full UK (or equivalent EC) Drivers licence
- b) A medical certificate, obtained from the drivers own GP or someone with access to his medical records indicating that the applicant is physically fit and able to fulfil the role, to DVLA Vocational Group 2 Standards.
- d) A completed application form for an Enhanced Criminal Records Bureau Check. All overseas applicants who have resided in this country for less than three years obtain a Certificate of Good Conduct from their relevant embassy or consulate, at the applicant's expense, authenticated, translated and sealed by the embassy or consulate.
- e) Any foreign national will be required to give details of any residency outside the UK and sign a declaration that they are permitted to work in the UK. Applicants must also provide a document to evidence that they are permitted to work in the UK.
- f) Proof of identity – Passport or Birth Certificate
- g) Confirmation of address – Utility bill or the like
- h) 3 colour photographs, of passport size and standard, showing the full face of the applicant as it would normally appear.

If the documentation is complete, photocopies will be taken of all original documents and returned to the applicant

- 2.1.10 Applicants will be issued with a paper licence and also a driver's badge which shall remain the property of the Council and must be surrendered when the driver ceases employment.

### **3. Private Hire Operator's**

- 3.1 The applicant will complete, in full, the application form

- 3.1.1 The following documentation must be provided:

- a) Proof of public liability insurance
- b) Basic Criminal Records Bureau check (less than 3 months old) for each person named on the application form

If the documentation is complete, photocopies will be taken of all original documents and returned to the applicant.

- 3.1.2 The appropriate fee must be paid

- 3.1.3 The licence will be issued

### **4. Applications general**

- 4.1 If the application form contains any details to suggest that any relevant convictions or cautions have been imposed on the applicant since the licence was last issued or renewed, authorised officer will discuss the matter with the applicant.

- 4.2 At that time it will be decided whether the application is likely to be successful in the light of the Council's Policy of the Relevance of Convictions as detailed in paragraph 3.7, either by approval by authorised officers, or by reference to the Assistant Director (Communities).

- 4.3 In both cases, the CRB check will be applied for before any further consideration of the application.

- 4.4 When the CRB check has been returned, the application will be considered in the light of the information provided. It is therefore necessary to ensure that details of ALL convictions and cautions are provided at the initial stage. A serious view will be taken of any application which seeks to conceal any caution or conviction in order to obtain a Licence. This will lead to consideration of the applicant as not being a 'fit and proper person', and probable refusal of the application. Any information relating to criminal background will only be kept as long as it is necessary for assessment purposes.

- 4.5 In the event of an application being refused the applicant has the right of appeal to Magistrates' Court, such appeal to be lodged within 21 days of the decision being notified.



## APPENDIX F

### GUIDELINES RELATING TO THE RELEVANCE OF PREVIOUS CONVICTIONS

#### 1 General Policy

1. Each case will be decided on its own merits.
- 1.2 The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable persons to do so, that they are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers.
- 1.3 A person with a current conviction for a serious crime need not be permanently barred from obtaining a licence but should be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence of good character from the time of the conviction. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.
- 1.4 Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
- 1.5 The following examples afford a general guide on the action which might be taken where convictions are disclosed.

#### 2 Offences of Dishonesty

- 2.1 Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.
- 2.2 Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may comprise especially vulnerable people.
- 2.3 For these reasons a serious view is taken of any convictions involving dishonesty. In general, a period of 4 years free of conviction will be required before an application is likely to be considered favourably.
- 2.4 In particular, an application will normally be refused where the applicant has a conviction for an offence of:-
  - Theft
  - Burglary
  - Fraud
  - Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
  - Handling or receiving stolen goods
  - Forgery
  - Conspiracy to defraud
  - Obtaining money or property by deception
  - Other deception

and the conviction is less than 4 years prior to the date of the application.

2.5 Between 4 and 5 years after conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

### **3 Violence**

3.1 As hackney carriage and private hire drivers maintain close contact with the public, in general a period of 4 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably.

3.2 In particular:-

(i) An application will normally be refused where the applicant has a conviction for an offence of:-

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Arson
- Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)

and the conviction is less than 10 years prior to the date of application.

(ii) An application will normally be refused where the applicant has a conviction for an offence of:-

- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- Grievous bodily harm (s.20 Offences Against the Person Act) « Robbery
- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress) (s.31 (1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)

and the conviction is less than 8 years prior to the date of application.

(iii) Between 8 and 10 years after conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction. An application will normally be refused where the applicant has a conviction for an offence of:-

- Common assault
- Common assault which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Assault on a police officer
- Affray

- Racially aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- Riot
- Obstruction
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Violent disorder
- Resisting arrest
- and the conviction is less than 4 years prior to the date of application.

3.4 Between 4 and 8 years after conviction more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

#### **4. Drugs**

4.1 An application will normally be refused where the applicant has a conviction for a drug-related offence and the conviction is less than 5 years prior to the date of application.

4.2 In addition applicants will normally be required to show a period of at least 5 years free from taking drugs and/or 5 years after detoxification treatment if (s)he was an addict.

#### **5. Indecency Offences**

5.1 As hackney carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for soliciting, importuning, indecent exposure or any sexual offence will normally be refused a licence until they can show a substantial period (usually between 5 and 10 years) free from any such conviction.

5.2 In particular, an application will normally be refused where the applicant has a current conviction for an offence of:-

- Rape
- Indecent assault
- Gross indecency with a female
- Gross indecency with a male
- Indecent assault on a child under 16 years
- Buggery
- Is on the sex offenders register
- and the conviction is less than 10 years prior to the date of the application.

#### **6. Motoring Convictions**

##### **6.1 Major Traffic Offences**

An isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. However, where the conviction is within 6 months prior to the date of the application the application will normally be refused.

More than one conviction for this type of offence within the last 5 years is likely to merit refusal.



A list of offences to which this paragraph applies can be found below.

## 6.2 Minor Traffic Offences

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction of at least 6 months.

In particular, an application will normally be refused where the applicant has 6 or more penalty points on his DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed) or where the applicant has more than one conviction for this type of offence within the last 6 months.

A list of offences to which this paragraph applies can be found below.

## 6.3 Hybrid Traffic Offences

Offences of the type listed below will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

## 6.4 Disqualification

6.4.1 Where an applicant has been disqualified from driving because of a major traffic offence the application will generally be refused unless a period of 2 years free from conviction has elapsed from the restoration of the DVLA licence.

6.4.2 Where several 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.

6.4.3 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 be refused 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.

## 6.5 Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976

6.5.1 One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Acts") is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

6.5.2 In particular, an applicant will normally be refused a licence where (s)he has been convicted of an offence under the Acts at any time during the 6 months preceding the application or has more than one conviction within the last 2 years preceding the date of the application.

## **6.6 Drunkenness**

### **6.6.1 With a motor vehicle**

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.

An isolated conviction for drunkenness, without disqualification, will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence or one such offence within the last five years is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

### **6.6.2 Not in a motor vehicle**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

## **6.7 Cautions and Endorsable Fixed Penalties**

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions and must be disclosed.

## **6.7 Spent Convictions and the Principles of The Rehabilitation of Offenders Act 1974**

6.7.1 Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely.

6.7.2 The possibility of rehabilitation and the length of time before rehabilitation occurs depends on the sentence imposed, and not the offence committed.

6.7.3 Where a person is sentenced to imprisonment for a period exceeding thirty months, the conviction can never be spent.

6.7.4 Despite the above, the principles of the Act do not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of these vehicles is listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

6.7.5 Although the Act does not prevent any judicial authorities, including the Licensing Authority, from taking spent convictions into account, such convictions are only admissible in so far as they are relevant to the issue as to whether the applicant is a 'fit and proper person' to hold a licence.

6.7.6 The determination as to whether certain convictions are spent, therefore, may be a relevant exercise.

6.7.7 The rehabilitation periods to which reference is most commonly made are set out below. For further details on the periods of rehabilitation applicable to all sentencing options, reference will need to be made to a specialist textbook on the Act

Sentence	Rehabilitation Period
a) Sentence of imprisonment or detention exceeding six months but not exceeding thirty months	Ten years
b) Sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's Service	Ten years
c) Sentence of imprisonment not exceeding six months	Seven years
d) Sentence of dismissal from Her Majesty's Service	Seven years
e) Sentence of detention in respect of a convictions in services disciplinary proceedings	Five years
f) A fine, compensation, probation, community service or combination order	Five years
g) Absolute discharge	Six months
h) Conditional discharge	One year or date of expiry of order
i) Action plan, curfew, drug treatment and testing order, or reparation order	Five years

## APPENDIX F (Continued)

### RELEVANCE OF PREVIOUS CONVICTIONS

#### MAJOR TRAFFIC OFFENCES

AC10 Failing to stop after an accident

AC20 Failing to give particulars or to report an accident within 24 hours

AC30 Undefined accident offences

BA10 Driving while disqualified by order of court

BA20 Attempting to drive while disqualified by order of court

CD10 Driving without due care and attention

CD20 Driving without reasonable consideration for other road users

CD30 Driving without due care and attention or without reasonable consideration for other road users

CD40 Causing death through careless driving when unfit through drink

CD50 Causing death by careless driving when unfit through drugs

CD60 Causing death by careless driving with alcohol level above the limit

CD70 Causing death by careless driving then failing to supply a specimen for analysis

DD40 Dangerous driving

DD60 Manslaughter or culpable homicide while driving a vehicle

DD80 Causing death by dangerous driving

DR10 Driving or attempting to drive with alcohol level above limit

DR20 Driving or attempting to drive while unfit through drink

DR30 Driving or attempting to drive then failing to supply a specimen for analysis

DR40 In charge of a vehicle while alcohol level above limit

DR50 In charge of a vehicle while unfit through drink

DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive

DR70 Failing to provide specimen for breath test

DR80 Driving or attempting to drive when unfit through drugs

DR90 In charge of a vehicle when unfit through drugs

IN 10 Using a vehicle uninsured against third party risks

LC20 Driving otherwise than in accordance with a licence

LC30 Driving after making a false declaration about fitness when applying for a licence

LC40 Driving a vehicle having failed to notify a disability

LC50 Driving after a licence has been revoked or refused on medical grounds

MS50 Motor racing on the highway

MS60 Offences not covered by other codes

UT50 Aggravated taking of a vehicle

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN16 becomes IN16)

### **MINOR TRAFFIC OFFENCES**

MS10 Leaving a vehicle in a dangerous position  
MS20 Unlawful pillion riding  
MS30 Play street Offences  
MS40 Driving with uncorrected defective eyesight or refusing to submit to a test  
MS70 Driving with uncorrected defective eyesight  
MS80 Refusing to submit to an eyesight test  
MS90 Failure to give information as to identity of driver, etc.

MW10 Contravention of Special Road Regulations (excluding speed limits)

PC10 Undefined contravention of Pedestrian Crossing Regulations  
PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle  
PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle

TS10 Failing to comply with traffic light signals  
TS20 Failing to comply with double white lines  
TS30 Failing to comply with a "Stop" sign  
TS40 Failing to comply with direction of a constable or traffic warden  
TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)  
TS60 Failing to comply with school crossing patrol sign  
TS70 Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring  
Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting  
Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting  
Offences as coded above, but with 0 changed to 6 (e.g. PC16 becomes PC16)

### **HYBRID TRAFFIC OFFENCES**

CU10 Using vehicle with defective brakes  
CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition  
CU30 Using a vehicle with defective tyre(s)  
CU40 Using a vehicle with defective steering  
CU50 Causing or likely to cause danger by reason of load or passengers

SP10 Exceeding goods vehicle speed limit  
SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)  
SP30 Exceeding statutory speed limit on a public road  
SP40 Exceeding passenger vehicle speed limit  
SP50 Exceeding speed limit on a motorway  
SP60 Undefined speed limit offence

Aiding, abetting, counselling or procuring  
Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)



**APPENDIX G**

**HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENSING  
DETAILS OF RESIDENCY OUTSIDE THE UNITED KINGDOM**

<b>Full Name</b>	<b>Surname</b>	<b>Forename(s)</b>
<b>Address</b>		
<b>Have you ever been a resident of a country other than the United Kingdom</b>	<b>Yes – if so please provide details below of the dates and countries of which you have been resident</b>	<b>No - if so please sign below and return the form with your application</b>
	<b>Date of Residency</b>	
<b>Name of Country</b>	<b>From</b>	<b>To</b>

1. If you are not a British national you **MUST** provide documentation to show that you are permitted to work in the United Kingdom.
2. Under section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976, if any person knowingly or recklessly makes a false statement or omits any material particular in giving information under this section he shall be guilty of an offence.

**DECLARATION**

I declare that:-

- a. I have checked the details above and that to the best of my knowledge and belief they are true and correct in every respect.

**Data Protection**

The information contained in this form will be used by Gravesham Borough Council solely for the purposes indicated and will only be further used or transferred to other organisation **ONLY**

- b. I am not barred from taking up employment in the United Kingdom.
- c. I confirm that I have read and understood each section of this form and answered to best of my knowledge, belief and ability.

NAME: .....

SIGNATURE: .....

DATE: .....

**Data Protection**

The information contained in this form will be used by Gravesham Borough Council solely for the purposes indicated and will only be further used or transferred to other organisation **ONLY**



## APPENDIX H

### DRIVER KNOWLEDGE TESTS

#### 1. Introduction

- 1.1. In order to maintain the high standard the Council expects of its licensed drivers operating within the Borough, all new applicants are required to pass a Knowledge Test.
- 1.2 Before an individual applies to sit the Knowledge Tests they should be satisfied that they can fulfil all other Council requirements to become a licensed driver.
- 1.3 An individual should not sit and pass a Driving Standards Agency assessment, or obtain a Criminal Records Bureau Enhanced Check or a medical unless and until he passes the Knowledge Test.
- 1.4 All elements of the test must achieve the required pass mark.
- 1.5 Any number of tests may be taken, but if an applicant fails he will be put to the bottom of the waiting list.
- 1.6 All questions are held on a data base and selected at random; therefore no test paper will ever be the same as any other and there are no specimen tests for view or study.
- 1.7 Any applicant who initially passes at private hire level can apply to sit the Knowledge test to upgrade to hackney carriage level.
- 1.8 Knowledge tests are held bi-monthly and will last for 1½ hours. An applicant must pay a fee to be put on the waiting list, and then pay a subsequent fee to sit the test.
- 1.9 There is a long waiting list to sit the Knowledge test and applicants should be aware that the period before applying to be put on the waiting list and actually sitting the test is normally at least six months.
- 1.10 If an applicant is unable to complete the papers in written format special arrangements can be made for him to reply to the test orally.
- 1.11 The Council will produce a test guidance booklet to assist applicants to prepare for the tests.
- 1.12 Any person found cheating will be disqualified from the test and another application will not be accepted for a period of one year.
- 1.13 Test will be marked within 2-3 weeks and applicants informed of the result. Authorised officers will not enter into any discussion regarding the outcome of the test.

#### 2. The Knowledge Test

- 2.1 The test will consist of the following elements:

##### 2.2 Local Geography

- 2.2.1 The test will consist of two parts;

- a) Ten questions requiring the shortest route by distance between a pick-up point and a destination. The pass marks required are 6/10 for private hire and 9/10 for hackney carriage.
- b) Fifty question relating to the locations of prominent buildings, such as schools, churches, day centres, hotels, flats, places of interest. The pass marks required are 35/50 for private hire and 45/50 for hackney carriage.

### **2.3 Highway Code**

- 2.3.1 Ten questions relating to driving skills, road information and etiquette as set out in the Highway Code. Pass mark 6/10 for both private hire and hackney carriage.

### **2.4 GBC Hackney Carriage and Private Hire Policy**

- 2.4.1 Ten questions relating to applicants knowledge and understating of the law in respect of hackney carriage and private hire licensing. The questions will relate to legislation, bye-laws, and conditions etc and will also include questions relating to customer care, calculation of change for a given fare and basic conversation. Pass mark 6/10 for both private hire and hackney carriage.

## APPENDIX I

### PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

#### 1. Conduct of Driver

- 1.1. The holder of a private hire driver's licence (hereafter known in this Appendix as the driver) shall comply with the following conditions, which should be read in conjunction with the Code of Conduct set out in **APPENDIX K**.
- 1.2 The driver shall be respectably dressed, clean and tidy in appearance at all times whilst his vehicle is being made available for hire.
- 1.3 The driver shall at all times, when acting in accordance with the drivers licence granted to him, wear such badge as supplied by the Council in such position and manner as to be plainly and distinctly visible at all times.
- 1.4 The driver shall not lend the badge to any other person or cause or permit any other person to wear it.
- 1.5 All licences, badges and plates remain the property of the Council at all times. They must be returned forthwith when employment as a licensed driver ceases, the licence expires or is not renewed, or where the licence is suspended or revoked.
- 1.6 The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in, or entering or alighting from, the vehicle.
- 1.7 The driver shall not wilfully or negligently cause or permit the vehicle licence plate to be concealed from public view, or allow the licence plate to be so defaced as to make any figure or information illegible.
- 1.8 The driver who has agreed to, or has been hired to, be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle as such appointed time and place.
- 1.9 The driver when hired to drive to a particular destination shall proceed to that destination by the shortest available route.
- 1.10 The driver shall not convey, or permit to be conveyed, in such vehicle any greater number of persons than the number of persons specified on the vehicle licence.
- 1.11 The driver shall convey a reasonable amount of luggage and afford reasonable assistance in loading and unloading luggage.
- 1.12 The driver must not solicit, by calling out or otherwise importune, any person to hire or be carried for hire and must not accept an offer for the hire of the vehicle except where that is first communicate to the driver by telephone.
- 1.13 The vehicle shall be presented in a clean and tidy condition for each journey.
- 1.14 The private hire vehicle must only be driven with the consent of the proprietor of the vehicle.
- 1.15 The driver must no drink or eat in the vehicle whilst in the presence of customers.

- 1.16 The driver must comply with any hirer's request not to play and radio or sound equipment which is not connected with the operation of the business.
- 1.17 The driver must ensure that the noise emitted from any sound equipment in the vehicle does not cause annoyance to any persons, whether inside or outside the vehicle.
- 1.18 The driver shall not operate the horn late at night as a means of signalling that the vehicle has arrived.
- 1.19 The drivers must not cause or permit the vehicle to stand on a public road, on a hackney carriage rank, or in a public place so as to suggest that it is plying for, or available for, hire.
- 1.20 Drivers must not use a mobile phone whilst driving unless it is designed for hand-free operation.
- 1.21 Any change affecting the licence must be notified to the Council. Notification should be as soon as reasonably practicable and in any event, no later than seven days after the change was effected.
- 1.22 If the driver is convicted or bound over for any offence, he shall within 7 days give details in writing of the conviction or binding over to the Council.
- 1.23 The private hire driver's licence must be made available for inspection, upon request, by any authorised officer of the Council or any police officer.
- 1.24 The driver must notify the Council within seven days of starting or terminating employment, as to the name and address of the proprietor concerned and the date when the employment either started or ended.
- 1.25 The private hire driver's licence must be presented to the proprietor concerned at the beginning of the employment.
- 1.26 In accordance with section 50(3) of the Local Government (Miscellaneous Provisions) act 1976, any accident to a private hire vehicle causing damage materially affecting:
  - i) The safety, performance or appearance of the vehicle
  - ii) The comfort or convenience of the passengersmust be reported to the Council as soon as reasonably practicable, and in any case within 72 hours of the accident.
- 1.27 A driver must carry assistance dogs when required. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing, and other assistance dogs which assist disabled people with a physical impairment. Any driver with a medical condition, which may be exacerbated by dogs, may apply for exemption from this condition. On production of suitable medical evidence, a certificate of exemption will be issued which must be carried in the vehicle at all times. Unless the certificate of exemption is available in the vehicle, the exemption will not apply.

## **2. Medical Fitness of Driver**

- 2.1 The driver of a private hire vehicle must at any time, or at such intervals as the Council may reasonably require, produce a certificate issued by the drivers own GP or someone

with access to his medical records to the effect that he is, or continues to be, physically fit to be a driver of a private hire vehicle.

2.2 The driver must cease driving any private hire vehicle and contact the Council immediately if they know of any medical condition which may affect their:

- i) Driving ability
- ii) The health and safety of themselves or any passengers.

### **3. Fares and Journeys**

3.1 The driver/operator of a private hire vehicle may make their own agreement with the hirer as to the fare for a particular journey.

3.2 The driver shall, if requested by the hirer, provide him with a written receipt for the fare paid.

3.3 If the vehicle is fitted with a taximeter, then the driver of a private hire vehicle must:

- i) Unless the hirer expresses at the commencement of the journey his desire to engage by time, bring the meter into operation at the commencement of the journey, and bring the machinery of the taxi-meter into action by moving the said key, flag or other device, before beginning a journey and keep the machinery of the taxi-meter in action until the termination of the hiring.
- ii) When standing, keep the key, flag or other device fitted for that purpose locked in the position in which no fare is recorded on the face of the meter.
- iii) Cause the dial of the taxi-meter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request if the hirer.
- iv) Not demand from any hirer of a private hire vehicles a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the taxi-meter.

3.4 In the event of a journey commencing in but ending outside the Borough of Gravesham there may be charged, for the journey, such fare or rate (if any) as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that determined by the taxi-meter.

### **4. Wheelchair Accessible Vehicles**

4.1 All drivers of wheelchair accessible vehicles must:

- i) Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.
- ii) Before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied.
- iii) Ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers, or to anyone else, in accordance with the regulations detailed in section 100 of the Road Vehicles (Constructions and Use) Regulations 1986.



## APPENDIX J

### PENALTY POINTS SYSTEM

- 1. The details of how the scheme will be operated are as follows:**
- 1.1 The Council's Taxi Licensing and Enforcement Policy will be fully considered by an authorised officer when determining the manner on which any breach of legislation or the requirements of this Policy are dealt with.
- 1.3 Where it is decided that the use of the penalty points system is appropriate, the points will be issued in accordance with this appendix. If this appendix allows a range of points for a particular incident, the authorised officer will determine the appropriate number of points proportionate to the offence.
- 1.4 Penalty points will only be imposed where the licensee agrees the breach or offence has taken place. Where the licensee does not agree that the breach or offence has taken place the matter will be referred in the first instance to the Assistant Director (Communities) for consideration regarding further action.
- 1.5 The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator. However the Council retains the discretion to issue penalty points to drivers, driver/proprietors and operators for a single contravention if the circumstances warrant it i.e. the breach is one against all these licences and it is considered joint responsibility is held.
- 1.6 Points issued to either a proprietor or driver will be confirmed in writing within ten working days from the discovery of the contravention.
- 1.7 When issued, the penalty points will remain "live" for a period of two years from the date they are imposed so that only points accumulated in a rolling twenty four months period will be taken into account.
- 1.8 There is no financial penalty associated with the system, and the licensee may continue to work. However, the licensee may be asked to attend either a meeting with the Assistant Director (Communities) or attend a Committee hearing of the Regulatory Board if 12 penalty points are imposed on an individual licence in any one 24 month period, where appropriate action will be taken in accordance with this policy.
- 1.9 Where a driver, proprietor or operator attains more than 12 penalty points, disciplinary options available to the Assistant Director (Communities) or the Regulatory Board will include suspension or revocation of the driver's licence, where appropriate.
- 1.10 If it is felt that the matter does not warrant suspension or revocation of the licence, the period for which the points are to remain "live" may be extended or a written warning may be issued to the driver as to his future conduct.
- 1.11 Periods of suspension of a licence will be dependent of the nature of the breaches of the legislation or the requirements of this Policy and the compliance history of the licence holder.
- 1.12 A driver will always have the right to be represented at any meeting, either legally or otherwise, and to state any mitigating circumstances he deems necessary.

- 1.13 Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court against the suspension or revocation. All suspensions will therefore be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process.
- 1.14 The penalty points system will operate without prejudice to the Council's ability to take other action under appropriate legislation or as provided for by this policy.
- 1.15 The penalty points system outlined below identifies a number of breaches of conditions, byelaws and/or statutory provisions. It then indicates the number of points to be invoked should the breach be proven.

## 2. Penalty Points Tariff

### 2.1 Legislative offences and penalties:

Two statutes principally create offences relating to hackney carriages and private hire vehicles –

- i) Town Police Clauses Act 1847
- ii) Local Government (Miscellaneous Provisions) Act 1976

The offences are set out below under the relevant statute

In relation to the maximum penalties specified, the levels of fine are currently as follows:

- Level 1 - £200
- Level 2 – £500
- Level 3 - £1,000
- Level 4 - £2,500

Any subsequent amendments to the legislation will supersede the tables below and this appendix may be amended to reflect the revised legislation by way of an addendum to this policy.

<b>Town Police Clauses Act 1847</b>				
<b>Code</b>	<b>Section</b>	<b>Offence</b>	<b>Level of Fine</b>	<b>Maximum Penalty Points that can be imposed</b>
T1	40	Giving false information on a hackney carriage licence application	1	12
T2	44	Failure to notify change of address on a hackney carriage licence	1	2
T3	45	Plying for hire without a hackney carriage licence	4	12
T4	47	Driving a hackney carriage without a hackney carriage driver's licence	3	12
T5	47	Lending or parting with a hackney carriage driver's licence	3	4
T6	47	Hackney carriage proprietor employing an unlicensed driver	3	8
T7	48	Failure of a proprietor to hold a hackney carriage driver's licence		6



T8	48	Failure of a proprietor to produce a hackney carriage driver's licence	1	3
T9	52	Failure to display a hackney carriage plate	1	4
T10	53	Refusal to take a fare without a reasonable excuse	2	12
T11	54	Charging more than the agreed fare	1	12
T12	55	Obtaining more than the legal fare (including failure to refund)	3 and 1 month's imprisonment	12
T13	56	Travelling less than the lawful distance for an agreed fare	11	6
T14	57	Failure to wait after a deposit to wait has been paid	3	6
T15	58	Charging more than the legal fare	1	12
T16	59	Carrying persons other than with the consent of the hirer	1	8
T17	60	Driving a hackney carriage without the proprietor's consent	1	12
T18	60	Allowing a person to drive a hackney carriage without the proprietor's consent	1	12
T19	62	Driver leaving a hackney carriage unattended	1	2
T20	64	Hackney carriage driver obstructing other hackney carriages	1	3

### Local Government (Miscellaneous Provisions) Act 1976

Code	Section	Offence	Level of Fine	Maximum Penalty Points
A1/O	46(1)(A)	Using an unlicensed private hire vehicle	3 by virtue of s76	12
A2/O	46(1)(b)	Driving a private hire vehicle without a private hire driver's licence	3 by virtue of s76	12
A3/O	46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver	3 by virtue of s76	8
A4/O	46(1)(d)	Operating a private hire vehicle without a private hire operators' licence	3 by virtue of s76	8
A5/O	46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle	3 by virtue of s76	12
A6/O	46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver	3 by virtue of s76	8
A7/O	48(6)	Failure to display a private hire vehicle plate	3 by virtue of s76	4
A8/O	49	Failure to notify the transfer of a vehicle licence	3 by virtue of s76	3
A9/O	50(1)	Failure to present a hackney carriage or private hire vehicle for inspection upon request	3 by virtue of s76	12
A10/O	50(2)	Failure to inform the Council where a hackney carriage or private hire vehicle is stored, if requested	3 by virtue of s76	3
A11/O	50(3)	Failure to report an accident to the Council within seventy two hours	3 by virtue of s76	6
A13/O	50(4)	Failure to produce the vehicle and insurance upon	3	12

		request	by virtue of s76	
A14/O	53(3)	Failure to produce a driver's licence upon request	3 by virtue of s76	3
A15/O	54(2)	Failure to wear a private hire driver's badge	3 by virtue of s76	6
A16/O	56(2)	Failure of a private hire operator to keep proper records of all bookings, or failure to produce them upon request of an authorised officer of the Council or a police officer	3 by virtue of s76	6
A17/O	56(3)	Failure of a private hire operator to keep proper records of all private hire vehicles, or failure to produce them on request of an authorised officer of the Council or a police officer	3 by virtue of s76	6
A18/O	56(4)	Failure of a private hire operator to produce his licence upon request	3 by virtue of s76	4
A19/O	57	Making a false statement or withholding information to obtain a hackney carriage private hire driver's licence	3 by virtue of s76	12
A20/O	58(2)	Failure to return a plate after notice has been given following expiry, revocation, or suspension of a hackney carriage or private hire vehicle licence	3 by virtue of s76	12
A21/O	61(2)	Failure to surrender a driver's licence after suspension, revocation, or refusal to renew	3 by virtue of s76	12
A22/O	64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage rank	3 by virtue of s76	6
A23/O	66	Charging more than the meter fare for a journey ending outside the District, without prior agreement		12
A24/O	67	Charging more than the meter fare when a hackney carriage is used as a private hire vehicle	3 by virtue of s76	12
A25/O	69	Unnecessarily prolonging a journey	3 by virtue of s76	12
A25/O	71	Interfering with a taxi-meter with intent to mislead	3 by virtue of s76	12
A27/O	73(1)(a)	Obstruction of an authorised officer of the Council or a police officer	3 by virtue of s76	12
A28/O	73(1)(b)	Failure to comply with a requirement of an authorised officer of the Council or a police officer	3 by virtue of s76	12
A29/O	73(1)(c)	Failure to give information or assistance to an authorised officer of the Council or police officer	3 by virtue of s76	12

2.2 Hackney Carriage and Private Hire Licensing Policy

<b>Hackney Carriage and Private Hire Licensing Policy</b>			
<b>Code</b>	<b>Breach of Policy Requirement</b>		<b>Maximum Points</b>
P1	Failure to wear a driver's badge		6
P2	Failure to adhere to the Code of Good Conduct for Licensed Drivers where not mentioned below		6
P3	Failure to ensure the safety of passengers		12
P4	Concealing or defacing a vehicle licence plate		6
P5	Failure to attend on time for a pre-arranged booking without reasonable cause		2
P6	Conveying a greater number of passengers than permitted		6
P7	Failure to give reasonable assistance with passenger's luggage		3
P8	Private hire soliciting for hire or accepting a fare that is not pre-booked		12
P9	Operating/using a vehicle that is not clean and tidy and in a safe condition internally or externally		6
P10	Driving without the consent of the proprietor		6
P11	Drinking or eating in the vehicle whilst carrying passengers		2
P12	Smoking in the vehicle at any time		6
P13	Causing excessive noise from any radio or sound-reproducing equipment		2
P14	Sounding the horn late at night to signal that the vehicle has arrived disturbing residents		2
P15	Allowing a private hire vehicle to stand in such a position as to suggest that it is plying for hire or using a hackney carriage stand		6
P16	Allowing a hackney carriage vehicle to stand in a position, not being a hackney carriage stand, to suggest that is plying for hire		6
P17	Using a non-hands free mobile telephone whilst driving		12
P18	Failure to advise of a relevant medical condition		12
P19	Failure to provide a receipt for a fare when requested		2
P20	Failure to operate the meter from the commencement of the journey and /or charging more than the fixed charge for hire of a hackney carriage		12
P21	Failure to notify the Council of any amendment to the details of a licence within fourteen days		3
P22	Failure to produce a licence upon request		3
P23	Failure to notify within seven days of starting or terminating employment, the name and address of the proprietor and the term of employment		3
P24	Failure to show a private hire driver's licence to the private hire operator at the commencement of employment		2
P25	Failure of a private hire operator to request and/or record details of a private hire driver's licence at the beginning of employment		2
P26	Failure to surrender a driver's licence, badge or plate upon request		12
P27	Failure of a licence holder to disclose convictions within seven days of conviction		12
P28	Carrying any animal other than a guide, hearing or other prescribed assistance dog or those owned by bona-fide fare paying passengers		2
P29	Failure to search a vehicle after a journey or failure to take found property to the police within forty eight hours of finding		3
P30	Failure to report an accident within seventy two hours		3
P31	Failure to comply with requirements for the safe carrying of a wheelchair		6

P32	Operating a vehicle that does not comply with the Council's licensing policy where such a breach of policy requirements is not otherwise specified herein		6
P33	Operating/using a vehicle which is not maintained in a sound and roadworthy condition		12
P34	Failure to carry an approved fire extinguisher		3
P35	Failure to carry an approved first aid kit		3
P36	Modifying a vehicle without the consent of the Council		12
P37	Failure to display or maintain external plates as issued by the Council or displaying them incorrectly e.g. in the window of a vehicle		4
P38	Affixing or displaying a roof sign on a private hire vehicle		12
P39	Displaying a sign or advertisement on a licensed vehicle that does not satisfy the policy requirements or has not been approved by the Council		4
P40	Carrying radio equipment or similar devices not in accordance with council requirements		2
P41	Using a taxi-meter that does not conform to Council requirements		6
P42	Driving with no insurance or inadequate insurance for the vehicle		12
P43	Permitting the vehicle to be used for any illegal or immoral purposes		12
P44	Failure of a private hire operator to ensure that office staff act in a civil and courteous manner at all times		3
P45	Failure of a private hire operator to keep the operating premises in accordance with council requirements		3
P46	Failure of a private hire operator to ensure that all vehicles operated by him are adequately insured		12
P47	Failure of a private hire operator to obtain public liability insurance for the operating premises if the public are allowed access		12
P48	Failure to produce a valid MOT certificate every 6 months upon request of an authorised officer		12
P49	Failure to proceed with all reasonable speed to the next available rank		8
P50	Carrying an offensive weapon in the vehicle including imitation firearms		12
P51	Waiting or stopping on a double yellow line or a bus stop		6
P52	Failure to notify, in writing, a change in medical circumstances		6
P53	Failure to observe rank discipline e.g. failure to move up, driving on the pavement or grass at Bath Street rank		6
P54	A licensed vehicle with a defective tyre		4
P55	Unsatisfactory behaviour or conduct of a driver including failing to behave in a civil and orderly manner to both the public, authorised officers or to other drivers		12
P56	Any other transgression not contained within the penalty points system which in the opinion of an authorised officer should have penalty points imposed		12
P57	Using a vehicle for taxi/private hire use with lighting or construction and use defects		12

## APPENDIX K

### CODE OF GOOD CONDUCT FOR LICENSED DRIVERS

1. In order to promote its licensing objectives as regards hackney carriage and private hire licensing, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements set out in this document.

2. **Responsibility to the Trade**

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

- i) complying with this Code of Conduct
- ii) complying with the Council's Hackney Carriage and Private Hire Licensing Policy
- iii) behaving in a civil, orderly and responsible manner at all times.

3. **Responsibility to Clients**

Licence holders shall:

- a) maintain their vehicles in a safe and satisfactory condition at all times
- b) keep their vehicles clean and suitable for hire to the public at all times
- c) attend punctually when undertaking pre-booked hiring
- d) assist, where necessary, passengers' ingress to and egress from vehicles
- c) offer passengers reasonable assistance with luggage

4. **Responsibility to Residents**

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

- a) not sound the vehicle's horn illegally
- b) keep the volume of all audio equipment and two-way radios to a minimum
- c) switch off the engine of required to wait
- d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood
- e) at hackney carriage ranks, in addition to the requirements above:
  - i) rank in an orderly manner and proceed along the rank in order and promptly
  - ii) remain in the vehicle
- f) at private hire offices:
  - i) not undertake servicing or repairs of vehicles
  - ii) not allow volume of all audio equipment and two-way radios to unduly disturb residents of the neighbourhood

- iii) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood, which might arise from the conduct of their business

## 5. General

Drivers shall:

- a) pay attention to personal hygiene and dress, so as to present a professional image to the public
- b) be polite, helpful and fair to passengers
- c) drive with care and due consideration for other road users and pedestrians and, in particular, shall not use a hand held mobile phone whilst driving
- d) obey all Traffic Regulation Orders and directions at all time
- e) not smoke at any time when inside the vehicle
- f) not consume alcohol immediately before, or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle (*any amount of alcohol can affect a drivers' judgement*)
- g) not drive while having misused legal or illegal drugs (*any amount of drugs can affect a drivers' judgement*). If a driver properly uses prescription drugs that make him drowsy he should not drive
- h) fulfil their responsibility to ensure compliance with legislation regarding the length of working hours
- i) not eat in the vehicle in the presence of customers

## 6. Disciplinary Hearings

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

- i) the driver has been convicted, since the grant of the licence, of an offence involving dishonesty, indecency or violence
- ii) the driver has been convicted of an offence under any legislation relating to hackney carriage or private hire regulation
- iii) the driver has breached any requirements of the Council's Hackney Carriage and Private Hire Licensing Policy
- iv) there is a breach of condition of this code

## APPENDIX L

### PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

#### 1. Standards of Service

1.1 The operator shall:

- a) Provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- b) Ensure that their office staff act in a civil and courteous manner at all times.
- c) Ensure that when a vehicle has been hire, it arrives punctually at the appointed place, unless delayed by unforeseen circumstances.
- d) Ensure that premises provided for the purpose of booking or waiting are kept clean and are adequately lit, heated and ventilated.
- e) Ensure that any waiting area provided has adequate seating facilities and telephone facilities are in good working order.
- f) Fulfil his responsibilities to ensure compliance with legislation regarding the length of working hours.

#### 2. Records

- 2.1 Records, which must be kept by private hire operators under the Local Government (Miscellaneous Provisions) Act 1976, shall be kept in a non-erasable form in a suitable log or book, the pages of which are numbered consecutively.
- 2.2 All records shall be maintained by the operator shall be kept for at least twelve months after entry and shall be produced for inspection, on request, by any authorised officer of the Council or any police officer.
- 2.3 The private hire operator's licence shall similarly be available for inspection upon request by any authorised officer of the Council or any police officer.
- 2.4 The operator shall, at all times keep a copy of these conditions at any premises used by him for a private hire business and shall make the same available for inspection by fare-paying passengers.

#### 3. Bookings

- 3.1 Prior to each journey, the operator shall enter the following particulars of every booking of a private hire vehicle accepted, pursuant to section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976, namely the:
  - a) Date of the booking
  - b) Name and address of the hirer
  - c) Time of pick-up
  - d) Address of the point of pick-up
  - e) Destination

- f) Time at which a driver was allocated to the booking, plate number (or other identification ) of the vehicle allocated and fare (if agreed between the operator and hirer at the time of booking).

#### **4. Vehicles**

4.1 The operator shall keep records of the particulars of all private hire vehicles operated by him, pursuant to section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976, namely the:

- a) Type, make, model, colour and engine size of vehicles
- b) Year when the vehicle was first licensed for private hire
- c) Vehicle registration numbers
- d) Number of seats for passengers
- e) Owners of the vehicles
- f) Insurance details of vehicles
- g) Method of charging, i.e. whether or not a meter is fitted
- h) Private hire vehicle plate numbers

#### **5. Drivers**

5.1 The operator shall keep records of the particulars of all drivers of private hire vehicles operated by him, pursuant to section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976, namely:

- a) The names and addresses of drivers, and their call signs if any
- b) Date any new driver begins service
- c) Date when any drivers service ceases
- d) Any change of address of any driver in service
- e) Any illness, disability or condition which may affect the driver's ability to safely carry out his duties, if the operator becomes aware of any such condition
- f) Expiry dates of drivers badges and vehicle licences

#### **6. Disclosure of Convictions**

6.1 The operator shall, within seven days of conviction, notify the Council in writing, of any conviction or fixed penalty notice imposed on him during the period of duration of his operators licence.

6.2 If the operator is a company or partnership, this requirement shall equally apply if any of the directors or partners receives a conviction or fixed penalty notice.

#### **7. Insurance**

7.1 The operator shall ensure that a certificate of motor insurance covers every private hire vehicle operates by him under the operator's licence, which is compliant with the Road Traffic Act 1988 as regards the carriage of passengers for hire or reward.

7.2 If the private hire operator has premises to which the public have access, in connection with the hiring of vehicles, he shall ensure that there is public liability insurance in force, which indemnifies him against any claim for loss, damage or personal injury by any person using those premises.



## **8. Private Hire Drivers' Licences**

- 8.1 The operator shall ensure that every driver engaged by him has obtained a private hire driver's licence obtained by the same Licensing Authority which issued the private hire operator's licence. The operator shall ensure that all drivers have a badge issued by the Council and that the drivers wear the badge in a conspicuous place at all times whilst available for hire

## **9. Miscellaneous**

- 9.1 If a licensed operator changes either his home or business address, he must, within seven days, give written notice to the Council specifying his new address.
- 9.2 The operator shall ensure that the licence plate issued and allocated by the Council is affixed to the outside of the vehicle in a position as approved by an authorised officer.
- 9.3 The operator shall ensure the licence plate is maintained in a clean and legible condition and shall inform the Council immediately if it becomes lost, broken or defaced.
- 9.4 To operate a private hire business from home, planning permission will normally be required. A private hire operator's licence will not be granted without evidence that either planning permission has been issued for the premises concerned, or planning permission is not required for the use proposed.
- 9.5 An operator's licence is liable to suspension or revocation on any of the following grounds:
- a) Any offences under, or non-compliance with, the provisions of Part II, Local Government (Miscellaneous Provisions) Act 1976
  - b) Any conduct of the part of the operator which appears to the council to render him unfit to hold an operator's licence.
  - c) Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted
  - d) Any other reasonable cause

**APPENDIX M  
HACKNEY CARRIAGE FARES  
S. 65 Local Government (Miscellaneous Provisions) Act 1976**

Gravesham Borough Council has authorised **MAXIMUM** fares for hackney carriages by distance or a combination of distance and time in accordance with the table below with effect from: 1 December 2011

For vehicles when carrying 1 – 4 passengers

(i)	<b>Rate 1</b> If the distance does not exceed 305 metres (334.4 yards) For the whole distance (or combination of distance and time)	<b>£2.40</b>
	If the distance exceeds 305 metres (334.4 yards) For the first 305 metres (334.4 yards) For each subsequent 152 metres (167.2 yards) or part thereof	<b>£2.40 20 pence</b>
(ii)	<b>Rate 2</b> For any hiring commenced at any time during any bank Holiday Or any other public holiday Or between midnight and 6am on any other day Or between 6pm and midnight on 24 December and 31 December each year	<b>Rate 1 – plus 50%</b>
(iii)	<b>Rate 3</b> On Sundays between 6am and midnight (If any Bank or Public holiday fall on a Sunday this will not apply) Not applicable if using Rate 5	<b>Rate 1 – plus 60 pence</b>
(iv)	<b>Rate 4</b> From 00.01 hrs 25 December to 06.00 27 December and from 00.01 hrs 1 January to 06.00 hrs 2 January	<b>Rate 1 – plus 100%</b>
(v)	<b>Waiting Time</b> For each period of 20 seconds	<b>10 pence</b>
(vi)	<b>Extra Charges</b>	
	(a) For each person above the number of 2 carried	<b>20 pence</b>
	(c) Any sundry expenses incurred (i.e. Toll Charges, Parking fees, Ferry Fees, Congestion Charges)	<b>Amount Incurred</b>
	(d) If vehicle is soiled to the extent that it has to be cleansed before re-use	<b>£75.00</b>

If a hackney carriage is hired by time, the fare shall be agreed with the hirer.

The driver or proprietor shall not be entitled to demand or take a fare greater than that recorded on the face of the Taximeter.

**HACKNEY CARRIAGE FARES**  
**S. 65 Local Government (Miscellaneous Provisions) Act 1976**

Gravesham Borough Council has authorised **MAXIMUM** fares for hackney carriages by distance or a combination of distance and time in accordance with the table below with effect from: 1 December 2011  
For vehicles when carrying 5 – 8 passengers

(i)	<b>Rate 5</b> If the distance does not exceed 305 metres (334.4 yards) For the whole distance (or combination of distance and time)	<b>£3.40</b>
	If the distance exceeds 305 metres (334.4 yards) For the first 305 metres (334.4 yards) For each subsequent 152 metres (167.2 yards) or part thereof	<b>£3.40</b> <b>30 pence</b>
(ii)	<b>Rate 6</b> For any hiring commenced at any time during any bank Holiday Or any other public holiday Or between midnight and 6am on any other day Or between 6pm and midnight on 24 December and 31 December each year	<b>Rate 5 – plus 50%</b>
(iii)	<b>Rate 7</b> On Sundays between 6.00am and midnight (if any bank or public holiday fall on a Sunday this will not apply) Not applicable if using Rate 5	
(iv)	<b>Rate 8</b> From 00.01 hrs 25 December to 06.00 27 December and from 00.01 hrs 1 January to 06.00 hrs 2 January	<b>Rate 5 – plus 100%</b>
(viii)	<b>Waiting Time</b> For each period of 20 seconds	<b>10 pence</b>
(ix)	<b>Extra Charges</b>	
	(a) For each person above the number of 2 carried	<b>20 pence</b>
	(c) Any sundry expenses incurred (i.e. Toll Charges, Parking fees, Ferry Fees, Congestion Charges)	<b>Amount Incurred</b>
	(d) If vehicle is soiled to the extent that it has to be cleansed before re-use	<b>£75.00</b>

**RATES 5 – 8 WILL ONLY APPLY WHEN CARRYING ABOVE FOUR PASSENGERS**

Failure to comply with this, by any operator or driver, is an offence.

If a hackney carriage is hired by time, the fare shall be agreed with the hirer.  
The driver or proprietor shall not be entitled to demand or take a fare greater than that recorded on the face of the Taximeter.